

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

BRENDA KAY MONROE, an infant, by William
Monroe, her father and next friend,

HAROLD DWAYNE WALKER, an infant, by
Frank Walker and Mrs. Rolean Walker,
his father and mother and next friends,

GEORGIA STEPHANIE SPRINGFIELD, an
infant, by Mrs. Mildred T. Springfield,
her mother and next friend,

MARIA BONITA MARTIN, an infant, by
Kenneth A. Martin and Mrs. Eva M.
Martin, her father and mother and next
friends, and

WILLIAM MONROE,
FRANK WALKER,
MRS. ROLEAN WALKER,
MRS. MILDRED T. SPRINGFIELD,
KENNETH A. MARTIN,
MRS. EVA M. MARTIN,

Plaintiffs

VS.

CIVIL ACTION NO.

1327

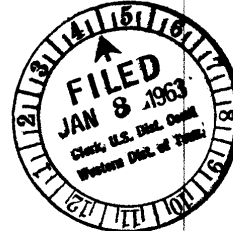
BOARD OF COMMISSIONERS OF THE CITY
OF JACKSON, TENNESSEE, CONSTITUTING
THE BOARD OF EDUCATION OR SCHOOL
COMMISSIONERS OF SAID CITY, and
QUINTON D. EDMONDS, R. L. PATEY, and
R. E. BAILEY, Board Members or Com-
missioners, who together as such, com-
prise the Board of Commissioners of
the City of Jackson, Tennessee, con-
stituting the Board of Education or
School Commissioners of said City;

C. J. HUCKABA, City School Superintendent
and/or Superintendent of Public Instruction
of the City of Jackson, Tennessee;

COUNTY BOARD OF EDUCATION OF MADISON COUNTY,
TENNESSEE, and R. E. ROOKS, L. T. GREER,
J. D. LILLARD, NEIL SMITH, R. D. PEARSON,
JIMMY C. BOND, and TAYLOR ROBINSON, Board
Members, who together, as such, constitute
the County Board of Education of Madison
County, Tennessee; and

JAMES L. WALKER, County School Superintendent
and/or Superintendent of Public Instruction
of Madison County, Tennessee,

Defendants



COMPLAINT

1. (a) The jurisdiction of this Court is invoked under Title 28, United States Code, Section 1331, as this action arises under the Fourteenth Amendment to the Constitution of the United States, Section 1, and Title 42, United States Code, Section 1981. The matter in controversy, exclusive of interest and costs, exceeds the sum or value of Ten Thousand (\$10,000.00) Dollars.

(b) The jurisdiction of this Court is further invoked under Title 28, United States Code, Section 1343, in that:

This action is authorized by Title 42, United States Code, Section 1983, to be commenced by any citizen of the United States or other person within the jurisdiction thereof to redress the deprivation, under color of state law, statute, ordinance, regulation, custom or usage, of rights, privileges and immunities secured by the Fourteenth Amendment, Section 1, of the Constitution of the United States and secured by Title 42, United States Code, Section 1981, providing for the equal rights of citizens and of all persons within the jurisdiction of the United States.

2. This action is a proceeding under Title 28, United States Code, Sections 2201 and 2202 for a judgment declaring the rights and other legal relations of plaintiffs and all other persons, similarly situated, eligible to attend public schools owned, maintained and operated by the City Board of Education or School Commissioners of the City of Jackson, Tennessee and/or the County Board of Education of Madison County, Tennessee, in and for said City, County and State, and demanding an injunction, for the purpose of determining and redressing questions and matters of actual controversy between the parties, to wit:

(a) Whether the custom, policy, practice or usage of the defendants in excluding plaintiffs and other persons, similarly situated, from public schools owned, maintained and operated by the

City Board of Education or School Commissioners of Jackson, Tennessee and by the County Board of Education of Madison County, Tennessee, in and for said City of Jackson and County of Madison, State of Tennessee, and in requiring Negro school children residing in said City and County, to attend racially segregated schools operated by said City or County Boards of Education, or any other agency, public or private, solely because of their race or color, and in operating compulsory racially segregated school systems in and for said City of Jackson and County of Madison, pursuant to Sections 49-3701, 49-3702 and 49-3703, (Tennessee Code Annotated, 1955), and that portion of Section 12 of Article 11 of the Tennessee Constitution which makes it unlawful for white and colored persons to attend the same school, and pursuant to any other law, custom, policy, practice, or usage, violates the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States.

