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IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

JACKSON, NATHANIEL, A Minor, by his Father  
and Next Friend, W. D. Jackson,

MOODY, CHARLES, A Minor, by his Mother  
and Next Friend (Mrs.) Jemmie  
Irene Moody, a femme sole,

MOODY, FLOYD STEVENSON, A Minor, by his  
Father and Next Friend, Jay Moody,

PLAINTIFFS

VS

RAWDON, O. C., As President of the Board of  
Trustees of the Mansfield Independent  
School District, Mansfield, Tarrant  
County, Texas, and,

ARBOR, BILLY,  
Mansfield, Tarrant County, Texas, AND,

BEARD, HUBERT, 501 Waxahachia,  
Mansfield, Tarrant County, Texas, and,

GIBSON, IRA, 101 East Kimble,  
Mansfield, Tarrant County, Texas, and,

HOWARD, HORACE, 103 Southern Avenue  
Mansfield, Tarrant County, Texas, and,

LEWIS, J. R., Route 2, Venus, Tarrant  
County, Texas, and,

WILSHIRE, O. M., Route 3, Alvarado,  
Tarrant County, Texas,  
As Members of the Board of Trustees of  
the Mansfield Independent School District,  
and,

HUFFMAN, R. L., As Superintendent of Public  
Schools of the Mansfield Independent  
School District, Mansfield, Tarrant  
County, Texas, and

THE MANSFIELD INDEPENDENT SCHOOL DISTRICT, A  
Corporation

DEFENDANTS

CIVIL ACTION  
NUMBER 3152

# C O M P L A I N T

## I

### JURISDICTION

(a) The Jurisdiction of this Honorable Court is invoked under Title 28, Section 1331, of the United States Code, this being a civil action in equity that arises under the Constitution and laws of the United States wherein the matter in controversy exceeds the sum and value of Three Thousand (\$3,000.00) Dollars, exclusive of interest and costs, (62 Stat. 930, June 25, 1948), and, Title 28, Section 1981 and 1983, of the United States Code, this being a civil action in equity wherein citizens of the United States contend that they have been, are now, and will in the future be deprived under color of law, of their rights, privileges and immunities secured to them as citizens of the United States, by the Constitution and laws thereof, (68 Stat. 960, August 30, 1954).

(b) The Jurisdiction of this Honorable Court is further invoked under Title 28, Section 1343 (3), of the United States Code, this being a civil action in equity to redress the deprivation, under color of a State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States, or by any act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States, (Stat. c. 646, June 25, 1948).

## II

### INJUNCTIVE RELIEF

The Jurisdiction of this Honorable Court is also invoked under Title 28, Section 2281 and 2284, of the United States Code, this being a civil action in equity for an interlocutory or permanent injunction to restrain the enforcement, operation or execution of certain statutes of the State of Texas, and of certain constitutional provisions of the State of Texas, upon the grounds of the unconstitutionality of such statutes and constitutional provisions, (62 Stat. 968, c. 646, June 25, 1948).

### III

#### DECLARATORY JUDGMENT

This is a proceeding under Title 28, Sections 2201 and 2202, of the United States Code, for a declaratory judgment. All of the parties to the controversy are subject to the jurisdiction of this Honorable Court. Plaintiffs seek a definition and declaration of the legal rights and relations of the parties in the subject matter of this controversy, to wit, the question:

(a) Whether the enforcement, execution or operation of Article 2900 and Articles 2922-13 and 2922-15, of Vernon's Civil Statutes of the State of Texas, to the extent that they require or sanction the segregation of students in the public schools of Texas on the basis of race or color, by the defendant Board of Education of the Mansfield Independent School District, and the administrative officers of said defendant Board, against plaintiffs, and the class of persons that they represent, because of their race and color deny to them their rights, privileges and immunities as citizens of the United States, and the equal protection of laws secured to them by the Fourteenth Amendment of the Constitution of the United States, or of rights and privileges secured to them by Sections 1981 and 1983, of Title 42, United States Code, and are, for these reasons, unconstitutional and void?

