

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION
)	NO. _____
BOSSIER PARISH SCHOOL BOARD;)	
PAT ROWE, Member and President,)	
and STROUD M. WISE, HATLEY L. PARKER,)	
S. HOLMAN BOGGS, JOHN W. BASS, J.)	
MURRAY DURHAM, BRYANT W. SWINT,)	<u>COMPLAINT</u>
LEONARD H. BUTLER, BLACKSHEAR H.)	
SNYDER, GROVER C. ADKINS and)	
JAMES ROBERSON, Members of the)	
Bossier Parish School Board; and)	
EMMITT COPE, Superintendent of)	
Education of the Bossier Parish)	
Schools,)	
)	
Defendants)	
)	

The United States as a claim against the defendants, alleges:

1. This is an action to protect the interest of the United States that its civilian employees and members 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 morals.

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

3. The State of Louisiana maintains a statewide system of free public schools.

4. The Bossier Parish School Board (hereafter referred to as the Board) is vested under Louisiana law with the general administration and supervision of the public schools of Bossier Parish. The Board is composed of eleven members. Its principal office is in Bossier Parish.

5. Pat Rowe is President and a member of the Board, and Stroud M. Wise, Hatley L. Parker, S. Holman Boggs, John W. Bass, J. Murray Durham, Bryant W. Swint, Leonard H. Butler, Pat Rowe, Blackshear H. Snyder, Grover C. Adkins and James Roberson are members of the Board. Each resides in Bossier Parish, Louisiana.

6. Emmitt Cope is the Superintendent of Education of Bossier Parish and as such is the chief executive officer of the Board. He resides in Bossier Parish.

7. The plaintiff maintains Barksdale Air Force Base and Bossier Base in Bossier Parish, Louisiana, as a part of its national defense establishment. Barksdale Air Force Base, a Strategic Air Command installation, is the headquarters of the Second Air Force, the Fourth Air Division and the 4238th Strategic Wing. Its mission is to be prepared to conduct global strategic air operations on an instantaneous basis with a long-range nuclear jet striking force. Also

based at Barksdale Air Force Base are the 4288th Combat Defense Squadron, the 3rd Strategic Support Squadron, the 855th Medical Group, the 3908th Strategic Standardization Group, the 1095th Aviation Depot Group, the 1927th AA Communications Squadron (MATS), the 26th Weather Squadron (MATS), the Office of Special Investigations, an office of the Corps of Engineers, the 706th Troop Carrier Squadron, the 312th Field Training Detachment and the resident Auditor General. Bossier Base, located on Barksdale AFB, is the home of the Defense Atomic Support Agency of the U.S. Army.

8. Barksdale Air Force Base and Bossier Base are located on property owned by the plaintiff adjacent to Bossier City. Bossier City is located in Bossier Parish.

9. There are approximately 7,100 military personnel and approximately 700 civilians stationed or employed at Barksdale Air Force Base. There are approximately 900 military personnel and approximately 90 civilians stationed or employed at Bossier Base.

10. The plaintiff has constructed and assisted in the construction of 1,067 family housing units located on Barksdale Air Force Base and Bossier Base. These units, which are owned and maintained by the plaintiff, have been constructed so that servicemen who are stationed at Barksdale Air Force Base and Bossier Base may live together with their families. Of these housing units, 637 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.);

200 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.), and 230 have been constructed from funds appropriated by Congress for the Department of Defense.

11. There are no educational facilities on Barksdale Air Force Base or Bossier Base available to the school-age dependents of members and civilian employees of the plaintiff's Armed Forces.

12. The Board maintains and operates twenty public schools for the education of children residing within Bossier Parish including dependents of members and civilian employees of the plaintiff's Armed Forces. These schools are Bossier, Butler, Central Park, Curtis, Kerr, Plantation Park, Waller and Platt elementary schools; Greenacres and Rusheon junior high schools; Mitchell junior-senior high school; Bossier High School; and Benton, Carrie Martin, Haughton, C.H. Irion, Plain Dealing, Princeton, Redmond Spikes and Rocky Mount elementary-junior-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 Board during the period from 1951 through June 30, 1962, a total of \$2,623,213.71 for the maintenance and operation of its schools. These grants were approved and the payments made

on account of the Board providing public education for the dependents of the military personnel and civilian employees of the plaintiff, and the proceeds have been used by the Board to defray the general cost of maintaining and operating its public schools. A tabulation of the grants paid and the number of 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 or agreed to pay grants in the total amount of \$3,173,347.43 during the period from 1950 to the present time for the construction and improvement of the schools under the operating jurisdiction of the Board. A tabulation of the funds paid or approved by the plaintiff to the Board on individual construction projects appears as Appendix B to this complaint.

