

*Received July 9 1968*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

All pages were checked against  
paper copies and are as complete  
as the paper copies.

WILLIE EUGENE PITTS, a Minor, by his  
Mother and Next Friend, MRS. ANNA  
MAE PITTS; VICTOR MARTIN, a Minor,  
by his Father and Next Friend,  
ROBERT L. MARTIN; KELVIN, FELICIA,  
ALFRED, ORMA, and ALFREDIA HENDER-  
SON, Minors, by their Father and  
Next Friend, RICHARD HENDERSON;  
PATRICIA JOYCE REEVES, a Minor, by  
her Mother and Next Friend, MRS.  
ROSA LEE REEVES; ANTHONY REED and  
CECILIA SEARCY, Minors, by their  
Mother and Next Friend, MRS. JUANITA  
SEARCY; NED and BECKY STONE, Minors,  
by their Father and Next Friend,  
ALFRED E. STONE, JR.; JOY, BRIDGET,  
and SANDRA BECKER, Minors, by their  
Father and Next Friend, LOUIS E.  
BECKER; and all others similarly  
situated,

Plaintiffs,

-vs-

JIM CHERRY, Superintendent of  
Schools, DeKalb County, Georgia;  
DR. JAMES H. NINSON, JR., President,  
DeKalb Junior College; and DEKALB  
COUNTY BOARD OF EDUCATION,

CIVIL ACTION NO.

Defendants.

C O M P L A I N T

1. The jurisdiction of this Court is invoked pursuant  
to the provisions of Title 28, United States Code, Section  
1343(3), this being a suit in equity authorized by law,  
Title 42, United States Code, Section 1983, to be brought to  
redress the deprivation under color of state statute, ordin-  
ance, regulation, custom or usage of rights, privileges and  
immunities secured by the Constitution and laws of the United  
States or by any act of Congress providing for the equal  
rights of citizens. The rights here sought to be protected  
are rights secured by the Thirteenth Amendment and by the

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equal protection clauses of the Fourteenth Amendment of the Constitution of the United States, Title 42, United States Code, Sections 1981 and 2000(d), and Sections 80.4 and 181, et seq., 45 Code of Federal Regulations, as revised.

2. This is a proceeding for a preliminary and permanent injunction enjoining defendants from operating the public school system of DeKalb County, Georgia on a racially segregated basis.

3. This is a class action brought by the adult plaintiffs for the minor plaintiffs on behalf of themselves and on behalf of other adults and minors similarly situated, pursuant to the provisions of Rule 23(b)(2) of the Federal Rules of Civil Procedure. There are two classes of plaintiffs. Members of the first class are all adult Negro citizens and their minor children, of the State of Georgia, who reside in DeKalb County, Georgia. Members of the second class are all adult white citizens and their minor children, residing in DeKalb County, Georgia, who favor integration of their schools. The minors are all eligible to attend the public schools of DeKalb County, Georgia. The members of both classes are all similarly affected by the action of the defendants in maintaining and operating the public school system of DeKalb County, Georgia on a racially segregated basis. The named plaintiffs adequately represent the interests of each of their classes.

4. The adult plaintiffs in this case are all citizens of the United States and of the State of Georgia, residing in DeKalb County, Georgia. Each adult plaintiff is the parent of one or more minor children who are eligible to attend the public schools, under the control of the defendants. Each minor plaintiff is likewise a citizen of the United States and of the State of Georgia, residing in DeKalb County, Georgia.

5. All of the named plaintiffs are members of the Negro race with the exception of the adult plaintiffs ALFRED E. STONE, JR., and LOUIS E. BECKER, and the children named of each. The race of these latter adult and minor plaintiffs is white.

6. The minor plaintiffs attend the following grades and schools within the system administered by the defendants:

WILLIE EUGENE PITTS, eighth grade, Cross Keys High School; <sup>73-19-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-122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8. The DeKalb County Board of Education exists pursuant to the Constitution of the State of Georgia, and the laws of the State of Georgia, as a governmental agency of the State of Georgia, charged with the governmental function of establishing, maintaining and operating the public schools system of DeKalb County, Georgia. The public schools of DeKalb County, Georgia are under the direct supervision and control of the defendants named herein.

9. Defendant DEKALB COUNTY BOARD OF EDUCATION operates 77 elementary schools, 20 high schools, and approximately 5 special schools in DeKalb County, Georgia. There are approximately 74,930 students in the system, with 3,754, or 5.6 per cent, being members of the Negro race. There are approximately 3,459 full time faculty members employed by the system with 190, or 5.8 per cent, being members of the Negro race.

(a) Five of the elementary schools in the system are attended solely by pupils of the Negro race. Forty-seven of the elementary schools of the system are attended solely by pupils of the white race. Sixteen elementary schools in the system are attended by white pupils in excess of ninety percent. The remaining elementary schools in the system are at least seventy-five per cent white.

(b) Two of the high schools in the system are attended solely by pupils of the Negro race. Five of the high schools in the system are attended solely by pupils of the white race. Ten high schools in the system are at least ninety-five per cent white. The remaining high schools in the system are at least ninety per cent white.

