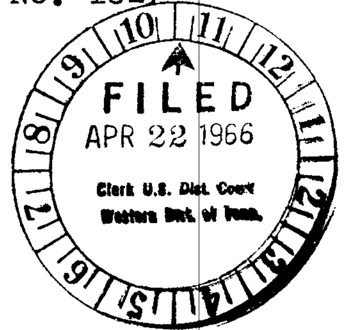
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

BRENDA KAY MONROE, ET AL

v))) Civil No. 1327

BOARD OF COMMISSIONERS OF THE
CITY OF JACKSON, ET AL



MEMORANDUM DECISION AND ORDER

Pursuant to our memorandum decision and order of March 11, 1966, in which we granted plaintiffs' motion to amend their earlier motion of January 10, 1966, plaintiffs have filed an amendment thereto.

Although we had denied the application of the expelled pupils and their parents to intervene, and had specifically ruled that we would not investigate the question whether the Board had intentionally discriminated against these pupils in the punishment awarded, the amendment contemplates, nevertheless, this very investigation and seeks reinstatement of the expelled pupils. Their application is again denied for reasons set out in our said memorandum decision and order and in our earlier memorandum decision of February 10, 1966.

In their amendment, plaintiffs allege that the Board and its principals and teachers have adopted and are applying racially discriminatory rules to govern the conduct of Negro pupils vis-a-vis white pupils. More particularly, they allege that Negro male pupils are as a matter of general policy circumscribed in their relations

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with white female pupils and that this policy is not applied with respect to relations between Negro male pupils and Negro female pupils or with respect to relations between white male pupils and Negro or white female pupils. They seek injunctive relief against such racial discrimination.

While our memorandum decision and order of March 11, 1966, contemplated a hearing and factual investigation to determine whether such injunctive relief should be granted, on reflection we have concluded that a hearing is not necessary. We reach this conclusion because we believe that plaintiffs, based only on their amended motion, are entitled to have the prior orders of this court establishing the plan of desegregation clarified and amplified in the respects in which plaintiffs complain and seek relief. The purpose of this memorandum decision and order is, therefore, to delineate, to the extent possible, plaintiffs' equal protection rights in this context.

As we said in our memorandum decision and order of March 11, 1966, it is our view that under the law all people have the right to choose friends and social contacts. Moreover, we may ground this choice on any whim or irrationality, including race, height, weight, place of birth, et cetera. This is just as true of a pupil in a public school as it is of anyone else. On the other hand, the school authorities may not, at least based on race, make this choice for the pupils, and apprehension concerning community attitudes cannot validate such a policy. This means that the school authorities may not, under the law, promulgate or enforce rules of conduct governing social relations between Negro male pupils and white female pupils that do not equally apply to the social relations between Negro male pupils and Negro female pupils and to the social

relations between white male pupils and Negro and white female pupils. The school authorities may, however, recognize and enforce the right of a pupil to choose friends and social contacts, provided, of course, that the policy is to recognize and to enforce the right of all pupils so to choose.

It is, therefore, ORDERED that defendants and all persons acting in concert with them are enjoined from adopting or enforcing any rules of conduct governing the relations between pupils that are based on race and further are enjoined from recognizing or enforcing the right of a pupil to choose friends or social contacts unless the right of all pupils to so choose is recognized and enforced.

Enter this 22nd day of April, 1966.

United States District Judge