

IN THE UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF ALABAMA
 NORTHEASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 MADISON COUNTY BOARD OF EDUCATION;)
 L. E. HEREFORD, Chairman, and)
 HERMAN B. SANDERS, WILLIAM L.)
 VAUGHN, DONALD SPENCER and ATLAS)
 CARRIGER, Members of the Madison)
 County Board of Education;)
 NATHANIEL ALMON, Superintendent)
 of Education of Madison County;)
 CITY OF HUNTSVILLE BOARD OF)
 EDUCATION; A. V. SNEED, President,)
 and L. A. DAVIS, MARVIN DRAKE,)
 J. C. MCKINNEY, JR. and MILTON)
 FRANK, Members of the City of)
 Huntsville Board of Education; and)
 RAYMOND CHRISTIAN, Superintendent)
 of Education of the City of)
 Huntsville,)
)
 Defendants.)
)

CIVIL ACTION NO. _____

COMPLAINT

FIRST CLAIM

The United States, as a claim against the Madison County Board of Education, L. E. Hereford, Herman B. Sanders, William L. Vaughn, Donald Spencer, Atlas Carriger and Nathaniel Almon, alleges:

1. This is an action to protect the interest of the United States that members and civilian employees of its Armed Forces and their dependents be not unconstitutionally discriminated against on account of race or color in the use and enjoyment of educational facilities which have been

built or are being maintained and operated with the use of funds of the United States under the provisions of P.L. 815 and P.L. 874, 81st Congress (Chapters 13 and 19 of Title 20 U.S.C.), with the resultant detriment to their service and morale.

2. This Court has jurisdiction of this action under Sections 1343 and 1345 of Title 28, United States Code.

3. The State of Alabama maintains a state-wide system of free public schools.

4. The Madison County Board of Education (hereafter referred to as the County Board) is vested under Alabama law with the general administration and supervision of the public schools of Madison County other than those schools within cities having a city board of education. The County Board is composed of five members. Its principal office is in the City of Huntsville.

5. L. E. Hereford is Chairman of the County Board and Herman B. Sanders, William L. Vaughn, Donald Spencer and Atlas Carriger are members of the County Board. Each resides in Madison County, Alabama.

6. Nathaniel Almon is the Superintendent of Education of Madison County and as such is the chief executive officer of the County Board. He resides in Madison County.

7. The plaintiff maintains Redstone Arsenal in Madison County, Alabama, as a part of its national defense establishment.

8. Within Redstone Arsenal are located the United States Army Ordnance Missile Command, the United States Army Ordnance Missile Support Agency, the United States Army Guided Missile School, the George C. Marshall Space Flight Center,

and several private contractor firms conducting rocket and missile research for the plaintiff. The United States Army Missile Command has the national mission for Army rocket and guided missile programs and is responsible for the entire field of weapon systems management, covering research, design, development, production, maintenance and supply of all Army missiles and rockets. The United States Army Ordnance Missile Support Agency provides logistical and administrative support to all units at Redstone Arsenal. The United States Army Ordnance Guided Missile School conducts courses for selected officers, enlisted men and civilians in the inspection, repair, supply and maintenance of guided missile systems and organizes and trains ordnance missile support units. The George C. Marshall Space Flight Center is the largest field installation of the National Aeronautics and Space Administration. Its mission is the design, development and testing of large rocket vehicles used in space flight.

9. The Redstone Arsenal is located on property owned by the plaintiff adjacent to the City of Huntsville. Huntsville, located in Madison County, has a population of approximately 80,000 persons. Madison County has a population of approximately 125,000 persons.

10. There are approximately 1,375 military personnel and 8,515 civilian employees stationed and employed at the United States Army Missile Command and the United States Army Ordnance Missile Support Agency. There are approximately 2,340 military personnel and approximately 950 civilians stationed and employed at the United States Army Guided Missile School. There are approximately 15 military personnel and 7,575 civilians employed at the George C.

Marshall Space Flight Center. There are approximately 1,850 civilian contractor employees employed at Redstone Arsenal.

