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*Copy
Complaint*

U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

OCT 6 1970

BAILEY F. RANKIN, CLERK

BY _____
TUX Deputy
TUX

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

EDDIE MITCHELL TASBY and PHILIP WAYNE)
TASBY, By their parent and next friend,)
SAM TASBY; EVELYN DENISE LAFAYETTE and)
DARLINE LAFAYETTE by their parent and next)
friend LUDIE ANN COBBIN; JOHN L. MORGAN,)
LEON M. MORGAN, EMANUEL MORGAN and)
JACQUELINE MORGAN, by their parent)
and next friend THELMA LEE CROUCH:)
JACQUELINE DENISE YARBOROUGH, KATHERINE)
YVETTE YARBOROUGH, and WILLIE JACKSON)
by their parent and next friend BETTYE)
JACKSON; NETTIE MARIE CATES by her)
parent and next friend BOBBIE LEAN)
COBBIN; TONY JEFFERSON, BEULAH)
JEFFERSON, ARTHUR JEFFERSON, YOLANDA)
JEFFERSON, and JACQUELINE JEFFERSON,)
by their parent and next friend, RUTH)
JEFFERSON; ORA CLARA WOODS and JAMES)
EDWARD WOODS, by their parent and next)
friend HELEN WOODS; ANGELA MEDRANO and)
YOLANDA MEDRANO, by their parent and)

CIVIL ACTION
NO. _____

CA-3-4211

Verified a true copy of an instrument
on file in my office on 11/9/70
ANCY HALL DOHERTY, Clerk, U.S. District
Court, Northern District of Texas
By *Heather Pierce* Deputy

next friend RICHARD MEDRANO; individually and on behalf of all others similarly situated,

PLAINTIFFS

VS.

DR. NOLAN ESTES, GENERAL SUPERINTENDENT DALLAS INDEPENDENT SCHOOL DISTRICT; THE BOARD OF TRUSTEES FOR THE DALLAS INDEPENDENT SCHOOL DISTRICT MARVIN H. BERKELEY, EMMETT J. CONRAD, JOHN PLATH GREEN, MRS. HENRI L. BROMBERS, JR., J.R. HOLLINSWORTH, SAM R. FARIS, DANIEL FOSTER, TRINIDAD GARZA individually and in their official capacities.

DEFENDANTS

C O M P L A I N T

J U R I S D I C T I O N

I.

This is an action to enjoin the defendant school district and its officials from discriminating against chicanos and black children enrolled in its schools. Jurisdiction of this Court is invoked pursuant to:

- a.) Title 28 U.S.C. Section 1331, as this action arises under the Fourteenth Amendment to the Constitution of the United States and the amount in controversy exceeds, exclusive of interest and costs, the sum or value of ten thousand (\$10,000) dollars.
- b.) Title 28 U.S.C. Sections 1343 (3) and (4), this being a civil rights action seeking injunctive relief to end denials of equal protection of the law; this action is further filed pursuant to the provisions of 42 U.S.C. Sections 1981, 1988, 2000c-8 and 2000d.

PLAINTIFFS

II.

The following plaintiffs live in the Dallas Independent School District and attend the indicated school therein:

MINOR PLAINTIFFS AND THEIR PARENTS:

	<u>AGE</u>	<u>GRADE</u>	<u>SCHOOL</u>
Eddie Mitchell Tasby	16	11	L.G. Pinkston
Philip Wayne Tasby	12	7	Thomas Edison Jr. H.
by Sam Tasby			
Evelyn Denise Lafayette	9	3	Rhodes Elem.
Darline Lafayette	6	1	Rhodes Elem.
by Ludie Ann Gobbins			
John L. Morgan	14	9	Anderson Jr. Hi.
Leon M. Morgan	13	8	Madison Jr. Hi.
Emanuel Morgan	6	1	Rhodes Elem.
Jacqueline Morgan	5		Rhodes
by Mary Jane Morgan			

	<u>AGE</u>	<u>GRADE</u>	<u>SCHOOL</u>
Nelba Ann Croucn	14	9	Anderson Jr. Hi.
Allen La Meche	12	8	Anderson Jr. Hi.
Danny O'Keefe	7	2	Rhodes Elem.
by Thelma Lee Crouch			
Nettie Marie Cates	9	4	Rhodes Elem.
by Bobbie Lean Cobbin			
Tony Jefferson	14	8	Anderson Jr. Hi.
Beulah Jefferson	13	7	Anderson Jr. Hi.
Arthur Jefferson	12	5	Rhodes Elem.
Yolanda Jefferson	11	5	Rhodes Elem.
Jacqueline Jefferson	10	4	Rhodes Elem.
by Ruth Jefferson			
Ora Clara Woods	13	8	Thomas Edison Jr. Hi.
James Edward Woods	10	5	Longfellow Elem.
by Helen Woods			
Angela Medrano	6	1	Sam Houston Elem.
Yolanda Medrano	7	2	San Houston Elem.
by Richard Medrano			

III.

