

DOCKET

3:68 cv 4294

C/SED 5-26-72 ATTORNEYS

For Plaintiff:

vs.

Burtis M. Dougherty, Atty., U.S.
Dept. of Justice, Washington, D.C.
20530

Fred L. Banks, Jr., Box 290,
Jackson, Ms. 39205 (NAACP Legal
Defense & Educational Fund, Inc.
For Defendant: H. W. Hobbs, Jr.
Cohn, Hobbs & Hobbs
P. O. Box 356
Brookhaven, Miss. 39601

Basis of action: CIVIL RIGHTS-Enjoin defendants from refusing to integrate schools, disestablish dual system.
Jury trial claimed by

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[illegible]

ABSTRACT OF COSTS		RECEIPTS, REMARKS, ETC.
TO WHOM DUE	AMOUNT	

DATE	FILINGS—PROCEEDINGS	AMOUNT REPORTED IN EMOLUMENT RETURNS
4-26-68	Complaint, with attached Certificate of the Attorney General, original and 7 copies, filed.	
4-26-68	Summons, original and 7 copies, copies having attached thereto copy of Complaint, issued and handed U. S. Marshal.	
5-22-68	Answer of defendants with Exhibit attached, with certificate of service, filed.	
5-31-68	Marshal's return on Summons as to Carnie E. Smith, executed, filed.	
5-31-68	Marshal's return on Summons as to J. Garland Smith, executed, filed.	
5-31-68	Marshal's return on Summons as to Hulon Brown, executed, filed.	
5-31-68	Marshal's return on Summons as to J. C. Burns, executed, filed.	
5-31-68	Marshal's return on Summons as to H. L. Douglas, executed, filed.	
5-31-68	Marshal's return on Summons as to W. Lee White, executed, filed.	
5-31-68	Marshal's return on Summons as to Lincoln County School District by service on Carnie E. Smith, Superintendent of Education, executed, filed.	
6-4-68	Motion of plaintiff for Preliminary Injunction and Notice of hearing on 6-14-68 at 9:00 a.m. in Jackson, Miss. upon all pleadings, documents and other papers on file and upon oral testimony and other evidence to be offered upon the hearing, with certificate of service, filed.	
8-15-68	Motion of Defendants to Consolidate this action with Civil No. 4075 for purposes of trial and Notice of hearing at Jackson, Miss. at 9:00 a.m. on 9-6-68, with certificate of service, filed.	
8-19-68	ORDER: consolidating this and other school cases in the Southern District with Jackson Civil Action #4085, filed and entered OB 1968, page 696 through 701.	
8-20-68	Copies of above order mailed to attorneys of record.	
9-20-68	Interrogatories to defendants Lincoln County School District - filed	
9-30-68	Defendants' Answer to Interrogatories with Certificate of Service and Exhibits "A", "B", "C" and "D". Filed.	
10-3-68	Marshal's return on Civil Subpoena to produce executed as to Carnie E. Smith, filed.	
10-15-68	Marshal's return on civil subpoena executed as to W. Lee White, filed.	
12-4-68	EXHIBITS: P-1 & p-2, filed.	
12-9-68	Decree: Permanently enjoined from discriminating on basis of race and color as set out in detail in Sections I through IX: entered without prejudice to proper action on U. S. pending motion just heard; further ordered that Court retain jurisdiction, filed and entered OB 1968, p. 1968, 1070-1078. Copies mailed attys. of record.	
12-10-68	Copy of above Decree mailed Judge Wm. Keady, Box 190, Clarksdale.	
12-28-68	Court Reporter's transcript of proceedings had on 12-4-68 - filed	
5-13-69	Opinion of Three Judge Court in twenty-five consolidated school cases. Separate order to be entered in each case, filed.	
5-13-69	Copies mailed attorneys of record.	
5-15-69	Report of Lincoln County School District showing as to choice period conducted beginning 3-1-69 with chart attached and certificate of service, filed.	

