

1961, when the Kipling school was opened, students who now attend Kipling attended Fernwood and Ryder schools, which were then racially integrated schools.

Since September 1961, only the seventh and eighth grades at the Fernwood and Ryder schools are integrated, the first six grades of the said schools having an all-white enrollment. Within two years, the Negro children who attend the seventh and eighth grades at said schools will have graduated.

The Negro children who now attend the Kipling school will hereafter be assigned to the seventh and eighth grades in the Gillespie school which is further in the heart of the all-Negro community.

The net result of this action on the part of the Defendants is to further cement the racially segregated school pattern that now exists in the City of Chicago. This pattern is typical of the official action taken by the Defendants to maintain racially segregated schools in other areas of the City of Chicago.

These instances will be presented to the court at the time of the hearing of the Plaintiffs' Motion for Temporary Relief.

The Plaintiffs further allege upon information and belief that the action of the Defendant, Superintendent of schools in designating certain elementary school buildings as branches of certain high schools was purely for the purpose of eliminating vacant seats existing in said elementary schools, and thereby withdrawing said schools from those

which could otherwise receive Negro students now attending racially segregated overcrowded schools.

It is a matter of common knowledge that in schools located in Negro neighborhoods, there are overcrowded conditions resulting in many instances in the establishment of a "double shift" system, in which students attend school for only four hours daily instead of five hours daily in a regular school day. This results in these Negro students receiving an education which is inferior to that received by other students. This problem, as a rule, does not exist in schools located in white neighborhoods. It exists in the schools in Negro neighborhoods as a result of the official action taken by the Defendants in creating and maintaining racially segregated schools.

This question of overcrowding is one of the issues in this suit, it having been referred to in Paragraph 10 of the Plaintiffs' Amended Complaint. Subsequent to the filing of this suit, the Defendant, Superintendent of Schools, announced that he and the Defendant Board had taken action to eliminate the "double shift" system at certain schools, one of which was the Burnside elementary school, which is in a Negro neighborhood and has an all-Negro enrollment.

However, in eliminating the double-shift situation in the Burnside school, the Defendant, instead of creating an atmosphere

more conducive to the educational process, created a chaotic situation which has impaired the educational processes and opportunities at said school. More particularly, the Defendant, Superintendent of Schools, directed that several classes be conducted at the same time in the school auditorium, on the stage and in various sections of the auditorium. Attached hereto are Plaintiffs' Exhibits 1 and 2, photographs taken subsequent to the filing of this suit, which show scenes in the auditorium of the Burnside school of two classes which were being conducted simultaneously. The said Defendant further ordered that the class size at said school be increased, resulting in classes from 45 to 50 pupils, and kindergarten classes with as many as 75 children.

The Defendants have further created a situation which is hazardous to the life, health and safety of the students, in that the Burnside school was built to handle a capacity of approximately 900 students, whereas the current enrollment of said school is approximately 1700 students. The reason for the over-utilization of this school is the fact that the Defendants refuse to make use of vacant seats which exist in the Perry elementary school, which is located approximately one-half mile east of the Burnside school, and which, except for the seventh and eighth grades, has an all-white enrollment. That despite the awareness of the Defendants of the hazard to the life, health and safety to which the Negro students at the Burnside school are being