

Judge Kowitz
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES WILLIAM WEBB, JR. and)
 ANDRE WEBB, minors, by JAMES R.)
 WEBB, their parent and next friend)
 and)
 LAURANCE L. JOHNSON, minor, by)
 NORMA JOHNSON, his parent and next)
 friend)
 and)
 ALMA LOUISE COGGS and HARIETTE COGGS,)
 minors, by DR. LOUIS H. COGGS, their)
 parent and next friend)
 and)
 MICHAEL TOMPKINS, minor, by DR. C. A.)
 TOMPKINS, his parent and next friend)
 and)
 LINDA MONTGOMERY and JAMES D.)
 MONTGOMERY, JR., by JAMES D. MONTGOMERY,)
 their parent and next friend)
 and)
 GAIL BAKER and PETER BAKER, minors, by)
 ERNEST BAKER, their parent and next)
 friend)
 and)
 GREGORY HUNTER and CLINTON HUNTER, minors)
 by WILLIAM H. HUNTER, their parent and)
 next friend)
 and)
 JAMES ADAMS and DEBORAH ADAMS, minors,)
 by SUSAN ADAMS, their parent and next)
 friend)
 and)
 ANTHONY WOODS, EARL WOODS and KEITH WOODS,)
 minors, by BONITA WOODS, their parent)
 and next friend)
 and)
 ROSE MARIE OLIVER, JAMES OLIVER, MILLICENT)
 OLIVER, MILTON OLIVER and CERSANDRA OLIVER)
 minors, by RUTH OLIVER, their parent and)
 next friend)
 and)
 CAROLYN and JANE WILLIAMS, minors, by)
 WILLIAM WILLIAMS, their parent and next)
 friend)
 and)

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NO.

DENISE and LEON WILBURN, minors, by
LEON and DOROTHY WILBURN, their parents,
and next friend

and

LAWRENCE BROWN, minor, by DOROTHEA BROWN,
his parent and next friend

and

CARLOS L. PICKETT, minor, by CARLOS
PICKETT, his parent and next friend

and

PATRICIA HENLEY, ROBERT HENLEY and
RONALD HENLEY, minors, by ROBERT
HINLEY, their parent and next friend

and

GREGORY BICKHAM and CARL BICKHAM, minors,
by OLIVER BICKHAM, their parent and next
friend

and

MICHAEL PATTON and ARNOLD PATTON,
minors, by ERNEST PATTON, their
parent and next friend

and

BELINDA HENDERSON, minor, by EDDIE MAE
HENDERSON, her parent and next friend

Plaintiffs,

-vs-

THE BOARD OF EDUCATION OF THE CITY OF
CHICAGO and BENJAMIN C. WILLIS, as
General Superintendent of Public Schools
of the City of Chicago

Defendants.

COMPLAINT FOR A DECLARATORY JUDGMENT,
PERMANENT INJUNCTION AND FURTHER RELIEF

Plaintiffs, by JAMES D. MONTGOMERY, PAUL B. ZUBER and RAYMOND E. HARTH, their attorneys, complaining of the Defendants herein, allege:

FIRST: The jurisdiction of this Court is invoked pursuant to the provisions of Title 28, United States Code, 1343 (3), this being a suit in equity authorized by law, Title 42, United States Code, 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, privileges and immunities secured by the due process and equal protection clauses of the Fourteenth Amendment to the Constitution of the United States, as hereinafter more fully appears.

SECOND: This is a proceeding for a permanent injunction enjoining the Defendants from requiring the Plaintiffs to be registered in a racially segregated public elementary school system, and requiring them to register the Plaintiffs in a public elementary school system that is racially integrated, and for other relief as hereinafter more fully appears.

THIRD: Plaintiffs in this action are all minors appearing by their parents, and they are all citizens of the United States residing with their parents in the City of Chicago, County of Cook, and State of Illinois. 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 the said City of Chicago, who are similarly situated and effected by the racially segregated public school system complained of herein. The minor Plaintiffs, and other minor Negro children similarly situated are eligible and are required to attend public schools in the City of Chicago, which are under the jurisdiction, management and control of the Defendants. The members of the class on behalf of which Plaintiffs sue are so numerous as to make it impracticable 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 a common relief is sought for each Plaintiff and each member of the class. The Plaintiffs fairly and adequately represent the interests of the class.

FOURTH: The Defendants in this action are the Board of Education of the City of Chicago and Benjamin C. Willis, General Superintendent of Schools of the City of Chicago. All of the Defendants are charged by the laws of the State of Illinois with the duty of operating a system of free public education in the City of Chicago and are presently operating public schools in the City of Chicago, in purported pursuance of said laws.

FIFTH: Plaintiffs alleged that the Defendants have adopted and pursued, and are presently pursuing the policy, custom and practice of assigning children to the public schools of the City of Chicago which is generally known as the "neighborhood" school policy. That by means of this policy, the Defendants have maintained, controlled and perpetuated a racially segregated public school system.

SIXTH: It has been well recognized that in many of the large cities of the United States, ghettos exist in which racial minority groups are usually confined. As a result thereof, the public schools in such neighborhoods in such cities are segregated, reflecting the segregated pattern of the neighborhoods. The utilization of the neighborhood school policy in such areas, must of necessity, produce segregated schools. This fact pattern heretofore set forth exists in the City of Chicago, which fact pattern^w is well known to the Defendant, Benjamin C. Willis, and the Defendant, Board of Education of the City of Chicago.

