

FILED
S. WILSON
CLERK

NOV 23 1952
DEPUTY

ROBERT B. PHILLIPS, JR., by his father and next of friend ROBERT B. PHILLIPS; TOLLY WILLIAMS, by her mother and next of friend ROSA J. WILLIAMS; and DAVID CLARK, JR., by his father and next of friend DAVID CLARK,

Plaintiffs,

vs.

PHOENIX UNION HIGH SCHOOLS AND JUNIOR COLLEGE DISTRICT; DR. TREVOR G. BROWN, MRS. F. A. BONS, FRANK HAZZ BURCH, JOHN E. HERSCHER and DR. NORMAN A. ROSS, as members of said BOARD OF EDUCATION; DR. E. W. MONTGOMERY, as Superintendent; JAMES S. CARTER, as Principal of PHOENIX UNION HIGH SCHOOL,

Defendants.

No. 72909

MOTION FOR SUMMARY JUDGMENT

COME NOW the plaintiffs in the above entitled action and move that this Court grant plaintiffs Summary Judgment based on the pleadings and the affidavit attached hereto. The grounds for this Motion are:

1. That there is no statute in the State of Arizona authorizing Segregation on racial grounds.
2. That such a Segregation in absence of statute violates the Fourteenth Amendment of the Constitution of the United States of America.
3. That if this Court holds that any statute in the State of Arizona permits Segregation of students in the public schools based on race or creed that such a statute is void and of no effect as being contrary to the Constitution of the United States of America and the Constitution of the State of Arizona.

RESPECTFULLY SUBMITTED.

A true copy of this mailed by depositing in the United States mails this 23th day of November, 1952, addressed to Mr. Robert H. Renaud, Attorney for defendant, Lohre Tower, Phoenix, Arizona

STUART UDALL
H. B. DANIELS
HERBERT B. FINN
BY *[Signature]*
Attorneys for Plaintiffs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

ROBERT B. PHILLIPS, JR., by his father and next of friend ROBERT B. PHILLIPS; TOLLY WILLIAMS, by her mother and next of friend ROSA J. WILLIAMS; and DAVID CLARK, JR., by his father and next of friend DAVID CLARK,

Plaintiffs,

vs.

PHOENIX UNION HIGH SCHOOLS AND JUNIOR COLLEGE DISTRICT; IR. TREVOR G. BROWN, MRS. F. A. BONS, FRANK HAZE BURCH, JOHN E. HERRSCHER and IR. NORMAN A. ROSS, as members of said BOARD OF EDUCATION; IR. E. W. MONTGOMERY, as Superintendent; JAMES S. CARTER, as Principal of PHOENIX UNION HIGH SCHOOL,

Defendants.

No. 72909 Div. 6

AFFIDAVIT IN SUPPORT OF SUMMARY JUDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

Robert B. Phillips, being first duly sworn, upon oath, deposes and says that he is the father and next of kin of Robert B. Phillips, Jr., the plaintiff in the above entitled cause, and appears for him in this case. That all plaintiffs herein are members of the African race and are eligible to attend High School in Phoenix, Maricopa County, Arizona. That they satisfy all requirements to attend any High School in Phoenix, Maricopa County, Arizona. That all above plaintiffs are citizens of the United States and of Arizona and are members of the African race, and that they are parents and next of kin of minor plaintiffs and that they are taxpayers.

That this action is brought on behalf of all children of the African race, as well as on behalf of the plaintiffs, that these individuals are so numerous as to make it impossible to bring them all before this Court. That there are common questions of law and facts and common relief being sought as will hereinafter appear.. plaintiffs file this action as a class action

1 pursuant to Section 21-512 Arizona Code Annotated, 1939.

2 That plaintiffs named in this complaint and each of them was
3 denied all admission to the Phoenix Union High School as set forth
4 herein, by the defendants, solely because the plaintiffs are and
5 each of them is a member of the African race and that further upon
6 information and belief of your affiant this segregation and denial
7 of admission was not authorized by any law or statute of the State
8 of Arizona.

9 That defendants and each of them have at all times, apparently
10 intend to continue unless restrained as a result of this action,
11 to enforce segregation of African and Caucasian people without
12 authority of any law or statute of the State of Arizona, in their
13 enforcement to the statute.

14 That plaintiffs and others similarly situated are suffering
15 an irreparable injury by reason of the action of herein complained
16 of.

17 That High Schools of Maricopa County, Arizona, are set apart
18 for white students, particularly Phoenix Union High School, and
19 that segregation of African people by race has a detrimental af-
20 fect upon such African peoples, imparting to them a distinct in-
21 feriority, retarding their educational and mental development,
22 depriving them of some of the benefits they would receive in an
23 integrated school system free from racial discrimination or seg-
24regation.

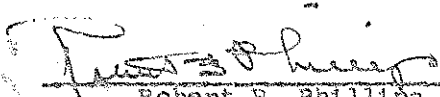
25 That plaintiffs have petitioned defendants requesting that
26 defendants cease discriminating and segregating against children
27 of the African race, of High School age, attending High School in
28 Phoenix, Maricopa County, Arizona. The defendants have failed and
29 refused to do so.

30 Further affiant sayeth not.

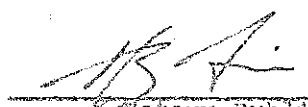
31

32

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32


Robert E. Phillips

Subscribed and sworn to before me this 28th
day of November, 1952.


Notary Public

My commission expires:
June 28, 1953

Copy served this 28th day of
by mail,
November, 1952, upon
Robert H. Renaud, Luhrs Tower,
Phoenix, Arizona