15. Waller Elementary School is located on Patricia Drive in Bossier City, approximately two miles from Barksdale Air Force Base. An addition to Waller Elementary School, consisting of three classrooms, combination visual aid-band room, storage space, two toilets, and a new building on the same site containing thirteen classrooms, offices, toilets, appurtenances, covered passageway, utilities and equipment, were

completed on May 7, 1952 at a total cost of 225,014.90. The plaintiff has paid to the defendant Board the total cost of this addition and new building under a grant applied for by the Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

16. Plantation Park Elementary School is located at 2410 Plantation Drive in Bossier City, approximately four miles from Bossier Air Force Base. The construction of Plantation Park Elementary School, consisting of nineteen classrooms, offices, clinic, book room, janitor's room, toilet rooms and covered passage, and a new building of similar construction containing a kitchen, cafeteria, all-purpose room with stage, equipment, utilities and appurtenances, was completed on June 18, 1953 at a total cost of \$328,800.38. Of this total cost of construction, the plaintiff has paid \$181,925.00 to the defendant Board under a grant applied for by the 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 Plantation Park Elementary School, consisting of six classrooms, storage room, mechanical equipment room, janitor's room, corridors, toilet rooms, covered passage to cafeteria and two additions to the all-purpose room consisting of a boys' shower-dressing room, storage rooms, and

a girls' shower-dressing room, were completed on June 24, 1958 at a total cost of \$97,329.20. Of this total cost of construction, the plaintiff has paid \$55,120.00 to the defendant Board under a grant applied for by the Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

17. Rusheon Junior High School is located at 2401 Old Minden Road in Bossier City, approximately two miles from Barksdale Air Force Base. The construction of Rusheon Junior High School, consisting of twenty-two regular classrooms, science laboratory, foods laboratory, sewing laboratory, study hall, library, gymnasium with stage, shower and locker rooms, storage rooms and toilets, cafeteria with kitchen and storage rooms, band room with instrument storage, teachers' room, book room, general storage rooms, offices, janitor's closets, toilets, utilities, site improvement and appurtenances, was completed on March 18, 1957, at a total cost of \$544,152.00. Of this total cost of construction, the plaintiff has paid \$359,017.00 to the defendant Board under a grant applied for by the Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

18. Butler Elementary School is located on 541 Detroit Street in Bossier City, approximately five and one-half miles from Barksdale Air

Force Base. The construction of Butler Elementary School, consisting of twelve classrooms, offices, teachers' lounge, cafeteria and kitchen with store room, toilets, site improvements, utilities and appurtenances, was completed on August 4, 1953, at a total cost of \$122,585.00. Of this total cost of construction, the plaintiff has paid \$74,000.00 to the defendant Board under a grant applied for by the Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

19. Kerr Elementary School is located on Airline Drive in Bossier City, approximately one mile from Barksdale Air Force Base. The construction of Kerr Elementary School consisting of twenty-four classrooms, library with book repair room, book storage room, teachers' lounge, music room with instrument and other storage rooms, play room with platform, dressing rooms, ticket and storage rooms, cafeteria with kitchen, office, porch, administrative area consisting of lobby, offices and clinic, toilets and janitors' closets, covered play area, walks and bus loading dock together with utilities, site improvements and appurtenances, was completed on January 24, 1955 at a total cost of \$370,159.42. Of this total cost of construction, the plaintiff has paid \$268,245.00 to the defendant Board under a grant applied for by the Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

