

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DISTRICT

SHARPER T. CUNNINGHAM, JR. and
DARLENE CUNNINGHAM, minors, by
their father and next friend,
REV. S. T. CUNNINGHAM

GRANVILLE JEROME SMITH, minor,
by his father and next friend,
WILLIE SMITH

SHIRLEY JEAN JONES, minor, by her
mother and next friend, MRS.
MARTHA PERRY

KAY LERA BOOKER, minor, by her
mother and next friend, MRS.
SARAH BOOKER

ANNETTE WALKS, EMMA LEE WALSH
and BILLIE FAY WALSH, minors,
by their mother and next friend,
MRS. LULA BROWN

NORMA JEAN LOTT, GEORGE LOTT and
JAMES LOTT, JR., minors by their
mother and next friend, MRS. KATHERINE
LOTT,

CIVIL ACTION

v.

NO. _____

GRENADA MUNICIPAL SEPARATE SCHOOL
DISTRICT, F. G. WILBORN, Super-
intendent of Education, CARL
COOPER, Director of Transportation
and Supervisor of Maintenance,
JUNIUS TOWNES, Chairman and RALPH
SEMMS, PAUL FEDRIC, HAROLD BIDDY
and EARL GILLON, Members of the
Board of the Grenada Municipal
Separate School District, their
agents, successors, employees
and all those in active concert
with them,

Defendants.

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 Code, Section 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 laws of the United States. The rights, privileges and immunities sought to be secured by this action are rights guaranteed 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 Grenada Municipal Separate School District, Grenada County, Mississippi, its Superintendent and Members of the Board of Trustees, from continuing their policy, practice, custom and usage of operating a compulsory biracial school system in Grenada, Grenada County, Mississippi.

III

The plaintiffs in this case are set forth below:

<u>Minor Plaintiffs & Parents or Guardian</u>	<u>Age</u>	<u>Grade</u>
1. Sharper T. Cunningham, Jr.	9	4
2. Darlene Cunningham minors, by their father and next friend, Rev. S. T. Cunningham	6	2
3. Granville Jerome Smith minor, by his father and next friend, Willie Smith	5	1
4. Shirley Jean Jones minor, by her mother and next friend, Mrs. Martha Perry	7	2
5. Kay Lera Booker minor, by her mother and next friend, Mrs. Sarah Booker	7	2
6. Annette Walsh	10	3
7. Emma Lee Walsh	13	8
8. Billie Fay Walsh minors, by their mother and next friend, Mrs. Lula Brown	10	4
9. Norma Jean Lott	16	11
10. Odessa Lott	12	6
11. James Lott, Jr., minors, by their mother and next friend, Mrs. Katherine Lott	10	4

IV

Plaintiffs are all members of the Negro race, and bring this action on their own behalf and on behalf of all other Negro children and their parents in Grenada, Grenada County, Mississippi, who are similarly situated and affected by the policy, practice, custom and usage complained of herein. Plaintiffs are all citizens of the United States and of the State of Mississippi, residing in Grenada County, Mississippi. The minor plaintiffs and other minor Negro children similarly situated are eligible to attend, and most presently attend, public schools in Grenada, Grenada County, Mississippi, which schools are under the jurisdiction, management and control of defendants and which 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. The class on whose behalf plaintiffs sue is so numerous that joinder of all members is impracticable. However, there are common questions of law and fact, and plaintiffs adequately represent the claims of their class and are entitled to a common relief against the defendants. Plaintiffs allege that they will fairly and adequately protect the interests of the class.

V

The defendants in this case are the Grenada Municipal Separate School District, organized and existing under the laws of the State of Mississippi, F. G. Wilborn, Superintendent of Education, Carl Cooper, Director of Transportation and Supervisor of Maintenance, Junius Townes, Chairman, and Ralph Semms, Paul Fedric, Harold Bidy and Earl Gillon, Members of the Board of the Grenada Municipal Separate School District.

VI

Plaintiffs allege that the defendants herein, acting under color of authority vested in them by the laws of the State of Mississippi, have pursued and are presently pursuing a policy,

practice, custom and usage of operating the public school system in the City of Grenada and County of Grenada, Mississippi, on a racially segregated basis, to wit:

(a) This racially segregated school system came into effect pursuant to requirements of State law, and is presently continued, perpetuated and maintained by defendants as a matter of State law, policy, custom and usage;

(b) The defendant school district maintains four Negro schools; Rebecca Reed School, Holcomb, Mississippi, Tie Plant School, Carrie Dotson High School and Willie Wilson Elementary School. All of these schools are limited to attendance by Negro pupils only and are staffed by Negro teachers, Negro principals and other Negro professional personnel.

(c) The defendant school district maintains four white schools; Holcomb Elementary School, Grenada County Elementary School, Grenada High School and Grenada Elementary School. All of these schools are limited to attendance by white pupils only. They are staffed by white teachers, white principals and other white professional personnel.

(d) Defendants assign pupils to schools in accordance with either a dual set of school zone lines or pursuant to policies, practices and procedures which result in all the white children attending all-white schools and all Negro children being assigned to all-Negro schools.

VII

All curricular and extra-curricular activities and school programs are conducted on a racially segregated basis, and plaintiffs allege that the quality and quantity of such activities and of education generally as furnished by the defendant Board to the plaintiffs and members of their class is highly inferior to that furnished white children.