D. C. 110A

DATE	FILINGS—PROCEEDINGS	CLERK'S FEES		AMOI REPORT EMOLU RETU
		PLAINTIFF	DEFENDANT	
5-16-69	ORDER: that plaintiffs' Motion for Supplemental Relief is denied except as provided for hereinafter; that defendants shall take positive steps to achieve complete desegregation of their school faculties so that by the beginning of the 1970-71 school year the pattern of teacher assignments to each school is not identifiable as tailored for a heavy concentration of either Negro or white pupils...In order to insure full compliance by the commencement of the 1970-71 school year, defendants shall achieve substantial faculty and staff desegregation for the 1969-70 school year, filed and entered OB 1969, Page 528.			
5-19-69	Copies of above Order mailed attorneys of record.			
6-13-69	Notice of Appeal filed by U.S.A., filed.			
6-13-69	Certified copy of Notice of Appeal to Fifth Circuit.			
6-13-69	Mimeo notice to E. Mathison, et al.			
6-24-69	ORDER AS TO APPELLATE RECORD: Appellants' counsel to file with this court within 5 days designation; within 3 days after receipt of copy of such designation appellees' to file designation as to such additional parts of record and clerk to have additional 30 days within which to file record of such designated parts with the Court of Appeals at New Orleans -filed and entered OB 1969, Page 639-644.			
6-24-69	Certified copy of above order mailed Court of Appeals.			
6-24-69	Copy of above order mailed attorneys of record.			
7-3-69	OPINION of FIFTH CIRCUIT - filed			
7-3-69	JUDGMENT - Fifth Circuit: Order of District Court reversed and case remanded to said District Court with directions in accordance with the opinion of this court - filed 7-7-69 OB 1969 Ps 697-703			
7-5-69	ORDER: (1) The educators from the Office of U. S. Department of HEW requested to collaborate with defendant school boards in preparation of plans to disestablish dual school systems (2) Parties & their counsel directed to comply with plans & conform with the schedules & requirements of 7-3-69 order of Fifth Circuit (3) All dilatory matters which cannot be resolved by parties be immediately reported to this Court (4) Clerk of this Court shall promptly transmit certified or attested copy of this order by airmail to Office of Education, Health, Education & Welfare, Washington, D. C. (5) That conformed copy be mailed to each counsel of record in these 25 school cases as sufficient notice of duties & requirements imposed on them by this order - filed and entered OB 1969 Ps 690 - 695			
7-7-69	Copies of above order mailed to attorneys of record and Certified copy by airmail to the Office of Education, Health, Education and Welfare, Washington, D. C.			

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DATE	FILINGS--PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED IN EMOLUMENT RETURNS
		PLAINTIFF	DEFENDANT	
7-10-69	Copy of letter dated July 10, 1969, from Edward W. Wadsworth, Clerk of 5th Circuit Court of Appeals to all counsel of record with attached corrections of Court's opinion order, filed and attached to back of Court's opinion order.			
7-28-69	FIFTH CIRCUIT: Certified copy of Modification of Order entered by 5th Circuit on July 3, 1969: renumber par. 8 to be par. 7 and striking from such order on pages 17 and 18 paragraphs 5, 6 & 7 in their entirety and inserting new pars. 5 & 6 to provide: (5) If no agreement is reached Office of Education to present its proposal to district court on or before 8-11-69; parties to have 10 days from date proposed plan filed with district court to file objections or suggested amendments therefo; district court to hold hearings on proposed plan & objections thereto and enter plan no later than 10 days after time for filing objections has expired (6) Plan shall be entered for implementation by Dist. Court no later than Sept. 1, 1969 & effective beginning 1969-70 school year; jurisdiction to be retained until it is clear that disestablishment of dual school system has been achieved - filed and entered OB 1969 P 801 - 809			
7-31-69	ORDER as to Procedure on Removal: Full scale hearings having already been had prior to appeal will not be necessary on remand; counsel for parties may present additional facts by affidavits and my file briefs not in excess of 25 pages; all plans submitted by parties shall be filed with Robert C. Thomas, Clerk, U. S. District Court, P. O. Box 369, Biloxi, Mississippi, all affidavits and briefs shall be sent to the judges directly; (I) It is responsibility of school board in each case (and not HEW) to prepare & present plan for school year 1969-70 (II) Plans agreed upon by school board & HEW to be filed with the Clerk at Biloxi on or before 9 am Aug. 11, 1969 & will be approved by this court unless within 7 days after filing a party in interest shall object to plan in writing as not complying with constitutional standards; any such objection to be filed in quadruplicate, accompanied by evidence in form of affidavits of personal knowledge accompanied by brief; (III) If agreed plan is not submitted by Aug. 10, 1969 then HEW may file its proposal for plan with the Clerk at Biloxi in quadruplicate on Aug. 11, 1969 and parties will have 10 days thereafter within which to file objections. (IV) It is plan & purpose of this court to make findings of fact and conclusions of law in each case and to approve plan for operation of each school for 1969-70 school year. Each plaintiff & defendant in each case requested by Court to file with the judges of this Court along with their briefs within time stated a proposed order for approval of their proposed plans containing specific findings of fact and conclusions of law. Parties and counsel ordered and directed to abide & conform to the schedule and plans herein. Copies of this order to be mailed by clerk to counsel of record. Filed & entered OB 1969 P			
7-31-69	Copies of above order mailed attorneys of record.			

