

HAROLD THOMAS EPPS and
ROBERT DAVIS GLASS,

Plaintiffs

vs.

WILLIAM DONALD CARMICHAEL, JR.,
President of the University of
North Carolina; HENRY P. BRANDIS, JR.,
Dean of the Law School of the University
of North Carolina; LEE ROY WELLS ARMSTRONG,
Director of Admissions of the University of
North Carolina; ARCH T. ALLEN, Secretary
of the Board of Trustees of the University
of North Carolina; and the University of
North Carolina, a body incorporate,

Defendants

COMPLAINT

1. (a) The jurisdiction of the Court is invoked under Section 24 (1) of the Judicial Code (28 U.S.C.A., Section 41 (1)), this being a suit which arises under the Constitution and laws of the United States, viz., the Fourteenth Amendment of said Constitution and Sections 41 and 43 of Title 8 of the United States Code, wherein the matter in controversy exceeds, exclusive of interest and costs, the sum of \$3,000.

(b) The jurisdiction of this Court is also invoked under Section 24 (14) of the Judicial Code (28 U.S.C.A., Section 41 (14)) this being a suit authorized by law to be brought to redress the deprivation under color of law, statute, regulation, custom and usage of a state of rights, privileges and immunities secured by the Constitution, and of rights secured by the laws of the United States providing for equal rights of citizens of the United States, and of all other persons within the jurisdiction of the United States, viz., Sections 41 and 43 of Title 8 of the United States Code.

Code (28 U.S.C.A., Section 400) for the purpose of determining questions in actual controversy between the parties, to wit:

(a) The question of whether the custom and practice of the defendants in denying, on account of race and color, to plaintiffs and other qualified Negroes similarly situated the right to receive educational advantages equivalent to those offered to whites at the University of North Carolina is unconstitutional and void as being in violation of the Fourteenth Amendment to the Constitution of the United States.

(b) The question of whether the custom and practice of the defendants in denying, on account of race and color, to plaintiffs and other Negroes similarly situated the right to access to the educational facilities at the University of North Carolina Law School which is the only facility maintained by the state where the plaintiffs can secure an education equal to that offered to whites at the University of North Carolina.

3. All parties to this action are residents of and citizens of North Carolina and of the United States.

4. This is a class action authorized under Rule 23A of the Rules of Civil Procedure for the District Courts of the United States. The rights here involved are of common and general interest to the members of the class represented by plaintiffs, namely, Negro citizens of the United States and residents of the State of North Carolina who possess all the qualifications for admission to the Law School of the University of North Carolina. The members of the class are so numerous as to make it impracticable to bring them all before the Court and for this reason plaintiffs prosecute this action in their own behalf and on behalf of the class without specifically naming the said members therein.

for Negroes; has duly qualified for admission to the Law School of the University of North Carolina as an advanced student and his admission was refused solely because of his race and color.

6. Plaintiff, Robert Davis Glass, is a Negro and is a citizen of the United States and the State of North Carolina and is presently a second-year student in the School of Law of the North Carolina College for Negroes; has duly qualified for admission to the Law School of the University of North Carolina as an advanced student and his admission was refused solely because of his race and color.

7. Defendant, William Donald Carmichael, Jr., the President of the University of North Carolina, is the Chief Academic officer of the University to whom is delegated the duties of executing the policy and rules adopted by the defendant-Board of Trustees with respect to the government of the said University.

8. Defendant, Henry P. Brandis, Jr., Dean of the University of North Carolina Law School, is the Chief Academic officer of the Law School whose duties comprise the government of said Law School, including the admission and acceptance of applicants eligible to enroll therein as students, including plaintiffs.

9. Defendant, Lee Roy Wells Armstrong, Director of Admissions of the University of North Carolina, is charged with the duty of passing on the eligibility for admission to the University of all applicants who apply therefor, including plaintiffs.

