

IN THE UNITED STATES DISTRICT COURT FOR THE

SOUTHERN DISTRICT OF ALABAMA

NORTHERN DIVISION

UNITED STATES OF AMERICA, by)
Robert F. Kennedy, Attorney)
General,)

Plaintiff,)

v.)

THE WARREN COMPANY, INC.,)
a corporation; JOHN E.)
WARREN; GERALD A. GILBERT;)
LLOYD LEON WALTERS; NELLIE)
MAE WALTERS; OTIS G. ADAMS;)
BENNIE B. GRAHAM; ROBERT C.)
WILSON, and JOHN D. WILSON, JR.)

Defendants.)

CIVIL ACTION
NO. _____

COMPLAINT

The United States of America, by Robert F. Kennedy, Attorney General, alleges:

1. This is an action brought by the Attorney General on behalf of the United States pursuant to the

provisions of Section 206(a) of the Civil Rights Act of 1964 (78 Stat. 241).

2. This court has jurisdiction of this action under Section 207(a) of the Civil Rights Act of 1964 and under 28 U.S.C. 1345.

3. The Warren Company, Inc., a corporation, owns and operates a restaurant known as the Thirsty Boy, located at 303 Broad Street, Selma, Alabama. John E. Warren, president of the Warren Company, Inc., manages the restaurant on behalf of the company. He resides at Marion Junction, Alabama.

4. Gerald A. Gilbert owns and operates a restaurant known as Chick-N-Treat Drive-In Restaurant, located on U. S. Highway 90, East, Selma, Alabama.

5. Lloyd Leon Walters and Nellie Mae Walters own and operate a restaurant known as the Glass House Drive-In, located on U. S. Highway 90, East, Selma, Alabama.

6. Otis G. Adams owns and operates a restaurant known as the Selma Del Restaurant, located at 225 Broad Street, Selma, Alabama. The Selma Del Restaurant is managed by Bennie E. Graham on behalf of the aforesaid owner.

7. Robert C. Wilson and John D. Wilson, Jr. own and operate a restaurant known as the Perrin Cafeteria, located at 207 Broad Street, Selma, Alabama.

8. Each of the corporate defendants named in paragraphs 3 through 7 is doing business in Selma, Alabama. Each of the individual defendants named in these same paragraphs resides in Selma, with the exception of John E. Warren, who resides in Marion Junction, Alabama.

9. Each of the restaurants and lunch counters described in paragraphs 3 through 7 is an establishment principally engaged in selling food for consumption on its premises and each serves and offers to serve interstate travelers. A substantial portion of the food and other products sold at each of these restaurants and lunch counters has moved in commerce from outside the State of Alabama to within the State of Alabama.

10. Each of the restaurants and lunch counters described in paragraphs 3 through 7 is a place of public accommodation within the meaning of Section 201(b) of the Civil Rights Act of 1964, and its operations affect commerce within the meaning of 201(c) of the Act.

11. The defendants named in paragraphs 3 through 7 follow the policy and practice, in the operation of their respective restaurants of discriminating against Negroes by refusing to sell food for consumption on the premises and to provide service to Negroes on the same basis as they sell food and provide service to non-Negro persons.

12. Pursuant to the policy and practice described in the preceding paragraph each of the defendants named in paragraphs 3 through 7 has, since the effective date of the Civil Rights Act of 1964, refused and is refusing to sell food for consumption on the premises and to provide service to Negroes who have sought such food and service.

13. The acts and practices described in the two preceding paragraphs constitute a pattern and practice of resistance to the full and equal enjoyment by Negroes of the goods, service, facilities, privileges, advantages and accommodations of the restaurants and lunch counters owned, operated and managed by the defendants, without discrimination or segregation on the ground of race or color. This pattern and practice is of such nature as to and is intended to deny the full exercise of such rights.

WHEREFORE, the plaintiff prays that this court enter an order enjoining the defendants, their agents, employees, successors in interest, and all those in active concert or participation with them, from:

- (a) Refusing to admit Negroes to the premises of the named restaurants upon the same basis and under the same conditions as non-Negro members of the general public are admitted to the restaurants;
- (b) Failing or refusing to sell food or meals and to provide service to Negro patrons upon the same basis and in the same manner as food, meals and service are made available to non-Negro members of the general public;
- (c) Otherwise failing or refusing to make any of the goods, services, facilities, privileges, advantages or accommodations of the named restaurants available to Negroes

upon the same basis and under the same conditions as they are available to non-Negro members of the general public, and

- (d) Engaging in any act or practice which deprives, directly or indirectly, any Negro of the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of the named establishments without discrimination or segregation on the ground of race or color.

Plaintiff further prays for such additional relief as the interests of justice may require.

UNITED STATES OF AMERICA, Plaintiff

By:

ROBERT F. KENNEDY
Attorney General

BURKE MARSHALL
Assistant Attorney General

VERNOL R. JANSEN, JR.
United States Attorney

ST. JOHN BARRETT, Attorney
Department of Justice