

IN THE UNITED STATES DISTRICT COURT

DALLAS DIVISION

TASBY, By their parent and next friend,)
SAM TASBY; EVELYN DENISE LAFAYETTE and)
DARLINE LAFAYETTE by their parent and next

LEON M. MORGAN, EMANUEL MORGAN and)
JACQUELINE MORGAN, by their parent)
and next friend THELMA LEE CROUCH:)
JACQUELINE DENISE YARBOROUGH, KATHERINE)
YVETTE YARBOROUGH, and WILLIE JACKSON)
by their parent and next friend BETTYE)
JACKSON; NETTIE MARIE CATES by her)
parent and next friend BOBBIE LEAN)

NO. CA-3-4211-C

John Plath Green, Mrs. Henri L. Brombers, Jr., J. R. Hollinsworth, Sam R. Faris, Daniel Foster, Trinidad Garza, individually and in their official capacities, and in answer to the Complaint and the First Amended Complaint, hereinafter called "Complaint," the Defendants say:

FIRST DEFENSE

The Complaint fails to state a claim against these Defendants upon which relief can be granted.

SECOND DEFENSE

1.

The Defendants deny the allegations contained in paragraph I(a) of the Complaint.

2.

The Defendants admit that this Court has jurisdiction of this action. The remainder of the allegations contained in paragraph I(b) of the Complaint are denied by Defendants.

3.

4.

The Defendants deny the allegations contained in paragraph V
of the Complaint.

7.

The Defendants deny the allegations contained in paragraph VI
of the Complaint.

8.

The Defendants deny the allegations contained in paragraph VII
of the Complaint.

9.

The Defendants deny the allegations contained in paragraph VIII
of the Complaint.

10.

The Defendants deny the allegations contained in paragraph IX
of the Complaint.

The Defendants deny the allegations contained in paragraph X
of the Complaint.

12.

The Defendants deny the allegations contained in paragraph XI
of the Complaint.

13.

The Defendants deny the allegations contained in paragraph XII
of the Complaint.

14.

The Defendants deny each and every allegation in the Complaint.

THIRD DEFENSE

(a) On July 23, 1965, in an action pending in this, the

United States District Court for the Northern District of Texas,

Dallas Division, in Cause No. 6165, styled "Albert Bell, et al,
(or later, Sherry E. Britton, et al) vs. Robert S. Folsom, et al"
in this Court, the District Court approved a plan of desegre-
gation of the Dallas Independent School District.

(b) Thereafter the Plaintiffs in the above mentioned
proceedings filed a motion for mandamus and injunction in the
United States Court of Appeals for the Fifth Circuit against T.
Whitfield Davidson, Judge, United States District Court for the

Northern District of Texas, and the Defendants in the above
mentioned proceedings, seeking a writ of mandamus and/or a writ

District was called and that meeting held on September 7, 1965,
at 9:00 o'clock a.m. and such order was read to the Board of

obedient to the order of the United States Court of Appeals for
the Fifth Circuit amended the plan of desegregation as approved

by the District Court effective as of September 1, 1965, as so
required by the United States Court of Appeals for the Fifth

such awarded plan of desegregation, that Defendants have

of the Dallas Independent School District

(c) Defendants' acts have been open and continuous since

September 1, 1965, or a period in excess of five years, prior to the filing of this action, to the knowledge of Plaintiffs and the class they seek to represent in this action with no attempt

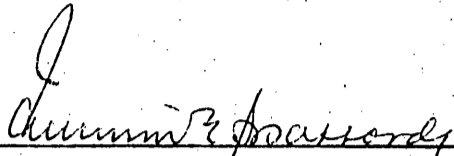
during that five years on the part of Plaintiffs and the class they seek to represent in this action to obtain further judicial determination of their alleged rights and the Defendants have

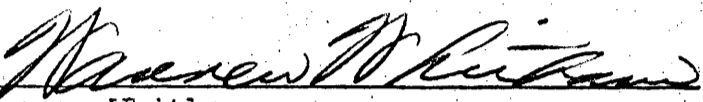
relied on the cooperation and assistance of the patrons of the Dallas Independent School District, including persons within the class Plaintiffs seek to represent in this action, in operating and conducting the schools of the Dallas Independent School

States Court of Appeals for the Fifth Circuit referred to above.

(h) By reason of the above facts and circumstances Plaintiffs

WHEREFORE, Defendants pray that Plaintiffs take nothing by virtue of this action and that these Defendants go hence with their costs without day.

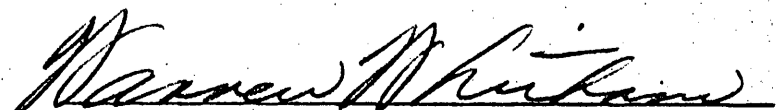

Franklin E. Spafford


Warren Whitham
Attorneys for Defendants

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214-748-9657

A copy of the above and foregoing answer was on this 26th

III, Dallas Legal Services Project, 2842 Singleton Boulevard,
Dallas, Texas, 75212, the attorney for Plaintiffs.


Warren Whitham