10. Defendant, Arch T. Allen, is the Secretary of the Board of Trustees of the University of North Carolina which has overall control of the affairs of the University and which is incorporated under the name University of North Carolina. (G.S. 116-03)

12. All defendants herein are being sued in their official capacities as such.

13. The State of North Carolina has by law established and maintained over the years, and is now maintaining, a School of Law of the University of North Carolina as a part of its State University System (G.S. 116-1); that the said school of law is, as a part of the State University System, a public institution for the youth of the state (N.C. Constitution, Article 9, Sec. 7; G.S. 116-1), and is supported by means of public funds. There is no other school of law maintained and operated out of public funds of the state where plaintiffs can secure educational advantages and facilities equalivant to those maintained at the University of North Carolina School of Law.

14. The defendants herein are by law charged with the duty of maintaining, operating and supervising the said school of law of the University of North Carolina and of effectuating and carrying out its purposes of teaching law and preparing such persons as are enrolled therein for the legal profession; that as a part of their said supervisory control over the School of Law, these defendants are clothed and vested with exclusive authority to pass upon the qualifications for admission of persons who apply for study and training in the said school.

15. In compliance and conformity with the procedure, rules and regulations set out and adopted by these defendants for seeking admission to the said School of Law, plaintiffs, and each of them on or before April 1, 1949, have timely and properly presented applications to these defendants for admission to the said School of Law, and accompanied said applications with such records of past academic achievements, character and personality references and other material as were required; that despite plaintiffs' admitted possession of all the necessary qualifications, these defendants

with equal or less qualifications than those possessed by plaintiffs.

16. That the University of North Carolina School of Law offers a degree of law sought by plaintiffs. They desire and are ready, willing and able to pay the University requisite fees and to conform to all the lawful requirements, rules and regulations for admission.

17. That the policy, custom and usage of the defendants and each of them of providing and maintaining legal training and facilities at and in the aforesaid School of Law for white citizens of the state out of public funds while failing and refusing to provide adequate legal training and facilities for plaintiffs and other qualified Negro residents of the state wholly and solely on account of their race and color is an unlawful discrimination and constitutes a denial of the right of plaintiffs and other qualified Negroes to the equal protection of the laws in contravention of the Fourteenth Amendment to the United States Constitution.

18. By virtue of such wrongful actions and illegal customs and usages on the part of defendants and each of them, plaintiffs are damaged and have no adequate remedy at law.

WHEREFORE, plaintiffs respectfully pray this Court:

(1) That the Court adjudge and decree and declare the rights and legal relations of the parties to the subject matter herein controverted in order that such declaration shall have the force and effect of a final judgment or decree.

(2) That this Court enter a judgment or decree declaring that the policy, custom and usage of the defendants in refusing admission as students to plaintiffs and other qualified Negroes to the School of Law of the University of North Carolina solely on account of their race and color is unconstitutional and violative of the Fourteenth Amendment of the United States Constitution.

possessing the qualifications for admission to the Law School of the University of North Carolina solely because of color.

(4) That this Court will allow plaintiff their costs herein and such further other additional or alternative relief as may appear to the Court to be just and equitable in the premises.

C. O. Pearson
C. O. Pearson
203 $\frac{1}{2}$ East Chapel Hill Street
Durham, North Carolina

Robert L. Carter
Robert L. Carter
20 West 40th Street
New York 18, New York

Thurgood Marshall
Thurgood Marshall
20 West 40th Street
New York 18, New York

STATE OF NORTH CAROLINA

COUNTY OF DURHAM

PERSONALLY appeared before me HAROLD THOMAS EPPS AND ROBERT DAVIS GLASS who being duly sworn deposes and says: That they are the plaintiffs in the foregoing action, that they have read the Complaint herein; that the same is true of their own knowledge except those matters and things stated on information and belief and as to those they believe to be true.

Harold Thomas Epps
HAROLD THOMAS EPPS

Robert Davis Glass
ROBERT DAVIS GLASS

Sworn to before me this

24 day of October, 1949.