3. Plaintiffs bring this action pursuant to Rule 23, (a) (3) of the Federal Rules of Civil Procedure as a class action for themselves and on behalf of all other persons similarly situated, who are so numerous as to make it impracticable to bring them all before the Court, and who seek a common relief based upon common questions of law and fact.

4. Plaintiffs are Negroes and are citizens of the United States and of the City of Jackson, County of Madison and State of Tennessee. All adult plaintiffs are parents and/or guardians of the infant plaintiffs, and reside with the infant plaintiffs in the City of Jackson, and within the County of Madison, State of Tennessee. The infant plaintiffs are school children, eligible to attend the public schools of the City of Jackson and County of Madison, State of Tennessee, and have been attending said schools and can satisfy all requirements for admission to the public schools

maintained and operated by the defendant, City Board of Education or School Commissioners of the City of Jackson, Tennessee in and for said City, and by the defendant, County Board of Education of Madison County, Tennessee in and for said County, including the schools to which they respectively applied as hereinafter shown.

5. (a) The defendant, Board of Commissioners of the City of Jackson, Tennessee constitutes the City Board of Education or School Commissioners of said City and is composed of the following Board Members or Commissioners: the defendants, Quinton D. Edmonds, R. L. Patey and R. E. Bailey, who together comprise the Board of Commissioners of Jackson, Tennessee constituting the City Board of Education or School Commissioners of said City and who are hereinbefore and hereinafter referred to as defendant, City Board of Education.

(b) The defendant, County Board of Education of Madison County, Tennessee is composed of the following Board Members: The defendants, R. E. Rooks, L. T. Greer, J. D. Lillard, Neil Smith, R. D. Pearson, Jimmy C. Bond, and Taylor Robinson, who together constitute the County Board of Education of Madison County, Tennessee and who are hereinafter referred to as defendant, County Board of Education.

(c) Both of said defendants, City Board of Education and County Board of Education, exist pursuant to the Constitution and laws of the State of Tennessee as administrative departments or agencies of the State of Tennessee, discharging governmental functions and are by law, bodies corporate or continuous bodies or entities, and are being sued herein as such corporate or continuous bodies or entities.

(d) All of said defendants, above named as Board Members or Commissioners of the defendant, City Board of Education, and as Board Members of the defendant, County Board of Education, are citizens and residents of the State of Tennessee, and are being sued herein in their official capacities as such Board Members or

Commissioners, and also are being sued herein as individuals.

(e) Defendant, C. J. Huckaba, is Superintendent of the City Schools of Jackson, Tennessee, and defendant, James L. Walker, is Superintendent of the Public Schools of Madison County, Tennessee. Both of said defendants hold office pursuant to the Constitution and laws of the State of Tennessee as administrative officers of the free public school systems of Tennessee. They are citizens and residents of the State of Tennessee and are made defendants herein and sued in their respective official capacities as stated hereinabove and also are being sued herein respectively as individuals.

6. The State of Tennessee has declared public education a State function. The Constitution of Tennessee, Article 11, Section 12, provides:

"Knowledge, learning, and virtue, being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the State being highly conducive to the promotion of this end, it shall be the duty of the General Assembly, in all future periods of this Government, to cherish literature and science."

Pursuant to this mandate the Legislature of Tennessee has established a uniform system of free public education in the State of Tennessee according to a plan set out in the Tennessee Code Annotated, 1955, Sections 49-101 through 49-3806, and supplements and amendments thereto. The establishment, maintenance and administration of the public school system of Tennessee is vested in a Commissioner of Education, a State Board of Education, County Superintendents of Public Schools, and County and City Boards of Education.