(b) Whether the enforcement, execution or operation of Article VII, Section 7, of the Constitution of Texas, by the defendant Board of Education of the Mansfield Independent School District, and the administrative officers of said defendant Board, against plaintiffs, and the class of persons that they represent, because of their race and color deny to them their rights, privileges and immunities as citizens of the United States, and the equal protection of laws secured to them by the Fourteenth Amendment of the Constitution of the United States, or of rights and privileges secured to them by Sections 1981 and 1983, of Title 42, United States Code, and are, for these reasons, unconstitutional and void?

### IV

#### FACTS

1. Plaintiffs, and each of them allege that they are citizens of the United States and of the State of Texas, domiciled within the Mansfield Independent School District; that they are, each of them, members of the Negro, or "colored" race, as defined by Texas law. (Acts of 1905, p. 263, Article 2900, Vernon's Civil Statutes of the State of Texas, Annotated.)

2. The plaintiffs, and each of them, allege that they are minors between the ages of six (6) and twenty-one (21) years; that they have met all lawful health and medical requirements for admission to the public schools of the Mansfield Independent School District; that they are in all material respects eligible and entitled to attend the public schools of the Mansfield Independent School District, and to register, enroll, enter, attend classes and receive instructions in the public schools maintained by the Defendant Mansfield Independent School District.

3. The plaintiff Nathaniel Jackson is a minor and he brings this action by his father and next friend, W. D. Jackson; the plaintiff Floyd Stevenson Moody is a minor and he brings this action by his father and next friend, Jay Moody; the plaintiff Charles Moody is a minor and he brings this action by his mother and next friend (Mrs.) Jemie Irine Moody, a feme sole, pursuant to Rule 17 (c), Federal Rules of Civil Procedure.

4. Plaintiffs bring this action in their behalf, and in behalf of all other Negro minors who are similarly situated, because of their race and color, within the Mansfield Independent School District. Plaintiffs say that they are members of a class of persons who are segregated and discriminated against by the defendants because of their race and color; that the members of the class are so numerous as to make it impracticable to bring all of them before this Honorable Court; that they, as members of the class, can and will fairly and adequately represent all of the members of the class; that the character of the right sought to be protected and enforced for the class is several, and that there is a common question of law affecting the several rights of all, and a common relief is sought. They bring this action as a class action pursuant to Rule 23 (a)(3), Federal Rules of Civil Procedure.

5. Plaintiffs allege that the defendant Board of Trustees of the defendant Mansfield Independent School District is a body corporate with powers and authority to sue and be sued in its corporate name and it is sued in its corporate name and capacity. (Articles 2748 and 2772, Ibid.)

6. Plaintiffs allege that the defendant Board of Trustees of the Mansfield Independent School District, sometimes referred to as the Board of Education, is vested with power and authority to manage and control the public schools under its supervision and control. (Article 2749, Ibid.)

7. Plaintiffs allege that the defendant Board of Trustees of the defendant Mansfield Independent School District has power and authority to adopt rules and regulations, and bylaws, including the admission of students to public schools under its control, to effectuate the policies of the said Board with respect to the management and control of the public schools under its supervision. (Article 2780, Ibid.)

8. Plaintiffs allege that the defendant Mansfield Independent School District is a political sub-division and an instrumentality of the State, and that it exists pursuant to an Act of the Legislature of the State of Texas. (Article 2783, et seq., Ibid.)

9. Plaintiffs allege that the defendant O. C. Rawdon is a citizen of the United States and of the State of Texas; that he is domiciled in the Mansfield Community which is in Tarrant County, Texas, and is subject to the jurisdiction of this Honorable Court; that he is the duly elected, qualified and acting president of the defendant Board of Trustees of the defendant Mansfield Independent School District; that he is an agent and administrative officer of the State of Texas with power and authority to enforce the general education laws of Texas, and he is sued in his official capacity.

10. Plaintiffs say that the defendants Ira D. Gibson, Billy Arbor, Hubert Beard, Horace Howard, O. M. Wilshire, and J. R. Lewis are, each of them, citizens of the United States and of the State of Texas; that they are domiciled in the Mansfield Community, Tarrant County, Texas; that they are subject to the jurisdiction of this Honorable Court; that they are duly elected, qualified and acting members of the defendant Board of Trustees of the Defendant Mansfield Independent School District; that they are agents and administrative officers of the State of Texas with power and authority to enforce the general education laws of Texas, and they are sued in their official capacities.

