



Jl-FL-0001-0032

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

WILLIE CARL SINGLETON, a minor by
NEVA SINGLETON, his mother and next
friend,

AUDREY NELL EDWARDS, a minor by
ELIZA EDWARDS, her mother and next
friend,

JoANN ANDERSON, a minor by
HURLEY ANDERSON, her father and
next friend,

SAMUEL WHITE, a minor by
JAMES WHITE, his father and next
friend,

Plaintiffs,

VS.

BOARD OF COMMISSIONERS OF
STATE INSTITUTIONS:

LULA MULLIKIN, Secretary,

TERRY C. LEE, Coordinator,

W. D. ROGERS, M. D.
ARTHUR G. DOZIER,
L. L. WAINWRIGHT, Directors,

FARRIS BRYANT, Governor,

TOM ADAMS, Secretary of State,

RICHARD W. ERVIN, Attorney-General

RAY E. GREEN, Comptroller,

J. EDWIN LARSON, Treasurer

TOM D. BAILEY, Superintendent of
Public Instruction,

DOYLE CONNER, Commissioner of
Agriculture,

Defendants.

FILED

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JACKSONVILLE, FLA.
JULIAN A. BLAKE
CLERK

TALLAHASSEE CIV. NO. 963

CIVIL ACTION

NO. ~~63-243-CIV-7~~

FILED

JAN 13 1964

OFFICE OF CLERK
U. S. DIST. COURT
NORTH, DIST. FLA.

C O M P L A I N T

I.

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 or other person within the jurisdiction thereof to redress the deprivation, under color of statute, ordinance, regulation, custom or usage of a State, of rights, privileges and immunities secured by the Constitution and laws of the United States. The rights, privileges and immunities sought to be secured by the due process and equal protection clauses of the Fourteenth Amendment to the Constitution of the United States, as hereinafter more fully appears.

II.

This is a proceeding for a preliminary and permanent injunction enjoining the Board of Commissioners of State Institutions, from continuing their policy, practice, custom and usage of requiring racial segregation in the training schools under its supervision, and for other relief as hereinafter more fully appears.

III.

The Plaintiffs in this case are Willie Carl Singleton, age 16, by Neva Singleton his mother and next friend; Audrey Nell Edwards, age 16, by Eliza Edwards her mother and next friend; JoAnn Anderson, age 16, by Hurley Anderson her father and next friend and Samuel White, age 14, by James White his father and next friend. The minor plaintiffs were tried on July 23, 1963, before the Juvenile Court of St. Johns County on for participation in a "sit-in" demonstration in protest against racial discrimination and found to have violated the trespass statute. That pursuant the Order of said Court adjudging the minors delinquent within the

meaning of Section 39.01 of the Florida Statutes, they were incarcerated in the jails of St. Johns County and later transferred to the Florida State Schools for Girls and Boys. All motions and petitions for Habeas Corpus to secure the release of the minor plaintiffs have been denied or are pending disposition and at present the minors are in compulsory confinement in the Florida State Schools.

Plaintiffs are all citizens of the United States and the State of Florida, and the minor plaintiffs normally reside with their parents in St. Johns County, Florida. These minor plaintiffs sue on behalf of themselves and all Negro juveniles confined and committed to the Florida State Schools under the jurisdiction, management and control of the defendants. The members of the class on behalf of which plaintiffs sue are so numerous as to make it impracticable to bring them all individually before this Court, but there are common questions of law and fact involved, common grievances arising out of common wrongs, and common relief is sought for each plaintiff and for each member of the class. The plaintiffs fairly and adequately represent the interests of the class.

IV.

The defendant in this case is the Board of Commissioners of the State Institutions, a state agency charged under Section 955.01 and 956.03 of the Florida Statutes with general control and authority over penal institutions for juveniles. The Board is constituted of the following immediate members: W. D. Rogers, Arthur G. Dozier and H. G. Cochran, Jr., Directors, Terry E. Lee, Coordinator and Mrs. Lula L. Mullikin, Secretary; and the following officers of the State of Florida, Farris Bryant, Governor Tom Adams, Secretary of State, Richard W. Ervin, Attorney General, Ray E. Green, Comptroller, J. Edwin Larson, Treasurer, Tom D. Bailey, Superintendent of Public Instruction,

and Doyle Conner, Commissioner of Agriculture.