11. The plaintiff has constructed and assisted in the construction of 1,074 family housing units located on Redstone Arsenal. These units, which are owned and maintained by the plaintiff, have been constructed so that servicemen who are stationed at the Arsenal may live together with their families. Of these housing units, 586 have been built under the provisions of Title VIII of the National Housing Act, as amended on August 11, 1955 (Capehart Act, 42 U.S.C. 1594; 12 U.S.C. 1748 et seq.); 120 have been built under the provisions of Title VIII of the National Housing Act as in effect prior to August 11, 1955 (Wherry Act, 12 U.S.C. 1702 et seq., 1748 et seq.); 300 have been constructed under provisions of Title VIII of the National Housing Act (Lanham Act, 42 U.S.C. 1521 et seq.), and 68 have been constructed from funds appropriated by Congress for the Department of Defense.

12. The County Board maintains and operates 29 public schools for the education of children residing within the county, including dependents of members and civilian employees of the plaintiff's Armed Services. These schools are Plevna Elementary School; Farmers Capital, New Sharon, Madison Cross Roads, Meridianville, Central, Harvest, Walnut Grove, Brownsboro, Madison, New Market, Mountain Fork, Owens Cross Roads, Big Cove, Riverton, Mt. Leventon, Toney, Indian Creek, West Madison, Monrovia, Farley Junior High, Farley Colored School and Berkley elementary-junior high schools; Hazel Green, New Hope, Gurley and Council Training elementary-high schools; and Buckhorn and Sparkman senior

high schools.

13. Under the provisions of Chapter 13 of Title 20 of the United States Code, the Commissioner of Education has approved and the plaintiff has paid to the County Board during the period from 1951 to the present time a total of \$980,213.00 for the maintenance and operation of its schools. These grants were approved and the payments made on account of the County Board providing public education for the dependents of members and civilian employees of the plaintiff's Armed Services, and the proceeds were used by the County Board to defray the general cost of maintaining and operating its public schools. A tabulation of the grants paid and the number of service-connected dependents on whose account they were paid, for each year since 1951, is set forth in Appendix A to this complaint.

14. Under the provisions of Chapter 19 of Title 20, United States Code, the United States Commissioner of Education has approved and the plaintiff has paid grants in the total amount of \$527,933.92 during the period from 1950 to the present time for the construction and improvement of the schools under the operating jurisdiction of the County Board. A tabulation of the funds paid by the plaintiff to the County Board on individual construction projects appears as Appendix B to this complaint.

15. Farley Junior High School is located approximately ten miles south of Huntsville on U. S. Highway 231 and is adjacent to the 300 housing units built under Title VII of the National Housing Act, as described in paragraph 11. Children living in these housing units are within walking distance of the school.

16. An addition to Farley Junior High School consisting of five classrooms, lunchroom, kitchen and storage, a central heating system, rewiring, canopy, and cafeteria and kitchen equipment, was completed on December 11, 1953 at a total cost of \$120,554.33. The plaintiff has paid to the County Board the total cost of this addition under a grant applied for by the County Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code. A further addition to the Farley Junior High School, consisting of four classrooms, clinic, teachers' lounge, covered loading dock, auxiliary facilities, and site work, was completed on July 8, 1959, at a total cost of \$77,312.59. The plaintiff has paid to the County Board the total cost of this addition under a grant applied for by the County Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code. A still further addition to Farley Junior High School, consisting of five regular classrooms, cafetorium and kitchen with storage, boiler room with coal storage, office and teachers' lounge, auxiliary facilities, canopy and loading dock, site work including drive, septic tank with field, and necessary equipment, was completed on August 10, 1959, at a total cost of \$141,423.87. Of this total cost of construction, the plaintiff has paid \$141,387.00 to the County Board under a grant applied for by the County Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

17. Westlawn Junior High School is located on Ninth Avenue, West, in Huntsville, approximately one-quarter mile from Redstone Arsenal. Westlawn Junior High School was

originally constructed as an elementary school to be operated under the jurisdiction of the Madison County Board of Education. It is now under the jurisdiction of the City of Huntsville Board of Education.

