

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 ) Plaintiff, )  
 v. ) CIVIL ACTION )  
 ) NO. \_\_\_\_\_ )  
 )  
 COLUMBUS MUNICIPAL SEPARATE )  
 SCHOOL DISTRICT, et al., )  
 )  
 ) Defendants. )  
 \_\_\_\_\_ )

APPLICATION FOR TEMPORARY RESTRAINING ORDER

Plaintiff applies to the Court for the entry of an order, without notice or hearing, temporarily restraining the Columbus Municipal Separate School District, John R. Henry, President, and Carl McKellar, J. D. Edmondson, Harry R. Oswald and James M. Trotter, Members of the Board of Trustees of the Columbus Municipal Separate School District, and James E. Goolsby, Superintendent of Education of Columbus Municipal Separate School District, their successors in office, agents, employees, and all persons in active concert or participation with them, from failing or refusing to make the school facilities of the Columbus Municipal Separate School District available to the children of military and civilian personnel of the plaintiff residing on Columbus Air Force Base, pending a

hearing upon plaintiff's motion for a preliminary injunction.

This motion is made pursuant to Rule 65(b) of the Rules of Civil Procedure and is based upon the allegations of fact in the verified complaint, the affidavits of Rall I. Grigsby and Colonel Samuel T. Jordan, attached hereto, and the attached memorandum brief in support of the motion.

UNITED STATES OF AMERICA,  
Plaintiff,

By:

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HOSEA M. RAY  
United States Attorney

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ST. JOHN BARRETT, Attorney  
Department of Justice



Force Base with a parent stationed or employed on the Base or who reside without the Base with a parent stationed or employed on the Base.

Of the total amount of \$932,363.87 paid to date by the Commissioner of Education to the District under Public Law 815, \$387,093.83 has been paid for the construction of and additions to Brandon Elementary School located six and one-half miles from Columbus Air Force Base. This elementary school has been used since its construction primarily for the education of children of personnel at Columbus Air Force Base. In an application of November 12, 1957 for aid under Public Law 815 to construct Brandon Elementary School, the District stated, "The proposed elementary school will furnish needed class rooms to house a majority of federally connected children who could not otherwise be properly housed."

The federal payments for children who reside on Columbus Air Force Base have been made in reliance on a resolution adopted on November 12, 1957 by the Columbus Municipal Separate School District. In this resolution the Board undertakes to make its schools available to children who reside on the Base "in accordance with the laws of the State of Mississippi, as the school facilities are available to other children in the Columbus Municipal Separate School District. . ." until August 31, 1978. This resolution was set forth in an application submitted by the District on November 5, 1958 for federal funds under Public Law 815.

In each of its applications submitted to the Commissioner of Education for federal funds under Public Law 815, the District, as required by that statute, has made the following assurance:

"The Applicant's school facilities will be available to the children for whose education contributions are provided in Public Law 815,

as amended, 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."

The payment of federal funds under Public Law 815 by the Commissioner of Education to the District has been made in reliance on the foregoing assurance.

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Rall I. Grigsby

Subscribed and Sworn to before  
me this 28th day of August,  
1963.

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Notary Public

My Commission Expires:



It is my responsibility, under Air Force regulations, to insure that the school children of the men under my command are furnished a suitable, free, public education.

During the 1962-1963 school year, approximately 1,005 children from the base attended Columbus city schools. The breakdown by school was as follows:

156 at Lee High School  
119 at Cook Junior High School  
630 at Brandon Elementary School  
3 at Demonstration  
41 at Franklin Academy  
56 at other schools

1,005 Total

Most of the children from the base attended the Brandon Elementary School which is about 6 miles from the base. Brandon has the first 6 grades of school only.

I arrived at the Base on the first of July this year. My first contact with the School Board of Columbus was on the second of August, at a meeting held in the Wing Commander's office. John Henry, President of the Columbus School Board, W. F. Bruce, Jr., Assistant Superintendent of Columbus Schools, and two other

people from the community who belonged to the Base Community Council were present. At this meeting, we informed the school people of the Defense Department Directive pertaining to the assignment of dependent children of military personnel to schools on a non-racial basis and requested information from the school people with respect to the procedure which pupils follow to transfer from one school to another. We explained to the people that they might be getting requests for transfers from children wanting to attend school on a non-segregated basis.