20. Central Park Elementary School is located on Central Park Boulevard in Bossier City, approximately three and one-half miles from Barksdale Air Force Base. The construction of Central Park Elementary School, consisting of twenty-four regular classrooms, library with book room, teachers' lounge, cafeteria, kitchen, administrative area with two offices, clinic, toilets, storage rooms, music room, playroom with platform, locker rooms and showers, mechanical equipment room, pupils' toilet rooms, corridors, lobby, covered play area, covered bus loading platform, utilities, site improvements and appurtenances, was completed on August 1, 1958 at a total cost of \$464,276.82. Of this total cost of construction, the plaintiff has paid \$225,000.00 to the defendant Board under a grant applied for by the Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

21. Curtis Elementary School is located in Curtis, Louisiana, approximately two miles from Barksdale Air Force Base. An addition to Curtis Elementary School consisting of twelve regular classrooms, toilet rooms, janitor's closet, corridor, covered play area, equipment, site improvements, utilities and appurtenances, was completed on November 1, 1960, at a total cost of \$123,098.41. The plaintiff has paid to the defendant Board the total cost of this addition under a grant applied

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

22. Redmond Spikes Elementary-Junior-Senior High School is located in McDade, Louisiana, approximately six miles from Barksdale Air Force Base. An addition to Redmond Spikes Elementary-Junior-Senior High School, consisting of ten regular classrooms, science room, library, office, book room, teachers' lounge, clinic, toilet rooms, mechanical equipment room, corridors, covered walks and bus loading area, equipment, utilities, site improvements including paved driveway and parking area and appurtenances, was completed on December 15, 1961 at a total cost of \$139,931.30. The plaintiff has paid to the defendant Board the total cost of this addition under a grant applied for by the Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19 of Title 20, United States Code.

23. A new public school is being constructed by the Board one block east of United States Highway 71, adjoining Shady Grove subdivision in Bossier City. The construction of this new school, consisting of sixteen general classrooms, six science laboratories, three home economics rooms, library with office and workroom, visual aids room, shop, arts and crafts room, band room, vocal room, gymnasium-auditorium with folding bleachers, stage, shower and locker

facilities, concession room, toilets and offices, administrative area containing book room, offices for counsellor, principal, assistant principal, secretary and student activities, mimeograph room, sick room cafeteria, student locker areas, kitchen, teachers' lounge, toilet facilities, storage rooms, three mechanical equipment rooms, two heater rooms, covered walks, corridors, utilities and site improvements, is currently underway. The total estimated cost of this construction is \$758,000.00 of which the plaintiff has agreed to pay \$86,135.00 and has actually paid \$51,681.00 under a grant applied for by the Board and approved by the Commissioner of Education pursuant to the provisions of Chapter 19, Title 20, United States Code.

24. 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 through 23, the Board gave written assurance, as required by 20 U.S.C. 636, that the school facilities of the 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."

25. Approximately 4,400 children of military personnel and civilian employees of the plaintiff attend the public schools operated by the defendants. These children include members of both the white and Negro races.

26. Of the children referred to in the preceding paragraph, approximately 740 are the children of military personnel residing on Barksdale Air Force Base or Bossier Base. Of these, approximately thirteen are Negroes.

27. 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.

28. The defendants have operated and are presently operating Bossier, Central Park, Curtis, Kerr, Plantation Park, Waller and Platt elementary schools; Greenacres and Rusheon junior high schools; Bossier High School; and Benton, Haughton, Plain Dealing and Rocky Mount elementary-junior-senior high schools for the education of white children exclusively. The defendants have operated and are presently operating Butler Elementary School; Mitchell junior-senior high school; and Carrie Martin, C. H. Irion, Princeton and Redmond Spikes elementary-junior-senior high schools for the education of Negro children exclusively.

29. 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 military personnel and civilian employees of the plaintiff residing in Bossier Parish 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.

30. Pursuant to their policy and practice of assigning students to schools according to their race, the defendants assign Negro school-age dependents of military personnel and civilian employees of the plaintiff, stationed or employed at Barksdale Air Force Base, Bossier Base and other installations of the plaintiff to schools further from their residences than other schools operated by the defendants for the education of white children exclusively.

31. The defendants have failed and are now failing to make the public school facilities under their jurisdiction available to Negro dependents of military personnel and civilian employees of the plaintiff upon the same terms as such facilities are available to white children.

32. The Board has failed and is now failing and refusing to perform each of its assurances referred to and described in paragraph 24.

