



NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.

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Legal Defense Fund Heads to Court to Remedy Discrimination Against African-American Public Housing Families in Baltimore

On Monday, March 27, 2006, the NAACP Legal Defense & Educational Fund, Inc. (LDF) heads to federal court in Baltimore to seek a remedy for unlawful discrimination against African-American public housing residents by the U.S. Department of Housing and Urban Development (HUD).

Theodore M. Shaw, LDF's Director-Counsel and President, said: "We intend to secure a remedy that will help African-American public housing residents undo the harms they have suffered for more than sixty years because of HUD's discriminatory policies. We believe that this case, in Thurgood Marshall's hometown, is the most important housing desegregation lawsuit in a generation."

In a January 2005 order in the lawsuit, *Thompson v. HUD*, Judge Marvin J. Garbis gave public housing residents a precedent-setting civil rights victory, holding that HUD violated the Fair Housing Act by unfairly concentrating African-American public housing residents in the most impoverished, segregated areas of Baltimore City. Judge Garbis faulted HUD for treating Baltimore City as "an island reservation for use as a container for all of the poor of a contiguous region." Judge Garbis held that HUD must take a regional approach to promoting fair housing opportunities for African-American public housing residents in the Baltimore Region.

In light of this finding that HUD violated the Fair Housing Act, the parties return to court next week to present argument on the appropriate remedy. The remedy will benefit a class of 14,000 African-American public housing families.

LDF's proposed remedy seeks to force HUD to remedy the harm caused by its discriminatory policies, which concentrated impoverished residents in high-density public housing; an approach that has proven historically and economically to be harmful to cities, communities, and families alike. The proposed remedy focuses on changing HUD's behavior, and on *reversing history* by creating a new and better future for public housing families who have been the victims of HUD's discriminatory housing policies.

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The NAACP Legal Defense and Educational Fund, Inc. (LDF) is not a part of the National Association for the Advancement of Colored People (NAACP) although LDF was founded by the NAACP and shares its commitment to equal rights. Since 1957, LDF has been a completely separate organization. Contributions are deductible for U.S. income tax purposes.

One part of LDF's proposed remedy is to give Baltimore's poor African-American residents the *same choices* as to where to live as everyone else in the metropolitan region. This will result in a small number of families moving to communities of opportunity if they choose to, in a manner that will have minimal impact on those communities.

But the case is not just about moving Baltimore City families into the suburbs. This is only one part of the remedy, which is more broadly – and more importantly – focused on changing how HUD approaches the provision of housing for the poor, and getting HUD to take responsibility for its historical discrimination.

Many of the individuals who would be helped by LDF's proposed remedy are already working at entry-level and service-sector jobs in the suburbs that are critical to the regional economy. The remedy will simply give these families the HUD assistance they need to enable them to live close to their jobs.

Churches and civic organizations throughout the suburbs support LDF's proposed remedy, and have pledged to help Baltimore City families make a smooth transition. To the extent that local politicians or county executives have said that plaintiff families are not welcome in the suburbs, they are out of touch with their own citizens.

Some local leaders have opposed LDF's proposed remedy by saying it does not make sense to move poor people from one jurisdiction to another. This objection is disingenuous – the fact is that many poor people are already able to find the resources and support needed to live in the Baltimore suburbs. (Over 40% of the Region's poor live outside of Baltimore City.) The difference between suburban poor and City poor is that the suburban poor are mostly white – poor whites outnumber poor blacks in the suburbs by more than 2 to 1. Objection to LDF's proposed remedy is not just because the families who would benefit are poor, but also because they are African-American.

LDF's proposed remedy and community outreach are aimed at ensuring that the remedy benefits not just those who choose to move; LDF is also focused on the communities in which poverty is currently concentrated, so that those communities are not further "left behind."

LDF's co-counsel in the case include the ACLU of Maryland, Morgan Lewis & Bockius LLP, and Brown Goldstein & Levy LLP.

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