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Lumpkin et al. v. Dempsey et al. complaint

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IN THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF CONNECTICUT

United States District Court
District of Connecticut
FILED AT HARTFORD

Feb. 20, 1970
Gilbert C. Earl, Clerk
By *SEM*
Deputy Clerk

KENYETTA LUMPKIN, DEMETTA JEWEL LUMPKIN, CHERYL :
LOUISE LUMPKIN, SHAWN LUMPKIN, SHARON LYNETTE :
LUMPKIN, ANTHONY VAN LUMPKIN, infants, by :
Mae Willie Lumpkin, their mother and next :
friend, :
LORELEI YVONNE JOHNSON, infant, by Helen Vernell :
Johnson, her mother and next friend, :
SHARON HENDERSON, MELBRA HENDERSON, BARBARA :
HENDERSON, MITCHELL HENDERSON, MICHAEL :
HENDERSON, AND FELICIA HENDERSON, infants, :
by Barbara Henderson, their mother and :
next friend, :
LINDA DIAZ AND LUCY DIAZ, infants, by Mary :
Diaz, their mother and next friend. :
Plaintiffs, :

- vs -

Civil Action No. 13,716

JOHN DEMPSEY, Governor of the State of :
Connecticut, :
WILLIAM HOROWITZ, Chairman of the Connecticut :
State Board of Education, :
WILLIAM J. SANDERS, Secretary of the Connecticut :
State Board of Education, :
DONALD M. JOHNSON, :
MINNIE G. MACDONALD, :
CHARLES W. PHELPS, :
VIRGINIA D. CHRISTIAN, :
JANE D. HUMPHRIES, :
G. EUGENE GOUNDREY, :
MARGARET KIELY, and :
JOHN E. TOFFOLON, Members of the Connecticut :
State Board of Education, :
Defendants. :

COMPLAINT

I. JURISDICTION

The jurisdiction of the Court arises under the Thirteenth and Fourteenth Amendments to the Constitution of the United States, and under the laws of the United States, Title 28 U.S.C., Section 1343, and Title 42 U.S.C., Sections 1981, 1982, and 1983.

II. PARTIES

A. Plaintiffs

1. The plaintiffs are all (1) citizens of the United States, (2) of a minority group comprising of members of the Black Race, the Spanish American and Puerto Rican ethnic group or both, (3) residents of the Town of Hartford, Connecticut, and (4) either children who attend public schools in the Town of Hartford, Connecticut, or parents or guardians of such children.

B. Class Action

1. This suit is a class action brought by the plaintiffs on their own behalf and on behalf of all others similarly situated pursuant to Rules 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure. The class represented by the plaintiffs consists of all other children who are members of the above-described minority group, and who attend public schools in the Town of Hartford and their parents or guardians. This class is so numerous that joinder of all members is impractical. There are questions of law and fact common to the class. The representative plaintiffs will fairly and adequately protect the interests of the class. The parties defendant have acted or refused or neglected to act on grounds generally applicable to plaintiffs' class. Injunctive relief is therefore appropriate with respect to the class as a whole.

C. Defendants

1. The defendants are all citizens of the United States and of the State of Connecticut.

2. The defendant, John Dempsey, Governor of the State of Connecticut, is sued in his official capacity as chief executive of the State of Connecticut charged under the Constitution and laws of the State of Connecticut with the supreme executive power of the state.

3. The defendants, William Horowitz, Chairman of the Connecticut State Board of Education, William J. Sanders, Secretary of said board, Donald M. Johnson, Minnie G. Macdonald, Charles W. Phelps, Virginia D. Christian, Jane D. Humphries, G. Eugene Goundrey, Margaret Kiely and John E. Toffolon, members of the said board, are sued in their official capacities as Chairman, Secretary and members, respectively, of the state administrative body charged with the general supervision and control of the educational interest of the state, including elementary and secondary education, and with the responsibility of providing equal educational opportunities for all children in the state. Said defendants are hereinafter referred to as the defendant State Board of Education.

