FRANK W. PARKS, Plaintiff VS. THE NEW YORK TIMES COMPANY, A Corporation, RALPH D. ABERNATHY, FRED L. SHUTTLESWORTH, S. S. SEAY, SR., AND J. E. LOWERY, Defendants	:	IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA NO._____

AMENDED DEMURRERS

Come the defendants, Ralph D. Abernathy, J. E. Lowery, S. S. Seay, Sr., and Fred L. Shuttlesworth, in the above styled cause and amend their Demurrers to the complaint heretofore filed in the above styled cause, and that the following amended Demurrers be substituted for the Demurrers heretofore filed and separately and severally demur to each count, and as grounds assign the following, separately and severally:

1. That it does not state a cause of action.
2. That no facts alleged upon which relief is sought can be granted.
3. That there is a misjoinder of party defendants.
4. That there is a misjoinder of causes of actions.
5. No facts are alleged to show that the defendants published, in the City of New York, State of New York, or any place, the advertisement referred to in said Complaint.
6. No facts are alleged to show that the defendants caused to be published, in the City of New York, State of New York or any other place, the advertisement referred to in said Complaint.
7. For aught that appears from the Complaint, the defendants did not publish, or cause to be published, in the City of New York, State of New York, or any other place, the advertisement referred to in said Complaint.
8. There is no allegation in said Complaint that the individual defendants published, or caused to be published, the advertisement referred to and attached to the Complaint.
9. For that it affirmatively appears from said Complaint, and from Exhibit "A" attached thereto, that the defendants in

fact did not publish, or cause to be published, the advertisement referred to in said Complaint.

10. The allegations that the defendants falsely and maliciously published, in the City of New York, State of New York, and in the City of Montgomery, Alabama, of and concerning the plaintiff, in a publication entitled, "The New York Times", in the issue of March 29, 1960, on page 25 in an advertisement entitled, "Heed Their Rising Voices" is a conclusion of the pleader with no facts alleged in support thereof.

11. For that no facts are alleged to show that the defendants did any act or acts which could be reasonably interpreted as imputing improper conduct to the plaintiff and subjecting plaintiff to public contempt, ridicule and shame.

12. For that the allegations that the defendants did any act or acts which would be reasonbly interpreted as imputing improper conduct to the plaintiff is a conclusion of the pleader and unsupported by any facts.

13. That said Complaint, and no count thereof, connects the plaintiff in any way with the alleged libelous matter stated in the Complaint.

14. That the said alleged libelous matter does not designate, by innuendo or otherwise, that the matter complained of applied to the plaintiff in this cause.

15. That the allegations that the defendants published, in the City of New York, State of New York, and in the City of Montgomery, Alabama and throughout the State of Alabama, false and defamatory matters reflecting upon the conduct of the plaintiff as a member of the Board of Commissioners of the City of Montgomery, Alabama is a conclusion of the pleader and no facts are alleged to substantiate said allegations.

16. That there is no causal connection between these defendants and the alleged libelous matter stated in the Complaint.

17. That there is no causal connection between these defendants, the alleged libelous matter stated in the Complaint and the plaintiff.

18. That the allegations of the Complaint, and each count thereof, are the mere conclusions of the pleader without facts alleged in support thereof.

19. That it affirmatively appears from the allegations of the Complaint that the defendants had no connection with the publication of the alleged libelous matter.

20. That the alleged libelous matter as set out in each count of the Complaint, in paragraph form, is taken out of the context in which it appears in the paid advertisement, and that said paragraphs are not successive paragraphs, but that several paragraphs intervene and there are no facts alleged in the count showing any connection between the first paragraph which is alleged to be libelous and the second paragraph which is alleged to be libelous, as appears on the face of Exhibit "A" attached to the Complaint.

21. Said count avers no facts entitling the plaintiff to recover of the defendants.

22. The allegation of damage as contained in said count is a mere conclusion of the pleader, not supported by the facts alleged.

23. The allegations of said count do not, in and of themselves, entitle the plaintiff to recover.

24. Said count does not aver sufficient facts entitling the plaintiff to recover of the defendants the damages alleged.

25. Said count is vague, indefinite and uncertain as to what publication the plaintiff alleges is libelous.

26. Said count does not sufficiently allege facts to inform the defendants of the alleged libelous publication which they are called upon to defend.

27. For aught appearing from said count, the alleged libelous publication did not refer to the plaintiff.

28. For aught appearing from said count, the alleged libelous publication was a fair comment as to the matters contained therein.

29. It affirmatively appears from said count that the alleged libelous publication was a fair comment on the matters and things contained therein and the allegations in said count that the alleged publication was made with malice is a mere

conclusion of the pleader, not supported by the facts alleged therein.

30. The allegations of said count do not aver a libel per se.

31. For aught that appears from said count, the matter published was not libelous per se.

32. It affirmatively appears that the alleged matter was not libelous per se.

33. The alleged publication not being libelous per se, said count fails to aver sufficient facts showing wherein the plaintiff was injured by said alleged publication.

34. It affirmatively appears from said count that the plaintiff was not named in the publication of which Complaint is made.

35. Because it does not appear that the alleged pbblication was understood to refer to the plaintiff by any reader of such publication.

