

Original

IN THE
UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION

FILED *Ent*

MAR 7 1967

SAMUEL A. HOWARD, CLERK
U. S. DISTRICT COURT
E. DIST. NO. CAR.

VERTA M. PRIDGEN and THE NORTH
CAROLINA TEACHERS ASSOCIATION,
a corporation,

Plaintiffs,

v.

WELDON CITY BOARD OF EDUCATION,
a public body corporate, and B.
PAUL HAMMACK, Superintendent of
Weldon City Schools,

CIVIL ACTION

NO. 1019

COMPLAINT

I

The jurisdiction of the Court is invoked pursuant to 28 U.S.C. §1343, this being a suit in equity authorized by law, Title 42 U.S.C. §§1981 and 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 statute, ordinance, regulation, custom or usage of a State of rights, privileges and immunities secured by the Constitution and the laws of the United States. The rights, privileges and immunities sought herein to be redressed are those secured by the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

II

This is a proceeding for an injunction, enjoining the Weldon City Board of Education, its members and its Superintendent and

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all persons acting in concert or participation with them or at their direction from continuing the policy, practice, custom and usage of discriminating against the individual plaintiff, members of her class and members of plaintiff organization because of race or color, and from hiring, assigning, or dismissing or refusing to hire teachers and other school personnel in the Weldon City Administrative School Unit on the basis of race or color, and for other relief as hereinafter more fully appears.

III

The individual plaintiff in this case is a Negro citizen of the United States and the State of North Carolina, residing in Halifax County, North Carolina. Said plaintiff possesses the necessary qualifications for teaching and has taught in the Weldon City School System for the past twenty-two years but has been dismissed and denied employment solely because of her race. Said plaintiff brings this action on her own behalf and on behalf of all other Negro teachers and school personnel in the Weldon City School System, who are situated and affected by the policy, practice, custom and usage complained of herein. The members of the class on behalf of whom individual plaintiff 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 member of the class.

The plaintiff North Carolina Teachers Association is a professional teachers association, organized as a private, non-profit, membership corporation pursuant to the laws of the State of North Carolina, with authority to sue and be sued in its corporate name. The Association has a membership of approximately 12,500, most of whom are Negro teachers, teaching in the public schools of North Carolina, including the Weldon City Public Schools. One of the objectives of the Association is to support the decisions of the

United States Supreme Court on segregation in public education and to work for the assignment of students to classes and the employment and assignment of teachers and other professional personnel to professional duties within the public schools without regard to race or color. Plaintiff Association is the medium by which its members are enabled to express their views and to take action with respect to controversial issues relating to racial discrimination. The Association asserts here the right of its members not to be hired, assigned or dismissed on the basis of their race or color.

IV

The defendant Weldon City Board of Education is a public body corporate, organized and existing under the laws of the State of North Carolina. The defendant Board maintains and generally supervises the public schools of Weldon City Administrative Unit, acting pursuant to the direction and authority contained in the State's constitutional and statutory provisions. As such, the Board is an arm of the State of North Carolina, enforcing and exercising State laws and policies. Among its duties, defendant assigns students to the various public schools and hires and assigns teachers and professional school personnel to duties in the Weldon City Administrative Unit.

Defendant B. Paul Hammack is Superintendent of the Weldon City Public Schools and as such charged with the duty, among others, of recommending teachers and professional personnel for professional duties and assignment of students to the various schools in the Weldon City Public Schools.

V

Defendants, acting under color of the authority vested in it by the laws of the State of North Carolina, has pursued and is presently pursuing a policy, practice, custom and usage of operating the public schools of the Weldon City Administrative Unit on a

basis that discriminates against plaintiffs because of race or color, to wit:

1. Defendants have in the past and presently employs and assigns all teachers and professional personnel on the basis of race and color. Negro teachers and school personnel have been assigned to Negro schools and white teachers and school personnel to white schools.

2. Effective with the 1966-67 school year, the defendant Board adopted a plan for the assignment of students to the various schools, pursuant to the requirements of the Civil Rights Act of 1964, which permitted students to indicate the school they desired to attend. Pursuant to defendant's plan, several Negro students transferred from all-Negro schools, including the Negro school in which the plaintiff taught, to previously all-white schools. The defendants, pursuant to their policy and practice of employing and assigning teachers and school personnel on the basis of race and color and in order to avoid integrating the faculties at the previously all-white schools by transferring or assigning the individual plaintiff or other Negro teachers to the white schools, dismissed the plaintiff and denied her employment for the 1966-67 school year solely because of her race and color. Defendants have continued to hire white teachers and school personnel for white or previously all-white schools and Negro teachers for Negro schools and have refused to eliminate their racial policies regarding teachers and professional personnel.

VI

Plaintiffs have made reasonable efforts to communicate to defendants their dissatisfaction with defendants' racially discriminatory practices but without effecting any change. Further efforts by plaintiffs would prove fruitless in providing the relief which plaintiffs seek in view of defendant's continued avowed adherence to the racially discriminatory practices set forth herein.

VII

Individually plaintiff and members of her class and members of plaintiff Association are irreparably injured by the acts of defendants complained of herein. The continued racially discriminatory practices of defendants in hiring, assigning and dismissing teachers and professional school personnel violate the rights of individual plaintiff, members of her class and of plaintiff Association secured to them by the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States and Title 42 U.S.C. §§1981, 1982, 1983.

The injury which plaintiffs suffer as a result of the action of the defendants is and will continue to be irreparable until enjoined by this Court. Any other relief to which plaintiffs 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 to the plaintiffs.

WHEREFORE, plaintiffs respectfully prays that this Court advance this cause on the docket and order a speedy hearing of the action according to law and, after such hearing, enter a preliminary and permanent decree, enjoining the defendants, their agents, employees, and successors and all persons in active concert and participation with them from hiring, assigning and dismissing teachers and professional school personnel on the basis of race and color, and from dismissing, releasing, refusing to hire or assign individual plaintiff and other Negro teachers and professional school personnel on the basis of race or color and from continuing any other practice, policy, custom or usage on the basis of race or color.

Plaintiffs further pray that the Court order reinstatement of the individual plaintiff in the same or comparable position and that the Court determine her losses resulting from defendants' racially discriminatory practice.

Plaintiffs further pray that the Court retain jurisdiction of the cause pending full and complete compliance by the defendants with the order of the Court, that the Court allow plaintiffs their costs herein, reasonable counsel fees and grant such other, further and additional or alternative relief as may appear to the Court to be equitable and just.

Respectfully submitted,

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