IV. FIRST CAUSE OF ACTION

1. The defendant, John Dempsey, Governor of the State of Connecticut, is the state's chief executive vested under the constitution and laws of the State of Connecticut with the supreme executive power of the state. The defendant, State Board of Education, is charged under the laws of the State of Connecticut with the general supervision and control of the educational interest of the state, including elementary and secondary education, and with the responsibility of providing equal educational opportunities for all children in the State.

2. The laws of the State of Connecticut have established each town in the State as a school district, placing control of each school district in the town in which the school district is located and requiring children to attend school within the district in which they reside.

3. Numerous schools within the town of Hartford have a minority group enrollment in excess of 90%. As a result of the geography, business location, and minority group population distribution and makeup within the town of Hartford it is impossible to integrate these schools within the school district of the Town of Hartford in an educationally sound manner.

4. The laws of the State of Connecticut establishing the school districts of Hartford and its contiguous towns erect unnatural legal barriers to the desegregation of the Hartford School District and its individual schools, more particularly, those schools which have a minority group enrollment in excess of 90%.

5. The most educationally sound means of desegregating the School District of Hartford would involve the reciprocal

integrating of individual schools in Hartford, more particularly, those schools which have a minority group enrollment in excess of 90%, with individual schools in the towns of West Hartford, and Windsor, Connecticut.

6. The laws of the State of Connecticut establishing the above segregated and racially imbalanced school districts are unconstitutional in that they operate to deny plaintiffs and members of their class equal educational opportunities in violation of the equal protection clause of the 14th Amendment to the United States Constitution.

7. Under the laws of the State of Connecticut, the only way the above stated educationally sound desegregation of the school districts and individual schools of Hartford, West Hartford, and Windsor could occur would be by majority vote of the citizens of Hartford, Windsor, and West Hartford, or by consent and cooperation of the school boards of each of the towns. Said laws making the integration of schools and the provision of equal educational opportunities to plaintiffs and members of their class dependent upon majority vote or acts of discretion on the part of public officials are unconstitutional in that they operate to deny plaintiffs and members of their class equal educational opportunities in violation of the equal protection clause of the 14th Amendment to the United States Constitution.

8. Because of the circumstances described in paragraphs 1 to 7, inclusive, of this Cause of Action, plaintiffs and members of their class have suffered, are suffering and will continue to suffer immediate and irreparable injury for which there is no adequate remedy at law.

III. SECOND CAUSE OF ACTION

1. All of the allegations of paragraphs 1 and 2 of the First Cause of Action are included and made a part of this Cause of Action as if repeated and fully set forth herein.

2. The Hartford School District as a whole had a minority group enrollment in 1964 of approximately 44.8%; in 1965 of approximately 48.6%; in 1966 of approximately 52%; in 1967 of approximately 55.1%; and in 1968 of approximately 58.7%. As of now said school district as a whole has a minority group enrollment in excess of 62%. Such increasing percentage of minority group enrollment represents an increasing degree of segregation in the Hartford School District, which degree of segregation will continue to increase unless relief is granted.

3. Even if the minority group students within the Hartford School District were evenly distributed among all individual schools in said District, each individual school would be and the school district as a whole would be, as it is now, segregated and racially imbalanced in respect to the towns contiguous to the Town of Hartford.

4. The school systems of the towns contiguous to the Town of Hartford have the following minority group enrollment: East Hartford - 2.4%, Wethersfield - 1.0%, West Hartford - 1.8%, Glastonbury - 1.6%, Bloomfield - 18.3%, Windsor - 4.7%, Newington - 1.5%, and South Windsor - 2.0%. The school districts, save one, contiguous to the Hartford school district are segregated and racially imbalanced with respect to non-minority group students while the Hartford school district and its individual schools are segregated and racially imbalanced with

respect to minority group students.