This is a class action filed pursuant to Rule 23 (b) (2) of the Federal Rules of Civil Procedure. There are two classes - all black children living in the Dallas Independent School District and all chicano children living in the Dallas Independent School District. Plaintiffs sue in their own behalf and in behalf of all other black and chicano children eligible to attend public schools who are similarly situated and affected by the policies, practices, and customs complained of herein.

DEFENDANTS

IV.

Defendants are:

Dr. Nolan Estes, General Superintendent of the Dallas Independent School District;

The members of the Board of Trustees of the Dallas Independent School District, who are: Marvin H. Berkeley, Emmett J. Conrad, John Plath Green, Mrs. Henri L. Bromberg, J.R. Hollinsworth, Sam R. Paris, Daniel Foster, and Trinidad Garza.

STATEMENT OF FACTS

V.

The Dallas Independent School District has approximately 170,000 students, approximately 52,500 of whom are black (32%); 13,600 of

whom are chicano (7%); and 103,900 of whom are Anglo-American (Due to the absence of 1970-71 figures, the above figures are based on 1969-70 student enrollment).

VI.

The Dallas Independent School District operates 181 schools at present.

VII.

Plaintiffs, on information and belief, also allege the following facts:

- A. No white children have ever been assigned to predominately black or chicano schools.
- B. No faculty or administrative staff in the defendant school district has the required number of black or chicano teachers or employees.
- C. The athletic and extra-circular programs maintained by defendants at the predominately white schools are superior to those in the predominately black and/or chicano schools, in terms of dollars spent.
- D. All plans for the location, construction, and improvement of school facilities proposed, adopted, and executed by defendants have had and continue to have the effect and purpose of perpetuating racial segregation and discrimination.
- E. All other available educational services, programs, and facilities at the predominately white schools are superior to those available and the predominately black and/or chicano schools.
- F. Per pupil expenditures, exclusive of federal dollars, are substantially less for students at predominately black and/or chicano schools.
- G. The physical plant and other facilities at the predominately white schools are superior to those of the predominately black and/or chicano schools.
- H. The textbooks and libraries at the white schools are superior to those at the predominately black and/or chicano schools.

VIII.

Most black and chicano students in the defendant school district

Anglo-American or white students attend schools in which they in turn are in a great majority.

FACTS PECULIAR TO CHICANO STUDENTS

IX.

The educational opportunities offered to chicano students are distinctly inferior in that:

- a.) The defendant district has failed to assess special needs of the students of Mexican-American or Mexican National descent, and as a result has not fashioned a relevant educational program for these students;
- b.) The defendant district is not only discriminating against chicano students on account of race, but also on account of language differences.

FACTS PECULIAR TO BLACK STUDENTS

X.

The defendant district has continued, through the operation of its schools, "to attach to its black students a "badge of slavery" in spite of the prohibitions of the Thirteenth Amendment, and is still, after long and protracted litigation 10 to 15 years ago, denying black students access to most white schools.

CAUSES OF ACTION

XI.

The defendant district acting under color of law is operating a racially, ethnically, and economically segregated school system which functioned for years under a de jure segregated attendance plan. The current operation has basically continued the de jure segregation of its schools through choice of building sites, staffing of its administrative offices and teaching positions, and through the use of the neighborhood assignment plan. The defendants' policies have perpetuated the effects of the de-jure tri-system and have not carried out their duty to dismantle the segregated school system "root and branch".

XII.

Defendant's district's operation of its schools violates the Thirteenth and Fourteenth Amendments to the United States Constitution, and 42 U.S.C. Sections 1981, 1983, and 2000d, and such operation irreparably injures and will continue to so injure plaintiffs and the classes they represent unless enjoined by this court. Plaintiffs have no adequate remedy at law.

