

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

C.A. 72-911-6

Mrs. Tallulah Morgan, Petri Morgan,  
Kimberly Morgan, and Kirsten Morgan;  
Mrs. Sandra Purcelle, Dee Anna Purcelle  
and Michael Purcelle; Richard N. Yarde,  
Leslie R. Yarde and Richard N. Yarde II;  
Mrs. Lorraine Wheaton and Teddy Wheaton;  
Mrs. Joann Reed, Aaron Thomas Reed and  
Leigh Ann Reed; Mrs. Addell Vaughn,  
Raymond Joseph Vaughn and Kevin Arthur Vaughn;  
Arthur Eskew, Kemya Eskew, Tashia Eskew,  
and Toure Eskew; Mrs. Carrie Phillips,  
Norman Arthur Phillips, Tyrone Phillips  
and Robert Phillips; Mrs. Earline Pruitts,  
Lynnette Pruitts, Betty Jean Pruitts,  
Valerie Pruitts, Robert Edward Pruitts,  
James Neal Pruitts, Denise Pruitts and  
Kevin Pruitts; Mrs. Diane Bassett and  
Celeste Bassett; Mrs. Fern Burdette,  
Pamela Burdette and Yvonne Burdette;  
Mrs. Mary Crockett, Phillipa Crockett,  
Adrienne Crockett, Arthur Crockett, Cheryl  
Crockett and Beverly Crockett; Mrs. Mary  
Murphy, Anthony Murphy, Arnold Murphy and  
Ricky Murphy; Mrs. Grace Means, Hudis  
Means, Karen Means, Donna Means, Michael Means,  
Bryan Means, Kevin Means and Corey Means,

Plaintiffs,

vs.

Civil Action No.

James W. Hennigan, as Chairman and Member,  
and Paul J. Ellison, John J. Kerrigan,  
John J. McDonough, and Paul R. Tierney as  
Members of the Boston School Committee;  
William H. Ohrenberger as Superintendent of  
the Boston Public Schools; the School  
Committee of the City of Boston; the Board of  
Education of the State of Massachusetts;  
Mrs. Rae Cecilia Kipp, as Chairman and  
Member, and Richard L. Banks, Walter N.  
Borg, Mrs. Ramona L. Corriveau, William P.  
Densmore, J. Richard Early, Allan R. Finlay,  
Mrs. David K. Hardenbergh, Joseph Salerno,  
John S. Sullivan, Miss Janet Tobey and  
Joseph G. Weisberg as Members of the State  
Board of Education; and Neil V. Sullivan as  
Commissioner of Education,

COMPLAINT

Defendants.

1. This is a class action brought by black children attending  
the Boston public schools and their parents. Injunctive and declaratory



relief are sought against the Boston School Committee and its members, Boston school officials, the State Board of Education and its members, and the Commissioner of Education. This action challenges racially discriminatory policies, practices, acts, customs, and usages by defendants resulting in segregation of the Boston public schools on the basis of race and color, and the denial of equal educational opportunity to plaintiffs.

2. This Court has jurisdiction of this action under 28 U.S.C., Sections 1343 (3) and 1343 (4). The Court is empowered to grant declaratory relief by 28 U.S.C. Sections 2201, 2202. This action arises under 42 U.S.C. Sections 1981, 1983, and 2000d, and the Thirteenth and Fourteenth Amendments to the United States Constitution.

3. The plaintiffs, all of whom are black residents of Boston, Massachusetts, are: Mrs. Tallulah Morgan and her children Petri Morgan, Kimberly Morgan, and Kirsten Morgan; Mrs. Sandra Purcelle and her children Dee Anna Purcelle and Michael Purcelle; Richard N. Yarde and his children Leslie R. Yarde and Richard N. Yarde II; Mrs. Lorraine Wheaton and her child Teddy Wheaton; Mrs. Joann Reed and her children Aaron Thomas Reed and Leigh Ann Reed; Mrs. Addell Vaughn and her children Raymond Joseph Vaughn and Kevin Arthur Vaughn; Arthur Eskew and his children Kemya Eskew, Tashia Eskew, and Toure Eskew; Mrs. Carrie Phillips and her children Norman Arthur Phillips, Tyrone Phillips, and Robert Phillips; Mrs. Earline Pruitts and her children Lynnette Pruitts, Betty Jean Pruitts, Valerie Pruitts, Robert Edward Pruitts, James Neal Pruitts, Denise Pruitts, Kevin Pruitts, and ~~Leo Jeffrey Pruitts~~; Mrs. Diane Bassett and her child Celeste Bassett; Mrs. Fern Burdette and her children Pamela Burdette and Yvonne Burdette; Mrs. Mary Crockett and her children Phillipa Crockett, Adrienne Crockett, Arthur Crockett, Cheryl Crockett and Beverly Crockett; Mrs. Mary Murphy and her children Anthony Murphy, Arnold Murphy, and Ricky Murphy; Mrs. Grace Means and her children Hudis Means, Karen Means, Donna Means, Michael Means, Bryan Means, Kevin Means, and Corey Means.