7. The public schools of the City of Jackson, Tennessee are under control and supervision of defendant, City Board of Education, and defendant, C. J. Huckaba, acting as an administrative department, division or agency, and as an agent of the State of

Tennessee. The public schools of Madison County, Tennessee, are under the control and supervision of defendant, County Board of Education and defendant, James L. Walker, acting as an administrative department, division or agency and as an agent of the State of Tennessee. Said City and County Boards of Education are respectively charged and vested with the administration, management, government, supervision, control and conduct of public schools within said City of Jackson and County of Madison, respectively, and are vested with all powers and duties pertaining to, connected with, or in any manner incident to the proper conduct and control of the public schools of said City and County, respectively. Said City and County Boards of Education are under a duty to enforce the school laws of the State of Tennessee, to maintain efficient public school systems in the City of Jackson and in Madison County, Tennessee, respectively; to determine the studies to be pursued, the methods of teaching, and to establish such schools as may be necessary for the completeness and efficiency of said respective school systems. Defendant, C. J. Huckaba, as Superintendent of Jackson City Schools, and defendant, James L. Walker, as Superintendent of the Madison County Schools, respectively, have the immediate control of the operation of the public schools of said City and County, and are the respective administrative agents for the defendants, City Board of Education and County Board of Education.

8. Plaintiffs allege that the defendant, City Board of Education and its Superintendent, C. J. Huckaba, acting under color of the laws of the State of Tennessee and County of Madison, have pursued and are presently pursuing a policy, custom, practice and usage of operating a compulsory racially segregated school system in and for the City of Jackson, Tennessee. Likewise the defendant, County Board of Education and its Superintendent, James L. Walker, acting under color of the laws of the State of Tennessee and County

of Madison, also have pursued and are presently pursuing a policy of operating a compulsory racially segregated school system in and for the County of Madison, State of Tennessee. The racially segregated school systems respectively operated by defendants, consist of "primary" systems of public schools limited to and/or designated for attendance by white children residing within the boundaries of said City of Jackson, and/or the County of Madison, respectively. Said schools are staffed by white teachers, white principals and white sustaining personnel. Said "white" schools are located in various parts of the City of Jackson and Madison County, respectively, and regardless of location, these schools are and have been designated as "white" schools and, with certain exceptions hereinafter mentioned, may be attended by white children only. Likewise said defendants, City Board of Education and County Board of Education, respectively maintain "secondary" systems of "colored" or "Negro" schools designated as such by defendants, and limited to attendance by Negro children. These school systems are respectively staffed by entirely Negro personnel; the teachers are all Negroes, the principals and all sustaining personnel are Negroes. These schools, regardless of location, are limited to attendance by Negro children. These compulsory racially segregated school systems operated respectively by the defendants, City Board of Education and County Board of Education are based solely upon race and color; attendance at the various schools is solely based on race and color and the assignment of personnel is determined solely upon the race and color of the children attending the particular school and the race and color of the personnel to be assigned. Plaintiffs are informed and believe and therefore aver upon said information and belief that the defendants have not maintained geographical zone lines. However, the schools in said "Negro" and "white" systems are and have been designated and

maintained by defendants exclusively on the basis of race and color and assignments of students to these schools are and have been made by the defendants on the basis of the designation and past use of a school as a "Negro" or "white" school and the race or color of the pupil to be assigned, all white children being mandatorily assigned to the "white" schools and all Negro children being mandatorily assigned to the "Negro" schools. For many years, both the defendants, City Board of Education and County Board of Education, have respectively adopted, maintained and enforced and they still are respectively maintaining and enforcing this custom, policy, practice or usage of compulsory racially segregated systems in the schools of said City and County over which said defendants respectively have jurisdiction and control, pursuant to which they have required and are still requiring all Negro children, including the infant plaintiffs, to be assigned to said schools designated exclusively for Negro children.

9. From time to time since 1954 or 1955, Negro citizens and residents of the City of Jackson and County of Madison have requested the defendants to cease operating said compulsory racially segregated public school systems in and for the City of Jackson and County of Madison, State of Tennessee, and to comply with the decision of the Supreme Court of the United States in the Segregation Cases; and also for several years defendants have been fully aware of their affirmative duty under the decisions of said Court to desegregate all public facilities under their jurisdiction and control. Defendants have continued, however, to operate said compulsory racially segregated public school systems in said City and County and have failed and refused to formulate or adopt any plan for desegregating same.

10. In August, 1961 several Negro children residing in Jackson, Tennessee made application to the defendant, City Board of Education, for admission to "white" schools. Said defendant

treated these as applications for transfer, and in January, 1962, granted the applications of three of said Negro children for "transfer" to a single "white" school, simultaneously issuing the following official statement which was published in the Jackson Sun, a local newspaper, on the 25th day of January, 1962:

"In compliance with the decree of the United States Supreme Court in the case of Brown vs. School Board, and the decrees of the United States District Court for the Western District of Tennessee, interpreting and implementing the decree of the Supreme Court in the Brown case, the Board of Commissioners (school board) of the City of Jackson, Tennessee, by unanimous decision pursuant to Tennessee's Pupil Placement Act, approves these applications effective today."

