

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

WALTER S. ...
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BY *Shelton* DEPUTY
DEC 29 1952

CARL HEARD, et al,
Plaintiffs,
vs.
HAROLD DAVIS, as President,
et al,
Defendants.

Cochy
No. 77497
ANSWER

COME NOW the Defendants by and through William P. Mahoney, Jr., County Attorney of Maricopa County, Arizona, and his lawfully appointed and constituted Deputy, Jos. F. Walton, and for their answer to the Complaint of the Plaintiffs herein, admit, deny, and allege as follows:

I.

Admit that Carl Heard and Frank Heard attend school at the Wilson School District; allege that the Wilson School District is properly designated in accordance with the statutes made and provided as School District No. 7 of Maricopa County, Arizona; and allege that the Defendants, and each of them, are without knowledge or information sufficient to form a belief as to the truths of the averments contained in the balance of Paragraph I of the Plaintiffs' Complaint, and therefore deny the same on information and belief.

II.

Admit the allegations of Paragraph II of the Complaint.

III.

Admit that the Defendants maintain and operate, in their official capacities, a segregated school for Negroes at 3600 East Henshaw Road, admit that said school is in the said school district, admit that the said Defendants operate and maintain other schools at other locations within the said district for non-Negro pupils

residing in said district, admit that said Defendants have failed, refused and neglected to admit Negro children of the said district to attend the school facilities within the district other than to the school at 3600 East Henshaw Road, but deny the conclusions contained in the Complaint that the same constitutes a violation of the laws of the State of Arizona, is a violation of the public responsibility of the Defendants, and deny that the said Negro children have, as a matter of right, a constitutional right as provided by the Constitutions of the United States and of the State of Arizona to attend facilities or instruction provided for all others.

IV.

Admit the allegations of Paragraph IV of the Plaintiffs' Complaint.

V.

Deny that the segregation of pupils as alleged in Paragraph V of the Plaintiffs' Complaint constitutes a violation of the Constitution of the United States or of the Constitution of the State of Arizona.

VI.

Deny that the segregation of Negro and non-Negro pupils is arbitrary and solely upon the grounds of race and color as alleged in Paragraph VI of the Plaintiff's Complaint, and deny that the same constitutes a denial of the equal protection of the laws, privileges and immunities granted them as citizens of the United States.

VII.

The Defendants allege that they are without information sufficient to form a belief as to the allegations of Paragraph VII of the Plaintiffs' Complaint, and therefore deny the same on information and belief, excepting, however, that the Defendants admit that there are numerous persons of the African and Negro race who will be affected by this action.

VIII.

Admit the existence of the statutes set forth in Paragraph VIII of the Plaintiffs' Complaint, but deny that an actual controversy of justiciable nature exists between the Plaintiffs and Defendants by reason thereof.

IX.

Deny that there is a question of justiciable nature which can be submitted to this Court, as alleged in Paragraph IX of the Plaintiffs' Complaint, and in this connection affirmatively allege that the statutes of the State of Arizona permit and authorize the segregation of pupils.

X.

Admit the allegations of Paragraph X of the Plaintiffs' Complaint except that they deny generally and specifically that the segregation constitutes a discrimination.

XI.

Deny the allegations of Paragraph XI of the Plaintiffs' Complaint.

XII.

As and for a separate and affirmative defense, Defendants allege that the Wilson School District was organized and is functioning under the laws and statutes of the State of Arizona, and that it maintains several elementary schools within its geographical boundaries; that in conformity with the provisions of the statutes upon the organization of the school district, it segregated Negro and non-Negro pupils and that it continues to do so; that the said segregation of pupils of the Negro race from pupils of the other races was instituted and has been continued by the school authorities of said district in accordance with the laws and statutes of the State of Arizona, and that the Negro pupils are not denied their rights under the Constitution of the United States and of the State of Arizona and that the segregation of

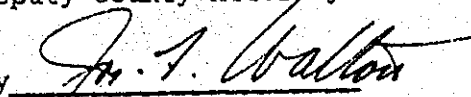
pupils by races by the authorities of said school district is in the due and orderly administration of the school affairs of said district, and that Negro pupils are not discriminated against thereby.

WHEREFORE, Defendants pray that Plaintiffs be denied the relief asked for in their Complaint or any relief; that Plaintiffs take nothing by this action; and that their Complaint be dismissed; and that the Defendants have such other and further relief as to the Court may seem just and proper in the premises.

WILLIAM P. MAHONEY, JR.
County Attorney

JOS. F. WALTON
Deputy County Attorney

By



Maricopa County Courthouse
Phoenix, Arizona

Attorneys for Defendants

Copies mailed this 29th day
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