18. The construction of Westlawn Junior High School, consisting of fourteen classrooms, office suite, clinic, teachers' room, multi-purpose room with stage, kitchen, covered play area under classroom wing, boiler room, auxiliary rooms, septic tanks and fields, was completed on December 15, 1955 at a total cost of \$203,511.87. Of this total cost of construction, the plaintiff has paid to the County Board \$188,680.00 under a grant applied for by the County Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

19. In connection with each of its applications for a grant under Chapter 19 of Title 20, United States Code, as referred to in paragraphs 14, 16 and 18, the County Board gave written assurance, as required by 20 U.S.C. 636, that the school facilities of the County Board "will be available to the children for whose education contributions are provided ... on the same terms, in accordance with the laws of the state in which applicant is situated, as they are available to other children in applicant's school district."

20. The members and civilian employees of the Armed Services of the plaintiff stationed or employed at Redstone Arsenal include persons of both the white and Negro races. The school-age dependents of such members and employees include children of both the white and Negro races.

21. Approximately 2000 children of the members and civilian employees of the Armed Services of the plaintiff,

stationed or employed at Redstone Arsenal, attend the public schools operated by the County Board. Of these children over 250 are of the Negro race.

22. It is the policy and practice of the defendants in operating the public schools under their jurisdiction, to segregate Negro students in separate schools maintained and operated solely for students who are of the Negro race.

23. The defendant County Board has operated and is presently operating Plevna Elementary School; New Sharon, Madison Cross Roads, Meridianville, Central, Harvest, Walnut Grove, Madison, New Market, Owens Cross Roads, Big Cove, Riverton, Monrovia and Farley elementary-junior high schools; Hazel Green, New Hope and Gurley elementary-high schools; and Buckhorn and Sparkman senior high schools for the education of white children exclusively. The County Board has operated and is presently operating Farmers Capital, Brownsboro, Mountain Fork, Mt. Leventon, Toney, Indian Creek, West Madison, Farley Colored School and Berkley elementary-junior high schools; and Council Training elementary-high school for the education of Negro children exclusively.

24. By reason of the policy and practice of the defendants to assign students to schools according to their race, all Negro school-age dependents of the members and employees of plaintiff's Armed Services stationed or employed at Redstone Arsenal and residing within Madison County are compelled to attend schools operated exclusively for members of the Negro race and are not permitted to attend schools available to white children similarly situated.

25. The defendants have failed and are now failing to make the public school facilities under their jurisdiction available to Negro dependents of the members and employees of the Armed Services of the plaintiff upon the same terms as such facilities are available to white children.

26. The County Board has failed and is now failing and refusing to perform each of its assurances referred to and described in paragraph 19.

27. The acts and conduct of the defendants herein alleged violate the Fourteenth Amendment to the Constitution.

28. The defendants will, unless restrained by order of this Court, continue unconstitutionally to discriminate against dependents of members and employees of the plaintiff's Armed Services because of their race, thereby violating the written assurances described in paragraph 19 and causing irreparable injury to the plaintiff, consisting of impairment of the service and morale of its military and civilian personnel and the separation of servicemen from their families when Negro servicemen send their children to schools outside the area of the military installation at which they are stationed in order to avoid subjecting the children to racial discrimination in the children's education.

29. The plaintiff has no adequate remedy at law.

SECOND CLAIM

The United States, as a claim against the City of Huntsville Board of Education, A. V. Sneed, L. A. Davis, Marvin Drake, J. C. McKinney, Jr., Milton Frank and Raymond Christian, alleges:

30. Plaintiff realleges all of the facts alleged in paragraphs 1, 2, 3, 7, 8, 9, 10, 11, 17, 20, 22, 25, 27, 28 and 29 of the First Claim.

31. The City of Huntsville Board of Education (hereafter referred to as the City Board) is vested under Alabama law with general administration and supervision of the public schools of the City of Huntsville and such adjacent territory as has been annexed as a part of the city school district. The City Board is composed of five members. Its principal office is in the City of Huntsville.

32. A. V. Sneed is President of the City Board and L. A. Davis, Marvin Drake, J. C. McKinney, Jr., and Milton Frank are members of the City Board. Each resides in Huntsville.