D. C. 110A

DATE	FILINGS—PROCEEDINGS	CLERK'S FEES		AMOUNT REPORTED EMOLUMEN RETURNS
		PLAINTIFF	DEFENDANT	
8-11-69	Defendants' Proposed Plan for Desegregation of Schools of Lincoln County School District with Certificate, filed in quadruplicate.			
8-11-69	Letter of 8-11-69 to Judge Cox from Dept. of HEW with Attachments A and B and Desegregation Plan for the Lincoln County School System, filed in quadruplicate.			
8-21-69	Motion of Defts. and Notice to strike or reject plan submitted by HEW and to hold in abeyance any order implementing plan submitted by Lincoln County School Dist., with certificate, filed.			
-69 8-21-69	Defts. Objections to desegregation plan for Lincoln County School Dist. proposed by HEW and affidavit of county superintendent in support thereof, with certificate, filed.			
8-21-69	Copy of Motion of the U. S. For leave to file motion seeking modification of mandate, with attachments, filed.			
8-22-69	PER CURIAM: Copy of Order from Fifth Circuit court of Appeals recording deliver of letter to Judges from Sec. Finch and filing of motions in Dist. Court with appropriate similar motions in Court of Appeals seeking the entry of orders granting the suggested extension of 12-1-69; "The Court has taken no action other than to record these facts.", filed and entered in Jackson OB 1969 - page 213-217 . 886-890.			
8-22-69	Copy of Order appointing Sue K. Richmond as temporary Court Reporter, filed and entered in Jackson OB 1969 - page 896.			
8-25-69	Copy of Amended U. S. motion in the Court of Appeals, with proposed amended order attached and certificate, filed.			
8-25-69	EXHIBITS: P-1 through P-4, Govt. 1 through Govt. 30, filed.			
8-26-69	Court Reporters Transcript of Hearing before Judge Russell and Nixon on 8-21-69 in Jackson, Miss., original and three copies, filed. Original forwarded to Fifth Circuit and Copies furnished Judges.			
8-26-69	Copy of Findings of Fact and conclusions of Law, filed. Original to Fifth Circuit signed by Judges Russell and Nixon. Copies to be furnished all attorneys by Hon. Robert C. Cannada except Attorney Anderson, and U. S. Attorneys.			
9-2-69	Opinion Order from Fifth Circuit: On or before 12-1-69 acceptable plan by Board of Trustees in conjunction with Office of Education is to be submitted to the Dist. Court; Court will approve plan unless within 15 days objections or proposed amendments are filed			