(c) The faculty at thirty-seven of the elementary schools in the system is all white. The faculty at thirty-five of the elementary schools consists of one Negro and the remainder whites. The faculty at the remaining five schools, which are the schools with all Negro attendance, consists variously of all Negroes, all but one Negro, and all but two Negroes.

(d) The faculty at seven of the high schools is all white. The faculty at three high schools is all white with the exception of one Negro each. The faculty at six high schools is all white with the exception of two Negroes each. The faculty at one high school is all white with the exception of one Negro. The faculties at the remaining two high schools, which have all Negro attendance, is all Negro and all Negro with the exception of three whites, respectively.

(e) The principals and administrative officers of each school except the five all-Negro elementary schools and the two all-Negro high schools are all white.

10. In the years since the decision in Brown v. Board of Education of Topeka, defendants, while acting under color of the laws of the State of Georgia, have failed to effectuate an orderly transition to a unitary non-racial school system and continue to maintain and operate the public school system of DeKalb County, Georgia on a racially segregated basis. Defendants presently hold themselves out as operating the public school system of DeKalb County, Georgia, on the basis of a two-part attendance plan. Zones are drawn for attendance at each elementary and high school, but pupils residing in any zone may exercise a "freedom of choice" and transfer to any other school within the system. The attendance zones in DeKalb are drawn, or "gerrymandered," in such a way as to ensure all Negro attendance at five elementary schools and two high schools. White persons living within the "Negro" attendance zones have exercised their "freedom of choice" to avoid integration, and, as a result of both the zones and the freedom with which minority whites may transfer to schools in which whites are in the majority, the affirmative duty or burden of meaningfully commencing and promptly completing

the transition from a dual school system is illegally shifted to Negro parents and their children, or to white parents and their children who may favor integration. The reliance of the defendants upon their "gerrymandered" zones and on their so-called "freedom-of-choice" plan has resulted in the maintenance of schools which are clearly identifiable as white or Negro. Indeed, in past years, the defendants have actually furnished bus transportation to those pupils who were transferring out of their attendance zones for the purpose of avoiding integration.

11. Defendants are presently engaging or planning to engage in the refurbishing and expansion of at least two schools which are clearly identifiable as all-Negro schools.

12. Attendance at DeKalb Junior College, operated by defendants presently includes 3,372 whites, 70 Negroes, and 20 others. The faculty at said college consists of 117 white, no Negroes, and one person of another race.

13. Negro pupils who attend integrated schools in the DeKalb County system are subject to academic, disciplinary, and physical harassment by the white faculty and students of said schools. As a result of such treatment, Negro pupils attending said integrated schools are frequently suspended and cannot, accordingly, fully benefit from their integrated schooling.

14. The DeKalb County schools, on information and belief, receive at least \$2.3 million in funds from the federal government, which is approximately eight per cent of the budget of said schools. Defendants have not yet submitted an acceptable "plan of compliance" with the United

States Department of Health, Education & Welfare, as required by Title VI of the Civil Rights Act of 1964, and are in consequent danger of having said federal monies terminated. Said termination would work a hardship upon all the pupils of said County, and especially upon the Negroes represented herein, who are less well economically endowed than the white citizens of said county. The white citizens are thus in a better position to provide supplementary educational materials and/or tutoring for their children if the federal funds are cut off.

15. The operation of the public school system of DeKalb County, Georgia, on a racially segregated basis, as hereinabove set forth, deprives the minor plaintiffs and other Negro or white students similarly situated of equal educational opportunities in violation of rights secured to them by the equal protection clauses of the Fourteenth Amendment of the Constitution of the United States and by Title 42, United States Code, Sections 1981 and 2000(d). The denial of equal educational opportunities to the minor Negro plaintiffs and others similarly situated impresses a badge of slavery and servitude upon them in violation of the Thirteenth Amendment of the Constitution of the United States. The operation of the public school system of DeKalb County, Georgia, on a racially segregated basis consequently results in irreparable injury to the minor plaintiffs and other students similarly situated. There is no complete, adequate or speedy remedy at law to compensate the minor plaintiffs for the injury which they are presently sustaining as a result of the operation of the public school system of DeKalb County, Georgia, on a racially segregated basis.

WHEREFORE, Plaintiffs pray:

1. That process may issue and be directed to each of the said defendants, herein named, requiring them to appear and answer this complaint;
2. That upon filing of this complaint, this Court will advance this case on the docket and order a speedy hearing thereof according to law;
3. That this Court will issue a preliminary injunction pending final disposition of this case and a permanent injunction upon the final determination of this cause enjoining the defendants from operating the public school system of DeKalb County, Georgia on a racially segregated basis;
4. That the Court will order the defendants to immediately promulgate in every respect and detail the procedures the defendants will follow to promptly effectuate the transition to a unitary non-racial school system and that, upon the basis of said plan, the defendants be ordered to seek continuation of direct financial assistance from the Office of Education of the United States Department of Health, Education and Welfare; and
5. That this Court allow plaintiffs their costs herein, including a reasonable attorney's fee, and grant such further, other or additional relief as to the Court may appear just and proper in the premises.

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