36. Because the alleged publication does not, upon its face, appear to have been said of the plaintiff, nor does it appear from said count that any reader of such publication understood that it referred to the plaintiff in his individual capacity or as a public official of the City of Montgomery.

37. Because colloquium, inducements and innuendoes cannot be considered in determining whether or not the alleged publication is libelous per se.

38. Because the plaintiff's interpretation of the alleged publication is contrary to the tenor and effect thereof.

39. Because the allegations with respect to the meaning of the alleged publication are mere conclusions of the pleader.

40. Because the alleged publication affirmatively shows that colloquium, inducements and innuendoes, or one or more of them, are required and, hence, said publication is not libelous per se.

41. Because specific damages are not alleged.

42. Because the allegations with respect to the publication are mere conclusions of the pleader.

43. Because there is no allegation that the alleged libelous publication was, in fact, maliciously done.

44. Because said count does not specifically aver wherein the alleged publication was maliciously done.

45. Because the allegations of the count to the effect that the defendants maliciously libeled the plaintiff is but a mere conclusion of the pleader not supported by the facts alleged.

46. Because any recovery by the plaintiff in this case would be violative of Article I, Section IV of the Constitution of the State of Alabama of 1901 as a curtailment or restraint of the liberty of the press in the writing and publishing of the defendants sentiments on the subject therein stated.

47. Because any recovery by the plaintiff in this case would be violative of the First and Fourteenth Amendments to the Constitution of the United States, as an abridgement of the freedom of the press and freedom of speech.

48. Because any recovery by the plaintiff in this case would be violative of the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due porcess of law, deny the defendants the equal protection of the laws, and abridge the privileges and immunities of the defendants.

49. No facts are alleged to show that the above named defendants published in the City of New York, State of New York, or any place, the advertisement referred to in said Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges, and immunities secured to the defendants by said Amendment.

50. No facts are alleged to show that the defendants caused to be published, in the City of New York, State of New York, or any other place, the advertisement referred to in said Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and

immunities secured to the defendants by said Amendment.

51. For aught that appears from the Complaint, the defendants did not publish, or cause to be published, in the City of New York, State of New York, or any other place, the advertisement referred to in said Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of alaw, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

52. There is no allegations in said Complaint that the individual defendants published or caused to be published the advertisement referred to and attached to the Complaint, and any recovery in this cause whuld violate the Fourteenth Amendment to the Consfitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

53. For that it affirmatively appears from said Complaint and from Exhibit "A" attached hereto, that the above named defendants, in fact, did not publish or cause to be published the advertisement referred to in sa d complaint and any recovery in this case would violate the Fourteenth Amendment to the United States in that it would deprive the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

54. That the said Complaint and no count thereof connects the plaintiff in any way with the alleged libelous matter stated in the Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

55. That there is no causal connection between the above named defendants, the alleged libelous matter stated in the Complaint, and the plaintiff; and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

56. That there is no causal connection between the defendants and the alleged libelous matter stated in the Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

57. That the Complaint, and each count thereof affirmatively shows that the matter complained of appeared in a paid advertisement in the New York Times and that said advertisement shows on its face that the defendants did not cause or were not responsible for said advertisement appearing in said newspaper.

58. That the Complaint and each count thereof affirmatively shows that the matter complained of appeared in a paid advertisement in the New York Times and that said advertisement shows on its face that the defendants did not cause and were not responsible for said paid advertisement appearing in said newspaper; and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

59. The averments of the complaint are conflicting and repugnant.

60. The Complaint is vague and uncertain in that it does not allege how the defendants published the alleged libelous matter.

Respectfully submitted:

Charles S. Conley
550 South Union Street, Suite A
Montgomery, Alabama

Vernon Z. Crawford
370 Davis Avenue
Mobile, Alabama

Solomon S. Seay, Jr.
30 North Hobonogh Street
Montgomery, Alabama

BY _____

FRANK W. PARKS,	:	IN THE CIRCUIT
Plaintiff	:	
VS.	:	COURT OF
THE NEW YORK TIMES COMPANY, A Corporation, RALPH D. ABERNATHY, FRED L. SHUTTLESWORTH, S. S. SEAY, SR., AND J. E. LOWERY,	:	MONTGOMERY COUNTY, ALABAMA
Defendants	:	NO._____

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7. For aught that appears from the Complaint, the defendants did not publish, or cause to be published, in the City of New York, State of New York, or any other place, the advertisement referred to in said Complaint.
8. There is no allegation in said Complaint that the individual defendants published, or caused to be published, the advertisement referred to and attached to the Complaint.
9. For that it affirmatively appears from said Complaint, and from Exhibit "A" attached thereto, that the defendants in

fact did not publish, or cause to be published, the advertisement referred to in said Complaint.

10. The allegations that the defendants falsely and maliciously published, in the City of New York, State of New York, and in the City of Montgomery, Alabama, of and concerning the plaintiff, in a publication entitled, "The New York Times", in the issue of March 29, 1960, on page 25 in an advertisement entitled, "Heed Their Rising Voices" is a conclusion of the pleader with no facts alleged in support thereof.

11. For that no facts are alleged to show that the defendants did any act or acts which could be reasonably interpreted as imputing improper conduct to the plaintiff and subjecting plaintiff to public contempt, ridicule and shame.