SEVENTH: That the Defendants continue to maintain the aforementioned "neighborhood" school policy for the registration of children, contrary to the laws of the United States.

EIGHTH: That the Defendant, Benjamin C. Willis, as General Superintendent of Schools of the City of Chicago, and the Defendant, Board of Education of the City of Chicago, have so drawn attendance area lines as to knowingly contain the Plaintiffs and others of their class in certain prescribed schools, whose student population is all Negro or predominantly Negro.

NINTH: That the Defendants have devised a method within the public school system of the City of Chicago, namely, a device known as upper grade centers, wherein they are able to contain the Negro student population of the public school system of the City of Chicago in schools which are predominantly Negro or all Negro public elementary schools, which method the Defendants have heretofore and are now knowingly pursuing.

TENTH: That the Defendants by the utilization of upper grade centers are thereby enabled, and pursue a policy of assigning Negro pupils eligible for attendance in public high schools in the City of Chicago to all Negro or predominantly Negro high schools.

ELEVENTH: That the Defendants in their efforts to maintain a racially segregated public school system have not used the device of upper grade centers in those neighborhoods whose residents are predominantly white or all white. That by this system the Defendants are able to and do control the assignment of white students to predominantly white or all white public elementary public schools, and also to control the assignment of Negro students to the predominantly Negro or all Negro upper grade centers.

TWELFTH: That the Defendants in their efforts to maintain a racially segregated public school system have set up high school branches in the predominantly white elementary schools, and thereby have insured the assignment of white pupils to predominantly white or all white public high schools, and further have insured the assignment of Negro pupils to predominantly Negro or all Negro high schools.

THIRTEENTH: That upon information and belief, the Defendants have and are still maintaining areas which are known as neutral zones, and that by the utilization of these zones, white students who would attend an all Negro or integrated schools, under the neighborhood school policy, are given the option of attending predominantly white or all white public schools.

FOURTEENTH: That the Defendants have so selected school construction sites as to insure the preservation of a racially segregated public school system, with the result in attendance of Negro pupils at predominantly Negro or all Negro schools and white pupils at predominantly white or all white schools.

FIFTEENTH: That the Defendants as a result of the maintenance and perpetuation of a racially segregated public school system have allocated a disproportionate expenditure of public funds, in that more monies are expended for the education of students in the predominantly white or all white schools than is expended on the Negro students in predominantly Negro or all Negro schools.

SIXTEENTH: That the Plaintiffs and others of their class have made numerous applications and requests to the Defendants to cease and desist from maintaining and perpetuating by means of the neighborhood school policy, a racially segregated public school system.

SEVENTEENTH: That the Defendants since September, 1961 have refused to heed the requests of the Plaintiffs and others of their class to cease and desist from maintaining a racially segregated public school system.

EIGHTEENTH: That the Defendants have been apprised and are aware of the fact that the Plaintiff children and others of their class have been and are still receiving a substandard and inferior education by their compulsory attendance in racially segregated public schools maintained and operated by the Defendants.

NINETEENTH: That the Defendants have assigned less experienced and less qualified teachers to those schools which are attended by negro pupils, and that as a result of this action by the Defendants, the Plaintiff children and others of their class are receiving a public school education which is inferior to that offered to students attending predominantly white or all white schools.

TWENTIETH: That as a result of the Defendants maintaining and perpetuating a racially segregated public school system, some of the Plaintiffs and others of their class have been compelled to enroll the Plaintiff children and others of their class in private and parochial schools, in order to insure their children an equal educational opportunity commensurate with their intellectual potential.

TWENTY-FIRST: Plaintiffs allege that they, and the members of the class which they represent, are irreparably injured by the refusal of the Defendants to cease operation of the "neighborhood school" policy in connection with the public schools in the City of Chicago. The operation of such a "neighborhood school" policy in connection with the public schools in the City of Chicago. The operation of such a "neighborhood school" policy, with the resultant racially segregated schools in the said City of Chicago violates the rights of the Plaintiffs and members of their class which are secured to them by the due process and equal protection clauses of the Fourteenth Amendment to the Federal Constitution.

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:

A. Enter a decree declaring the application and continuation of the "neighborhood school" policy in the City of Chicago to be illegal and unconstitutional and in violation of the rights of the Plaintiffs and others in their class as a violation of due process and equal protection of the laws as provided in the Fourteenth Amendment of the Constitution of the United States.

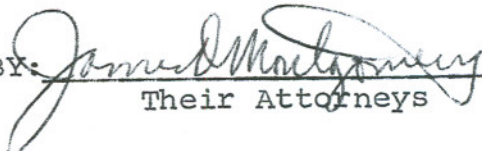
B. Enter a decree declaring the Defendant, Benjamin C. Willis, General Superintendent of Public Schools, and the Defendant, Board of Education of the City of Chicago have an affirmative duty to provide the Plaintiff children and others of their class with a school system which is racially desegregated.

C. Enter a decree enjoining the Defendants, their agents, employees and successors from requiring the Plaintiff children and others in their class to attend racially segregated schools in the City of Chicago.

D. Enter a decree requiring the Defendants, their agents, employees and successors to register the Plaintiff children and others in their class in public schools in the City of Chicago that are desegregated.

E. Plaintiffs further pray that this Court will grant them such other and further relief as equity and good conscience may require.

JAMES D. MONTGOMERY,
PAUL B. ZUBER and
RAYMOND E. HARTH

BY: 
Their Attorneys

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