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10 Attorneys for Plaintiffs

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF LOS ANGELES

14 822854

15 MARY ELLEN CRAWFORD, a Minor, by
ELLEN CRAWFORD, her Guardian Ad
16 Litem; INITA WATKINS, a Minor, by
CLARA M. WATKINS, her Guardian Ad
17 Litem, for and in behalf of them-
selves and all pupils of the David
18 Starr Jordan High School, similar-
ly situated,

19 Plaintiffs,

20 v.

21 BOARD OF EDUCATION OF THE CITY
22 OF LOS ANGELES,

23 Defendant.

No.

COMPLAINT FOR DECLARATORY
JUDGMENT AND INJUNCTION

24
25 I

26 Plaintiff Mary Ellen Crawford resides at 9601 Male Avenue,
27 Los Angeles, California. She is a pupil at the David Starr Jordan
28 High School; she is a Negro.

29 Plaintiff Inita Watkins resides at 2166 E. 97th Street,
30 Los Angeles, California. She is a pupil at the David Starr Jordan
31 High School; she is a Negro.

32 Each of the plaintiffs bring this action for and in behalf

1 of themselves, and for and in behalf of all the pupils of the said
2 David Starr Jordan High School (to be hereinafter referred to as
3 Jordan High School) all of whom are of the Negro race, all of whom
4 have been discriminated against solely because of their race, to be
5 set forth hereinafter, and who are too numerous all to be named as
6 plaintiffs herein, being over 1600 in number.

7 II

8 The defendant is the governing agency administering the pub-
9 lic schools located within the Los Angeles School District, including
10 particularly the Jordan High School.

11 III

12 Attached hereto, marked Exhibit A, and incorporated herein
13 by reference is a portion of a map published by said defendant Board
14 showing the location of said High School; as well as of the Southgate
15 High School, approximately one and one-half miles distant from said
16 Jordan High School. Said map also shows the respective school districts
17 in which said high schools are located.

18 The school districts in which said Jordan High School and
19 said Southgate High School, respectively, are located, are respectively
20 virtually completely racially segregated districts, the former being
21 virtually entirely (namely over 99%) Negro; and the latter being vir-
22 tually completely (namely, over 97%) white.

23 Pupils living in said districts, of high school age, re-
24 spectively, are required by the defendant Board to attend said segre-
25 gated high schools, respectively.

26 All of the pupils in said Southgate High School are of the
27 Caucasian race, with the exception of approximately five pupils.

28 Said high schools are segregated high schools, the former
29 Negro, the latter white.

30 IV

31 At a time to the plaintiffs unknown, and known exclusively
32 to the defendant Board, said Board determined to enlarge the capacity

1 of, and otherwise to rebuild, said Jordan High School, and to expend
2 approximately \$1,000,000.00 to enlarge and rebuild said High School;
3 the Board and its members knew the racial composition of said High
4 School, namely that it is 100% Negro, and knew that said enlargement
5 of said High School would have the effect of maintaining, indurating
6 and perpetuating said High School as a Negro racially segregated
7 High School.

8
9 V

10 The defendant Board has heretofore, on numerous occasions,
11 been requested to take corrective measures to desegregate said Jordan
12 High School, and/or to eliminate the racial imbalance therein; but
13 said Board has refused, and now does refuse to do so.

14 Said Board has additionally heretofore been requested not
15 to expend public funds to enlarge said High School, until it has
16 first taken the corrective steps aforesaid, but it has rejected said
17 request also.

18 Said Board will expend the monies aforesaid, without first
19 taking the corrective steps hereinabove set forth, unless enjoined
20 from such expenditure by this Court.

21 VI

22 The maintenance by the defendant Board of said Jordan High
23 School as a racially segregated school, and the plan and purpose of
24 said Board to continue to maintain, indurate, and perpetuate said
25 High School as a racially segregated school, deprives the plaintiffs,
26 and each of them, and all of the pupils at said High School, of equal
27 opportunities for education; and denies them the equal protection of
28 the laws, as guaranteed by the Fourteenth Amendment to the Constitu-
29 tion of the United States, and of due process of law in abridgement
30 of said Fourteenth Amendment; and deprives them of similar rights
31 guaranteed by the Constitution of the State of California.