12. For that the allegations that the defendants did any act or acts which would be reasonbly interpreted as imputing improper conduct to the plaintiff is a conclusion of the pleader and unsupported by any facts.

13. That said Complaint, and no count thereof, connects the plaintiff in any way with the alleged libelous matter stated in the Complaint.

14. That the said alleged libelous matter does not designate, by innuendo or otherwise, that the matter complained of applied to the plaintiff in this cause.

15. That the allegations that the defendants published, in the City of New York, State of New York, and in the City of Montgomery, Alabama and throughout the State of Alabama, false and defamatory matters reflecting upon the conduct of the plaintiff as a member of the Board of Commissioners of the City of Montgomery, Alabama is a conclusion of the pleader and no facts are alleged to substantiate said allegations.

16. That there is no causal connection between these defendants and the alleged libelous matter stated in the Complaint.

17. That there is no causal connection between these defendants, the alleged libelous matter stated in the Complaint and the plaintiff.

18. That the allegations of the Complaint, and each count thereof, are the mere conclusions of the pleader without facts alleged in support thereof.

19. That it affirmatively appears from the allegations of the Complaint that the defendants had no connection with the publication of the alleged libelous matter.

20. That the alleged libelous matter as set out in each count of the Complaint, in paragraph form, is taken out of the context in which it appears in the paid advertisement, and that said paragraphs are not successive paragraphs, but that several paragraphs intervene and there are no facts alleged in the count showing any connection between the first paragraph which is alleged to be libelous and the second paragraph which is alleged to be libelous, as appears on th face of Exhibit "A" attached to the Complaint.

21. Said count avers no facts entitling the plaintiff to recover of the defendants.

22. The allegation of damage as contained in said count is a mere conclusion of the pleader, not supported by the facts alleged.

23. The allegations of said count do not, in and of themselves, entitle the plaintiff to recover.

24. Said count does not aver sufficient facts entitling the plaintiff to recover of the defendants the damages alleged.

25. Said count is vague, indefinite and uncertain as to what publication the plaintiff alleges is libelous.

26. Said count does not sufficiently allege facts to inform the defendants of the alleged libelous publication which they are called upon to defend.

27. For aught appearing from said count, the alleged libelous publication did not refer to the plaintiff.

28. For aught appearing from said count, the alleged libelous publication was a fair comment as to the matters contained therein.

29. It affirmatively appears from said count that the alleged libelous publication was a fair comment on the matters and things contained therein and the allegations in said count that the alleged publication was made with malice is a mere

conclusion of the pleader, not supported by the facts alleged therein.

30. The allegations of said count do not aver a libel per se.

31. For aught that appears from said count, the matter published was not libelous per se.

32. It affirmatively appears that the alleged matter was not libelous per se.

33. The alleged publication not being libelous per se, said count fails to aver sufficient facts showing wherein the plaintiff was injured by said alleged publication.

34. It affirmatively appears from said count that the plaintiff was not named in the publication of which Complaint is made.

35. Because it does not appear that the alleged publication was understood to refer to the plaintiff by any reader of such publication.

36. Because the alleged publication does not, upon its face, appear to have been said of the plaintiff, nor does it appear from said count that any reader of such publication understood that it referred to the plaintiff in his individual capacity or as a public official of the City of Montgomery.

37. Because colloquium, inducements and innuendoes cannot be considered in determining whether or not the alleged publication is libelous per se.

38. Because the plaintiff's interpretation of the alleged publication is contrary to the tenor and effect thereof.

39. Because the allegations with respect to the meaning of the alleged publication are mere conclusions of the pleader.

40. Because the alleged publication affirmatively shows that colloquium, inducements and innuendoes, or one or more of them, are required and, hence, said publication is not libelous per se.

41. Because specific damages are not alleged.

42. Because the allegations with respect to the publication are mere conclusions of the pleader.

43. Because there is no allegation that the alleged libelous publication was, in fact, maliciously done.

44. Because said count does not specifically aver wherein the alleged publication was maliciously done.

45. Because the allegation of the count to the effect that the defendants maliciously libeled the plaintiff is but a mere conclusion of the pleader not supported by the facts alleged.

46. Because any recovery by the plaintiff in this case would be violative of Article I, Section IV of the Constitution of the State of Alabama of 1901 as a curtailment or restraint of the liberty of the press in the writing and publishing of the defendants sentiments on the subject therein stated.

47. Because any recovery by the plaintiff in this case would be violative of the First and Fourteenth Amendments to the Constitution of the United States, as an abridgement of the freedom of the press and freedom of speech.

48. Because any recovery by the plaintiff in this case would be violative of the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due porcess of law, deny the defendants the equal protection of the laws, and abridge the privileges and immunities of the defendants.

49. No facts are alleged to show that the above named defendants published in the City of New York, State of New York, or any place, the advertisement referred to in said Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges, and immunities secured to the defendants by said Amendment.

