

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LAWRENCE HALL, ET AL.,

Plaintiffs,

AND

UNITED STATES OF AMERICA

Plaintiff Intervenor,

VERSUS

ST. HELENA PARISH SCHOOL BOARD, ET AL.

Defendants.

ST. HELENA PARISH SCHOOL BOARD'S SUPPLEMENTAL
MOTION FOR TAXING AUTHORITY

NOW INTO COURT comes the defendant, St. Helena Parish School Board, to amend and supplement its motion for further relief, R. Doc. 416, and moves the court to grant the School Board such remedial authority as necessary to address continuing vestiges of the de jure school system based on race, said remedial authority to include but not limited to authority for the St. Helena Parish School Board to implement necessary and reasonable tax levels to eliminate substandard, unsanitary and unsafe school facilities and to provide for adequate personnel costs and educational opportunities. The defendant further moves the court to set this

matter for an expedited hearing. As reasons for the motion, the defendant respectfully states:

1. This school desegregation case, filed in 1952, predates Brown v. Board of Education, 347 U.S. 483 (1954). The original complaint alleged that Black children were victims of unlawful racial discrimination because they were denied the "elementary and secondary educational opportunities, advantages and facilities equal to the educational opportunities, advantages and facilities to white children." R. Doc. 1.

2. When the federal courts issued orders disestablishing the dual system of public schools based on race in St. Helena Parish, the white community abandoned public schools in mass and the absence of white students has continued for generations to the present. Currently, some 95% of the children attending public schools in St. Helena Parish are African-American.

3. The white community not only abandoned the public school system physically, it withdrew its financial support as well. White citizens block voted against school taxes on the ballot for school improvements, used its considerable political and economic influence in opposition, and successfully crusaded against tax proposals that would benefit the impoverished Black children remaining in public schools. As a result, St. Helena Parish has the lowest level of tax base support for public schools in the

state. Over the years, the school infrastructure has deteriorated because of insufficient tax support for public education and Black children are now condemned to attend schools in deplorable, unsanitary, and unsafe condition. See R. Doc 457 and exhibit attachments. St. Helena Parish public school teachers are among the lowest paid in the area and in the state, and the school system is unable to attract and retain a competent, qualified instructional staff.

4. The continuing deterioration of public school facilities in St. Helena Parish and inability to provide competent educational opportunities frustrates the goal of establishing a unitary system and continues the isolation of Black children and the false perceptions of their inferiority.

5. Black children attending public schools are economically impoverished and more than 80% receive free or reduced cost lunch. They no alternative except to attend the public schools available to them.

6. The St. Helena Parish School Board desires to ameliorate the substandard, unsanitary and unsafe conditions of public school facilities and further eliminate other unfair deprivations suffered by Black children which are in substantial part the results of retaliatory reaction and hostile responses of the white community in opposition to the orders of federal courts

enforcing the Fourteenth Amendment to the Constitution of the United States, requiring the dismantling of racially segregated dual school systems, "root and branch."

7. The current substandard facilities and lack of educational opportunities for Black children in St. Helena Parish are continuing vestiges of the de jure educational system based on race and violate both the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States.

8. The St. Helena Parish School Board and its Superintendent desire to remove all vestiges of the de jure educational system based on race but require the court to authorize them to take necessary remedial action, including but not limited to the authority to impose a reasonable tax rate to fund the cost of necessary infrastructure improvements, personnel costs, and educational opportunities necessary to remove the continuing vestiges of racial discrimination against African-American children in public schools, which vestiges are an intolerable badge of the slavery that once existed in St. Helena Parish and throughout the State of Louisiana.

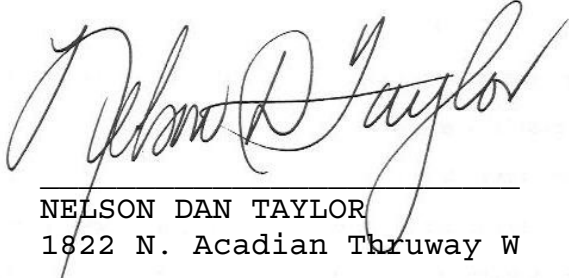
9. The Tangipahoa Parish School Board has no alternative except to request such remedial authority from this court in the form of authority to impose a reasonable tax rate to provide

necessary resources for public education as set forth in the school board's "Plan for Financing Infrastructure, Personnel Costs and District Improvement." R. Doc. 443.

10. The St. Helena Parish School Board does not have access to financial resources sufficient to prevent the ongoing deterioration of school facilities which impose ongoing irreparable harm endangering the health and safety of students in public schools, the overwhelming majority of which are African-American students who are the plaintiffs' class in these proceedings.

WHEREFORE, the St. Helena Parish School Board moves the court to grant it such remedial authority as necessary to address the vestiges of racial discrimination against Black children, including but not limited authority for the St. Helena Parish School Board to implement necessary and reasonable tax levels to eliminate the substandard and unsanitary physical facilities and to provide for adequate personnel costs and educational opportunities.

BY ATTORNEY FOR THE
ST. HELENA PARISH SCHOOL BOARD



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CERTIFICATE

I hereby certify that, on this day, September 2, 2010, the foregoing pleading was filed electronically with the Clerk of Court using the CM/ECF system which gives notice of filing to all counsel of record. Counsel of record not registered in the CM/ECF system were served via other means.

A handwritten signature in black ink, reading "Nelson D. Taylor", is written over a horizontal line. The signature is cursive and stylized.

UNITED STATES DISTRICT COURT
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Defendants.

CIVIL ACTION

NO. 52-1068-JJB-DLD

JUDGE BRADY

ORDER

Considering the St. Helena Parish's Supplemental Motion for Taxing Authority and request for expedited hearing,

IT IS ORDERED that said motion be and is hereby scheduled for hearing before this court on September 8, 2010, at 9:00 O'clock A.M.

Baton Rouge, Louisiana, on the ____ day of September, 2010.

JAMES E. BRADY
UNITED STATES DISTRICT COURT JUDGE

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CIVIL ACTION
NO. 52-1068-JJB-DLD

JUDGE BRADY

MEMORANDUM IN SUPPORT OF ST. HELENA PARISH SCHOOL BOARD'S
SUPPLEMENTAL MOTION FOR TAXING AUTHORITY

The defendant St. Helena Parish School Board files this motion as directed by the court at the hearing on September 1, 2010. The motion is supplemental and an amendment to the defendant's previous motion for further relief filed March 11, 2010. R. Doc. 416. The reasons for the motion are contained within the motion.

BY ATTORNEY FOR THE
ST. HELENA PARISH SCHOOL BOARD



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