32 Said acts of the defendant Board constitute, additionally,
invidious and unconstitutional racial discrimination, in violation

1 of the constitutional provisions aforesaid.

2 VII

3 Unless the defendant Board takes immediate affirmative
4 measures to desegregate said High School, and, unless said Board re-
5 frains from expending the monies aforesaid, without first taking such
6 corrective steps, the plaintiffs are being and will be, deprived of
7 their constitutional rights as hereinabove set forth.

8 VIII

9 Such deprivation results in irreparable injury, for which
10 the plaintiffs have no, and/or no adequate remedy at law, in that

11 (1) because intangible considerations relating to the abil-
12 ity to learn and exchange views with other students, a segregated
13 public high school does not provide equal educational opportunities
14 to the plaintiffs; and

15 (2) separation of the plaintiffs and others of similar age
16 and qualifications solely because of race, may produce a feeling of
17 inferiority which can never be removed.

18 IX

19 A controversy exists between the plaintiffs and the defend-
20 ant as follows:

21 The plaintiffs contend that the defendant Board is under
22 two legal and constitutional duties;

23 1) not to take any affirmative action which maintains and/or
24 perpetuates racial imbalance; and, hence, not to enlarge or rebuild
25 the Jordan High School, without first taking steps to desegregate said
26 High School; and

27 2) to take affirmative corrective measures to remove the
28 racial imbalance at said High School.

29 The defendant Board contends that it has neither of the
30 above two legal or constitutional duties.

31 X

32 Wherefore, plaintiffs seek, for themselves, and for all of

1 the pupils at said Jordan High School, relief as follows:

2 1. For a declaratory judgment

3 a) declaring their rights, if any, herein; and declaring
4 the duties, if any, of the defendant Board;

5 b) declaring that the defendant Board is under a legal
6 and constitutional duty to take immediate measures to correct the
7 racial imbalance at the Jordan High School.

8 2. For a judgment adjudging the acts of the defendant Board
9 to have deprived the plaintiffs of the equal protection of the laws,
10 and of due process of law.

11 3. For a judgment requiring the defendant Board to take,
12 forthwith, steps to correct the racial imbalance at the Jordan High
13 School.

14 4. For a preliminary injunction, pendente lite, and/or
15 until further orders of the court, enjoining the defendant Board from
16 enlarging the Jordan High School, and/or expending any funds for con-
17 struction and/or reconstruction of said High School.

18 5. For such other relief as may be appropriate; and for
19 their costs.