50. No facts are alleged to show that the defendants caused to be published, in the City of New York, State of New York, or any other place, the advertisement referred to in said Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and

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53. For that it affirmatively appears from said Complaint and from Exhibit "A" attached hereto, that the above named defendants, in fact, did not publish or cause to be published the advertisement referred to in sa d complaint and any recovery in this case would violate the Fourteenth Amendment to the United States in that it would deprive the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

54. That the said Complaint and no count thereof connects the plaintiff in any way with the alleged libelous matter stated in the Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

55. That there is no causal connection between the above named defendants, the alleged libelous matter stated in the Complaint, and the plaintiff; and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

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57. That the Complaint, and each count thereof affirmatively shows that the matter complained of appeared in a paid advertisement in the New York Times and that said advertisement shows on its fact that the defendants did not cause or were not responsible for said advertisement appearing in said newspaper.

58. That the Complaint and each count thereof affirmatively shows that the matter complained of appeared in a paid advertisement in the New York Times and that said advertisement shows on its face that the defendants did not cause and were not responsible for said paid advertisement appearing in said newspaper; and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

59. The averments of the complaint are conflicting and repugnant.

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Respectfully submitted,

Charles S. Conley
556 South Union Street, Suite A
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Vernon T. Crawford
970 Davis Avenue
Mobile, Alabama

Solomon S. Seay, Jr.
29 North McDonough Street
Montgomery, Alabama

BY _____

FRANK W. PARKS,	:	IN THE CIRCUIT
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fact did not publish, or cause to be published, the advertisement referred to in said Complaint.

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16. That there is no casual connection between these defendants and the alleged libelous matter stated in the Complaint.

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18. That the allegations of the Complaint, and each count thereof, are the mere conclusions of the pleader without facts alleged in support thereof.

19. That it affirmatively appears from the allegations of the Complaint that the defendants had no connection with the publication of the alleged libelous matter.

20. That the alleged libelous matter as set out in each count of the Complaint, in paragraph form, is taken out of the context in which it appears in the paid advertisement, and that said paragraphs are not successive paragraphs, but that several paragraphs intervene and there are no facts alleged in the count showing any connection between the first paragraph which is alleged to be libelous and the second paragraph which is alleged to be libelous, as appears on the face of Exhibit "A" attached to the Complaint.

21. Said count avers no facts entitling the plaintiff to recover of the defendants.

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immunities secured to the defendants by said Amendment.

51. For aught that appears from the Complaint, the defendants did not publish, or cause to be published, in the City of New York, State of New York, or any other place, the advertisement referred to in said Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

52. There is no allegations in said Complaint that the individual defendants published or caused to be published the advertisement referred to and attached to the Complaint, and any recovery in this cause would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defedants of their property without due process of law, deny the defendants of the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

53. For that it affirmatively appears from said Complaint and from Exhibit "A" attached hereto, that the above named defendants, in fact, did not publish or cause to be published the advertisement referred to in said complaint and any recovery in this case would violate the Fourteenth Amendment to the United States in that it would deprive the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

54. That the said Complaint and no count thereof connects the plaintiff in any way with the alleged libelous matter stated in the Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

60. The Complaint is vague and uncertain in that it does not allege how the defendants published the alleged libelous matter.

Respectfully submitted:

Charles S. Conley
530 South Union Street, Suite A
Montgomery, Alabama

Vernon Z. Crawford
570 Davis Avenue
Mobile, Alabama

Solomon S. Seay, Jr.
29 North McDonough Street
Montgomery, Alabama

BY _____

FRANK W. PARKS,	:	IN THE CIRCUIT
Plaintiff	:	
VS.	:	COURT OF
THE NEW YORK TIMES COMPANY, A Corporation, RALPH D. ABERNATHY, FRED L. SHUTTLESWORTH, S. S. SEAY, SR., AND J. E. LOWERY,	:	MONTGOMERY COUNTY, ALABAMA
Defendants	:	NO._____

AMENDED DEMURRERS

Come the defendants, Ralph D. Abernathy, J. E. Lowery, S. S. Seay, Sr., and Fred L. Shuttlesworth, in the above styled cause and amend their Demurrers to the complaint heretofore filed in the above styled cause, and that the following amended Demurrers be substituted for the Demurrers heretofore filed and separately and severally demur to each count, and as grounds assign the following, separately and severally:

1. That it does not state a cause of action.
2. That no facts alleged upon which relief is sought can be granted.
3. That there is a misjoinder of party defendants.
4. That there is a misjoinder of causes of actions.
5. No facts are alleged to show that the defendants published, in the City of New York, State of New York, or any place, the advertisement referred to in said Complaint.
6. No facts are alleged to show that the defendants caused to be published, in the City of New York, State of New York or any other place, the advertisement referred to in said Complaint.
7. For aught that appears from the Complaint, the defendants did not publish, or cause to be published, in the City of New York, State of New York, or any other place, the advertisement referred to in said Complaint.
8. There is no allegation in said Complaint that the individual defendants published, or caused to be published, the advertisement referred to and attached to the Complaint.
9. For that it affirmatively appears from said Complaint, and from Exhibit "A" attached thereto, that the defendants in

fact did not publish, or cause to be published, the advertisement referred to in said Complaint.

10. The allegations that the defendants falsely and maliciously published, in the City of New York, State of New York, and in the City of Montgomery, Alabama, of and concerning the plaintiff, in a publication entitled, "The New York Times", in the issue of March 29, 1960, on page 25 in an advertisement entitled, "Heed Their Rising Voices" is a conclusion of the pleader with no facts alleged in support thereof.