Zoe O'ell Irving
Notary Public for North Carolina

My commission expires:

July 15, 1957

President of the University of
North Carolina; et al
Dedendants

KNOW ALL MEN BY THESE PRESENTS, That we, HAROLD THOMAS EPPS AND ROBERT DAVIS GLASS, as principals, and SOUTHERN FIDELITY MUTUAL INSURANCE COMPANY, of Durham, N. C., a corporation, as surety

are held and firmly bound unto WILLIAM DONALD CARMICHAEL, JR., President of the University of North Carolina; et al

its executors, administrators, or assigns, in the sum of TWO HUNDRED

dollars, lawful money of the United States of America, to be paid unto the said

WILLIAM DONALD CARMICHAEL, JR., President of the University of North Carolina; et al

its executors, administrators, or assigns, to which payment well and truly to be made, we do

bind and oblige ourselves and our heirs, executors, and administrators, jointly and severally by these presents.

Sealed with our seal and dated this 25th day of October, A. D. 19 49

WHEREAS, the above-named HAROLD THOMAS EPPS AND ROBERT DAVIS GLASS

heretofore as citizen of the State of North Carolina commenced an action in the United States District Court, in and for the Middle District of North Carolina against the said WILLIAM DONALD CARMICHAEL, JR., president of the University of North Carolina; et al

NOW THEREFORE THE CONDITION OF THIS OBLIGATION is such that if the above-named WILLIAM THOMAS EPPS AND ROBERT DAVIS GLASS,

in the said action shall pay on demand, all costs that may be adjudged, or awarded against them as aforesaid in said action; then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

Sealed and delivered in the presence of—

Harold Thomas Epps [SEAL]

----- [SEAL]

SOUTHERN FIDELITY MUTUAL INS COMPANY [SEAL] 10
[Signature]
Attorney-in-fact

HAROLD THOMAS EPPS, and
ROBERT DAVIS GLASS

Plaintiff

v.

WILLIAM DONALD CARMICHAEL, Jr., President of the
University of North Carolina; HENRY P. BRANDIS, Jr.
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Admissions of the University of North Carolina,
ARCH T. ALLEN, Secretary of the Board of Trustees of
the University of North Carolina; and the
University of North Carolina, a body incorporate

Defendant s

SUMMONS

Office of U. S. Marshal

OCT 25 1947

Marshal's No. 23
Greensboro, No. Carolina

To the above named Defendant :

You are hereby summoned and required to serve upon C. O. Pearson,

plaintiff's attorney , whose address ~~is~~ 203 $\frac{1}{2}$ East Chapel Hill Street,
Durham, North Carolina

an answer to the complaint which is herewith served upon you, within 20 days after service
of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will
be taken against you for the relief demanded in the complaint.

Henry Reynolds

Clerk of Court.

By

Myrtle S. Cobb
Deputy Clerk.

Date: Oct. 25, 1949

[Seal of Court]

Note.—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

RETURN ON SERVICE OF WRIT

I hereby certify and return, that on the 25th day of October 19 49,

I received this summons and served it together with the complaint herein as follows: On October 26, 1949 served William Donald Carmichael, Jr., President of University of North Carolina, and served University of North Carolina, by Miss Billie Curtis, Secretary to William Donald Carmichael, Jr. at 10:25 A. M. at Chapel Hill, N. C. at the Southeastern Bldg. Served Lee Roy Wells Armstrong, Director of Admissions of the University of North Carolina by leaving true copy with Charles Bernard, Asst. to Mr. Armstrong at 10:30 A. . at 308 Southeastern Bldg., Chapel Hill, N. C. Served Henry P. Brandis, Jr. Dean of the Law School of the University of N. C. at 10:40 A.M. in the Law Building at Chapel Hill, N. C. True copy of Summons and Complaint left for each defendant, named above

MARSHAL'S FEES

Travel..... \$ 5.76 96 mi @ 6¢
Service..... 8.00
13.76

Wm. D. Kizziah

United States Marshal.

By Henry C. Stallings Deputy United States Marshal.

Subscribed and sworn to before me, a this

day of 19 .

[SEAL]

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

No. United States District Court FOR THE

v.

SUMMONS IN CIVIL ACTION

Returnable not later than days after service.

Attorney for Plaintiff. FPI-LK-5-10-49-100M-6391