20 LOREN MILLER

21 THOMAS G. NEUSOM

22 SAMUEL C. SHEATS

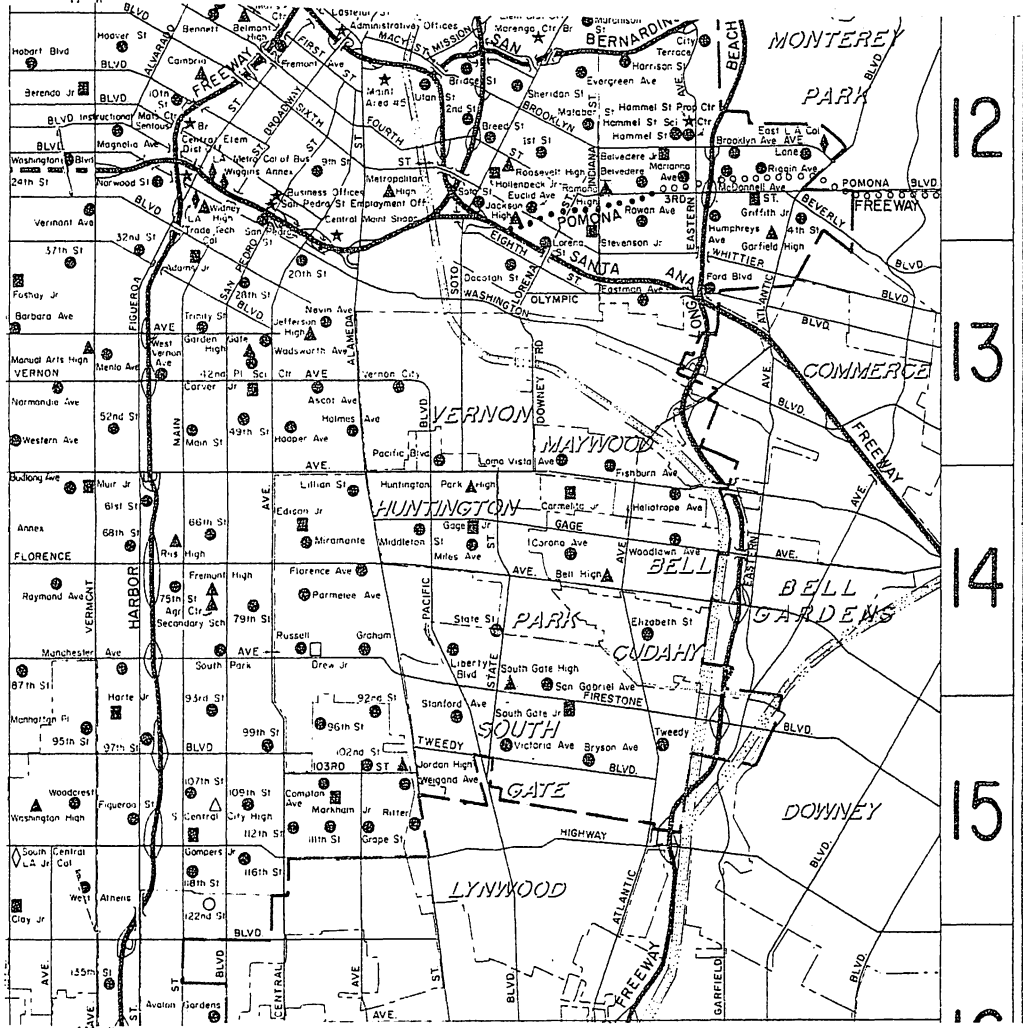
23 A. L. WIRIN

24 FRED OKRAND

25 HERBERT A. BERNHARD

26 Attorneys for Plaintiffs.

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Exhibit A

(VERIFICATION - 446 and 2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of Los Angeles } ss.

one of
I, the undersigned, say: I am /the plaintiff

in the above entitled action; I have read the foregoing Complaint for Declaratory Judgment
and Injunction

and know the contents thereof; and that the same is true of my own knowledge, except as to the matters which are therein
stated upon my information or belief, and as to those matters that I believe it to be true.

I certify (or declare) under penalty of perjury, that the foregoing is true and correct.

Executed on JUL 31 1963 at Los Angeles, California.
(date) (place)

CLARA M. WATKINS
(Signature)

Received copy of the within _____ this _____ day of _____, 19____

Attorney for _____

Received copy of the within _____ this _____ day of _____, 19____

Attorney for _____

(PROOF OF SERVICE BY MAIL - 1013a, and 2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of Los Angeles } ss.

I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the United States and a resident of the
County of Los Angeles, over the age of eighteen years and not a party to the within action or proceeding; that

My business address is _____
residence

that on _____, 19____, I served the within _____

on the _____ in said action or proceeding by depositing a true copy thereof, inclosed in a sealed
envelope with postage thereon fully prepaid, in a mail-box, sub-post office, substation, or mail chute (or other like facility),
regularly maintained by the Government of the United States at¹ _____

in the City of Los Angeles, California addressed to the attorney _____ of record for said _____

at the office _____ address of said attorney _____, as follows:² "

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed on _____ at _____, California.
(date) (place)

(Signature)

¹If deposited in the United States Post Office, cross out appropriate words and insert "in the United States Post Office". ²Here
quote from envelope name and address of addressee.

