

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

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

Plaintiff,

v.

WOOD, WIRE AND METAL LATHERS
INTERNATIONAL UNION, LOCAL
UNION NO. 46; and THE JOINT
APPRENTICESHIP COMMITTEE OF THE
EMPLOYING METALLIC FURRING AND
LATHING ASSOCIATION OF NEW YORK
AND LOCAL NO. 46 OF THE WOOD, WIRE
AND METAL LATHERS INTERNATIONAL
UNION,

Defendants.

Filed 5/22/68
CIVIL ACTION NO. ⁶⁸⁻CIV-2116

C O M P L A I N T

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 violation 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 under Section 707(b) of Title VII of the Civil
Rights Act of 1964 (78 Stat. 262), 42 U.S.C. 2000
e-6(b).

3. Local Union No. 46 of the Wood, Wire and
Metal Lathers International Union (hereinafter
referred to as Local 46) is an unincorporated associa-
tion of approximately 1,600 men engaged in construc-
tion work, all but four of whom are white. Local 46's
principal office is at 1322 Third Avenue, New York,
New York, and its jurisdiction includes New York, Kings,

Queens, Bronx, Richmond, Nassau, Suffolk, Westchester Counties and the southern portion of Rockland County, New York.

4. Local 46 is a labor organization within the meaning of 42 U.S.C. 2000e (d), and is engaged in an industry affecting commerce within the meaning of 42 U.S.C. 2000e (e).

5. The Joint Apprenticeship Committee is an unincorporated body composed of representatives of Local 46 and the Employing Metallic Furring and Lathing Association of New York. The Joint Apprenticeship Committee administers and controls the apprenticeship program for Local 46 and determines which persons shall be admitted to this apprenticeship program.

6. The Joint Apprenticeship Committee is a joint labor-management committee controlling apprenticeships within the meaning of 42 U.S.C. 2000e-2(d).

7. Local 46 maintains a hiring hall for the referral of lathers to contractors with whom it has a collective bargaining agreement. As a general practice, Local 46's hiring hall is the exclusive source of workers to meet the labor needs of all such contractors in the lathing industry. Through the operation of its hiring hall, Local 46 controls a substantial portion of the employment opportunities for lathers within its jurisdiction.

8. Local 46 has engaged and is engaged in a pattern and practice of discrimination in employment against Negroes on account of their race and such pattern and practice has included:

- (a) Adopting and implementing a policy which prevents the transfer of Negro journey-men lathers into the union;
- (b) Affording job referral opportunities to union members and other white persons not afforded to Negro lathers with similar qualifications;
- (c) Engaging in acts and practices, the purpose and effect of which are to replace Negro lathers on the job with white union members and other white persons.

9. The Joint Apprenticeship Committee has engaged in a pattern and practice of discrimination on account of race in the operation of the apprenticeship program by imposing more stringent requirements for admission to the apprenticeship program than were previously imposed on white candidates who were admitted to the program.

10. The defendants have failed and refused to take reasonable steps to eliminate the effects of past discriminatory acts and practices.

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

WHEREFORE the plaintiff prays for an order enjoining the defendants, their officers, agents, employees, successors and all other persons and organizations in active concert or participation with them from:

- (a) Failing or refusing to accept transfers of Negro journeymen lathers for membership in Local 46.
- (b) Giving preference in the operation of its hiring hall to union members and other white persons referred for jobs.
- (c) Engaging in any act or practice, directly or indirectly, for the purpose or with the effect of preventing, discouraging, or hindering the employment of Negroes in the lathing trade on the same basis and under the same conditions as white persons are employed in such trade.
- (d) Failing to take all reasonable steps to eliminate the effects of past discrimination.

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

RAMSEY CLARK
Attorney General

STEPHEN J. POLLAK
Assistant Attorney General

ROBERT M. MORGENTHAU
United States Attorney

GERALD W. JONES
Attorney
Department of Justice