5. The laws of the State of Connecticut establishing the school districts of Hartford and its contiguous towns erect unnatural legal barriers to the desegregation of the Hartford School District and its individual schools.

6. The laws of the State of Connecticut establishing the above segregated and racially imbalanced school district are unconstitutional in that they operate to deny plaintiffs and members of their class equal educational opportunities in violation of the equal protection clause of the 14th Amendment to the United States Constitution.

7. Under the laws of the State of Connecticut, the individual schools of the Hartford School District can be integrated with the individual schools of contiguous school districts only by majority vote of the citizens of the towns affected or by consent and cooperation of the school boards of each of such towns. Said laws making the integration of schools and the provision of equal educational opportunities to plaintiffs and members of their class dependent upon majority vote or acts of discretion on the part of public officials are unconstitutional in that they operate to deny plaintiffs and members of their class equal educational opportunities in violation of the equal protection clause of the 14th Amendment to the United States Constitution.

8. Because of the circumstances described in paragraphs 1 to 7, inclusive, of this Cause of Action, plaintiffs and members of their class have suffered, are suffering and will continue to suffer immediate and irreparable injury for which there is no adequate remedy at law.

V. THIRD CAUSE OF ACTION

1. All of the allegations of the Second Cause of Action are included and made a part of this cause of action as if repeated and fully set forth herein.

2. The segregation of minority group members in the Hartford School District and the segregation of non-minority group members in the school districts contiguous to the Hartford School District encourages and fosters a population movement of non-minority group members away from the town of Hartford into its surrounding towns. Such population movement has the effect of creating a segregated municipality whose government, social institutions and population as well as school enrollment are becoming almost entirely composed of minority group members.

3. As a result of the segregation of school districts described in paragraph 2, the decreasing non-minority group population of Hartford has an increasingly large percentage of young unmarrieds, young married couples without school age children, and elderly people, reflecting an exodus from the Town of Hartford by families with school age children.

4. Such exodus has caused, is causing, and will continue to cause a situation of community segregation, racial isolation and apartheid in the relationship of Hartford with its surrounding towns.

5. Such community segregation, racial isolation, and apartheid deny plaintiffs and members of their class rights guaranteed by the Constitution of the United States, in particular its 1st, 13th, and 14th Amendments, and is in

violation of the laws of the United States and in particular Title 42 U.S.C., sections 1981, 1982, and 1983.

6. Because of the circumstances described in paragraphs 1 to 5, inclusive, of this Cause of Action, plaintiffs and members of their class have suffered, are suffering and will continue to suffer immediate and irreparable injury for which there is no adequate remedy at law.

VI. PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray:

A. That a special three-judge court be called to hear and determine this cause as by law provided in U. S. Code, Title 28, Section 2881 et. seq. and that such Court:

1. Declare and determine that the rights of the plaintiffs and members of their class as secured by the 1st, 13th, and 14th Amendments to the United States Constitution have been and are being impaired by the present laws of the State of Connecticut establishing school districts and the administration and control of those school districts by officials of the State of Connecticut.

2. Issue a permanent injunction, enjoining and restraining the defendants from enforcing or executing those statutes of the State of Connecticut which establish each town in the state as a school district, which place control of each school district in the town in which the school district is located and which require children to attend school within the district in which they reside, in so far as such statutes or any of them operate unconstitutionally to deny plaintiffs and members of their class equal educational opportunities, and, in general, from administering or controlling the elementary and secondary school system of the State of Connecticut in a manner that operates to deny equal educational opportunities to plaintiffs and members of their class.

3. Order the defendants to administer and control the elementary and secondary school system of the State of

Connecticut so that school districts of the State of Connecticut in general and the Hartford School District in particular are desegregated and so that equal educational opportunities are secured for plaintiffs and members of their class.

4. Grant such further relief as may be just and equitable under the circumstances.

PLAINTIFFS,

By Raymond B. Marcin
Raymond B. Marcin
Their Attorney

By Douglas M. Crockett
Douglas M. Crockett
Their Attorney

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