

#### IV

The questions which are the subject of this action are of common and general interest to all minors who are Negroes and who reside in, and attend school in, the City of Chicago School District, and to their respective parents and custodians. Plaintiffs, therefore, bring this action on their own behalf and on behalf of all other Negro children and their parents in said District who are similarly situated and affected by the policies, practices, customs, and usages complained of herein.

#### V

The members of the classes 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 classes. The Plaintiffs fairly and adequately represent the interests of the classes, and therefore bring this as a class action, pursuant to Rule 23 (a) (3), Federal Rules of Civil Procedure.

VI

The Defendants in this Count are the BOARD OF EDUCATION OF THE CITY OF CHICAGO (hereinafter referred to as the "BOARD"), a body corporate and politic, organized, existing and operating under and by virtue of the provisions of Chapter 122, Article 34, Illinois Revised Statutes; FRANK M. WHISTON, President of said Board; THOMAS J. MURRAY, WARREN H. BACON, BERNARD S. FRIEDMAN, RAYMOND W. PASNICK, EDWARD S. SCHEFFLER, MRS. W. LYDON WILD, CYRUS H. ADAMS, III, MRS. WENDELL E. GREEN, JAMES W. CLEMENT and MRS. LOUIS A. MALIS, members of said Board; and BENJAMIN C. WILLIS, General Superintendent of Schools of the City of Chicago. All 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 therein in purported pursuance of said laws. The corporate limits of the City of Chicago, Illinois are conterminous with the boundaries of the school district which is under the jurisdiction of the Defendant BOARD.

## VII

It is a matter of public knowledge that in the City of Chicago, and elsewhere, Negroes perforce are constrained to reside within certain reasonably well-defined geographical confines, commonly known as ghettos; that such ghettos exist in the City of Chicago; and the Plaintiffs herein do, as members of the classes on behalf of which they sue, live within the confines of such ghettos.

## VIII

The existence of ghettos wherein Plaintiffs and their classes reside, and the boundaries thereof, are and have been well known to the Defendant BOARD at all times herein referred to. Defendant BOARD has, at all times herein referred to, had knowledge and has acted with knowledge of the foregoing and following facts.

## IX

The Chicago Real Estate Board, is a corporation organized and existing under and by virtue of the laws of the State of Illinois, and has a membership consisting of real estate brokers licensed by the State of Illinois. Until recently Negro real estate brokers were excluded entirely from membership in said Real Estate Board, but there are

protection against such imposition the committee recommends and urges block organization of owners, without delay, as the situation is primarily in their hands, and under their control.

"Neighborhood improvement associations may be employed as the nucleus to form such organizations.

"The Committee is dealing with a financial business proposition and not with racial prejudice, and asks the co-operation of the influential colored citizens. Inasmuch as more territory must be provided, it is desired in the interest of all, that each block shall be filled solidly and that further expansion shall be confined to contiguous blocks, and that the present method of obtaining a single building in scattered blocks, be discontinued. Promiscuous sales and leases here and there mean an unwarranted and unjustifiable destruction of values and the loss in the majority of instances is borne by the small owner whose property represents his life savings; the loss is not only individual, but public, inasmuch as reduced values means reduced taxes.

"An ordinary improved city block represents a money value of from \$125,000 to \$600,000--- the property invaded represents approximately 100 million dollars, for improvements exclusive of land. From thirty per cent to sixty per cent of that stupendous amount is irretrievably loss proportionally to investors, the moment the first colored family moves into a block, that sacrifice is avoidable by the use of common sense, and common justice, in the adoption of block method."

now approximately four Negro members out of a total membership of approximately 1800. Said Chicago Real Estate Board has for a number of years pursued a policy and practice designed to restrict the Negro occupancy of residential property to said ghettos by making available to prospective Negro purchasers and lessees of residential property only certain limited areas on the poriferae of said ghettos on a block by block basis. More particularly, in 1917, the said Chicago Real Estate Board adopted the following policy and has acted in accordance with it since its adoption:

"The Committee appointed by the President of the Chicago Real Estate Board to take immediate action and expedite plans to notify and assist owners of property coveted and demanded by the negro race for negro occupation beg to report as follows:

"The Committee recognizes that a great immigration of negroes have arrived and are arriving in Chicago, and that some feasible, practicable and humane method must be devised to house and school them.

"The old districts are overflowing and new territory must be furnished, but the committee especially wishes to call attention to and to warn owners against the methods used by some of the colored agents in soliciting property through deceit and mis-representation. The statement is commonly used, that houses or flats in a block are under contract or promise, for negro tenancy; in many cases that statement is absolutely untrue, and as a

Thereafter, in May, 1921, said Chicago Real Estate Board took the following action, as appears from the minutes of said organization:

"A motion was made by Mr. Surghnor, duly seconded and carried, that any member of our Board who knowingly sells or rents to negroes, in a block occupied entirely by white people, shall be expelled from the Board."

X

Further, said Chicago Real Estate Board, in furtherance of its contrivance to contain Negroes within said ghettos, in October, 1917, passed a resolution recommending the submission of a proposal to the Chicago City Council that an ordinance be passed to restrict Negroes to residence in certain areas. More particularly, the resolution read as follows:

"Mr. Lewis M. Smith, Chairman of the Committee on the Legal situation, presented the following preambles and resolution; and upon motion, which was duly seconded by Mr. John P. Hooker, was unanimously carried with the exception of one dissenting vote---that of Mr. Francis E. Broomell.

"WHEREAS, Numerous colored families have recently come and continue to come to Chicago in alarming numbers,

"AND WHEREAS, No organization exists with authority to locate, properly handle or house these people,

instances, some teachers participated in said boycotts, and at least one alderman of the City of Chicago, aided, abetted and supported the boycott.

XV

The Board of Education of the City of Chicago, by its policies and practices of providing unequal educational opportunities in schools substantially attended by Negroes, induced white families to move from the attendance areas of such schools and thereby aided and facilitated the scheme to increase the Negro ghettos on a block by block basis, and further have caused white parents in the attendance areas of such schools to send their children to private or parochial schools.

XVI

The Board of Education of the City of Chicago, by and through the use of neutral zones, permissive transfers, site selection, and other practices has acted to create racial segregation in the public schools to coincide with residential racial segregation in the City of Chicago.

XVII

The Defendant Board of Education of the City of Chicago and its General Superintendent, Defendant, BENJAMIN C. WILLIS, have adopted and pursued, and are presently