

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

JAKE AYERS, JR., ET AL.

PLAINTIFFS

and

UNITED STATES OF AMERICA

PLAINTIFF/INTERVENOR

V.

CIVIL ACTION NO. 4:75CV9-B-D

RONNIE MUSGROVE, GOVERNOR,  
STATE OF MISSISSIPPI, ET AL.

DEFENDANTS

---

SETTLEMENT AGREEMENT

---

This Settlement Agreement (“Agreement”) among the parties to this action is intended to accomplish a full, complete, and final settlement of this controversy. The Agreement is made by Bennie G. Thompson, on behalf of himself and the class of persons identified below (collectively the “Class”), the United States of America, the Governor of the State of Mississippi in his official capacity, and the Board of Trustees of State Institutions of Higher Learning (“the Board”). The Board enters into this Agreement on behalf of itself and the following other defendants in this proceeding: Delta State University, Mississippi State University, Mississippi University for Women, the University of Mississippi, and the University of Southern Mississippi; and, in their official capacities, the institutional

executives of such universities, the Commissioner of Higher Education, and the individual members of the Board.

The Governor, in his capacity as chief executive officer, and the Attorney General, in his capacity as chief legal officer, execute this Agreement on behalf of the State, with the understanding that the Lieutenant Governor and the Speaker, following consultation, affirm their willingness to seek full implementation of the Agreement. As emphasized in section X below, the Agreement is subject to the approval of the District Court.

#### **I. The Background for Settlement.**

The private plaintiffs commenced this class action on January 28, 1975. Three months later the United States filed its complaint-in-intervention. On September 17, 1975, a plaintiff class ("the Class") was certified and defined as follows:

All black citizens residing in Mississippi, whether students, former students, parents, employees or taxpayers, who have been, are, or will be discriminated against on account of race in receiving equal educational opportunity and/or equal employment opportunity in the universities operated by [the] Board of Trustees [of State Institutions of Higher Learning].

On March 8, 1996, the District Court designated Congressman Thompson as the lead plaintiff and representative for the Class.

The *Ayers* litigation now spans over 25 years. Substantial efforts to reach a comprehensive settlement in both the early and mid-1980's were not successful. Consequently, a lengthy trial occurred in 1987 which resulted in the District Court dismissing the action in its entirety. The Court of Appeals affirmed the District Court but