33. Dr. Raymond Christian is the Superintendent of Education of the City of Huntsville and as such is the chief executive officer of the City Board. He resides in the City of Huntsville.

34. The City Board maintains and operates 28 public schools for the education of children residing within the City of Huntsville, including dependents of members and civilian employees of the plaintiff's Armed Services. These schools are Blossomwood, Chapman, Davis Hills, East Clinton, Fifth Avenue, Lakewood, Lincoln, Madison Pike, Monte Sano, Terry Heights, University Place, West Huntsville, Whitesburg, Highlands, Ridgecrest and West End elementary schools; Calvary Hills and J. J. Bradley elementary-junior high schools; Huntsville, Rison, Westlawn, Davis Hills and Whitesburg junior high schools; Butler, Huntsville, and Lee senior high schools; Council elementary-high school and West Clinton school for handicapped children.

35. Under the provisions of Chapter 13 of Title 20 of the United States Code, the Commissioner of Education has approved and the plaintiff has paid to the City Board during the period from 1951 to the present time a total of \$3,622,666 for the maintenance and operation of its schools. These grants were approved and the payments made on account of the City Board providing public education for the dependents of members and civilian employees of the plaintiff's Armed Services, and the proceeds were used and are being used by the City Board to defray the general cost of maintaining and operating its public schools. A tabulation of the grants paid and the number of service-connected dependents on whose account they have been paid, for each year since 1951, is set forth in Appendix C to this complaint.

36. Under the provisions of Chapter 19 of Title 20, United States Code, the United States Commissioner of Education has approved and the plaintiff has paid or agreed to pay grants in the total amount of \$4,404,861.47 during the period from 1950 to the present time for the construction and improvement of the schools under the operating jurisdiction of the City Board. A tabulation of the funds paid by the plaintiff to the City Board on individual construction projects appears as Appendix D to this complaint.

37. Madison Pike elementary school is located at 4801 Bob Wallace Street, Southwest, and adjacent to Redstone Arsenal. The construction of Madison Pike elementary school, consisting of eight self-contained classrooms, sixteen regular classrooms, library with visual aid and work room,

cafetorium with stage, kitchen with service areas, suite containing teachers' lounge, teachers' work room and book room, administrative suite including clinic, auxiliary facilities, covered corridors, loading entrance, site work, including walks, driveways, and parking area, was completed on December 18, 1958, at a total cost of \$473,144.96. The plaintiff has paid to the City Board the total cost of this construction under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code. A further addition to Madison Pike elementary school, consisting of four self-contained classrooms, eight regular classrooms, auxiliary facilities, and necessary equipment, was completed on November 11, 1959, at a total cost of \$114,898.82. The plaintiff has paid to the City Board the total cost of this construction under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

38. Westlawn Junior High School is located on 9th Avenue, West, in Huntsville. An addition to Westlawn Junior High School, consisting of ten classrooms, gymnasium-auditorium with stage, boys' and girls' service areas, appurtenant facilities, cafeteria with kitchen and related service areas, covered walkways and site work, was completed on April 19, 1960 at a total cost of \$385,038. Of this total cost of construction, the plaintiff has paid \$370,500 to the City Board under a grant applied for by the City Board and

approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

39. S. R. Butler High School is located at 2620 Clinton Avenue, West, in Huntsville, and approximately one-and-one-quarter miles from Redstone Arsenal. An addition to Butler High School consisting of a biology laboratory, general science laboratory, home-making department containing food laboratory, sewing laboratory, living-dining room and foyer, library and workroom, tower stairs connecting to existing building, heating from new boiler in renovated existing boiler room, auxiliary facilities and necessary site work, was completed on December 29, 1960, at a total cost of \$147,489.41. Of this total cost of construction, the plaintiff has paid \$81,511 to the City Board under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

40. Huntsville High School is located at 2304 Billie Watkins Street in Huntsville. The construction of Huntsville High School, consisting of thirteen special classrooms, nine standard classrooms, one study hall, one library, forty special rooms, one gymnasium complete with locker room, showers, director's room and coaches' quarters, one auditorium complete with stage and dressing rooms, one cafeteria and kitchen, rest rooms and administrative suite, was completed on December 2, 1954, at a total cost of \$861,146.61. Of this total cost of construction, the plaintiff has paid \$625,859 to the City Board under a grant applied for by

the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code. A further addition to Huntsville High School, consisting of twelve regular classrooms, lobby connected to existing wing, auxiliary facilities and new boiler, was completed on July 24, 1957, at a total cost of \$173,901.50. Of this total cost of construction, the plaintiff has paid \$138,700 to the City Board under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19, Title 20, United States Code.