11. Plaintiffs allege that the defendant R. L. Huffman is a citizen of the United States and of the State of Texas; that he is domiciled in the Mansfield Community in Tarrant County, Texas; he is subject to the jurisdiction of this Honorable Court; that he is the duly designated, qualified and acting Superintendent of public schools within the defendant Mansfield Independent School District; that he is an agent and administrative officer of the State of Texas with power and authority to enforce the general education laws of Texas, and that he is sued in his official capacity.

12. Plaintiffs Charles Moody, Nathaniel Jackson and Floyd Stevenson Moody, allege that on, to wit, the 2nd day of September, A. D. 1955, they, and each of them, acting in their respective individual behalf, went in person with their parents knowledge and consent, to the Mansfield High School maintained by the defendant Mansfield Independent School District, during the regular period of registration and admission and made application for registration and admission to the said Mansfield High School, that said Mansfield High School was then, and is now, the only public high school operated in the Defendant Mansfield Independent School District by the defendant Board of Trustees; that they were ready and willing to submit to and abide by all lawful and reasonable rules and regulations of the defendant Board of Trustees of the Mansfield Independent School District; that they were in all material respects eligible to register, enroll, enter, attend classes and receive instruction in the said school, but in spite of the foregoing facts, they were denied and refused admission to the said Mansfield High School by the defendant R. L. Huffman, the superintendent of schools in the Mansfield Independent School District, while the said R. L. Huffman was acting in concert with the defendants O. C. Rawdon, Ira D. Gibson, Billy Arbor, Hubert Beard, Horace Howard, O. M. Wilshire, and J. R. Lewis and the defendant Board of Trustees of the Mansfield Independent School District to wilfully and knowingly deprive plaintiffs and the members of the class of persons they represent, because of their race and color, of rights, privileges and immunities secured and guaranteed to them by Section 1, of the Fourteenth Amendment of the Constitution of the United States.

13. Plaintiffs allege that they were advised by the defendant R. L. Huffman, that if they wanted to go to school, they would have to go to Fort Worth public schools; that because they were colored, they would <sup>not</sup> be admitted to the Mansfield High School; that they could ride a bus to Fort Worth Public Schools; that the defendants, and each of them named in paragraph 12 hereof, acting in a conspiracy, have forced and compelled plaintiffs, and each of them to travel an unreasonable distance from their respective homes and outside the territorial limits of the school district in which they live and reside to attend school in Fort Worth, Tarrant County, Texas, which school is outside the jurisdiction, control and supervision of the said defendants; that plaintiffs must arise earlier and return home later than other non-negro pupils who live and reside within the defendant Mansfield Independent School District; that plaintiffs must travel approximately 40 miles daily and endure the hazard and inconvenience necessary to such travel; that the burden placed upon the plaintiffs and their parents by this discrimination is both real and substantial, and it deprives plaintiffs and the members of the class of persons they represent, because of their race and color, of rights, privileges and immunities secured and guaranteed to them by Section 1, of the Fourteenth Amendment of the Constitution of the United States.

14. The State of Texas has unlawfully made racial segregation in the public schools of the State a part of its public policy. By a constitutional provision, it is stated, that:

"Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both." (Art. VII, Sec. 7, Constitution of Texas)

15. Acting pursuant to the aforesaid unlawful constitutional mandate in the organic law of the State, the Legislature illegally enacted laws to implement the unlawful constitutional provision set out in paragraph 14 hereof, Articles 2900, Vernon's Civil Statutes of the State of Texas provides:

"All available public school funds of this state be appropriated in each county for the education alike of white and colored children, and impartial provisions shall be made for both races. No white child shall attend schools supported for colored children, nor shall colored children attend schools supported for white children. The term "colored race" or "colored children" as used in this Title, includes all persons of mixed blood descending from Negro ancestry. (Acts of 1905, p. 263.)

16. While acting in further deference to the illegal constitutional provision set out in paragraph 14 hereof, the 51st Legislature of Texas, enacted the Minimum Foundation School Program Act, sometimes called the Gilmer-Aiken Act which became effective June 8, 1949, the pertinent portions of the Act provides as follows:

Article 2922-13: The number of professional units allocated for the purpose of this Act to each school district, except as otherwise provided herein, shall be based upon and determined by the average daily attendance for the district for the next preceeding year, separate for white and separate for negroes. Such allotments based upon white attendance shall be utilized in white schools, and the allotments based on negro attendance shall be utilized in negro schools.

