

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA, by
RAMSEY CLARK, Attorney General,

Plaintiff,

v.

ST. LOUIS-SAN FRANCISCO RAILWAY
COMPANY AND BROTHERHOOD OF
RAILROAD TRAINMEN,

Defendants.

CIVIL ACTION NO. 67G243(1)

AMENDED COMPLAINT

The United States of America, by Ramsey Clark,
Attorney General, alleges:

1. This is an action brought by the Attorney General in the name of the United States, seeking relief for violations of Title VII of the Civil Rights Act of 1964 (78 Stat. 253), 42 U.S.C. 2000e et seq.

2. This Court has jurisdiction under 28 U.S.C. 1345 and Section 707(b) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-6(b).

3. The authority of the Attorney General to bring this suit is based on Section 707(a) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-6(a).

4. The St. Louis-San Francisco Railway Company, hereinafter referred to as Frisco, is a corporation duly created and existing under the laws of the State of Missouri and is engaged in the business of shipment of

freight by rail in interstate commerce. Frisco formerly engaged in the business of transporting passengers by rail, as well, but the Interstate Commerce Commission has authorized the termination of passenger service on the Frisco system. The principal office of Frisco is located in Springfield, Missouri.

5. Frisco employs more than fifty persons and is an "employer" within the meaning of Section 701 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e.

6. The Brotherhood of Railroad Trainmen, hereinafter referred to as the Brotherhood, is a labor organization which is the recognized representative of a number of employees of Frisco, including those classified in the craft or class of brakeman. The office of the general chairman for the Brotherhood, Frisco lines, is located in Springfield, Missouri.

7. The Brotherhood has a membership of more than fifty persons and is a "labor organization" within the meaning of Section 701 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e.

8. Frisco employs approximately 6,500 employees in its Engineering, Mechanical, and Operating Departments. Frisco has the ultimate authority for the hiring and upgrading of the employees of these departments, subject to the procedures set out in the agreements between itself and the several bargaining representatives of these employees. This authority includes the selection and training of apprentices.

9. In exercising this authority, Frisco has followed a policy and practice of discriminating against Negroes on account of their race. This discriminatory policy and practice has been and is being implemented by Frisco, among other ways, as follows:

A. Frisco entered into an agreement in 1928 with the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Engineers, the Order of Railway Conductors, and the Brotherhood of Railroad Trainmen, which provided that no Negroes would be newly employed by Frisco in train, engine or yard service, except as train porters. This agreement was rescinded in 1949; however, its discriminatory effects have been perpetuated to the present, in that:

(1) Negroes employed as train porters in accordance with the discriminatory agreement mentioned above performed duties substantially similar to those performed by brakemen, a position from which Negroes were excluded because of their race, but these train porters were restricted to passenger service and received less compensation than brakemen. Frisco has discontinued passenger service but has failed to assign Negro train porters other braking duties commensurate with their seniority earned as train porters.

(2) Negroes who have performed braking duties have been denied opportunities for advancement afforded white persons performing substantially similar duties.

(3) Negroes employed by Frisco as firemen have been denied opportunities for advancement afforded white persons employed as firemen.

(4) Frisco has failed and refused to take reasonable steps to eliminate the continuing effects of its practice of discriminating on the basis of race expressed in the agreement mentioned above.

B. Negroes employed in the Mechanical and Engineering Departments have traditionally been restricted to laborer jobs. These Negroes have not been afforded the same opportunities as white persons for promotion to the positions of helper, journeyman and foreman.

C. Negroes formerly employed by Frisco in job classifications which have been abolished, or in which the complement of employees has been reduced, have not been afforded the same opportunities as whites to secure other positions with Frisco.

D. Frisco has failed and refused to recruit and select Negroes for apprenticeship training on the same basis and under the same terms and conditions as white persons are recruited and selected.

E. Negroes employed as carman helpers by Frisco have not been afforded the same opportunities as white carmen helpers to be promoted to the position of carman.

10. The policies and practices of Frisco described in the preceding paragraphs constitute a pattern and practice of resistance to the full enjoyment by Negroes of their rights secured by Title VII of the Civil Rights Act of 1964 not to be discriminated against by Frisco on account of their race or color.

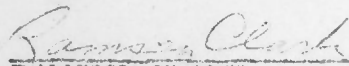
11. The Brotherhood follows a policy and practice of discrimination against Negro train porters by using its position as collective bargaining representative of the brakemen employed by Frisco to perpetuate the artificial distinction between brakemen and train porters referred to in paragraph 9 above.

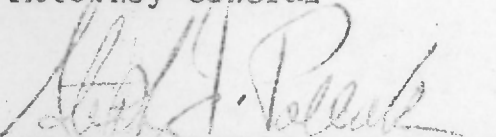
12. The policy and practice described in the preceding paragraph constitutes a pattern and practice of resistance to the full enjoyment by Negroes of their rights secured by Title VII of the Civil Rights Act of 1964 not to be discriminated against by the Brotherhood on account of their race or color.

WHEREFORE, the United States prays that this Court enjoin Frisco, its directors, officers, employees, agents, and other persons and organizations in active concert or participation with them, from discriminating on the basis of race in the conditions and terms of employment of its employees; in the hiring, assignment, classification, promotion, and discharge of employees; and in the recruitment and selection of apprentices.


The United States further prays that this Court enjoin the Brotherhood, its officers, employees, agents and all other persons and organizations in active concert or participation with them, from pursuing any policy or practice that has the design or effect of obstructing, impeding or interfering in any way with the discharge of Frisco's obligation to eliminate discrimination based on race in the conditions and terms of employment of its employees; in the hiring, assignment, classification, promotion, and discharge of employees; and in the recruitment and selection of apprentices; and from using its position as bargaining representative to perpetuate artificial classifications which have the effect of depriving Negroes of equal employment opportunities on account of their race.

The United States further prays for its costs of suit and for such additional relief as the interests of justice may require.


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STEPHEN J. POLLAK
Assistant Attorney General

VERYL RIDDLE
United States Attorney


JOHN M. ROSENBERG
Attorney
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