

C O M P L A I N T

I.

The jurisdiction of this Court is invoked under Title 28, United States Code, 1343(3). This is a suit in equity authorized by law, Title 42, United States Code, 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 statute, ordinance, regulation, custom or usage of rights, privileges and immunities secured by the equal protection clause 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 defendants, the School Board of Jefferson Parish, Louisiana, and the Superintendent of Schools of Jefferson Parish, Louisiana, their agents, representatives, employees and successors from continuing their policy, practice, custom and usage of maintaining and operating a compulsory bi-racial school system in the Parish and of assigning students, teachers and other school personnel to the schools operated and controlled by them on the basis of race.

III.

Plaintiffs brings this action as a class suit pursuant to Rule 23(a)(3) of the Federal Rules of Civil Procedure on behalf of themselves and on behalf of other Negro children and their parents in Jefferson Parish, similarly situated, all of whom are affected by the policy, practice, custom and usage complained of herein as more fully appears. The members of the class on behalf of which plaintiffs sue are so numerous as to

make it impractical 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 of the plaintiffs individually and for each member of the class. Plaintiffs fairly and adequately represent the interests of the class.

IV.

Infant and adult plaintiffs are Negro citizens of the United States and of the State of Louisiana presently residing in Jefferson Parish, Louisiana. The minor plaintiffs allege that they, and each of them, are either currently attending the public free schools of Jefferson Parish or are in all material respects eligible to register, enroll, enter, attend classes and receive instruction in the public free schools of Jefferson Parish. The schools which minor plaintiffs currently attend are all limited by defendants to attendance by Negro children pursuant to the policy, practice, custom and usage of defendants of operating a compulsory biracial school system and assigning school children therein and other personnel on the grounds of race. The minor plaintiffs bring this action by their parents, grandparents or legal guardians, as next friends, pursuant to Rule 17(c) of the Federal Rules of Civil Procedure.

V.

Defendants are the School Board of Jefferson Parish, Louisiana, a public body corporate, organized and existing under the laws of the State of Louisiana, and Paul J. Solis, Superintendent of the public schools of Jefferson Parish, Louisiana. Paul J. Solis is the chief administrative officer

of the School Board. The said Board is charged by the laws of the State of Louisiana with the duty of operating a system of free public schools in the Parish and is presently operating the public schools in the aforesaid Parish pursuant to these laws. The School Board is sued in its corporate capacity; the Superintendent of Schools is sued in his official and individual capacities.

VI.

Defendants, acting under color of the laws of Louisiana, have pursued for some time and are presently pursuing a policy, practice, custom and usage of operating the public school system in Jefferson Parish, Louisiana on a racially segregated basis. Defendants maintain and operate a compulsory biracial school system by the use of dual school zone or attendance areas, defendants make initial assignments of students to the public schools under their control on the grounds of race and color. Principals, teachers and other professional personnel under defendants' jurisdiction are likewise assigned to the schools on the basis of race and color. Students initially assigned to elementary schools designated as "white" are thereafter assigned solely to high schools similarly designed. Students assigned initially to elementary schools denominated as Negro, are thereafter assigned solely to high schools similarly designated. In no case are the assignments of either students, teachers, principals or other professional personnel of the white race made to schools designated as Negro nor are assignments of students, teachers, principals or other personnel of the Negro race assigned to schools designated as white. Defendants also discriminate against plaintiffs herein and the members of the class represented by them in school construction, the formulation of budgets, and the disbursement of school funds. Specifically,

defendants construct elementary and high schools with reference to the maintenance of a compulsory biracial school system. Defendants herein also limit participation in extracurricular activities in the schools to one or the other race, separately.

VII.

(a) On or about July 15, 1964, a group of Negroes attempted to register at West Jefferson High School in Harvey, Louisiana where they were advised by Mr. Joseph J. Martina, Principal of West Jefferson High School, that they would have to go to the Jefferson Parish School Board Office in Gretna; the Negroes immediately left West Jefferson High School and went to the Jefferson Parish School Board Office in Gretna, where they were advised that under the present laws of Louisiana they could not be registered at West Jefferson High School.

(b) On or about July 18, 1964, Lionel R. Collins, attorney for plaintiffs wrote the defendant, Jefferson Parish School Board on behalf of Negro children and their parents in Jefferson Parish requesting that the defendant school board cease operating the schools under their supervision on a racially segregated basis and permit attendance thereat without distinction on the basis of race or color. This letter is attached to the complaint as Exhibit A.

(c) Since the letter of July 18, 1964 from the attorney for the plaintiffs to the Jefferson Parish School Board no communication has been received from the said School Board nor have any steps been taken by the defendants toward desegregation of the parish's public schools as requested.

VIII.