Article 2922-15: The total current operating cost for each school district, other than professional salaries and transportation, shall be based upon the number of approved classroom teacher units and such exceptional children teacher units as are utilized for convalescent classes, separate for white and separate for negroes, \*\*\*.

17. Plaintiffs allege that the purpose of the Foundation Program Act is to guarantee to each child of school age in Texas the availability of a minimum foundation school program for nine months of the year, and to establish the eligibility requirements applicable to Texas public school districts in connection therewith, and that the segregation of the races in the enjoyment of public school benefits was not its primary purpose. (Acts of 1949, 51st Leg., p. 625, ch. 334, Art. 1).

18. Plaintiffs allege that only so much of the Act as requires or places state sanction upon racial segregation is unconstitutional.

19. Plaintiffs allege that the defendant Board of Trustees of the Mansfield Independent School District while acting, or purporting to act, pursuant to the illegal laws of the State of Texas set out in paragraphs 14, 15, 16, 17, and 18 hereof, has made,



adopted and promulgated certain rules and regulations for the management and control of the public schools under its supervision, and specifically for the management and control of the public school mentioned hereinbefore in paragraph 12 hereof, which have been enforced against plaintiffs, and the class of persons they represent, and each of them, and which will be enforced against them in the future, because of their race and color, that unlawfully and wrongfully discriminate against plaintiffs and the class of persons that they represent, because of their race and color and deprive them of rights, privileges and immunities secured to them as citizens of the United States by the Constitution and laws of the United States.

20. Plaintiffs allege that the defendant Board of Education of the Mansfield Independent School District, and the defendant R. L. Huffman, while acting as Superintendent of public schools of the Mansfield Independent School District, and the defendants O. C. Rawdon, Ira Gibson, Billy Arbor, Hubert Beard, Horace Howard, O. M. Wilshire and J. R. Lewis have conspired, acted in concert and common scheme jointly to wilfully and knowingly deprive plaintiffs and the class of persons that they represent, because of their race and color, of rights and privileges secured to them by Section 1, of the Fourteenth Amendment of the Constitution of the United States, and of rights secured to them by Sections 1981 and 1983, of Title 28, United States Code, by the enforcement and operation of the aforesaid rules and regulations, to the great and irreparable harm and injury of plaintiffs and the class of persons that they represent.

21. Plaintiffs allege that they have no plain, efficient or adequate remedy at law to redress the unlawful action of the defendants, and each of them, other than this action for declaratory judgment and injunctive relief; that any other remedy to which they could be remitted would be attended by such uncertainties and delays as to amount to substantial denial of relief; would involve a multiplicity of suits and would cause plaintiffs further irreparable harm and injury, and occasion undue hardships, vexations and delay.

## PRAYER

WHEREFORE, the premises considered, plaintiffs respectfully pray that upon the filing of this Complaint, as may appear proper and convenient to the Court:

1. That a Statutory Three-Judge Court be convened pursuant to Sections 2281 and 2284, of Title 28, United States Code;

2. That this cause be advanced on the docket of this Court and a speedy hearing be ordered according to law, and upon such preliminary hearing, that this Honorable Court issue a temporary injunction to enjoin and restrain the defendants, and each of them, from denying or refusing to plaintiffs the right and privilege of entering, and attending classes, and receiving instruction at the public school within the Mansfield Independent School District without being assigned to any public school on the basis or classification of race or color, and without any distinctions being made as to them because of their race and color;

3. That upon final hearing of this cause on its merits, this Honorable Court:

(a). Enter a final judgment or decree that will be declarative and definitive of the legal rights and relations of the parties in the subject matter of this controversy;

(b). Enter a final judgment, order and decree which will declare that Section 7, of Article VII, of the Constitution of Texas is unconstitutional and void for the reason that it denies and deprives plaintiffs, and the members of the class of persons whom they represent, their privileges and immunities as citizens of the United States, and, the equal protection of laws secured to them by the Constitution and laws of the United States, and rights and privileges secured to them by Sections 1981 and 1983, of Title 42, United States Code;