11. For that no facts are alleged to show that the defendants did any act or acts which could be reasonably interpreted as imputing improper conduct to the plaintiff and subjecting plaintiff to public contempt, ridicule and shame.

12. For that the allegations that the defendants did any act or acts which would be reasonbly interpreted as imputing improper conduct to the plaintiff is a conclusion of the pleader and unsupported by any facts.

13. That said Complaint, and no count thereof, connects the plaintiff in any way with the alleged libelous matter stated in the Complaint.

14. That the said alleged libelous matter does not designate, by innuendo or otherwise, that the matter complained of applied to the plaintiff in this cause.

15. That the allegations that the defendants published, in the City of New York, State of New York, and in the City of Montgomery, Alabama and throughout the State of Alabama, false and defamatory matters reflecting upon the conduct of the plaintiff as a member of the Board of Commissioners of the City of Montgomery, Alabama is a conclusion of the pleader and no facts are alleged to substantiate said allegations.

16. That there is no causal connection between these defendants and the alleged libelous matter stated in the Complaint.

17. That there is no causal connection between these defendants, the alleged libelous matter stated in the Complaint and the plaintiff.

18. That the allegations of the Complaint, and each count thereof, are the mere conclusions of the pleader without facts alleged in support thereof.

19. That it affirmatively appears from the allegations of the Complaint that the defendants had no connection with the publication of the alleged libelous matter.

20. That the alleged libelous matter as set out in each count of the Complaint, in paragraph form, is taken out of the context in which it appears in the paid advertisement, and that said paragraphs are not successive paragraphs, but that several paragraphs intervene and there are no facts alleged in the count showing any connection between the first paragraph which is alleged to be libelous and the second paragraph which is alleged to be libelous, as appears on the face of Exhibit "A" attached to the Complaint.

21. Said count avers no facts entitling the plaintiff to recover of the defendants.

22. The allegation of damage as contained in said count is a mere conclusion of the pleader, not supported by the facts alleged.

23. The allegations of said count do not, in and of themselves, entitle the plaintiff to recover.

24. Said count does not aver sufficient facts entitling the plaintiff to recover of the defendants the damages alleged.

25. Said count is vague, indefinite and uncertain as to what publication the plaintiff alleges is libelous.

26. Said count does not sufficiently allege facts to inform the defendants of the alleged libelous publication which they are called upon to defend.

27. For aught appearing from said count, the alleged libelous publication did not refer to the plaintiff.

28. For aught appearing from said count, the alleged libelous publication was a fair comment as to the matters contained therein.

29. It affirmatively appears from said count that the alleged libelous publication was a fair comment on the matters and things contained therein and the allegations in said count that the alleged publication was made with malice is a mere

conclusion of the pleader, not supported by the facts alleged therein.

30. The allegations of said count do not aver a libel per se.

31. For aught that appears from said count, the matter published was not libelous per se.

32. It affirmatively appears that the alleged matter was not libelous per se.

33. The alleged publication not being libelous per se, said count fails to aver sufficient facts showing wherein the plaintiff was injured by said alleged publication.

34. It affirmatively appears from said count that the plaintiff was not named in the publication of which Complaint is made.

35. Because it does not appear that the alleged publication was understood to refer to the plaintiff by any reader of such publication.

36. Because the alleged publication does not, upon its face, appear to have been said of the plaintiff, nor does it appear from said count that any reader of such publication understood that it referred to the plaintiff in his individual capacity or as a public official of the City of Montgomery.

37. Because colloquium, inducements and innuendoes cannot be considered in determining whether or not the alleged publication is libelous per se.

38. Because the plaintiff's interpretation of the alleged publication is contrary to the tenor and effect thereof.

39. Because the allegations with respect to the meaning of the alleged publication are mere conclusions of the pleader.

40. Because the alleged publication affirmatively shows that colloquium, inducements and innuendoes, or one or more of them, are required and, hence, said publication is not libelous per se.

41. Because specific damages are not alleged.

42. Because the allegations with respect to the publication are mere conclusions of the pleader.

43. Because there is no allegation that the alleged libelous publication was, in fact, maliciously done.

44. Because said count does not specifically aver wherein the alleged publication was maliciously done.

45. Because the allegation of the count to the effect that the defendants maliciously libeled the plaintiff is but a mere conclusion of the pleader not supported by the facts alleged.

46. Because any recovery by the plaintiff in this case would be violative of Article I, Section IV of the Constitution of the State of Alabama of 1901 as a curtailment or restraint of the liberty of the press in the writing and publishing of the defendants sentiments on the subject therein stated.

47. Because any recovery by the plaintiff in this case would be violative of the First and Fourteenth Amendments to the Constitution of the United States, as an abridgement of the freedom of the press and freedom of speech.

48. Because any recovery by the plaintiff in this case would be violative of the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due porcess of law, deny the defendants the equal protection of the laws, and abridge the privileges and immunities of the defendants.

49. No facts are alleged to show that the above named defendants published in the City of New York, State of New York, or any place, the advertisement referred to in said Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges, and immunities secured to the defendants by said Amendment.