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	or if any part does not comply with constitutional standards If no agreement is reached Office of Education will on 12-1-69 present proposed plan and parties will have 15 days in which to file objections. Court to hold hearing on proposed plan or suggested amendments within 45 days and enter order. Court to enter Findings of Fact and conclusions of Law regarding efficacy of plan. By 10-1-69 Board of Trustees in conjunction with Office of Education to develop program to prepare faculty and staff for conversion from dual to unitary system; Office of Education to report to Court by 10-1-69. Court may approve. No new construction until terminal plan approved by Court, filed and entered in OB 1969 - page 908-919.			
9-18-69	September 4, 1969 Report Pursuant to Decree of December 9, 1968, with Certificate of Service and attachments, filed.			
9-19-69	Defendants' September 18, 1969 Correction to September 4, 1969 Report Pursuant to Decree of December 9, 1968 with Certificate and attachment, filed.			
10-1-69	Agreed Plan for Personalized In-Service Training Program with Exhibit and Certificate of Service, filed.			
10-23-69	Motion of Charles Clark to be relieved as counsel of record for defendants with notice of motion for 10-24-69 and certificate of service, filed.			
10-24-69	ORDER: Charles Clark is relieved of all duties and responsibilities as counsel of record for each and all defendants. Filed and entered OB 1969, P. 1091. (copies mailed H.W.Hobbs,Jr., handed Charles Clark and U.S.Attorney)			
10-31-69	SUPREME COURT per curiam opinion: Court of Appeals order of August 28, 1969, hereby vacated, cases remanded to that court with direc- tions.. - filed			
11-3-69	FIFTH CIRCUIT COURT OF APPEALS: Certified copy of order dated 10-31-69: Judge Griffin B. Bell designated in place of Judge John R. Brown to serve with Circuit Judges Thornberry and Morgan; Mandate in cases included in court's order of Aug. 28, 1969 granting stay recalled, this panel assumes control of each of cases for purpose of effectuating order of Supreme Court; appellants, appellees & USA as intervenors shall file with the clerk their proposed order which will implement opinion & decree of Supreme Court rendered Oct. 29, 1969 - filed OB 1969 - filed P 1107 - 1108			

DATE	PROCEEDINGS	Date Judgr.
11-7-69	FIFTH CIRCUIT: Certified copy of order per Supreme Court Decision of 10-29-69. No later than 12-31-69, pupil attendance patterns and faculty assignments in each district shall comply with the respective plans of Office of Education. Judge Dan M. Russell, Jr. designated to receive suggested modifications, but none may be submitted to Judge Russell before 3-1-70 and such suggestion or request shall contemplate effective date of Sept. 1970. Judge Russell directed to make full findings of fact with respect to any recommended modifications and refer to Fifth Circuit. No plan to become effective without order of Fifth Circuit. Motions of Private litigants for attorneys fees held in abeyance; motion of private litigants to require filing of further plans by Office of Education for use in Hinds County, Holmes County and Meridian districts is denied. Jurisdiction retained. Appendices 1 thru 30 - filed	
12-30-69	Motion of defendants - appellees (other than the U.S.A.) for transmission of record to the Supreme Court upon petition for writ of certiorari, filed.	
12-31-69	Order for Transmission of record in accordance with Rules of the Supreme Court of the United States: On motion of defendant, appellees other than U.S.A. alleging petition for writ of certiorari will be filed in the Supreme Court (in Fifth Circuit Cases numbered 28030 & 28042) ordered: (a) Original papers to be forwarded to Supreme Court in lieu of copies. (b) Clerk of this Court authorized and directed to make proper arrangements, for safekeeping, transporting and return of the original papers beginning with the petitions and proceedings filed on and after Oct. 1, 1968 in each of said cases including all pleadings, proceedings, transcripts of evidence filed with the Clerk and other matters of record thereafter, filed up to and including present date. (c) The Clerk shall include all those portions of the record in said causes that were transmitted to the Clerk of the Supreme Court of the U.S. in connection with petition for writ of certiorari filed in said Court in Cause #632, Oct. Term 1969 (Beatrice Alexander, et al. v. Holmes County Board of Education, et al (Civil Action 3779) as well as all pleadings proceedings and portions of the record in this Court filed herein subsequent to the judgment and opinion of the XX XXXXXXXXXX Fifth Circuit Court dated July 3, 1969 - Filed and entered OB 1969, P. 1272-1275	

