

CITY OF BIRMINGHAM

ALABAMA

DEPARTMENT OF LAW

ASSISTANT CITY ATTORNEYS

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JOHN M. BRECKENRIDGE
CITY ATTORNEY

November 23, 1966

FILED

NOV 28 1966

RECEIVED

Honorable Frank M. Johnson, Jr., Chief Judge
U. S. District Court
P. O. Box 35
Montgomery, Alabama 36101

Re: Caliph Washington, et al
v. Frank Lee, et al - C. A. No. 2350 N

Dear Sir:

In accordance with our position taken at the pretrial conference in the above styled action that the plaintiffs lack standing as against the defendant, Robert K. Austin, as Warden of the City Jail of Birmingham, Alabama, we submit the following:

1. Reference to Singleton v. Board of Commissioners, 356 F. 2d 771 (1966) wherein the U. S. Court of Appeals for the 5th Circuit stated the applicable law in this regard as follows:

"The general standing requirement in cases involving governmental segregation is that the plaintiffs must show past use of the facilities, where possible, and a right to, or a reasonable possibility of future use. . . . The plaintiffs' probationary status brings them well within the future use requirement for standing." (Underscoring added)

2. A certified copy of a court order showing that appealed case number 28664 against Thomas E. Houck, Jr., was nolle prossed on May 25, 1966.

3. A certified copy of a court order showing that appealed case number 28713 against Thomas E. Houck, Jr., was nolle prossed on May 25, 1966.

Washington v. Lee



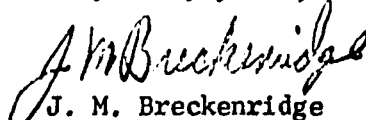
PC-AL-020-015

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4. A certified copy of a court order showing that in case number 28712, Thomas E. Houck, Jr., plead guilty in said case and was fined \$100.00 and costs, which was paid to the Clerk of the Court.

5. A certified copy of a court order showing that in case number 28725, Hosea L. Williams plead guilty in said case and was fined \$25.00 and costs, which was paid to the Clerk of the Court.

Very truly yours,


J. M. Breckenridge
City Attorney

JMB:ng
Encl.

cc: Mr. Charles Morgan, Jr.
Attorney at Law
5 Forsyth Street, N.W.
Atlanta, Georgia
(With enclosure)

Mr. Orzell Billingsley, Jr.
Attorney at Law
1630 Fourth Avenue, North
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Mr. Gordon Madison
Assistant Attorney General
Montgomery, Alabama

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Attorneys at Law
Brown Marx Building
Birmingham, Alabama

The State of Alabama,
JEFFERSON COUNTY.

CIRCUIT COURT
Tenth Judicial Circuit of Alabama

No. 28664

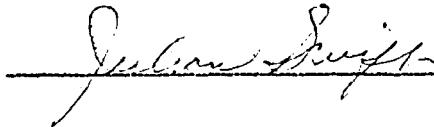
I, the undersigned, as Clerk of said Circuit Court, in and for said State and County, do hereby certify that
in the cause of City of Birmingham Plaintiff,
vs. Thomas E. Houck Jr. Defendant,

the following order was made, to-wit:

May 25, 1966, Nolle Prossed without costs, recommendation of Wm. C. Walker,
Assistant City Attorney.

Elias C. Watson, Jr., Circuit Judge

Witness my hand, this the 23rd day of November 1966



Clerk Circuit Court.