Thereafter said defendant continued and still continues to treat all applications of Negro school children for admission to "white" schools as applications for "transfer" under the Tennessee Pupil Assignment Law (Tennessee Code Annotated, 1955, Section 49-1741, et seq.), and of the many such applications it has received, it has permitted only four additional Negro school children to be enrolled in its said "white" schools as of the current date. No white school children in the City of Jackson or County of Madison are or have ever been enrolled in any of the "Negro" schools of said City or County, and the schools of both of said school systems continue to be operated by defendants on the basis of "white schools" for white children and "Negro schools" for Negro children.

In June, 1962, the infant plaintiff, Brenda Kay Monroe, through her parents, made written application to the defendant, City Board of Education, to be admitted to Jackson Senior High School, a "white" school operated by said defendant, for the school year 1962-63 beginning in August, 1962. In July, 1962, the infant plaintiff, Harold Dwayne Walker, made application to said defendant, City Board of Education, to be admitted to the Alexander Elementary School, a "white" school operated by said

defendant, for the 1962-63 school year beginning in August, 1962. Said infant plaintiffs pursued the administrative remedies provided under the Tennessee Pupil Assignment Law, but their said applications were denied by defendants solely on account of their race or color.

Plaintiffs aver that the aforesaid action, or any other action of defendants in attempting to adopt or apply the Tennessee Pupil Assignment Law as a plan of desegregation, is invalid and does not comply with the requirement of the Fourteenth Amendment to the Constitution of the United States in that said law is not and does not purport to be a plan of desegregation, and is inadequate as a plan for reorganizing the public schools into a non-racial system; nor does said law afford an adequate administrative remedy for plaintiffs, in view of defendants' continuing policy, practice, custom and usage of racial segregation and their failure and refusal to reorganize said school systems on a nonracial basis.

11. At the beginning of the school term, i.e., to-wit: in August, 1962, the infant plaintiff, Brenda Kay Monroe, presented herself with her father and made proper and timely application for admission to said Jackson Senior High School, but was denied admission to said school by defendants, solely on account of her race or color. On the same day, the infant plaintiffs, Harold Dwayne Walker and Georgia Stephanie Springfield, presented themselves together with some of their parents and made proper and timely applications for admission to the Alexander Elementary School. Both of said plaintiffs were refused and denied admission by defendants to the said Alexander Elementary School, solely on account of plaintiffs' race or color. All of said infant plaintiffs reside in close proximity to the respective schools to which they applied and would have been admitted had they been

white children. The plaintiffs, Brenda Kay Monroe and Harold Dwayne Walker, live much nearer to said schools to which they applied than to the "Negro" schools which they are and have been required by the defendants to attend. The infant plaintiff, Georgia Stephanie Springfield, had not attended school in the past, but was entering the first grade, and lives much nearer to Alexander Elementary School than to the "Negro" school which defendant, City Board, requires her to attend. The plaintiffs, Kenneth A. Martin and wife, Eva M. Martin, and their child, the infant plaintiff, Maria Bonita Martin, are presently residing near a school designated by the defendants as a "Negro" school; however, they join in this action for the reason that said infant plaintiff, Maria Bonita Martin, as well as other persons similarly situated, are being denied their rights to enjoy a non-discriminatory public education by reason of the compulsory racially segregated public school systems which the defendants are maintaining and operating in and for the City of Jackson and County of Madison, State of Tennessee, as more fully shown hereinafter.

(a) Defendants' requirement of compulsory racial segregation imposes unreasonable burdens upon the infant plaintiffs and other Negro school children similarly situated who live near schools which white children living in the same area are permitted to attend, but plaintiffs and all other Negro children are refused assignment to these "white" schools and required to travel greater distances to "Negro" schools, solely because of their race or color.