WIRIN, RISSMAN, OKRAND & POSNER
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257 SOUTH SPRING STREET
LOS ANGELES 12, CALIFORNIA
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RE 1-4143

MA 4-9708

DU 5-7101

Telephone:

Case Number

822854

SUMMONS

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

MARY ELLEN CRAWFORD, a Minor, by ELLEN CRAWFORD, her Guardian Ad Litem; INITA WATKINS, a Minor, by CLARA M. WATKINS, her Guardian Ad Litem, for and in behalf of themselves and all pupils of the David Starr Jordan High School, similarly situated,

Plaintiff(s)

vs.

BOARD OF EDUCATION OF THE CITY OF LOS ANGELES,

Defendant(s)

THE PEOPLE OF THE STATE OF CALIFORNIA to the above named Defendant(s):

You are directed to appear in an action brought against you by the above named plaintiff... in the Superior Court of the State of California for the County of Los Angeles, and to answer the Complaint therein within ten days after the service on you of this Summons, if served within the County of Los Angeles, or within thirty days if served elsewhere, and you are notified that unless you appear and answer as above required, the plaintiff will take judgment for any money or damages demanded in the Complaint, as arising upon contract, or will apply to the Court for any other relief demanded in the Complaint.

WILLIAM G. SHARP, County Clerk and Clerk of the Superior Court of the State of California for the County of Los Angeles

Dated AUG - 1 1963

By E. Robinson Deputy

(SEAL)

(Space below for notice when required by Sec. 410, 474 C.C.P.)

*APPEARANCE: "A defendant appears in an action when he answers, demurs, files a notice of motion to strike, or gives the plaintiff written notice of his appearance, or when an attorney gives notice of appearance for him." (Section 1014 Code of Civil Procedure.)

Answers, demurrers and all other pleadings, must be in writing, in form pursuant to rule of court, ACCOMPANIED WITH THE NECESSARY FEE, and filed with the Clerk of this Court, and should be accompanied by proof of service of a copy thereof on plaintiff or his attorney.

A pleading is a formal allegation of a claim or defense. (Section 420 Code of Civil Procedure). It must be typewritten or printed on legal size opaque white paper with numbered lines, bound at the top, numbered consecutively at the bottom. (Rule 201, Rules for the Superior Courts.)

(See reverse side for Proof of Service)

SUMMONS

DECLARATION OF SERVICE

I, the undersigned, hereby state: That I was, at the time of the service of the papers herein referred to over the age of eighteen years and not a party to the within entitled action; I served the within summons by delivering to and leaving with the person or persons personally, hereinafter named, a copy thereof, together with a copy of the complaint therein mentioned, at the address and on the date set forth opposite each name of said person or persons, in the County of _____, State of California, to-wit: 0

Table with 3 columns: Name of Defendants Served, City and Street Address, Date of Service. The table is mostly empty with horizontal lines for text entry.

My fees for services are: \$ _____ for _____ miles actually traveled at _____ cents per mile, \$ _____, Total, \$ _____

That if the above service was against a corporation, or against associates conducting business under a common name in the manner authorized by Section 388 of the Code of Civil Procedure, a notice that the person was served on behalf of said corporation or said associates appeared on the copy of the summons that was served, as required by Section 410 of said Code.

That if service of within summons was made upon the person served as an individual as well as on behalf of the corporation or associates conducting a business under a common name, notice of that fact appeared on the copy of the summons that was served.

That if a defendant was served under a fictitious name a notice of identity was endorsed on the face of the copy of the summons as required by Section 474 of the Code of Civil Procedure.

Fee for Service \$ _____, Mileage \$ _____, Total \$ _____

Executed on _____ (date), at _____ (place), California.

I declare under penalty of perjury that the foregoing is true and correct.

(Signature of Declarant)

* If service is upon a corporation, partnership, or association, state its name and the name and official title of person to whom copy of within is delivered.