41. Council Elementary-High School is located at 609 Pelham Street in Huntsville. An addition to Council Elementary-High School, consisting of four classrooms, band room with office and instrument storage room, library with work room and conference room, office suite, cafeteria, covered passages and toilets, was completed on August 23, 1955, at a total cost of \$103,586. Of this total cost of construction, the plaintiff has paid \$55,971 to the City Board under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19, Title 20, United States Code.

42. Huntsville Junior High School is located at 604 Randolph Avenue in Huntsville. An addition to Huntsville Junior High School, consisting of four classrooms, library and work room, and auxiliary facilities, was completed on August 23, 1955 at a total cost of \$78,070. The plaintiff has paid to the City Board the total cost of this

construction under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

43. Blossomwood Elementary School is located at 1321 Woodmont Avenue in Huntsville. The construction of Blossomwood Elementary School, consisting of twelve classrooms, visual aid room, library, book room, cafeteria with stage, kitchen, office suite, clinic, teachers' room, boiler room, auxiliary facilities, loading dock and roadways, was completed on May 4, 1956 at a total cost of \$238,781.43. Of this total cost of construction, plaintiff has paid \$207,450 to the City Board under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code. A further addition to Blossomwood Elementary School, consisting of four self-contained classrooms and four regular classrooms, auxiliary facilities, site work and necessary equipment, was completed on November 7, 1957 at a total cost of \$81,580.70. The plaintiff has paid to the City Board the total cost of this construction under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

44. Terry Heights Elementary School is located at 2820 Barbara Drive in Huntsville. An addition to Terry Heights Elementary School, consisting of two self-contained classrooms, four regular classrooms and auxiliary facilities, was completed on October 11, 1956, at a total cost of \$67,542.63. Of this total cost of construction, the

plaintiff has paid \$51,300 to the City Board under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

45. Whitesburg Elementary School is located on Whitesburg Drive in Huntsville. The construction of Whitesburg Elementary School, consisting of two self-contained classrooms, six regular classrooms, cafeteria-kitchen, administrative suite, boiler room, auxiliary facilities, site work and septic tank and field, was completed on December 18, 1958 at a total cost of \$150,332.63. Of this total cost of construction, the plaintiff has paid \$143,000 to the City Board under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

46. Lee High School is located at 606 Forest Circle, Northeast, in Huntsville. The construction of Lee High School, consisting of seventeen regular classrooms, drafting room, shop, science-physics room with work room, biology room with office and work room, book-keeping and typing suite, two home economics rooms, band room, choral room with office, art room, audio-visual room, cafeteria with kitchen and service rooms, administrative suite, auditorium with stage, dressing rooms and lobby, library, boiler rooms, auxiliary facilities, site work, drives and parking areas, was completed on June 17, 1958 at a total cost of \$1,055,633.46. Of this total cost of

construction, the plaintiff has paid \$668,570 to the City Board under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

47. Lakewood Elementary School is located on Mastin Lake Road in Huntsville. The construction of Lakewood Elementary School, consisting of four self-contained classrooms, six regular classrooms, cafeteria, kitchen with service areas, administrative suite, clinic, teachers' lounge, boiler room, auxiliary facilities, site work and bus loading platform, was completed on April 15, 1959 at a total cost of \$218,824.39. Of this total cost of construction, the plaintiff has paid \$208,750.00 to the City Board under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code. A further addition to Lakewood Elementary School, consisting of six self-contained classrooms, three regular classrooms, library and book storage, cafetorium with stage, dressing and storage rooms, conversion of existing temporary lunchroom to two regular classrooms, auxiliary facilities and necessary equipment, was completed on March 8, 1960 at a total cost of \$166,322.03. The plaintiff has paid to the City Board the total cost of this construction under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

