

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA, by)	
RAMSEY CLARK, Attorney General)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	NO.
THE GREATER GADSDEN HOUSING)	
AUTHORITY OF GADSDEN, ALABAMA,)	
A. L. DICKSON, J. B. HOLLINGSWORTH,)	COMPLAINT
W. D. McNAIR, ROBERT D. COLLIER,)	
CECIL A. ROBERTSON, and WALTER B.)	
MILLS, JR., Executive Director,)	
)	
Defendants.)	

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

1. This action is brought by the United States to prevent in the future and to correct the past effects of defendants' racially discriminatory practices which are prohibited by Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.; the regulations of the Department of Housing and Urban Development (24 C.F.R., Part I, and more specifically Sec. 1.4(b)(2)(ii) thereof); contractual agreements and assurances made by the defendant Greater Gadsden Housing Authority; Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §3601 et seq.; 42 U.S.C. §1982; and the Fourteenth Amendment to the United States Constitution.

2. The Court has jurisdiction of this matter under 28 U.S.C. §1345.

3. The defendant Greater Gadsden Housing Authority (hereinafter referred to as "Authority"), a local housing authority, is a public body corporate created under the laws of the State of Alabama as an agency of that State, for the purpose of developing and administering low-income public housing to be financed by the Federal government pursuant to the United States Housing Act of 1937, as amended, 42 U.S.C. §1401 et seq.

4. Defendant Authority's principal place of business is in Gadsden, Alabama.

5. Defendants A. L. Dickson, J. B. Hollingsworth, W. D. McNair, Robert D. Collier and Cecil A. Robertson are Commissioners of the Authority, and defendant Walter B. Mills, Jr., is Executive Director. They generally supervise and conduct the operation of the Authority. The defendants reside in Gadsden, Alabama.

6. Defendant Authority owns and operates six low-rent housing projects with a combined total of 1000 units. Defendant Authority is and at all times herein has been receiving, annually, Federal financial assistance, aggregating a total of more than \$4,000,000 pursuant to four Annual Contributions Contracts (hereinafter referred to as "Contracts") entered into by and between the Authority

and the Public Housing Administration (predecessor of the Department of Housing and Urban Development and referred to hereinafter as "HUD") on January 10, 1952, October 7, 1952, April 1, 1954, and May 28, 1954 and subsequently amended from time to time. Under the terms and conditions of the May 28, 1954, Contract (Sec. 304), the defendant Authority agreed not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin.

7. There remain outstanding certain securities issued by defendant Authority, the unpaid principal balance of which aggregates approximately \$5,670,000, payment of which has been secured by pledge of the annual contributions to be made by HUD, pursuant to said Contracts, which payments are secured by the full faith and credit of the United States and are incontestable under Section 22 of said Housing Act, as amended, 42 U.S.C. §1421a.

8. Defendant Authority originally designed, constructed and operated its low-rent housing projects on a racially segregated basis, assigning tenants to units on the basis of their race and color. Two projects were constructed for and occupied solely by white tenants, and two projects, constructed as emergency military housing, were conveyed in 1953 to the Authority by the Public Housing Administration and have been occupied solely by white tenants since that conveyance. Two other projects were constructed for and occupied solely by Negro tenants.

9. In order to qualify for continued Federal financial assistance, the defendant Authority, on March 29, 1965, executed its "Statement of Compliance" assuring HUD (1) of its compliance with the requirement of Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.) that no person in the United States shall, on the grounds of race, color, or national origin, be subjected to discrimination under programs or activities receiving Federal financial assistance, and (2) of its compliance with HUD's regulations issued thereunder, and of its continued compliance therewith.

10. Defendants have assigned and continue to assign persons to housing units on the basis of race and color. The two projects originally constructed for Negro occupancy continued to be occupied solely by Negro tenants as of January, 1969; and the four projects which have been traditionally occupied by white tenants continued to be occupied solely by white tenants as of January, 1969. Defendants thus have been maintaining, and they continue to maintain, a racially segregated system of public housing projects.

11. Defendant Authority has engaged and continues to engage in discriminatory employment practices based on race and color, in violation of its obligations under the Fourteenth Amendment to the Constitution and under Section 304 of its Contracts. Those practices have been manifested, among other ways, by the hiring of Negroes for, and assignment of Negroes to, administrative positions only in the projects originally designed for

Negro occupancy and the hiring of white persons for, and assignment of white persons to, administrative positions only in the projects originally designed for white occupancy and the central office. There are no Negroes employed by the defendant Authority in its low-rent public housing program at its central office.

12. Section 1.4(b)(2)(ii) of the regulations of HUD requires that recipients, in operating low-rent housing with Federal financial assistance, make assignments to eligible applicants "on a community-wide basis in sequence" based upon the date and time applications are received, and upon other factors not inconsistent with the objectives of Title VI of the 1964 Civil Rights Act. Such assignments must be made in accordance with a plan, duly adopted by the recipient and approved by the responsible Department official.

13. Defendants have refused and continue to refuse to file an acceptable plan for selection of applicants and assignment of dwellings pursuant to said Section 1.4(b)(2)(ii), and officials of HUD have sought unsuccessfully to obtain voluntary compliance with such requirement.

14. Defendants' assignment of persons to housing units on the basis of race and color and its maintenance of a dual racially segregated system of public housing projects have made unavailable and denied and continue to make unavailable and deny dwellings to Negro applicants because of their race and color.

15. The policies and practices of defendants described in the preceding paragraph, if continued, will result in the denial of rights granted by Title VIII to the group of Negroes who now have, or will have in the future, applications for occupancy pending before the Authority, thus raising an issue of general public importance, and those policies and practices constitute a pattern or practice of resistance to the full enjoyment by Negroes of the rights granted to them by Title VIII of the Civil Rights Act of 1968.

16. Defendants have refused and failed to take adequate measures to desegregate the Authority's dual segregated housing projects and to establish a unitary, non-racial system of housing projects.

17. The housing policies and practices of defendants described in paragraphs 10, 13, 14, 15 and 16 are in violation of Title VIII of the Civil Rights Act of 1968, and in violation of Title VI of the Civil Rights Act of 1964 and the regulations issued pursuant thereto, the contractual undertakings and assurances of defendants, and in violation of defendants' obligations under the Fourteenth Amendment to the Constitution of the United States.

18. Unless restrained by order of this Court the defendants will continue to engage in the discriminatory practices set forth in paragraphs 10, 11, 13, 14, 15, 16, and 17 above, to the irreparable injury of the plaintiff.

WHEREFORE, the United States prays that this Court enter an order enjoining the defendants, their successors in office, agents, employees, and all other persons in active concert or participation with them who receive actual notice of the order from engaging in any racially discriminatory practices in administering their public housing program, and more particularly from:

1. Failing to adopt and file with HUD an appropriate plan for tenant assignment providing for assignments of dwelling units to eligible applicants on a community-wide basis in sequence, based upon the date and time the applications are received;
2. Hiring and assigning its employees on the basis of race, and from failing to take all reasonable steps to correct the effects of its past racially discriminatory employment practices.
3. Assigning housing units on the basis of race, color, and national origin;
4. Failing to take all reasonable steps to correct the effects of past racially discriminatory housing practices in public housing projects in Gadsden, Alabama, operated by defendant Authority.

Plaintiff further prays that this Court grant such additional and further relief as the interests of justice may require, including the costs and disbursements of this action.

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