We met again on 7 August 1963 with Mr. Henry, Mr. J. E. Goolsby, Superintendent of Columbus City Schools, and other school officials from Clay County, Aberdeen, Mississippi and West Point, Mississippi. The purpose of this meeting was to review the proposed letters to military personnel which we had drafted to comply with an Air Staff Directive and to make certain we had included the correct information on the school transfer provisions.

At neither of these meetings was there any intimation that the schools might be closed or that the children from the base would not be allowed to attend the schools.



Registration for the Columbus city schools was scheduled for the period from August 15th until school starts. The children from the base were registered for this coming school year by taking their birth certificates and an adult with them to the schools. On August 19th or 20th, my older son, who is 18, took my youngest son to the Brandon School where he was registered for the third grade.

On the morning of August 23rd, at about 7:25 a.m., I walked into my office and Mrs. Carr, who works in the office next to me and whose husband is principal of the Lee High School, asked me if I had heard that in a special meeting of the School Board the previous night the Board voted to close Brandon School. I immediately called Mr. Goolsby, the Superintendent of City Schools, at about 7:30 a.m. He read to me an extract of the resolutions approved by the School Board on August 22 which stated, in part, as follows:

1. Resolved that the first duty of the Trustees is to those pupils and parents residing in this school district.

2. Resolved that the Brandon Elementary School be closed and not opened for the school year 1963-1964.

3. Resolved that the 1963-1964 budget be amended by changing item 13, page 1, from \$120,000 to read Public Law 874 \$43,374 and by crediting said budget with the savings resulting from the closing of Brandon Elementary School and the superintendant submit accordingly the revised budget to the board at a meeting to be held at 7:00 p.m. 26th of August 1963.

4. Resolved that no student living outside Columbus separate school district be admitted as a student in any of the schools in the Columbus separate school district except as previously provided by the State Educational Finance Commission for the reorganization of Columbus separate school districts and the Lowndes County School District.

5. Resolved that any application for transfer received by the Superintendent pursuant to his letter of August 15, 1963, be denied with a sincere regret of the Board that any tuition fees received be returned.

When we learned the schools were closed to children from the base, we took a survey to see who was affected. This survey showed the following number of children would be entering the following grades this year:

| <u>GRADE</u> | <u>CHILDREN</u> |          |
|--------------|-----------------|----------|
| 1st          | 136             | )        |
| 2nd          | 122             | )        |
| 3rd          | 99              | )        |
| 4th          | 90              | )        |
| 5th          | 78              | )        |
| 6th          | 65              | )        |
| 7th          | 57              | )        |
| 8th          | 56              | )        |
| 9th          | 41              | )        |
| 10th         | 40              | )        |
| 11th         | 35              | )        |
| 12th         | 31              | )        |
|              | <u>850</u>      | children |

An additional 100 children from the Base will be attending a new parochial school for the grades 1-5.

The city schools are scheduled to open on Friday. We don't have any schools on the Base and we don't have any physical facilities we can use for a school. Even if we had a building, the starting date for when we

could get books, teachers, chairs and other necessary items is uncertain. We haven't hired our first teacher yet.

If we could lease Brandon School and get the money, we might be able to open by October, but even then we would have to double shift it until we could build a building. Brandon only has 24 rooms, a cafeteria and a principal's office. It has no laboratory, auditorium or gymnasium since it was only an elementary school.

All the parents are shook up. They are calling and asking should they move off base, stay on base, will the Air Force provide schooling for their children. And many of the parents are concerned that even if we could get a school started by October, we would not have any athletic programs, hence the children in the higher grades who were hoping to go to junior college and college on athletic scholarships will not be able to.

Also, there is the problem that even if we could start by the first of October, some of the men will get transferred to other bases during the year and their children will thus be behind other children who started school at the regular time. Particularly in the Air Force, we move so much that our kids have to go to many

different schools and have troubles adjusting each time, so not starting on time this year makes it much worse.

There is also the question of accreditation. The juniors and seniors in high school are worrying the most and I'm worried most about them.

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COL. SAMUEL T. JORDAN

Subscribed and sworn to before me  
on this            day of August, 1963.

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Notary Public

My Commission expires: \_\_\_\_\_