

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,

Plaintiff, v.

THE NEW BALTIMORE CITY BOARD  
OF SCHOOL COMMISSIONERS, ITS  
CHIEF EXECUTIVE OFFICER, AND THE  
BALTIMORE CITY PUBLIC SCHOOL SYSTEM,  
Defendants.

COMPLAINT

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq.
2. This Court has jurisdiction of the action under 42 U.S.C. §§ 2000e-5(f), 2000e-6(b) and 28 U.S.C. § 1345.
3. The Defendant New Baltimore City Board of School Commissioners is a governmental body created pursuant to the laws of the State of Maryland and is authorized and empowered to appoint and to set salaries for assistant principals, teachers, and other employees in the Baltimore City Public School System, to establish and amend policies for the Baltimore City Public School System and to otherwise be responsible for all of the functions relating to the Baltimore City Public School System and for its liabilities.
4. The Defendant Chief Executive Officer of the New Baltimore City Board of School Commissioners, is responsible for the overall management and administration of the Baltimore City Public School System, and, along with the New Baltimore City Board of School Commissioners, for its liabilities. He is sued in his official capacity only.
5. The Defendant Baltimore City Public School System is a public school system in the City of Baltimore established and maintained by the New Baltimore City Board of School Commissioners and its Chief Executive Officer pursuant to the laws of the State of Maryland.
6. The Defendants are persons within the meaning of 42 U.S.C. § 2000e(a) and employers within the meaning of 42 U.S.C. § 2000e(b).
7. The Defendants have subjected Albert M. Hess to discrimination on the basis of his race, white, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a), among other ways, by:
  - (a) Denying Mr. Hess a position as middle school assistant principal in the Baltimore City Public Schools in 1987 and
  - (b) Failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment of Mr. Hess.

8. The Equal Employment Opportunity Commission (EEOC) received a charge filed timely by Mr. Hess. Mr. Hess alleged in the charge that he had been discriminated against on the basis of his race by the Baltimore City Public School System when he was denied promotion to middle school assistant principal in the Baltimore City Public School System. Pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe that the allegation of race discrimination was true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charge, and subsequently referred the matter to the Department of Justice.

9. The Defendants have pursued and continue to pursue policies and practices that discriminate against whites and deprive or tend to deprive white candidates, because of their race, of equal employment opportunities in the position of middle school assistant principal in the Baltimore City Public School System. The Defendants have implemented these policies and practices, among other ways, by:

(a) Failing or refusing to promote white candidates to the position of middle school assistant principal on the same basis as black candidates and

(b) Failing or refusing to take appropriate action to eliminate the discriminatory policies and practices and to correct the present effects of these policies and practices.

10. The Defendants' policies and practices, as described in the preceding paragraph, constitute a pattern or practice of resistance to the full enjoyment by white candidates of their right to equal employment opportunities in the position of middle school assistant principal in the Baltimore City Public School System, without discrimination because of race. Those policies and practices are intended to be and are of such a nature that they have denied the full exercise of rights secured by Title VII.

11. All conditions precedent to the filing of suit have been performed or have occurred.

WHEREFORE, the Plaintiff prays for an Order enjoining the Defendants from failing or refusing:

(a) To provide remedial relief sufficient to make whole the charging party, Albert M. Hess, for the individual loss he has suffered as a result of the discrimination against him as alleged in this Complaint;

(b) To take appropriate nondiscriminatory measures to overcome the effects of the discriminatory policies and practices and to ensure that equal employment opportunity in the position of middle school assistant principal is available to all eligible employees and applicants for employment without regard to race.

The Plaintiff prays for such additional relief as justice may require, together with its costs and disbursements in this action.

Janet Reno  
Attorney General

By: \_\_\_\_\_  
Bill Lann Lee  
Acting Assistant Attorney General

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Lynne A. Battaglia  
United States Attorney

District of Maryland  
By: Perry F. Sekus Assistant United States Attorney

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Marybeth Martin  
Claire L. Gregory  
Attorneys  
U.S. Department of Justice  
Civil Rights Division  
P.O. Box 65968  
Washington, D.C. 20035-5968  
(202) 307-5769