All of the minor plaintiffs attend, or <sup>are</sup> ~~will be~~ eligible to <sup>be</sup> ~~able to~~



attend, schools in the Boston public school system. All of the adult plaintiffs bring this action on behalf of themselves and their children.

4. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, plaintiffs bring this action on their own behalf and on behalf of all persons in the City of Boston similarly situated, to wit: all black children enrolled in the Boston Public School System and their parents. The plaintiffs are so numerous that joinder of all members of the class is impracticable. There are questions of law and fact common to all members of the class. In addition, the claims of the named plaintiffs are typical of the claims of the class and they will fairly and adequately protect the interests of the class. Defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole. The questions of law and fact common to the members of the class also predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

5. The defendants, all of whom reside in Massachusetts and are sued in their official capacities, are:

(a) The School Committee of the City of Boston which is charged under the laws of the Commonwealth of Massachusetts with operating the public school system in the City of Boston;

(b) James W. Hennigan, Chairman and member, and Paul J. Ellison, John J. Kerrigan, John J. McDonough, and Paul R. Tierney, members of the Boston School Committee;

(c) William H. Ohrenberger, who as Superintendent is charged with supervising the Boston public schools under the general direction of the School Committee;

(d) The State Board of Education which is charged among other duties, with the responsibility to support, serve, and plan general education in the public schools, including those of Boston;



(e) Mrs. Rae Cecilia Kipp, Chairman and member, Richard L. Banks, Walter N. Borg, Mrs. Ramona L. Corriveau, William P. Densmore, J. Richard Early, Allan R. Finlay, Mrs. David K. Hardenbergh, Joseph Salerno, John S. Sullivan, Miss Janet Tobey and Joseph G. Weisberg, members of the State Board of Education;

(f) Neil V. Sullivan, Commissioner of Education of the Commonwealth of Massachusetts, who is the chief state school officer for elementary and secondary education and is responsible for implementing the educational laws and policies of the Commonwealth and the State Board of Education.

6. The defendants and their predecessors have received and disbursed annually more than ten million dollars from federal educational and other monetary grant programs that are subject to the requirements of 42 U.S.C. 2000d. The defendants and their predecessors have tendered to the appropriate federal agencies, including the United States Department of Health, Education and Welfare, assurances of compliance with the requirements of 42 U.S.C. 2000d.

7. In 1971-72, the Boston public school system consists of approximately 197 schools, with a total enrollment of approximately 96,942 students. About 30,562 of these students, or 32 percent of the total public school enrollment, are black. In 1971-72, 48 of the Boston schools have 70 percent or more black students enrolled in each school, while 118 schools have 70 percent or more white students enrolled, making a total of 166 schools with 70 percent or more students of one race. Further, in 1971-72, 30 of the Boston schools have 90 percent or more black students enrolled in each school, while 88 schools have 90 percent or more white students, making a total of 118 schools with 90 percent or more students of one race.

8. Black persons constitute approximately:

(a) 6 percent of the faculty,

(b) 6 percent of the supervisory administrative staff, and

(c) 6 percent of the general administrative staff of the

Boston public schools.



9. The defendants named in paragraph 5(a), (b) and (c) (hereafter referred to as Boston defendants), and their predecessors, have effected racial segregation and discrimination in the Boston public schools and have otherwise denied equality of educational opportunity to black children by acts and practices including, but not limited to:

- (a) Adopting and maintaining parent-pupil school selection policies and practices, including open enrollment transfers and optional school attendance zones, which have contributed to pupil racial segregation;
- (b) establishing and manipulating district lines, attendance areas for schools and classes, assignments within and among attendance areas, and school feeder patterns in ways promoting racial segregation of students;
- (c) transporting pupils to schools in ways promoting racial segregation of students;
- (d) establishing and manipulating the organization of schools and grade structures in ways promoting racial segregation of pupils;
- (e) adopting and maintaining pupil assignment policies and practices which have built upon and reflected residential racial segregation resulting from public and private discrimination in housing;
- (f) administering school capacity, enlargement, and construction policies in ways promoting racial segregation of students;
- (g) failing and refusing without justification to adopt, implement, or continue policies reasonably available to remedy pupil racial segregation;
- (h) adopting and implementing pupil classification practices which discriminate against some children, in their admission to certain schools, classes, and courses of study, on the basis of their race and color, and which deny to such children, on the basis of their race and color, educational opportunities



afforded other children in the system;

(i) denying equal educational opportunities to black children by adopting and maintaining a pattern of lower instructional expenditures, including expenditures for teacher services, in schools attended disproportionately by such children.