(b) Plaintiffs aver that while some of them sought and seek admission of their children to the respective schools to which they applied as aforesaid, same being the schools of their choice and nearer to their homes, all of the plaintiffs further insist that the operation of said compulsory racially segregated school systems in the City of Jackson and in the County of Madi-

son violates rights of the plaintiffs and members of their class which are secured to them by the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Federal Constitution. The compulsory racially segregated school system is predicated on the theory that Negroes are inherently inferior to white persons and, consequently, may not attend the same public schools attended by white children, who are superior. The plaintiffs, and members of their class, are injured by the policy of assigning teachers, principals and other school personnel on the basis of the race and color of the children attending a particular school and the race and color of the person to be assigned. Assignment of school personnel on the basis of race and color is also predicated on the theory that Negro teachers, Negro principals and other Negro school personnel are inferior to white teachers, principals and other white school personnel and, therefore, may not teach or serve white children. Thus all of the plaintiffs are affected and injured by defendants' aforesaid policy, practice, custom or usage, whether they are thereby excluded from a white school nearer their homes, or whether, on the other hand, they are required to attend a school nearer their homes but which is designated and stigmatized as a "Negro" school, from which all children of other racial extractions are excluded.

(c) Plaintiffs further aver that, while the "white" schools owned, maintained and operated by the defendants, City Board of Education and County Board of Education, are in general, modern, well-equipped and well-staffed, with adequate facilities of all kinds and with broad, up-to-date curricula, textbooks and programs designed to afford their students a good education, plaintiffs are informed and believe, and aver upon said information and belief, that most of the "Negro" schools in both of said school systems, including the "Negro" City schools which

the infant plaintiffs have been attending, are substandard, under or inadequately staffed, and poorly equipped, with lacking or inadequate library, cafeteria and health facilities, and with inadequate or outdated academic facilities, textbooks and other training aids which are frequently handed down to them after being discarded in the "primary" systems of "white" schools operated by defendants. Said City and County School Systems are closely related and interdependent insofar as the rights which plaintiffs here seek to redress are concerned, as illustrated by the fact that all school children residing in the City of Jackson may apply and be admitted freely to the schools operated by said County Board of Education, except that said County Board likewise enforces racial segregation in said County Schools, limiting admission of Negro children to "Negro schools" therein. In addition, administrative transfers have been rather freely permitted by defendants Boards of Education between said City and County School Systems, so long as this could be done without affecting said defendants' mutual policies and practices of racial segregation in the two school systems. Said County Board of Education operates the only High School in Madison County offering certain technical or vocational courses vital to adequate preparation of children with aptitudes for science and technology in a modern age, and "white" children residing in the City of Jackson as well as the County of Madison are freely admitted to this as well as other County "white" schools, but Negro school children of both the City and County are denied this right, but are permitted by defendants to attend only the "Negro" County Schools. Said County Schools are supported by public funds partially obtained through taxation of residents of the City of Jackson, including the plaintiffs and other members of their class.

12. The defendants apparently rely on the following provisions of the Tennessee Constitution and Statutes, which read as follows:

Constitution of 1870, Art. 11, Sec. 12:

"....No school established or aided under this section shall allow white and negro children to be received as scholars together in the same school....."

Tennessee Code, 1955, Sections:

"49-3701. Interracial Schools prohibited. - It shall be unlawful for any school, academy, college, or other place of learning to allow white and colored persons to attend the same school, academy, college, or other place of learning.

"49-3702. Teaching of mixed classes prohibited. - It shall be unlawful for any teacher, professor, or educator in any college, academy, or school of learning, to allow the white and colored races to attend the same school, or for any teacher or educator, or other person to instruct or teach both white and colored races in the same class, school, or college building, or in any other place or places of learning, or allow or permit the same to be done with their knowledge, consent or procurement.

"49-3703. Penalty for violations. - Any person violating any of the provisions of this chapter, shall be guilty of a misdemeanor, and, upon conviction, shall be fined for each offense fifty dollars (\$50.00), and imprisonment not less than thirty (30) days nor more than six (6) months."

13. The infant plaintiffs and all other persons similarly situated, in the City of Jackson and County of Madison, State of Tennessee, are thereby deprived of their rights guaranteed by the Constitution and laws of the United States.

Plaintiffs aver that the said constitutional and statutory provisions and all other laws, customs, policies, practices and usages of the State of Tennessee requiring or permitting segregation of the races in public education, fall within the prohibited group which the Supreme Court of the United States holds must yield to the Fourteenth Amendment of the Constitution of the United States, and are of no force and effect.