50. No facts are alleged to show that the defendants caused to be published, in the City of New York, State of New York, or any other place, the advertisement referred to in said Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and

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52. There is no allegation in said Complaint that the individual defendants published or caused to be published the advertisement referred to and attached to the Complaint, and any recovery in this cause whuld violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

53. For that it affirmatively appears from said Complaint and from Exhibit "A" attached hereto, that the above named defendants, in fact, did not publish or cause to be published the advertisement referred to in sb d complaint and any recovery in this case would violate the Fourteenth Amendment to the United States in that it would deprive the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

54. That the said Complaint and no count thereof connects the plaintiff in any way with the alleged libelous matter stated in the Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

55. That there is no causal connection between the above named defendants, the alleged libelous matter stated in the Complaint, and the plaintiff; and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

56. That there is no casual connection between the defendants and the alleged libelous matter stated in the Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

57. That the Complaint, and each count thereof affirmatively shows that the matter complained of appeared in a paid advertisement in the New York Times and that said advertisement shows on its fact that the defendants did not cause or were not responsible for said advertisement appearing in said newspaper.

58. That the Complaint and each count thereof affirmatively shows that the matter complained of appeared in a paid advertisement in the New York Times and that said advertisement shows on its face that the defendants did not cause and were not responsible for said paid advertisement appearing in said newspaper; and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

59. The averments of the complaint are conflicting and repugnant.

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Respectfully submitted:

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Vernon Z. Crawford
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Solomon S. Seay, Jr.
29 North McDonough Street
Montgomery, Alabama

BY _____

FRANK W. PARKS, Plaintiff VS. THE NEW YORK TIMES COMPANY, A Corporation, RALPH D. ABERNATHY, FRED L. SHUTTLESWORTH, S. S. SEAY, SR., AND J. E. LOWERY, Defendants	:	IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA NO._____

AMENDED DEMURRERS

Come the defendants, Ralph D. Abernathy, J. E. Lowery, S. S. Seay, Sr., and Fred L. Shuttlesworth, in the above styled cause and amend their Demurrers to the complaint heretofore filed in the above styled cause, and that the following amended Demurrers be substituted for the Demurrers heretofore filed and separately and severally demur to each count, and as grounds assign the following, separately and severally:

1. That it does not state a cause of action.
2. That no facts alleged upon which relief is sought can be granted.
3. That there is a misjoinder of party defendants.
4. That there is a misjoinder of causes of actions.
5. No facts are alleged to show that the defendants published, in the City of New York, State of New York, or any place, the advertisement referred to in said Complaint.
6. No facts are alleged to show that the defendants caused to be published, in the City of New York, State of New York or any other place, the advertisement referred to in said Complaint.
7. For aught that appears from the Complaint, the defendants did not publish, or cause to be published, in the City of New York, State of New York, or any other place, the advertisement referred to in said Complaint.
8. There is no allegation in said Complaint that the individual defendants published, or caused to be published, the advertisement referred to and attached to the Complaint.
9. For that it affirmatively appears from said Complaint, and from Exhibit "A" attached thereto, that the defendants in

fact did not publish, or cause to be published, the advertisement referred to in said Complaint.

10. The allegations that the defendants falsely and maliciously published, in the City of New York, State of New York, and in the City of Montgomery, Alabama, of and concerning the plaintiff, in a publication entitled, "The New York Times", in the issue of March 29, 1960, on page 25 in an advertisement entitled, "Heed Their Rising Voices" is a conclusion of the pleader with no facts alleged in support thereof.

11. For that no facts are alleged to show that the defendants did any act or acts which could be reasonably interpreted as imputing improper conduct to the plaintiff and subjecting plaintiff to public contempt, ridicule and shame.

12. For that the allegations that the defendants did any act or acts which would be reasonbly interpreted as imputing improper conduct to the plaintiff is a conclusion of the pleader and unsupported by any facts.

13. That said Complaint, and no count thereof, connects the plaintiff in any way with the alleged libelous matter stated in the Complaint.

14. That the said alleged libelous matter does not designate, by innuendo or otherwise, that the matter complained of applied to the plaintiff in this cause.

15. That the allegations that the defendants published, in the City of New York, State of New York, and in the City of Montgomery, Alabama and throughout the State of Alabama, false and defamatory matters reflecting upon the conduct of the plaintiff as a member of the Board of Commissioners of the City of Montgomery, Alabama is a conclusion of the pleader and no facts are alleged to substantiate said allegations.

16. That there is no causal connection between these defendants and the alleged libelous matter stated in the Complaint.

17. That there is no causal connection between these defendants, the alleged libelous matter stated in the Complaint and the plaintiff.

18. That the allegations of the Complaint, and each count thereof, are the mere conclusions of the pleader without facts alleged in support thereof.

19. That it affirmatively appears from the allegations of the Complaint that the defendants had no connection with the publication of the alleged libelous matter.

20. That the alleged libelous matter as set out in each count of the Complaint, in paragraph form, is taken out of the context in which it appears in the paid advertisement, and that said paragraphs are not successive paragraphs, but that several paragraphs intervene and there are no facts alleged in the count showing any connection between the first paragraph which is alleged to be libelous and the second paragraph which is alleged to be libelous, as appears on the face of Exhibit "A" attached to the Complaint.

21. Said count avers no facts entitling the plaintiff to recover of the defendants.

22. The allegations of damage as contained in said count is a mere conclusion of the pleader, not supported by the facts alleged.