DATE	PROCEEDINGS	Date Of Judgment
11-26-69	FIFTH CIRCUIT: Order Granting NAACP Legal Defense and Education Fund to participate as Amicus Curiae in cases where U.S. is presently sole plaintiff, filed and entered, OB 1970 P <u>68-71</u> .	
12-5-69	FIFTH CIRCUIT: Order Denying Petition for Rehearing and Petition for Rehearing En Banc, filed and Entered OB 1970 P <u>73</u> .	
12-15-69	FIFTH CIRCUIT: Order Amending Plans of Lincoln County School District, filed and entered, OB 1970 P <u>78-82</u> .	
1-8-70	FIFTH CIRCUIT: Order designating United States as Amicus Curiae, filed and entered, OB 1970 P <u>91-92</u> .	
4-2-70	Certified Copy of Order of Fifth Circuit: Defendants in consolidated school cases shs file with the Clerk of this Court on 4-15-70 and on 12-1-70 and on the same date annually thereafter a report containing information called for in this order. Filed and entered OB 1970. P. 533-540. Copy of Report due April 15, 1970 - Received. Copy of Report due Dec. 1, 1970 - Received 11/23/70	
11/30/71	Copy of Report of Lincoln County School District as Ordered by U. S. Court of Appeals on 3/30/71, filed.	
4/13/72	Copy of Report of Lincoln County School District, et al of 4/15/72 pursuant to Order of March 30, 1970, filed.	
5-26-72	ORDER CLOSING CASE: that this action is closed as an active case on the docket of this Court subject to being reopened on proper application by any party, or on Court's own motion, should it appear that further proceedings should be had, filed and entered OB 1972, Page 692 (WLN) (Copy mailed attys. Hauberg, Hobbs, Summer, Leonard, Norman, Zarr & Anderson & Banks)	
5-26-72	Final J.S. 6 Card. Copy of Report due 12/1/72 received 11/28/72.	
4/12/73	Copy of Report for 4/15/73 pursuant to order of 3/30/70, received.	
10/29/73	Copy of Report for 10/15/73 pursuant to Order of 3/30/70, received, & filed.	
1-10-74	Certified copy of ORDER OF FIFTH CIRCUIT: Jurisdiction transferred to District Court; case may be placed on inactive docket subject to being reopened for good cause shown on application of any party or sua sponte; reports required in U.S. v Hinds County School Bd. may be discontinued in the event the Summary Reports (Forms 101 and 102) filed annually with HEW are filed with the District Court and there retained for 2 years, or, as an alternative, the previous type of reports may be filed on an annual basis not later than Nov. 15 to reflect status as of Oct. 15 each year, filed and entered OB 1974, pp. 45-53.	

CIVIL DOCKET CONTINUATION SHEET

FPI-MI-3-14-75-50M-3511

PLAINTIFF	DEFENDANT	DOCKET NO. <u>J-4294</u>
United States of America	Lincoln Co-nty School District, et al	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
8-12-77		Motion of defts. for Authority to Modify Plan of Desegregation with Exhibits A, B and C attached, with cert. of service, filed. (Consent Order being mailed to Judge Russell)
8-15-77		CONSENT ORDER modifying Plan of Desegregation, filed and entered OB 1977, pages 1805-1807 (copy mailed U.S. Attorney, atty. Dougherty, attys. Hobbs and Banks)
4-24-78		This file placed in basement in record shipping box.

PLAINTIFF	DEFENDANT	DOCKET NO. <u>4294</u>
United States of America	Lincoln County School District, et al	PAGE ___ OF ___ PAGES

DATE	NR.	PROCEEDINGS
1/9/81		COPY OF ORDER FROM FIFTH CIRCUIT COURT OF APPEALS: that no party shall file any further reports of conditions existing in such school district with the Clerk of this Court; that this order shall not affect the requirements of any subsisting order of any district court that reports be filed with its Clerk, filed & entered OB 1981, Pages 76 thru 81. CC

3:68cv 4294

LINCOLN COUNTY SCHOOL DISTRICT

Closed 5-26-72