

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,

Plaintiff,

v.

H. G. SMITHY COMPANY, a  
Corporation; CHILLUM HEIGHTS  
APARTMENTS SECTION ONE, INC.,  
a Corporation; CHILLUM HEIGHTS  
APARTMENTS SECTION TWO, INC.,  
a Corporation; CHILLUM HEIGHTS  
APARTMENTS SECTION THREE, INC.,  
a Corporation; CHILLUM HEIGHTS  
APARTMENTS SECTION FOUR, a  
Corporation; CHILLUM APARTMENTS  
SECTION FIVE, INC., a Corporation;  
SIDNEY ROTHSTEIN, VICTOR CARONE,  
LYDIA CARONE and MRS. LOUIS H.  
ARMSTRONG,

Defendants.

CIVIL ACTION NO.

COMPLAINT

The United States of America alleges:

1. This is an action brought by the United States pursuant to 42 U.S.C. 3613 seeking relief for violations of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 et seq.

2. This Court has jurisdiction of this action under 28 U.S.C. 1345 and 42 U.S.C. 3613.

3. The defendant H. G. Smithy Company is a Delaware corporation which does business in the State of Maryland. It is engaged in the real estate business, including the management of rental property. This defendant manages

various apartment complexes in Maryland, the District of Columbia and Virginia including those described in the following paragraphs of this Complaint.

4. The defendants Chillum Heights Apartments Section One, Inc.; Chillum Heights Apartments Section Two, Inc.; Chillum Heights Apartments Section Three, Inc.; Chillum Heights Apartments Section Four, Inc.; and Chillum Apartments Section Five, Inc., (hereinafter referred to as the Chillum Heights defendants) are Delaware corporations which do business in the State of Maryland. These defendants operate an apartment complex in Hyattsville, Maryland, named Chillum Heights. This complex has approximately 994 apartment units. The defendant Sidney Rothstein is an agent and representative of the Chillum Heights defendants and acts on their behalf in relation to the rental of dwellings at Chillum Heights. He resides in the State of New York but transacts business in the State of Maryland and his discriminatory housing practices, as elaborated in this Complaint, occurred in that State, all within the meaning of 42 U.S.C. 3610(d). He may be sued in Maryland under the provisions of 42 U.S.C. 3613.

5. The defendants Victor and Lydia Carone, who are husband and wife, own a complex of three apartment buildings, containing approximately 37 units, at 4481 MacArthur Boulevard, N. W., Washington, D. C. The defendant Mrs. Louis Armstrong

is the resident manager of these apartment buildings. Mr. and Mrs. Carone reside in the State of Maryland. Mrs. Armstrong resides in the District of Columbia, but may be sued in Maryland under the provisions of 42 U.S.C. 3613.

6. The complexes described in the preceding paragraphs, and the apartments in those complexes, are dwellings within the meaning of 42 U.S.C. 3602(b).

7. No Negroes reside at 4481 MacArthur Boulevard, and only a small minority of the residents of Chillum Heights are Negroes.

8. The defendant H. G. Smithy Company manages the apartment complexes described in this Complaint, as well as other dwellings, on a racially discriminatory basis, and the remaining defendants discriminate against Negroes in the operation of the complexes which they own or by which they are employed. Specifically, the defendants have discriminated against Negroes on account of their race or color, among other ways, as follows:

(a) The defendants H. G. Smithy Company, Victor and Lydia Carone, and Armstrong refuse to rent apartments to Negroes at 4481 MacArthur Boulevard;

(b) The Chillum Heights defendants, the defendant Rothstein and the defendant H. G. Smithy use different and more stringent procedures and

requirements for Negroes seeking to reside at Chillum Heights than are imposed on white applicants. Specifically, these defendants have vested wide discretion in their agents, most or all of whom are white, with respect to the acceptance or rejection of applications, without the imposition of objective requirements, and this discretion has been exercised in such a manner as to minimize the number of Negro residents at Chillum Heights and to make dwellings unavailable to Negroes on account of their race;

(c) The defendants have made and caused to be made statements with respect to the rental of dwellings at 4481 MacArthur Boulevard and at Chillum Heights which indicate a preference, limitation and discrimination based on race, color, and national origin. These statements have tended to discourage Negroes from applying for dwellings at these complexes.

(d) The defendants have failed to take adequate affirmative steps to correct the effects of their past and present racially discriminatory practices;

9. The discriminatory practices of the defendant H. G. Smithy described in the preceding paragraphs of this complaint are supported and supplemented by that defendant's employment practices. In 1968, this defendant employed 124 persons at its Washington, D. C. office, all of whom were white. This all-white work force included 66 clerical workers. There has been little, if any, change in the racial composition of this defendant's work force since 1968. A majority of the inhabitants of Washington, D. C. are black, and there are many Negroes qualified to do the various jobs offered by H. G. Smithy. This defendant has taken no steps to recruit Negroes for these jobs or to change its racial image.

10. The conduct described in the preceding paragraphs constitutes a pattern or practice, of resistance, by each defendant and by the defendants collectively, to the full enjoyment of the rights granted by Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 et seq.

WHEREFORE the plaintiff prays that the Court enter an Order enjoining the defendants, their employees, agents, and successors, and all those acting in active concert and participation with any of them, from:

- (a) Failing or refusing to make any dwelling available to any person on account of race, color, religion, or national origin,
- (b) Discriminating against any person in the terms, conditions, or privileges of rental

of any dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin,

(c) Representing to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available,

(d) Making or causing to be made any statement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion or national origin, and

(e) Failing or refusing to take adequate affirmative steps to correct the effects of defendants' past discriminatory practices, including but not limited to the employment of Negroes on a nondiscriminatory basis at all levels of employment and informing the general public and other persons affected that the defendants' policy shall be to provide fair housing opportunities regardless of race, color, religion, or national origin.

Plaintiff further prays for such additional relief as the interests of justice may require, together with

the costs and disbursements of this action.

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JOHN N. MITCHELL  
Attorney General

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JERRIS LEONARD  
Assistant Attorney General

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STEPHEN H. SACHS  
United States Attorney

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FRANK E. SCHWELB  
Attorney  
Department of Justice