23. The allegations of said count do not, in and of themselves, entitle the plaintiff to recover.

24. Said count does not aver sufficient facts entitling the plaintiff to recover of the defendants the damages alleged.

25. Said count is vague, indefinite and uncertain as to what publication the plaintiff alleges is libelous.

26. Said count does not sufficiently allege facts to inform the defendants of the alleged libelous publication which they are called upon to defend.

27. For aught appearing from said count, the alleged libelous publication did not refer to the plaintiff.

28. For aught appearing from said count, the alleged libelous publication was a fair comment as to the matters contained therein.

29. It affirmatively appears from said count that the alleged libelous publication was a fair comment on the matters and things contained therein and the allegations in said count that the alleged publication was made with malice is a mere

conclusion of the pleader, not supported by the facts alleged therein.

30. The allegations of said count do not aver a libel per se.

31. For aught that appears from said count, the matter published was not libelous per se.

32. It affirmatively appears that the alleged matter was not libelous per se.

33. The alleged publication not being libelous per se, said count fails to aver sufficient facts showing wherein the plaintiff was injured by said alleged publication.

34. It affirmatively appears from said count that the plaintiff was not named in the publication of which Complaint is made.

35. Because it does not appear that the alleged publication was understood to refer to the plaintiff by any reader of such publication.

36. Because the alleged publication does not, upon its face, appear to haveebeen said of the plaintiff, nor does it appear from said count that any reader of such publication understood that it referred to the plaintiff in his individual capacity or as a public official of the City of Montgomery.

37. Because colloquium, inducements and innuendoes cannot be considered in determining whether or not the alleged publication is libelous per se.

38. Because the plaintiff's interpretation of the alleged publication is contrary to the tenor and effect thereof.

39. Because the allegations with respect to the meaning of the alleged publication are mere conclusions of the pleader.

40. Because the alleged publication affirmatively shows that colloquium, inducements and innuendoes, or one or more of them, are required and, hence, said publication is not libelous per se.

41. Because specific damages are not alleged.

42. Because the allegations with respect to the publication are mere conclusions of the pleader.

43. Because there is no allegation that the alleged libelous publication was, in fact, maliciously done.

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45. Because the allegation of the count to the effect that the defendants maliciously libeled the plaintiff is but a mere conclusion of the pleader not supported by the facts alleged.

46. Because any recovery by the plaintiff in this case would be violative of Article I, Section IV of the Constitution of the State of Alabama of 1901 as a curtailment or restraint of the liberty of the press in the writing and publishing of the defendants sentiments on the subject therein stated.

47. Because any recovery by the plaintiff in this case would be violative of the First and Fourteenth Amendments to the Constitution of the United States, as an abridgement of the freedom of the press and freedom of speech.

48. Because any recovery by the plaintiff in this case would be violative of the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due porcess of law, deny the defendants the equal protection of the laws, and abridge the privileges and immunities of the defendants.

49. No facts are alleged to show that the above named defendants published in the City of New York, State of New York, or any place, the advertisement referred to in said Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges, and immunities secured to the defendants by said Amendment.

50. No facts are alleged to show that the defendants caused to be published, in the City of New York, State of New York, or any other place, the advertisement referred to in said Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the Laws and abridge the privileges and

immunities secured to the defendants by said Amendment.

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52. There is no allegation in said Complaint that the individual defendants published or caused to be published the advertisement referred to and attached to the Complaint, and any recovery in this cause whuld violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

53. For that it affirmatively appears from said Complaint and from Exhibit "A" attached hereto, that the above named defendants, in fact, did not publish or cause to be published the advertisement referred to in said complaint and any recovery in this case would violate the Fourteenth Amendment to the United States in that it would deprive the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

54. That the said Complaint and no count thereof connects the plaintiff in any way with the alleged libelous matter stated in the Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

55. That there is no causal connection between the above named defendants, the alleged libelous matter stated in the Complaint, and the plaintiff; and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

56. That there is no casual connection between the defendants and the alleged libelous matter stated in the Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

57. That the Complaint, and each count thereof affirmatively shows that the matter complained of appeared in a paid advertisement in the New York Times and that said advertisement shows on its fact that the defendants did not cause or were not responsible for said advertisement appearing in said newspaper.

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BY _____

FRANK W. PARKS,	:	IN THE CIRCUIT
Plaintiff	:	
VS.	:	COURT OF
THE NEW YORK TIMES COMPANY, A Corporation, RALPH D. ABERNATHY, FRED L. SHUTTLESWORTH, S. S. SEAY, SR., AND J. E. LOWERY,	:	MONTGOMERY COUNTY, ALABAMA
Defendants	:	NO._____

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11. For that no facts are alleged to show that the defendants did any act or acts which could be reasonably interpreted as imputing improper conduct to the plaintiff and subjecting plaintiff to public contempt, ridicule and shame.

12. For that the allegations that the defendants did any act or acts which would be reasonbly interpreted as imputing improper conduct to the plaintiff is a conclusion of the pleader and unsupported by any facts.

13. That said Complaint, and no count thereof, connects the plaintiff in any way with the alleged libelous matter stated in the Complaint.

14. That the said alleged libelous matter does not designate, by innuendo or otherwise, that the matter complained of applied to the plaintiff in this cause.