VIII

Plaintiffs allege, upon information and belief, that budgets relating to school operation contain racial designations

reflecting the compulsory biracial policy followed by defendants. All new construction plans proposed, adopted and executed by defendants are based upon the fact that there is in operation a compulsory biracial system of schools. All funds appropriated and expended by defendants are also appropriated and expended by defendants separately for Negro schools and for white schools.

IX

Plaintiffs allege that the quality and quantity of school facilities and instruction provided them and their class are inferior to those provided white children. Specifically, plaintiffs allege, upon information and belief, that:

(a) The white high school is accredited by the State and the Southern Association of Secondary Schools and Colleges. The Negro high school is accredited only by the State.

(b) Negro pupils are forced to use out-dated books handed down from the white schools.

(c) No Negro elementary school has a library.

(d) Negro schools are grossly overcrowded, with classes as high as 48 children. For the past three years some public school classes have been taught at the New Hope Church, a Negro church in the City of Grenada, because of the inadequate facilities provided by the defendant Board.

(e) No Negro school in the county has a gymnasium, resulting in few athletic programs for plaintiffs and their class. All white schools have gymnasiums.

(f) Pupil-teacher ratio on Negro schools is greatly in excess of that in white schools.

(g) The amount of money spent per white pupil exceeds the amount of money spent per Negro pupil.

(h) Negro school buses are grossly inadequate and overcrowded.

(i) The curriculum provided Negro children is inferior to that provided white children in white schools. No music or art courses are offered at the Negro schools. The Negro

schools have no bands, whereas all of the white schools have bands. No foreign language is taught at the Negro high school, whereas more than one language is offered at the white high school.

(j) Negro children are forced to cross streets without guards, whereas white children are provided adult guards at school crossings.

(h) Negro school teachers are paid less than white school teachers.

Plaintiffs allege that the above described practices violate plaintiffs' rights to equal protection and due process of law guaranteed by the Fourteenth Amendment to the United States Constitution.

X

The defendants' policies, practices, customs and usages of racial segregation and discrimination herein detailed are manifestations of a State policy to maintain racial segregation in the public schools, which policy is amply reflected in the constitution and statutes of the State of Mississippi requiring segregation or aiding in the maintenance of segregation.

XI

Plaintiffs have not sought to utilize the provisions of the State Pupil Assignment Act as adopted in 1954, Mississippi Code Annotated, Sections 6334-01 to 6334-07, and submit that the exhaustion of remedies under this act would prove futile and inadequate, in view of the State policies illustrated by the State statutes in continuing segregation of the schools by defendants in the face of federal law established by the United States Supreme Court in Brown v. Board of Education, to provide the relief which plaintiffs seek here.

XII

Plaintiffs, and members of the class which they represent, are irreparably injured by the refusal of defendants to cease

operation of a compulsory biracial school system in Grenada, Grenada County, Mississippi, which violates rights of the plaintiffs and their class which are secured by the due process and equal protection clauses of the Fourteenth Amendment to the United States Constitution. Plaintiffs and their class are injured by the policy of assigning teachers, principals and other professional school personnel on the basis of the race and color of the children attending a particular school and the race and color of the person to be assigned. The injury which plaintiffs and members of their class suffer as a result of the operation of a compulsory biracial school system is irreparable, and shall continue to irreparably injure plaintiffs and members of their class until enjoined by this court. Any other relief to which plaintiffs and members of their class 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 injuries and occasion damage, vexation, and inconvenience, not only to plaintiffs and those similarly situated, but to defendants as public officials.

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 such hearing, enter a decree enjoining defendants, their agents, employees, successors and all persons in active concert and participation with them from refusing to admit plaintiffs and all members of their class to the nearest white school they are eligible to attend no later than September, 1966; and further enjoin defendants from:

(a) Operating a compulsory biracial school system in Grenada, Grenada County, Mississippi.

(b) Continuing to maintain a dual scheme and/or pattern of school zone lines or attendance areas based on race and color.

(c) Assigning pupils to schools in Grenada, Grenada County, Mississippi, on the basis of the race and color of the pupils.

(d) Assigning teachers, principals and other professional school personnel to the schools of Grenada, Grenada County, Mississippi, on the basis of the race and color of the person to be assigned and the race and color of the children attending the school to which such personnel is to be assigned.

(e) Approving budgets, making available funds, approving employment and construction contracts and approving policies, curricula and programs which are designed to or have the effect of perpetuating or maintaining or supporting compulsory racially segregated schools.

(f) Discriminating against Negro pupils in expenditure of money and quality and quantity of facilities, instructional materials and any other benefit on a basis unequal to that provided white pupils.

Plaintiffs pray that the Court will order defendants to immediately submit a plan of desegregation to commence September, 1966, which conforms, as a minimum, to the standards established by the United States Court of Appeals for the Fifth Circuit in Singleton v. Jackson Municipal Separate School District and the 1966 Revised Guidelines of the Department of Health, Education and Welfare.

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

Respectfully submitted,

HENRY M. ARONSON
MARIAN E. WRIGHT
538½ North Farish Street
Jackson, Mississippi 39202

JACK GREENBERG
JAMES M. NABRIT, III
MELVYN ZARR
10 Columbus Circle
New York, New York