Plaintiffs and the members of the class which they represent are irreparably injured by the acts of defendants complained of herein. The continued operation by defendants of a

compulsory biracial school system in Jefferson Parish, Louisiana including the assignment of pupils, teachers, principals and other administrative personnel on the ground of race, the maintenance of dual zone lines or attendance areas based on race; the operation of the budget for the schools on the basis of race; the construction of schools on the basis of race; and the programming and planning of extracurricular activities on the basis of race violate the rights of the plaintiffs and the members of the class secured to them by the equal protection clause of the Fourteenth Amendment to the Constitution of the United States. This irreparable injury to plaintiffs and their class will continue unless and until defendants are enjoined by this Court. Any other relief to which plaintiffs and those similarly situated might be remitted would be attended by uncertainty and delay, would involve a multiplicity of suits, cause further irreparable injury and occasion damage, vexation and inconvenience and deny to plaintiffs and those similarly situated substantial relief.

IX.

By prior school desegregation suits in the State of Louisiana, all state laws requiring compulsory racial school segregation were declared unconstitutional, null and void. In addition, the unconstitutionality of compulsory racial school segregation as a general principle was judicially established over ten (10) years ago in the Brown case. Notwithstanding, the Jefferson Parish School Board, with ten (10) years of notice of the unconstitutionality of Louisiana's laws requiring compulsory racial school segregation plus the actual invalidating of those laws in prior Louisiana cases, has not made any start toward the desegregation of its school system thereby occasioning

the costly necessity of suit by the plaintiffs. Thus, for having to sue, plaintiffs should be allowed to recover court costs and attorneys fees.

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

1. Enter a preliminary and permanent injunction enjoining defendants, their agents, representatives, employees and successors and all persons in active concert and participation with them from continuing to operate a compulsory biracial school system in Jefferson Parish, Louisiana,

2. Enter a preliminary and permanent injunction enjoining defendants, their agents, representatives, employees and successors and all persons in active concert and participation with them from continuing to maintain a dual scheme or pattern of school zone lines or attendance area lines based on race or color.

3. Enter a preliminary and permanent injunction enjoining defendants, their agents, representatives, employees and successors and all persons in active concert and participation with them from making initial assignments of pupils to the public schools of Jefferson Parish, Louisiana on the basis of race or color.

4. Enter a preliminary and permanent injunction enjoining defendants, their agents, representatives, employees and successors and all persons in active concert and participation with them from assigning teachers, principals and other professional personnel to the public schools under their jurisdiction on the basis of race or color.

5. Enter a preliminary and permanent injunction enjoining defendants, their agents, representatives, employees and successors and all persons in active concert and participation

with them from approving contracts, budgets and disbursing funds on the basis of race or color.

6. Enter preliminary and permanent injunction enjoining defendants, their agents, representatives, employees and successors and all persons in active concert and participation with them from constructing elementary and high schools in Jefferson Parish, Louisiana on the basis of the dual attendance areas based on race or color.

7. Enter preliminary and permanent injunction enjoining defendants, their agents, representatives, employees and successors and all persons in active concert and participation with them from programming and supporting extracurricular activities which are limited solely to one or other of the races.

8. Enter preliminary and permanent injunction enjoining defendants, their agents, representatives, employees and successors and all persons in active concert and participation with them from programming continuing to make any other distinctions in the operation of the school under their jurisdiction which are based solely on race or color.

9. That this Court enter its order allowing, granting and awarding unto plaintiffs court costs and attorneys fees.

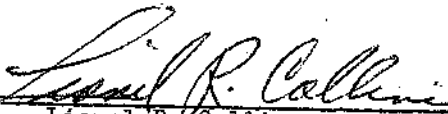
In the alternative, plaintiffs pray that this court enter a decree directing defendants to present a complete plan in a period of time to be determined by this Court for the reorganization of the entire school system of Jefferson Parish, Louisiana into a unitary, nonracial system which shall include a plan for the assignment of pupils, teachers, principals and other professional school personnel on a nonracial basis; the drawing of school zone or attendance area lines on a nonracial basis; the allotment of funds, the construction of schools, the approval of budgets on a nonracial basis and the elimination of any other discrimination in the operation of the school.

system or curricula which are based solely on race or color.

Plaintiffs further pray that in its decree directing defendants to present a plan, this Court will require the submission of a plan for completion of the desegregation process in a period of time considerably shorter than twelve years and that this Court will make it clear that any "grade-a-year" plan is not acceptable ten years after the decision in Brown v. Board of Education, 347 U. S. 483.

Plaintiffs pray that if this Court directs defendants to produce a desegregation plan that this Court will retain jurisdiction on this case pending court approval and full and complete implementation of defendants' plan.

Plaintiffs pray that this Court will grant such other, further and additional or alternative relief as may appear to the Court from time to time to be equitable, just and proper.



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