48. Monte Sano Elementary School is located on Monte Sano Boulevard in Huntsville. The construction of Monte Sano Elementary School, consisting of four self-contained classrooms, entry, administrative suite, including teachers' lounge, cafetorium, kitchen with service areas, auxiliary facilities, site work, septic tank and field, and necessary equipment, was completed on September 9, 1959 at a total cost of \$136,576.61. Of this total cost of construction, the plaintiff has paid \$85,332.00 to the City Board under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

49. University Place Elementary School is located on U. S. Highway 72, West, in Huntsville. The construction of University Place Elementary School, consisting of ten regular classrooms, cafeteria, kitchen with service areas, administrative suite with clinic and teachers' lounge, all-purpose room, utility room, auxiliary facilities, site work, covered walks, bus loading platform, and septic tank and field, was completed on May 5, 1959 at a total cost of \$227,104.95. Of this total cost of construction, the plaintiff has paid \$103,083.00 to the City Board under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

50. Davis Hills Elementary School is located on Mastin Lake Road in Huntsville. An addition to Davis Hills Elementary School, consisting of six regular classrooms, two

self-contained classrooms, office, temporary lunchroom and kitchen in two future classrooms, boys' and girls' toilets, boiler room, janitor and storage rooms, auxiliary facilities, walks and drives, was completed on March 23, 1960 at a total cost of \$155,408.00. Of this total cost of construction, the plaintiff has paid \$137,800.00 to the City Board under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

51. Whitesburg Junior High School is located on Whitesburg Drive in Huntsville. Its construction, consisting of eighteen regular classrooms, science room with related areas, audio-visual room, music room with related areas, custodian's room, homemaking instruction room with clothing and foods laboratories, manual arts shop with tool room and small office, library with conference and workrooms, cafeteria, administrative suite consisting of principal's office, assistant principal's office, general office and workroom, clinic, teachers' lounge and storage, combination assembly and physical education room with stage, dressing room, boys' and girls' locker-dressing rooms, shower and toilet rooms, boiler room, auxiliary facilities, covered walks with bus loading zone, site work including walks, and sewer connecting to existing city sewer line, is currently underway. The plaintiff has reserved a total of \$539,750.00 to be used as the entire cost of the construction of this school under a grant applied for by the City Board and

approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

52. J. J. Bradley Junior High School is located on Triana Boulevard in Huntsville. An addition to J. J. Bradley Junior High School, consisting of eighteen classrooms, an assistant principal's office, teachers' lounge, boiler room, toilets, corridors and auxiliary facilities, is presently under construction. The total anticipated cost of construction of this addition is \$267,793, for which the plaintiff has reserved a total of \$74,430 to be paid to the City Board under a grant applied for by the City Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code. Of the total amount reserved under this grant the plaintiff has, to date, paid the City Board \$66,987.

53. In connection with each of its applications for a grant under Chapter 19 of Title 20, United States Code, as referred to in paragraphs 36 through 52, the City Board gave written assurance, as required by 20 U.S.C. 636, that the school facilities of the City Board "will be available to the children for whose education contributions are provided . . . on the same terms, in accordance with the laws of the state in which applicant is situated, as they are available to other children in applicant's school district."

54. The defendant City Board has operated and is presently operating Blossomwood, Chapman, Davis Hills, East Clinton, Fifth Avenue, Lakewood, Lincoln, Madison Pike,

Monte Sano, Terry Heights, University Place, West Huntsville, Ridgecrest, Highlands and Whitesburg elementary schools; J. J. Bradley, Davis Hills, Whitesburg, Huntsville, Rison, and Westlawn junior high schools; Butler, Huntsville and Lee senior high schools; and West Clinton school for handicapped children for the education of white children exclusively. The defendant City Board has operated and is presently operating West End Elementary School; Calvary Hill Elementary-Junior High School and Council Elementary-High School for the education of Negro children exclusively.