10. The Boston defendants and their predecessors have engaged in racial discrimination with respect to the recruitment, hiring, assignment and reassignment of faculty and staff.

11. The Boston defendants and their predecessors have engaged in racial discrimination in the operation of the programs in the public schools, including with respect to curricula, instructional materials, and resources.

12. Policies, acts, and practices of the defendants named in paragraph 5(d), (e) and (f) (State defendants), and their predecessors, have contributed to causing and perpetuating the racial segregation and denials of equal educational opportunity alleged in paragraphs 7, 8, 9, 10, and 11 of this Complaint.

13. The acts and practices of the defendants alleged in this Complaint deny to plaintiffs their right to equality of public educational opportunity without regard to race and their right to be free from racial segregation and discrimination in the operation of the public schools, in violation of rights secured to plaintiffs by the 13th and 14th Amendments to the United States Constitution and 42 U.S.C. 1981, 1983 and 2000d.

14. Unless enjoined by order of this court the defendants will continue to engage in acts and practices violative of plaintiffs' rights as alleged in this Complaint.

WHEREFORE, plaintiffs, on behalf of themselves and those persons similarly situated, pray that this court:

(1) Issue a declaratory judgment that the racially discriminatory policies, practices, customs and usages pursued by defendants their predecessors and employees and described in this complaint are unconstitutional, as they deprive plaintiffs and their class their rights



under the Thirteenth and Fourteenth Amendments to the United States Constitution;

(2) enter a decree permanently enjoining the defendants, their agents, employees, successors and all persons in active concert or participation with them from discriminating on the basis of race or color in the operation of the Boston public school system;

(3) enter a decree requiring the defendants to prepare, adopt, and implement not later than the beginning of the 1972-73 school year a plan for operation of the Boston public school system free of racial discrimination, segregation, and unequal educational opportunity, and conforming, inter alia, to the following principles:

- (a) Achievement of the greatest possible degree of actual desegregation;
- (b) Inclusion of suburban school systems as appropriate in the plan for desegregation, in order to achieve, now and hereafter, the greatest possible degree of actual desegregation;
- (c) Utilization of all necessary methods of integrating schools including rezoning, pairing, grouping, consolidation of schools, use of satellite zones, and transportation;
- (d) Desegregation of the faculty and staff of each school in the system;
- (e) Inclusion of a specific program for eliminating racial discrimination in the hiring of faculty, staff, and administrative personnel, including methods for overcoming the effects of past discrimination;
- (f) Inclusion of a specific program for eliminating discrimination in the allocation of resources in the school system;
- (g) Inclusion of specific proposals for providing a racially non-discriminatory educational program;
- (h) Inclusion of a specific program for making available on an equal basis the opportunity for all children to participate

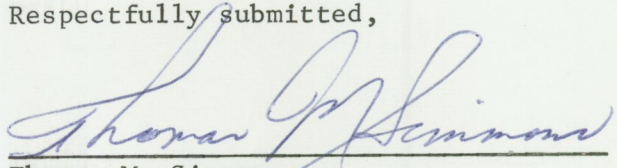


in all courses, curricula, and programs within the system;

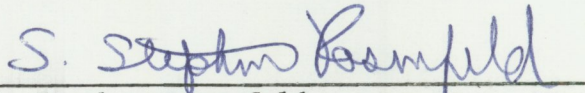
(4) Award costs and reasonable counsel fees for services rendered and to be rendered by plaintiffs' attorneys in the action, including all out-of-pocket expenses of this action; and

(5) Grant such other additional preliminary and permanent relief as may appear to the court to be just and proper.

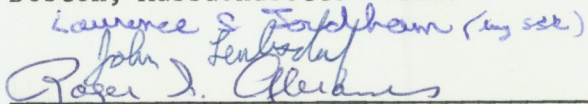
Respectfully submitted,



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