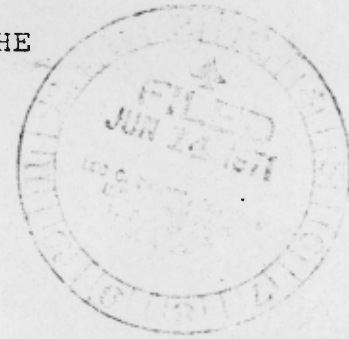


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION



UNITED STATES OF AMERICA,)
)
Plaintiff,)

v.)

CIVIL ACTION NO. 71C 372(1)

COMPLAINT

CITY OF BLACK JACK,)
MISSOURI, a municipal)
corporation,)
)
Defendant.)

The plaintiff, the United States of America,
alleges that:

1. This is an action brought by the Attorney General on behalf of the United States of America for declaratory relief pursuant to 28 U.S.C. §2201, and for injunctive relief pursuant to Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §§3601-3619.

2. This court has jurisdiction of this action pursuant to 28 U.S.C. §§1345 and 2201, and 42 U.S.C. §§3613 and 3619.

3. The defendant City of Black Jack is a municipal corporation located in St. Louis County,

within the Eastern District of Missouri. The defendant city exercises general municipal powers, including zoning authority over real property within its boundaries.

4. In late 1969, the Park View Heights Corporation, a non-profit corporation sponsored and assisted by religious organizations and other persons, took steps toward the construction and operation of a multiple-family town house rental development for limited income residents to be known as Park View Heights.

5. In December 1969, the Park View Heights Corporation contracted to purchase a parcel of land at Parker Road and Old Jamestown Road in an unincorporated area of St. Louis County as a site for Park View Heights. The vicinity of the proposed site and the immediately surrounding communities are inhabited almost exclusively by white persons.

6. On June 5, 1970, Park View Heights received initial approval for mortgage interest reduction assistance from the Federal Housing Administration, Department of Housing and Urban Development, pursuant to Section 236 of the Housing and Urban Development Act of 1968, 12 U.S.C. §17152-1.

7. As of June 5, 1970, the zoning ordinances of St. Louis County applicable to the site described in paragraph 5, permitted multiple-family use and occupancy, including the type proposed for Park View Heights.

8. Both before and after June 5, 1970, the plans for the construction of Park View Heights received substantial attention in the public communications media

serving St. Louis County and the City of St. Louis. Through this publicity it became public knowledge that Park View Heights was intended to be a racially integrated housing development.

9. Substantial opposition arose among white persons in the area immediately surrounding the proposed site for Park View Heights directed against the construction in the area of a limited income racially integrated development. After it became apparent that the commitment for federal assistance was firm, citizens opposed to the development initiated a movement to make Black Jack a new and independent municipality which could exercise its zoning power to prevent construction of the racially integrated development. On August 6, 1970, pursuant to these efforts, the defendant City of Black Jack became a municipal corporation, and now exercises municipal powers, including the power to zone. The proposed site for Park View Heights is located within the municipality of Black Jack.

10. On October 19, 1970, the Black Jack City Council adopted a zoning ordinance which had the effect of prohibiting any new multiple-family use or occupancy within the city; the effect of this ordinance was to prevent the construction of Park View Heights on a site that previously had been zoned to permit multiple-family occupancy.

11. The exercise of defendant's municipal powers as described in the preceding paragraphs constitutes:

- (a) a pattern or practice of resistance by the defendant to the full enjoyment of

rights secured by Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §3601, et seq., and by the Thirteenth and Fourteenth Amendments to the United States Constitution; and

(b) a denial to groups of persons of the rights granted by Title VIII of the Civil Rights Act of 1968, which raises an issue of general public importance.

12. The defendant's conduct described in the preceding paragraphs has the purpose and effect of perpetuating racial segregation in housing, and denies to prospective residents, owners, sponsors and those aiding the proposed multiple-family development, equal treatment on account of race, color and national origin, in violation of Section 804 of the Civil Rights Act of 1968, 42 U.S.C. §3604. Defendant's conduct also denies said prospective residents the right to be free from interference in the exercise of rights secured by 42 U.S.C. §3604, and denies the Park View Heights Corporation and those assisting it, the right to be free from interference in attempting to aid prospective residents to exercise rights to fair housing, all in violation of 42 U.S.C. §3617.

WHEREFORE, the plaintiff United States of America prays that this Court enter a judgment pursuant to 28 U.S.C. §2201 declaring that to the extent that zoning ordinances of the defendant have the effect of interfering with or preventing the construction or development of Park View Heights, they violate and interfere with

rights secured by Title VIII of the Civil Rights Act of 1968 and the Thirteenth and Fourteenth Amendments to the Constitution.

The plaintiff further prays that this Court enter an order enjoining the defendant City of Black Jack, its officers, agents, servants, employees, attorneys, successors, and all those in active concert or participation with them, from:

- (a) discriminating against any person on account of race, color, religion or national origin in relation to such person's exercise of the right to secure equal opportunity in housing;
- (b) interfering with any person seeking to exercise the right to secure equal opportunity in housing without regard to race, color, religion or national origin, or with any person assisting or encouraging another person or persons to secure such equal opportunity;
- (c) exercising its municipal powers in any manner which has the purpose or effect of excluding persons on account of race, color, religion or national origin from residing in the City of Black Jack.
- (d) failing or refusing to take all necessary steps, including but not limited to appropriate revision of pertinent zoning ordinances, to permit the prompt construction of the Park View Heights development as

previously authorized by federal and
local authorities.

Plaintiff further prays for such additional
relief as the interests of justice may require, to-
gether with the costs and disbursements of this action.

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