Plaintiffs therefore aver that the said custom, policy, practice or usage of defendants in excluding plaintiffs and other persons, similarly situated, from public schools owned, maintained and operated by the defendants, City Board of Education and County Board of Education, in the City of Jackson and County of Madison, State of Tennessee, solely because of plaintiffs' race or color, and in operating said compulsory racially segregated public school systems in and for said City and County, pursuant to said constitutional and statutory provisions and any other law, custom, policy, practice or usage of the State of Tennessee requiring or permitting segregation of the Negro and white races in public education, deprives plaintiffs and all others similarly situated of the equal protection of the laws and of due process of law in violation of the Fourteenth Amendment of the Constitution of the United States, and is therefore unconstitutional and void and affords defendants no legal excuse to deprive plaintiffs of their rights herein prayed.

14. Plaintiffs and those similarly situated and affected, on whose behalf this suit is brought, are suffering irreparable injury and are threatened with irreparable injury in the future by reason of the acts herein complained of. They have no plain, adequate or complete remedy to redress the wrongs and illegal acts herein complained of, other than this suit for a declaration of rights and an injunction. Any other remedy to which plaintiffs and those similarly situated, could be remitted would be attended by such uncertainties and delays as to deny substantial relief, would involve multiplicity of suits, cause further irreparable injury and occasion damage, vexation and inconvenience, not only to the plaintiffs and those similarly situated, but to defendants as governmental agencies.

Plaintiffs are informed and believe, and aver upon said information and belief, that although classes for the Spring Semester, 1963 begin in the Negro schools of said City and County on or about 14 January 1963, similar classes in the "white" schools of said City and County do not begin until 21 January 1963. As aforesaid, plaintiffs requested admission to the public schools of said City and County on a racially nondiscriminatory basis several months ago, and both defendants, City and County Boards of Education, are or should have been aware for many years of their duty to initiate and make known to school patrons a plan or plans for desegregation of said school systems. Notwithstanding their knowledge of this duty, they have not done so, and there is no reason why, in view of the foregoing circumstances, the said infant plaintiffs and other Negro school children, similarly situated, should not be admitted to the public schools of said City and County on a nondiscriminatory basis at once. The infant plaintiff, Georgia Stephanie Springfield, entered public school for the first time in August, 1962 and theretofore had not been subjected to the inherent evil of racially segregated education. Plaintiffs further aver that they and other Negro school children, similarly situated, will suffer irreparable injury in the future unless defendants are restrained by the temporary restraining order and injunction of this Court for the reasons set out hereinabove, and also for the reason that the defendants very apparently intend to continue their said policies and practices of compulsory racial segregation; and if the plaintiffs and other Negro children similarly situated, are not granted immediate relief now, they will continue to be subjected to the inherent evil and inequality of said racial segregation in the public schools for an indefinite period of time, resulting in immediate and lasting harm and damage not only to them, but also to white children who are thereby being

indoctrinated daily with concepts of themselves as a master or superior race, while infant plaintiffs will continue to be subjected daily to the said indoctrination classifying them as an inferior race.

15. There is between the parties an actual controversy as hereinbefore set forth.

WHEREFORE, PLAINTIFFS respectfully pray:

The Court issue forthwith a temporary restraining order and/or a preliminary injunction against the defendants, immediately restraining and enjoining them and each of them, their agents, employees, servants or attorneys, from refusing to admit the infant plaintiffs and other persons similarly situated, to the Jackson Senior High School and Alexander Elementary School, or any other public school, institution or facility operated by defendant, City Board of Education, or by defendant, County Board of Education, in and for the City of Jackson and County of Madison, State of Tennessee, because of plaintiffs' race or color, pending further orders of the Court.

The Court adjudge, decree and declare the rights and legal relations of the parties to the subject matter here in controversy in order that such declaration shall have the force and effect of a final judgment or decree.