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

34. The defendants will, unless restrained by order of this Court, continue unconstitutionally to segregate dependents of military personnel and civilian

employees of the plaintiff according to race in the public schools operated by the defendants, thereby violating the written assurances described in paragraph 24 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 the servicemen send their children to schools outside the area of Bossier Parish in order to avoid subjecting the children to racial discrimination in the children's education.

35. The plaintiff has no adequate remedy at law.

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 military personnel or civilian employees of the plaintiff in the operation of the public schools of Bossier Parish, together with such additional relief as may be appropriate.

UNITED STATES OF AMERICA,
Plaintiff,

By:

BURKE MARSHALL
Assistant Attorney General

EDWARD L. SHAHEEN
United States Attorney

ST. JOHN BARRETT, Attorney
Department of Justice

DAVID H. MARLIN, Attorney
Department of Justice

APPENDIX A

FEDERAL PAYMENTS MADE TO BOSSIER PARISH SCHOOL BOARD, LOUISIANA, FOR CURRENT OPERATING EXPENSES OF SCHOOLS UNDER PUBLIC LAW 874 AND THE NUMBER OF FEDERALLY CONNECTED CHILDREN BY CATEGORY COUNTED FOR PAYMENT OF EACH FISCAL YEAR 1951 THROUGH 1962

Fiscal Year	No. of Children Counted for Payment		Federal Payment
	"A" Category 1/	"B" Category 2/	
(1)	(2)	(3)	(4)
1951.....	No Application	No Application	
1952.....	434	917	\$ 89,383.35
1953.....	515	1,112	101,330.25
1954.....	674	1,239	170,435.59
1955.....	674	1,239	146,721.70
1956.....	682	1,311	153,545.00
1957.....	849	1,759	250,978.20
1958.....	801	1,829	259,812.48
1959.....	746	2,213	280,561.13
1960.....	729	2,606	331,683.00
1961.....	802	2,970	393,432.00
1962.....	843	3,093	445,331.00
Total	7,749	20,288	\$2,623,213.71

1/ These are the children who live on Federal property with a parent employed on Federal property.

2/ These are children who either live on private property with a parent employed on Federal property or live on Federal property with a parent employed on private property.

APPENDIX B

SCHOOL CONSTRUCTION PROJECTS APPROVED UNDER PUBLIC LAW 815 FOR SCHOOL DISTRICTS
 NOS. 13 AND 27 OF BOSSIER PARISH, LOUISIANA, INCLUDING APPLICATION PERIODS,
 PROJECT NUMBERS, DATES OF PROJECT APPROVAL, FEDERAL AND LOCAL FUNDS
 APPROVED AND TOTAL PROJECT COSTS FOR THE PERIOD FISCAL 1951-1962

Application Period (1)	Project Number (2)	Date Project Approved (3)	Federal Funds (4)	Local Funds (5)	Total Cost (6)
<u>School District No. 13</u>					
1950-52	51-C-1A	May 29, 1951	\$ 225,014.90	\$ --	\$ 225,014.90
1950-52	51-C-1B	June 30, 1951	181,925.00	146,875.38	328,800.38
1950-52	52-C-1C-X)	November 30, 1954	359,017.00	185,135.00	544,152.00
1950-52	52-C-1D-IX)				
1950-52	52-C-1D	November 18, 1952	74,000.00	48,585.00	122,585.00
1952-54	54-C-1AA	March 2, 1954	268,245.00	101,914.42	370,159.42
1956-58	58-C-1A8	May 13, 1957	225,000.00	239,276.82	464,276.82
1956-58	58-C-1B8	August 28, 1957	55,120.00	42,209.20	97,329.20
	Totals		\$1,388,321.90	\$ 763,995.82	\$2,152,317.72
<u>School District No. 27</u>					
1959-61	61-C-901A11	February 11, 1960	123,098.41	--	123,098.41
1959-61	61-C-901B11	April 13, 1960	139,931.30	--	139,931.30
1960-62	*62-C-901A12	May 24, 1962	86,135.00	671,865.00	758,000.00
	Totals		\$ 349,164.71	\$ 671,865.00	\$1,021,029.71
Grand Total			\$1,737,486.61	\$1,435,860.82	\$3,173,347.43

* Under construction.