55. There are approximately 9,000 children of military personnel and civilian employees of the plaintiff stationed or employed at Redstone Arsenal who are attending the public schools operated by the City Board. Of these children, approximately 500 are Negroes.

56. Of the children referred to in the preceding paragraph, approximately 700 are children of military personnel living within the Arsenal. Of these, approximately 17 are Negroes.

57. By reason of the policy and practice of the City Board to assign students to schools according to their race, all Negro school-age dependents of the members and employees of plaintiff's Armed Services stationed or employed at Redstone Arsenal and attending the schools operated by the City Board are compelled to attend schools operated exclusively for members of the Negro race and are not permitted to attend schools available to white children similarly situated.

58. The City Board has failed and is now failing and refusing to perform each of its assurances referred to and described in paragraph 53.

WHEREFORE, plaintiff prays that this Court enter an order enjoining the defendants, their successors in office, agents, employees, and all persons in active concert or participation with them, from segregating or discriminating against, among, or between, upon the basis of their race or color, any dependents of the members or employees of the Armed Services of the plaintiff in the operation of public schools under their jurisdiction, together with such additional relief as may be appropriate.

UNITED STATES OF AMERICA,
Plaintiff,

By:

BURKE MARSHALL
Assistant Attorney General

MACON L. WEAVER
United States Attorney

ST. JOHN BARRETT, Attorney
Department of Justice

DAVID H. MARLIN, Attorney
Department of Justice

APPENDIX A

FEDERAL PAYMENTS MADE TO MADISON COUNTY BOARD OF EDUCATION, ALABAMA, FOR
CURRENT OPERATING EXPENSES OF SCHOOLS UNDER PUBLIC LAW 874 AND THE
NUMBER OF FEDERALLY CONNECTED CHILDREN BY CATEGORY COUNTED FOR
PAYMENT FOR FISCAL YEARS 1/ 1951 AND 1955 THROUGH 1962

Fiscal Year	No. of Children Counted for Payment "A" Category <u>2/</u>	"B" Category <u>3/</u>	"E" Category <u>4/</u>	Federal Payment
(1)	(2)	(3)	(4)	(5)
1951	--	1,084	176	\$29,358
1955	--	1,889	--	56,032
1956	245	1,823	--	75,649
1957	--	1,137	--	72,599
1958	--	1,559	--	113,625
1959	173	1,650	--	144,985
1960	99	1,595	--	140,393
1961	105	1,820	--	166,395
1962	89	1,904	--	181,177
Total	711	14,461	176	980,213

1/ No application 1952 through 1954.

2/ Children who live on Federal property with a parent employed on Federal property.

3/ Children who live on Federal property or with a parent employed on Federal property, but not both.

4/ Children for whom 3(a) or 3(b) entitlement was increased by the amount of State aid for which the school district was not yet eligible (State aid lag). This provision was eliminated by Public Law 248, effective July 1, 1954.

APPENDIX B

SCHOOL CONSTRUCTION PROJECTS APPROVED UNDER PUBLIC LAW 815 FOR MADISON COUNTY BOARD OF EDUCATION,
ALABAMA, INCLUDING APPLICATION PERIODS, PROJECT NUMBERS, DATES OF PROJECT APPROVAL, FEDERAL
AND LOCAL FUNDS EXPENDED AND TOTAL PROJECT COSTS FOR THE PERIOD FISCAL 1951 THROUGH 1961

Application Period (1)	Project Number (2)	Date Project Approved (3)	Federal Funds (4)	Local Funds (5)	Total Cost (6)
1950-52	52-C-8C	October 2, 1952	\$120,554.33	\$ --	\$120,554.33
1952-54	54-C-8AA	November 15, 1954	188,680.00	14,831.87	203,511.87
1957-59	59-C-8A9	August 6, 1958	77,312.59	--	77,312.59
1957-59	59-C-8B9	July 24, 1958	141,387.00	36.87	141,423.87
Total			\$527,933.92	\$14,868.74	\$542,802.66