(c). Enter a final judgment, order and decree which will declare that Article 2900, of Vernon's Civil Statutes of the State of Texas, is unconstitutional and void, for the reason that it denies and deprives plaintiffs, and the members of the class of persons whom they represent, their privileges and immunities as citizens of the United States, and, the equal protection of laws secured to them by the Constitution and laws of the United States, and, rights and privileges secured to them by Sections 1981 and 1983, of Title 42, United States Code;

(d). Enter a final judgment, order and decree which will declare that so much of Articles 2922-13, and 2922-15, of Vernon's Civil States of the State of Texas, as may be interpreted or construed to require,

or sanction the segregation of students in the public schools operated by the defendants, or any of them, according to race are unconstitutional and void, for the reason it denies and deprives plaintiffs, and the members of the class of persons whom they represent, their privileges and immunities as citizens of the United States, and, the equal protection of laws, secured to them by the Constitution and laws of the United States, and, rights and privileges secured to them by Sections 1981 and 1983, of Title 42, United States Code;

(e). Enter a permanent injunction to enjoin and restrain the defendants O. C. Rawdon, Ira Gibson, Billy Arbor, Hubert Beard, Horace Howard, O. M. Wilshire, and J. R. Lewis, as officers and members of the Board of Trustees of the Mansfield Independent School District, and R. L. Huffman, as Superintendent of Public Schools of the Mansfield Independent School District, their agents, their servants, their employees, their attorneys, their successors in office, and all other persons in concert with them who shall receive actual notice of this judgment, order and decree, from further executing, or enforcing against plaintiffs, or any member of the class of persons whom they represent, any rule or regulation, or any order or orders, made, promulgated, or issued pursuant to, or purportedly issued pursuant to either Section 7, of Article VII, of the Constitution of Texas, or Article 2900 of Vernon's Civil Statutes of the State of Texas, or any portion of Article 2922-13 or 2922-15, of Vernon's Civil Statutes of the State of Texas that requires or sanctions the segregation of students in the public schools operated by the defendant Board of Trustees of the Mansfield Independent School District, according to race, or color.

4. That this Honorable Court allow plaintiffs their costs herein, and, grant such other and further relief as may appear equitable and just in the premises.

*L. Clifford Davis*  
L. Clifford Davis  
401½ East 9th Street  
Fort Worth, Texas

*U. Simpson Tate*  
U. Simpson Tate  
2600 Flora Street  
Dallas, Texas

*Robert L. Carter*  
Robert L. Carter

*Thurgood Marshall*  
Thurgood Marshall  
107 West 43rd Street  
New York, New York

Attorneys for Plaintiffs

CERTIFICATE OF VERIFICATION

COUNTY OF TARRANT :  
STATE OF TEXAS : SS

I, L. Clifford Davis, one of the Attorneys for Plaintiffs herein, after having been first duly sworn according to law, on my oath depose and say that I have read the foregoing Complaint by me subscribed and know the contents thereof and that the same is true of my own knowledge, except at to matters stated to be alleged upon information or belief, and as to that, I verily believe it to be true.

*L. Clifford Davis*  
L. Clifford Davis

SUBSCRIBED and SWORN to before me this the 26th day of September, 1955.

DEARLENE  
H. H. H. H.  
*(Signature)*  
Notary Public in and for  
Tarrant County, Texas

SEAL

CERTIFICATE OF VERIFICATION

COUNTY OF TARRANT :  
STATE OF TEXAS :

I, L. Clifford Davis, one of the Attorneys for Plaintiffs herein, after having been first duly sworn according to law, on my oath depose and say that I have read the foregoing Complaint by me subscribed and know the contents thereof and that the same is true of my own knowledge, except of so matters stated to be alleged upon information or belief, and as to that, I verily believe it to be true.

*L. Clifford Davis*  
L. Clifford Davis

SUBSCRIBED and SWORN to before me this 26th day of

September, 1955.

Notary Public in and for  
Tarrant County, Texas

S. E. J.

Filed 7 day of October  
1955 at 10:20 o'clock a. m.  
GEO. W. PARKER, Clerk  
By *Keith Buckley*, Deputy