V.

Plaintiffs allege that the defendant herein is presently pursuing and is required to pursue by Section 955.12 of the Florida Statutes, a policy and practice of racial segregation of white and Negro youths confined to state training schools. Racial segregation at all state institutions for juveniles is maintained in the following manner: White and Negro boys are required to occupy and use living quarters, cafeteria, recreational facilities on a racially separated basis in the training schools located at Marianna and Okeechobee, Florida. The same facilities are maintained on a racially segregated basis for white and Negro girls at Ocala, Florida.

The program of schooling and training for Negro youths is not equivalent to that accorded to white youths, and some facilities and equipment available to white youths are denied to Negro youths.

The assignment of professional and custodial personnel is, where possible, determined by the race of the children supervised to-wit: Negro staff members are entrusted with only the immediate care and supervision of Negro juveniles and white staff members are limited to the immediate care and control of white juveniles.

VI.

Plaintiffs, and members of the class they represent are injured by the continued operation of the Florida State Training Schools on a racially segregated basis. No portion of the Order of the Juvenile Court committing the minor plaintiffs to the training schools carried the further penalty of their being segregated racially, nor could such Order have, consistent with the Federal Constitution, required imprisonment on a racially segregated basis. Section 955.12 of the Florida Statutes which requires the defendant to operate a public institution on a racially segregated basis, a denial to the

plaintiffs of rights guaranteed by the due process and equal protection clause of the Fourteenth Amendment to the United States Constitution. The plaintiffs and members of the class are injured by all policies and practices of racial discrimination which deprives them of some facilities, require their segregation in others, and result in the assignment of teachers and counselors on the basis of color. Such racial discrimination attaches an unwarranted and unconstitutional stigma to their incarceration.

The injury which plaintiffs and members of their class suffer as a result of the operation of compulsory bi-racial training schools by the defendant is irreparable and shall continue and shall continue to irreparably injure plaintiffs and their class until enjoined by this Court. Any other relief 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 a multiplicity of suits, cause further irreparable injury and occasion damage, vexation and inconvenience, not only to the plaintiffs and those similarly situated but to the defendants as a public body.

WHEREFORE, plaintiffs respectfully pray that this Court advance this cause on the docket and Order a speedy hearing of this action according to law and after hearing:

1. Enter a Judgment, pursuant to Title 28, United States Code, Section 2201, declaring Section 955.12 of the Florida Statutes void as a violation of the Fourteenth Amendment to the United States Constitution.

2. Enter a preliminary and permanent decree enjoining the defendant, its agents, employees, successors and all persons in active concert and participation with them from:

- a.) Operating the Florida State Schools for Boys and Girls on a compulsory bi-racial basis.

- b.) From continuing to separate white and Negro youths

in living quarters, eating facilities, recreational facilities and school programs.

c.) From denying to Negro juveniles in the school program any courses and curriculum available to white juveniles similarly situated.

d.) From continuing the distribution of literature describing the Florida State Schools which contains racial designations.

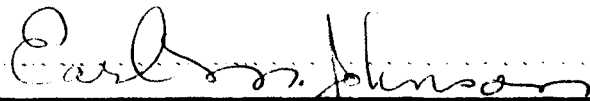
f.) From denying any facilities or equipment to Negro juveniles which are available to white juveniles similarly situated.

g.) From assigning any staff members or other employees on a racial basis.

In the alternative, plaintiffs pray that this Court enter a decree directing the defendant to present a complete plan, within a period of time to be determined by this Court, for the reorganization of the Florida State Schools on a non-racial basis. Plaintiffs pray that if this Court directs the defendant to produce a desegregation plan, that this Court will retain jurisdiction of this case pending Court approval and full and complete implementation of the defendant's plan.

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

Respectively submitted,



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