

IN THE
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ANTHONY T. LEE, et al.,

Plaintiffs,

UNITED STATES OF AMERICA,

Amicus-Curiae,

v.

CIVIL ACTION

NO. 604-E

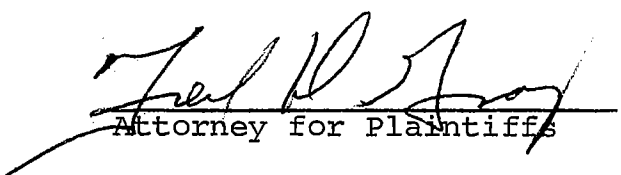
MACON COUNTY BOARD OF EDUCATION,
HARRY D. RAYMON, Chairman, MADISON
DAVIS, JOHN M. DAVIS, B. O. DUKES and
F. E. GUTHRIE and C. A. PRUITT,
Superintendent of Schools of Macon
County, Alabama; ALABAMA STATE BOARD
OF EDUCATION, Governor GEORGE C.
WALLACE, President of Alabama State
Board of Education; AUSTIN R. MEADOWS,
Secretary and Executive Officer of
Alabama State Board of Education;
JAMES D. NETTLES, J. T. ALBRITTON,
J. P. FAULK, JR., FRED L. MERRELL,
W. M. BECK, VICTOR P. POOLE,
W. C. DAVIS, CECIL WORD and HAROLD
C. MARTIN, as Members of Alabama
State Board of Education,

Defendants.

NOTICE OF MOTION FOR PRELIMINARY INJUNCTION

To all attorneys of record:

PLEASE TAKE NOTICE that counsel for plaintiffs will bring on for hearing their attached motion for preliminary injunction against defendant George C. Wallace in his capacity as Governor of the State of Alabama on November 30, 1966 at 9:30 a.m. in the United States District Court, Montgomery, Alabama.


Attorney for Plaintiffs

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C. MARTIN, as Members of Alabama
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Defendants.

MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs hereby respectfully move the Court, for the reasons set forth in their attached supplemental complaint, for a preliminary injunction against defendant George C. Wallace, as follows:

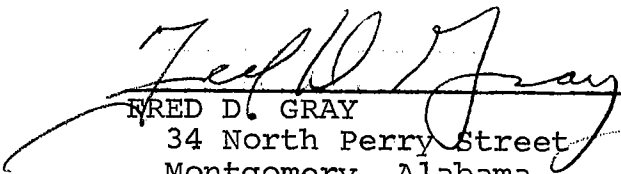
1. Defendant George C. Wallace in his capacity as Governor should be restrained from in any way enforcing H. B. 446 and should be required to undo any acts performed pursuant to that statute including the appointment of the Governor's

Commission as provided for in Section 5 thereof.

2. Defendant George C. Wallace in his capacity as Governor should be required to exercise his control and supervision over the public schools of the State of Alabama both in his capacity as ex officio President of the State Board of Education, and in his capacity as Governor, in such a manner as to promote and encourage the elimination of racial discrimination in the public schools of the State of Alabama. Specifically, defendant Wallace should be enjoined from further interference with desegregation attempts by local public school officials and should be enjoined to use his power and control over local schools to promote and encourage their desegregation. Defendant Wallace, or persons acting under his control and supervision should be required to make periodic reports to the Court reciting his efforts as Governor, and as ex officio President of the State Board of Education to promote and encourage public school desegregation in Alabama, and the progress of his efforts.

3. Defendant George C. Wallace in his capacity as Governor, his agents, servants, employees, successors in office, and all those in active concert or participation with him should be required to accomplish and effectuate total desegregation for all the public schools of the State of Alabama by any and all possible means including causing the withdrawal of state funds from school districts which have not taken, or are not now taking, affirmative steps to affirmatively desegregate their schools.

Respectfully submitted,


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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Fred D. Gray, one of counsel for plaintiffs, hereby certify that I have served a copy of the foregoing Notice of Motion for Preliminary Injunction, and Motion for Preliminary Injunction, upon the parties by mailing a copy of same to their attorneys of record, postage prepaid, at their addresses as follows:

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Dated: Nov. 18


Attorney for Plaintiffs