

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK

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

Plaintiff,

v.

CIVIL ACTION NO.
CIV-1967-432

BETHLEHEM STEEL CORPORATION,
a Corporation; Local 2601,
United Steelworkers of
America; Local 2602, United
Steelworkers of America;
Local 2603, United Steelworkers
of America; Local 2604, United
Steelworkers of America; Local
3144, United Steelworkers of
America; and United Steelworkers
of America,

Defendants.

RESCUED COMPLAINT

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

1. This is an action brought by the Attorney General on behalf 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 of this action under 42 U.S.C. 2000e-6(b), and 28 U.S.C. 1345.
3. The defendant Bethlehem Steel Corporation (hereinafter referred to as Bethlehem) is incorporated under the laws of the State of Delaware, doing business in the State of New York.

4. Bethlehem is an employer within the meaning of 42 U.S.C. 2000e-(b), and is engaged in an industry affecting commerce within the meaning of 42 U.S.C. 2000e-(h). Through its Lackawanna Plant, Bethlehem operates and maintains industrial facilities employing approximately 13,400 persons in the Buffalo, New York, area.

5. Local 2601, Local 2602, Local 2603, Local 2604, and Local 3144 of the United Steelworkers of America are unincorporated associations of employees working in the steel industry at Bethlehem. They have a total membership of approximately 13,000. Each has its principal office located in Lackawanna, New York.

6. The defendant United Steelworkers of America is the parent national union of the defendant locals and through those locals does business in the State of New York.

7. The defendant United Steelworkers of America and the defendant Locals 2601, 2602, 2603, 2604, and 3144 (hereinafter referred to as defendant unions) are the bargaining representatives for the employees at Bethlehem's Lackawanna Plant and have entered into collective bargaining agreements with Bethlehem concerning the terms and conditions of employment of employees at its Lackawanna Plant.

8. The defendant unions are labor organizations within the meaning of Section 701 of the Civil Rights Act of 1964, 42 U.S.C. 2000e, and are named defendants herein as necessary parties pursuant to Rule 19(a), Federal Rules of Civil Procedure.

9. Bethlehem has engaged and is engaging in a pattern and practice of discrimination in employment against Negroes on account of their race in the operation of its Lackawanna Plant; such pattern and practice has included:

- a. Engaging in employment practices which favor white applicants and discriminate against Negroes by preferential hiring, referral, transfer and assignment procedures and by hiring, referring, transferring and assigning whites for employment without regard to qualifications while placing stringent requirements on Negroes who apply for hiring, referral, transfer or assignment to the same or similar jobs.
- b. Administering and grading tests for assignment to jobs in the mechanical and electrical departments of the Lackawanna Plant in a manner so as to give preferential treatment to white applicants and to exclude Negro applicants similarly qualified.
- c. Assigning Negroes to less desirable positions in the Lackawanna Plant, including the hot and dirty jobs in the coke oven and blast furnace departments and labor type jobs in the yard department while assigning more desirable jobs to white persons with similar or lower qualifications.
- d. Failing to provide opportunities for advancement to Negroes on the same basis as opportunities for advancement are provided to white persons.

- e. Failing to provide for advancement opportunities in the lines of progression and to supervisory positions to Negroes equal to those opportunities provided for white persons.

10. Certain provisions of the collective bargaining agreements entered into between Bethlehem and the defendant unions perpetuate the effects of the discriminatory acts and practices of Bethlehem described in the preceding paragraph.

11. The pattern and practice described in paragraphs 9 and 10 is of such a nature and is intended to deny the full exercise by Negroes of rights secured to them by 42 U.S.C. 2000e-2(a).

WHEREFORE, the plaintiff prays for an order enjoining Bethlehem, its officers, agents, employees, successors, and all persons in active concert or participation with them from engaging in any racially discriminatory employment practice and specifically from:

- a. Hiring, referring, transferring and assigning white persons for employment without regard to qualifications while placing stringent requirements on Negroes hired, referred, transferred and assigned to the same or similar jobs;
- b. Referring and assigning Negroes to less desirable jobs and white persons with similar or lower qualifications to more desirable jobs;

- c. Discriminating in the application of standards for admission to the Plant apprenticeship program;
- d. Failing to provide opportunities for advancement to Negroes on the same basis as opportunities for advancement are provided to white persons;
- e. Engaging in any other employment practices which favor white persons and discriminate against Negroes as to recruiting, hiring, referral, transfer or assignments; and
- f. Failing or refusing to take reasonable steps to correct the effects of Bethlehem's past pattern and practice of racial discrimination in employment against Negroes.

Plaintiff further prays that this Court enjoin Bethlehem and the defendant unions, their officers, agents, employees, successors, and all persons or organizations in active concert or participation with them from failing or refusing to take all reasonable steps to alter the collective bargaining agreements so as to correct the effects of past racial discrimination as alleged in this complaint.

Plaintiff further prays for such other and further relief as the interests of justice may require, together with the costs and disbursements of this action.

RAMSEY CLARK
Attorney General

STEPHEN J. POLLAK
Assistant Attorney General

THOMAS A. KENNEDY
Acting United States Attorney

GERALD R. JONES
Attorney
Department of Justice