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Tex

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray that this court preliminarily and permanently enjoin defendants, the Dallas Independent School District, its officers, employees, and agents:

1. To achieve a racially integrated school system.
2. To employ and assign teachers, principals, and other professional personnel on a racially integrated basis, to reflect the percentage of black and chicano teachers in each school as the black and chicano students reflect in the defendant district.
3. To adopt and carry out only such plans for location, construction, and improvement of school facilities as are designed to eliminate the tri-school system; to this end enjoining all construction of new schools and all sites selected for new schools in the defendant district; specifically the construction of:

1. D.A. Hulcy Junior High School
Polk Street and Wardmont Avenue
2. Ewell D. Walker Middle School
12532 Nuestra Drive
3. Arlington Park Elementary School
1700 Chattanooga Drive
4. Rufus C. Burleson Annex
6300 Elam Road
5. Clinton P. Russell Annex
3031 S. Beckley Avenue
6. Community Learning Center
Goldman Street and Canada Drive
7. Community Learning Center

Morris Street and Kingbridge Road

and specifically the selected sites for proposed construction located at:

1. Van Cleave, Magna Vista, and Tips Blvd.
 2. North Winnetka and McBroom Street
 3. Fishtrap and Canada Drive
 4. Morris and Kingbridge
4. To achieve a uniform quality of instruction, transportation, and of education, athletic and extracurricular programs and services by defendants by allocating and expending county and state monies only.
 5. From the use of teaching methods, textbooks, curricula, and other policies which discriminate against plaintiffs and their respective classes.
 6. From use of school zones or boundary lines, or any other plan of assignment of students which is intended to or does in fact discriminate against plaintiffs and perpetuates segregation of the defendants' schools.
 7. From operating the defendant district in a fashion which violates VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d, and HEW Guidelines promulgated pursuant to 42 U.S.C. Section 2000d-1.

Plaintiffs further pray that this court order the defendant Dallas Independent School District to develop a comprehensive plan for its operation commencing with the spring semester of 1971 which shall include:

1. Desegregation of the school district so as to achieve a racial balance between all three ethnic groups: black, chicano, and white;
2. Practices and procedures designed to provide all students in the school district with sufficient English language skills, without attaching a stigma to any other language background;
3. An intensive recruiting effort designed to employ black and chicano teachers, principals, and other professional persons, so as to reflect the required percentages of

those persons in each school.

4. The formulation of a tri-racial committee, to be composed of an equal number of whites, blacks and chicanos, which will in turn advise the Dallas Independent School District on any matter concerning desegregation of that school district including new construction, and the establishment of programs designed to promote equal educational opportunities;
5. The establishment of a program designed to enlighten and sensitise school personnel and school board representatives as to cultural and racial differences of the students in the defendant district and the effects of imposing a mono-cultural educational program;
6. The establishment of programs to minimize the drop-out rate of black and chicano students.

Plaintiffs further pray that this court retain jurisdiction of this case after judgment and to issue any supplementary order (s) as may become necessary to effectuate desegregation of the defendant district and that the district be required to submit to this court and to plaintiffs periodic reports which detail the steps taken and the progress achieved in eliminating all inequalities prevailing in defendant school district.

Plaintiffs further pray for all further general and equitable relief as this court may deem necessary, together with all costs and attorneys' fees.

Respectfully submitted



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VERIFICATION

BEFORE ME, the undersigned authority, came and appeared RUTH JEFFERSON, one of the plaintiffs herein, and after being duly sworn, did depose and say that:

After reading the foregoing complaint, I swear that the facts contained therein are true and correct, except those therein on information and belief, and those I believe to be true.

SEAL

Ruth Jefferson
RUTH JEFFERSON

SWORN TO and subscribed to this 2 day of October, 1970.

Earl J. Hensley
NOTARY PUBLIC

INFORMATION FOR SERVICE:

Please serve Defendants at the following addresses:

Dr. Nolan Estes, 3700 Ross Avenue, Dallas, Texas.

Marvin H. Berkeley, Texas Instruments, P.O. Box 5474, Dallas, Texas.

Emmett J. Conrad, 2003 Lanark, Dallas, Texas.

John Plath Green, 21st Floor, First National Bank Building, Dallas,

Mrs. Henri L. Bromberg, Jr., 4842 Brookview Drive, Dallas, Texas.

J.R. Hollinsworth, %John E. Mitchell Co., P.O.Box 1811, Dallas.

Sam R. Faris, 2541 Delmac Drive, Dallas, Texas.

Daniel Foster, %Department of Internal Medicine, University of
Texas, Southwestern Medical School, 5323 Harry Hines, Dallas.

Trinidad Garza, 2235 W. Colorado Blvd., Dallas, Texas