APPENDIX C

FEDERAL PAYMENTS MADE TO HUNTSVILLE CITY BOARD OF EDUCATION, HUNTSVILLE, ALABAMA,
FOR CURRENT OPERATING EXPENSES OF SCHOOLS UNDER PUBLIC LAW 874 AND THE NUMBER
OF FEDERALLY CONNECTED CHILDREN BY CATEGORY COUNTED FOR PAYMENT FOR
FISCAL YEARS 1951 THROUGH 1962

Fiscal Year (1)	No. of Children Counted for Payment "A" Category <u>1/</u> (2)	"B" Category <u>2/</u> (3)	"E" Category <u>3/</u> (4)	Federal Payment (5)
1951	--	521	43	\$12,407
1952	--	787	241	43,458
1953	--	835	48	26,395
1954	--	1,090	255	54,740
1955	--	1,120	--	36,140
1956	--	1,334	--	90,673
1957	--	3,641	--	270,849
1958	328	4,172	--	365,482
1959	477	5,424	--	481,648
1960	756	6,220	--	629,721
1961	743	7,430	--	755,514
1962	692	8,152	--	855,639
Total	2,996	40,726	587	\$3,622,666

1/ Children who live on Federal property with a parent employed on Federal property.

2/ Children who live on Federal property or with a parent employed on Federal property,
but not both.

3/ Children for whom 3(a) or 3(b) entitlement was increased by the amount of State aid
for which the school district was not yet eligible (State aid lag). This provision
was eliminated by Public Law 248, effective July 1, 1954.

APPENDIX D

SCHOOL CONSTRUCTION PROJECTS APPROVED UNDER PUBLIC LAW 815 FOR CITY BOARD OF EDUCATION OF THE CITY HUNTSVILLE, ALABAMA, INCLUDING APPLICATION PERIODS, PROJECT NUMBERS, DATES OF PROJECT APPROVAL, FEDERAL AND LOCAL FUNDS EXPENDED AND TOTAL PROJECT COSTS FOR THE PERIOD FISCAL 1951 THROUGH 1961

Application Period	Project Number	Date Project Approved	Federal Funds	Local Funds	Total Cost
1950-52	52-C-1F	September 5, 1952	\$625,859.00	\$235,287.61	\$861,146.61
1952-54	54-C-1BB	September 23, 1954	55,971.00	47,615.00	103,586.00
1952-54	54-C-1CC	October 4, 1954	78,070.00	--	78,070.00
1954-56	56-C-1A6	June 22, 1955	207,450.00	31,331.43	238,781.43
1954-56	56-C-1B6	March 19, 1956	51,300.00	16,242.63	67,542.63
1954-56	56-C-1C6	October 15, 1956	138,700.00	35,201.50	173,901.50
1956-58	58-C-1A8	April 3, 1957	668,570.00	387,063.46	1,055,633.46
1956-58	58-C-1B8	April 8, 1957	81,580.70	--	81,580.70
1957-59	59-C-1A9	June 2, 1958	143,000.00	7,332.63	150,332.63
1957-59	59-C-1B9	June 2, 1958	208,750.00	10,074.39	218,824.39
1957-59	* 59-C-1C9	June 2, 1958	85,332.00	51,244.61	136,576.61
1957-59	59-C-1D9	June 2, 1958	103,083.00	124,021.95	227,104.95
1957-59	59-C-1E9	March 19, 1958	473,144.96	--	473,144.96
1957-59	59-C-1F9	November 20, 1959	81,511.00	65,978.41	147,489.41
1958-60	60-C-1A10	April 3, 1959	370,500.00	14,538.00	385,038.00
1958-60	60-C-1B10	May 14, 1959	114,898.82	--	114,898.82
1958-60	60-C-1C10	July 2, 1959	137,800.00	17,608.00	155,408.00
1958-60	60-C-1D10	July 14, 1959	166,322.03	--	166,322.03
1959-61	* 61-C-1A11	March 21, 1961	538,588.96	--	538,588.96
1959-61	* 61-C-1B11	November 8, 1961	74,430.00	193,363.00	267,793.00
Total			\$4,404,861.47	\$1,236,902.62	\$5,642,925.13

* Under construction