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17. That there is no causal connection between these defendants, the alleged libelous matter stated in the Complaint and the plaintiff.

18. That the allegations of the Complaint, and each count thereof, are the mere conclusions of the pleader without facts alleged in support thereof.

19. That it affirmatively appears from the allegations of the Complaint that the defendants had no connection with the publication of the alleged libelous matter.

20. That the alleged libelous matter as set out in each count of the Complaint, in paragraph form, is taken out of the content in which it appears in the paid advertisement, and that said paragraphs are not successive paragraphs, but that several paragraphs intervene and there are no facts alleged in the count showing any connection between the first paragraph which is alleged to be libelous and the second paragraph which is alleged to be libelous, as appears on th face of Exhibit "A" attached to the Complaint.

21. Said count avers no facts entitling the plaintiff to recover of the defendants.

22. The allegations of damage as contained in said count is a mere conclusion of the pleader, not supported by the facts alleged.

23. The allegations of said count do not, in and of themselves, entitle the plaintiff to recover.

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25. Said count is vague, indefinite and uncertain as to what publication the plaintiff alleges is libelous.

26. Said count does not sufficiently allege facts to inform the defendants of the alleged libelous publication which they are called upon to defend.

27. For aught appearing from said count, the alleged libelous publication did not refer to the plaintiff.

28. For aught appearing from said count, the alleged libelous publication was a fair comment as to the matters contained therein.

29. It affirmatively appears from said count that the alleged libelous publication was a fair comment on the matters and things contained therein and the allegations in said count that the alleged publication was made with malice is a mere

conclusion of the pleader, not supported by the facts alleged therein.

30. The allegations of said count do not aver a libel per se.

31. For aught that appears from said count, the matter published was not libelous per se.

32. It affirmatively appears that the alleged matter was not libelous per se.

33. The alleged publication not being libelous per se, said count fails to aver sufficient facts showing wherein the plaintiff was injured by said alleged publication.

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39. Because the allegations with respect to the meaning of the alleged publication are mere conclusions of the pleader.

40. Because the alleged publication affirmatively shows that colloquium, inducements and innuendoes, or one or more of them, are required and, hence, said publication is not libelous per se.

41. Because specific damages are not alleged.

42. Because the allegations with respect to the publication are mere conclusions of the pleader.

43. Because there is no allegation that the alleged libelous publication was, in fact, maliciously done.

44. Because said count does not specifically aver wherein the alleged publication was maliciously done.

45. Because the allegation of the count to the effect that the defendants maliciously libeled the plaintiff is but a mere conclusion of the pleader not supported by the facts alleged.

46. Because any recovery by the plaintiff in this case would be violative of Article I, Section IV of the Constitution of the State of Alabama of 1901 as a curtailment or restraint of the liberty of the press in the writing and publishing of the defendants sentiments on the subject therein stated.

47. Because any recovery by the plaintiff in this case would be violative of the First and Fourteenth Amendments to the Constitution of the United States, as an abridgement of the freedom of the press and freedom of speech.

48. Because any recovery by the plaintiff in this case would be violative of the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due porcess of law, deny the defendants the equal protection of the laws, and abridge the privileges and immunities of the defendants.

49. No facts are alleged to show that the above named defendants published in the City of New York, State of New York, or any place, the advertisement referred to in said Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges, and immunities secured to the defendants by said Amendment.

50. No facts are alleged to show that the defendants caused to be published, in the City of New York, State of New York, or any other place, the advertisement referred to in said Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and

immunities secured to the defendants by said Amendment.

51. For aught that appears from the Complaint, the defendants did not publish, or cause to be published, in the City of New York, State of New York, or any other place, the advertisement referred to in said Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of alaw, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

52. There is no allegation in said Complaint that the individual defendants published or caused to be published the advertisement referred to and attached to the Complaint, and any recovery in this cause whuld violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

53. For that it affirmatively appears from said Complaint and from Exhibit "A" attached hereto, that the above named defendants, in fact, did not publish or cause to be published the advertisement referred to in sb d complaint and any recovery in this case would violate the Fourteenth Amendment to the United States in that it would deprive the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

54. That the said Complaint and no count thereof connects the plaintiff in any way with the alleged libelous matter stated in the Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

55. That there is no casual connection between the above named defendants, the alleged libelous matter stated in the Complaint, and the plaintiff; and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

56. That there is no casual connection between the defendants and the alleged libelous matter stated in the Complaint, and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

57. That the Complaint, and each count thereof affirmatively shows that the matter complained of appeared in a paid advertisement in the New York Times and that said advertisement shows on its fact that the defendants did not cause or were not responsible for said advertisement appearing in said newspaper.

58. That the Complaint and each count thereof affirmatively shows that the matter complained of appeared in a paid advertisement in the New York Times and that said advertisement shows on its face that the defendants did not cause and were not responsible for said paid advertisement appearing in said newspaper; and any recovery in this case would violate the Fourteenth Amendment to the Constitution of the United States in that it would deprive the defendants of their property without due process of law, deny the defendants the equal protection of the laws and abridge the privileges and immunities secured to the defendants by said Amendment.

59. The averments of the complaint are conflicting and repugnant.

60. The Complaint is vague and uncertain in that it does not allege how the defendants published the alleged libelous matter.

Respectfully submitted:

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BY _____