The Court enter a judgment or decree declaring that the custom, policy, practice or usage of defendants in maintaining and/or operating compulsory racially segregated public school systems in and for the City of Jackson and the County of Madison, State of Tennessee, and in excluding plaintiffs and other persons similarly situated, from the Jackson Senior High School and Alexander Elementary School, or any other public schools, institutions or facilities maintained and/or operated by defendants,

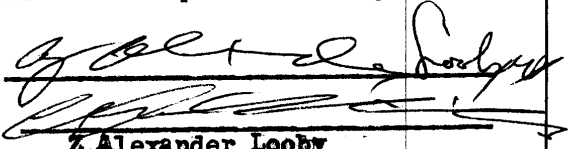
City Board of Education and County Board of Education, solely because of race or color, pursuant to the above quoted portions of Article 11, Section 12 of the Constitution of Tennessee, Sections 49-3701, 49-3702 and 49-3703 of the Tennessee Code Annotated, 1955, and any other law, custom, policy, practice and usage, violates the Fourteenth Amendment of the Constitution of the United States, and is therefore unconstitutional and void.

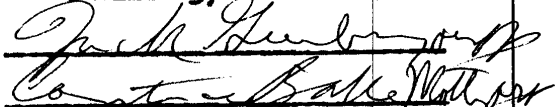
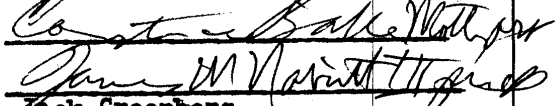
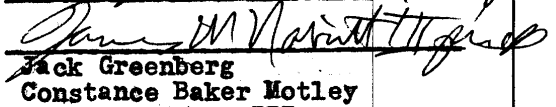
The Court issue a permanent injunction forever restraining and enjoining defendants and each of them, their agents, employees, servants or attorneys, from maintaining and/or operating compulsory racially segregated systems of public schools, institutions or facilities for education in and for the City of Jackson and County of Madison, State of Tennessee, and from refusing to admit plaintiffs and other persons similarly situated to said Jackson Senior High School, Alexander Elementary School, or any other public schools, institutions or facilities operated by defendants, City Board of Education and County Board of Education, in and for the said City and County, because of plaintiffs' race or color.

In addition to the immediate and preliminary relief prayed hereinabove in behalf of the named infant plaintiffs and other persons similarly situated, the plaintiffs pray that this Court also expeditiously issue a preliminary and/or permanent injunction directing defendants, City and County Boards of Education, either to reorganize immediately, or in the alternative to present to the Court at an early date a complete plan for the prompt and speedy reorganization of the entire systems of public schools, institutions and facilities within their respective jurisdiction and under their control, into unitary, nonracial systems of schools, institutions and facilities, which shall include a plan for the assignment, education and treatment of

students or enrollees on a nonracial basis, the assignment and treatment of teachers, principals, staff and other school, institutional, educational or other sustaining personnel on a nonracial basis, the construction and use of all plant or other facilities and the approval of budgets on a nonracial basis, operation of the school transportation system on a nonracial basis, and the elimination of all and any other discriminations in said systems and in the operation and use of schools, institutions, facilities, curricula or programs of any nature whatsoever in said City and County School Systems. which are based upon race or color. Plaintiffs pray that if this Court directs defendants to present such desegregation plans, that this Court will retain jurisdiction of this case pending Court approval and full and complete implementation of defendants' plans.

Plaintiffs further pray that the Court will allow them their costs herein and such further, other or additional relief as may appear proper to the Court to be equitable and just.


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 Avon H. Williams, Jr.
 327 Charlotte Avenue
 Nashville 3, Tennessee.




 Jack Greenberg
 Constance Baker Motley
 James M. Nabrit, III
 10 Columbus Circle
 New York 19, New York
 Attorneys for Plaintiffs.

STATE OF TENNESSEE

MADISON COUNTY

William Monroe, Frank Walker, Rolean Walker, Mildred T. Springfield, Kenneth A. Martin, and Eva M. Martin, make oath that they are some of the plaintiffs in the above case, that they have read and know the contents of their foregoing complaint and that the statements made therein are true as of their own knowledge, except as to those statements which are stated therein to be made upon information and belief, and those statements they believe to be true.

SIGNED:

William Monroe
Frank Walker
Mrs. Rolean Walker
Mrs. Mildred T. Springfield
Kenneth A. Martin
Mrs. Eva M. Martin

Sworn to and subscribed before me,

E. M. Shaw

_____, a Notary Public in and for said State
 and County, the 8 day of January, 1963.

E. M. Shaw
 Notary Public

My Commission Expires: 20 Apr. 19 64.