

From the Class Action Fairness Hearing in *Thompson et al. v. HUD: Declarations of Congressman Elijah Cummings, Ms. Michelle Green, Ms. Nicole Smith and Ms. Carmen Thompson*

We were honored to be seated with many clients, reporters and other onlookers at the final federal court hearing in late November to review and approve the class action settlement in the long-running Thompson v. HUD public housing desegregation case, which has led to the development of what is probably the most effective housing mobility program currently operating in the country. The program—begun under a partial settlement several years ago—has already helped over 1,800 low-income families move from high-poverty neighborhoods to low-poverty communities, and the enhanced opportunities those moves represent (especially educational quality, neighborhood safety and job access). The new settlement increases the size of the program by an additional 2,600 vouchers—along with other regional fair housing provisions. (For more information on the Thompson settlement, go to www.prrac.org/projects/baltimore.php).

The hearing was presided over by Judge Marvin Garbis and by Judge Deborah K. Chasanow, Chief Judge for the U.S. District Court for the District of Maryland (who noted the historic importance of the occasion). Eloquent statements were made in support of the settlement by lawyers for HUD, for the City, for the Housing Authority (and by Paul Graziano, director of the Housing Authority), and, for the plaintiff class, by cooperating attorney Peter Buscemi from Morgan Lewis and Josh Civin from the NAACP Legal Defense Fund (supported by cooperating attorneys Andy Freeman from Brown, Goldstein and Levy in Baltimore and Bob Stroup from Levy Ratner in New York City). Several lawyers on both sides of the case made a special point of praising the perseverance of ACLU attorney Barbara Samuels, and her intense dedication to her clients over the 17-year course of the litigation.

But we were particularly moved by the written Declaration submitted by Congressman Elijah Cummings in support of the settlement, and by the personal statements of Michelle Green and Nicole Smith, who addressed the court, as well as the statement submitted by Carmen Thompson, one of the original named plaintiffs in the case. These statements are printed in their entirety below.

— Philip Tegeler, PRRAC

Declaration of Congressman Elijah E. Cummings in Support of Settlement Agreement (Baltimore, Maryland, November 15, 2012)

1. Although I make this Declaration in my personal rather than official capacity, I note for the record in these proceedings that I currently represent the citizens of Maryland's Seventh Congressional District in the United States House of Representatives. I have had the honor and pleasure to serve in that capacity since 1996. Among other Committee assignments, I presently serve as the ranking minority member of the House Committee on Oversight and Government Reform, and I also am a senior member of the House Transportation Committee and a member of the Joint Economic Committee of the Senate and the House.

2. I wish to commend the United States Department of Housing & Urban Development, the City of Baltimore, the Housing Authority of the City of Baltimore and the Plaintiff Class in this case for reaching a Settlement Agreement that can serve as a model for making real the noble goals of the Fair Housing Act of 1968, passed in the aftermath of Dr. Martin Luther King, Jr.'s assassination as a tribute to the work and legacy of that great civil rights hero.

3. Recognizing that evaluation and approval of the Settlement Agreement is, properly, within the discretion and authority of this Honorable Court, I recognize the value of the Settlement Agreement and, in so expressing my opinion, following the example of another civil rights hero—my predecessor, the late Honorable Parren Mitchell, who submitted testimony in support of an earlier Partial Consent Decree in this case. Like Congressman Mitchell, I recognize that the Balti-

more Housing Mobility Program, which this Settlement Agreement will support and continue, should be supported because it permits many poor African Americans to have the same choices about where to raise their children as others in the Baltimore Region—a truly empowering consequence of this litigation.

4. I applauded this Court's 2005 ruling recognizing that a regional approach to fair housing is essential to overcoming the Baltimore Region's legacy of segregation and the government policies that contributed to it. This Settlement Agreement is a significant step forward toward remedying the Fair Housing Act violations that the Court has found.

5. Critically, the Settlement Agreement will provide needed resources to continue the successful and nationally recognized Baltimore Housing Mobility Program, launched under the prior Partial Consent Decree in this case.

(Please turn to page 8)

(THOMPSON: Continued from page 7)

That Program already has assisted more than 1,800 families who have voluntarily chosen to live in better neighborhoods that offer improved educational and economic opportunities. The Baltimore Housing Mobility Program provides these families the assistance they need to live closer to their jobs and to find neighborhoods with better schools. I have been advised that each family that chooses to participate receives a Housing Choice Voucher, high-quality housing and credit counseling, and support with the transition to their new neighborhood. In those new neighborhoods, participants overwhelmingly report that they feel safer, healthier and more confident about the future facing their children. The continued Program under the Settlement Agreement will provide vouchers and high-quality counseling to assist up to 2,600 additional families to move to Communities of Opportunity.

6. The Baltimore Housing Mobility Program is a sound investment. Its benefits are not limited to families who participate. Rather, the program strengthens the entire Baltimore Region. Indeed, many families eligible to participate in the Baltimore Housing Mobility Program are already working in new jobs as nursing assistants, school bus drivers, and in other jobs critical to our Region's economy.

7. The inspiring stories of participants in the Baltimore Housing Mobility Program echo my own family's journey decades ago when we were able to move from an impoverished neighborhood, near where the Ravens' stadium has since been built, to a community of far greater opportunity in Edmondson Village in West Baltimore. That move opened my eyes to a better world. We were the first Black family on our street, and I had the opportunity to attend integrated and high-quality public schools where I was inspired to excel. It is not an exaggeration to say that the housing moves that my family made were critical to the tremendous opportunities I have had in my life, culminating in my service to the people of Maryland in the prac-

tice of law, the Maryland Legislature and the United States House of Representatives. It is my hope and belief that the Settlement Agreement in this case will provide similar opportunities to thousands of families.

I, ELIJAH E. CUMMINGS, hereby declare that the foregoing is my true act and deed, and I affirm, under penalty of perjury, that the matters and facts set forth herein are true and correct to the best of my knowledge, information and belief.

Statement of Michelle Green (*Thompson v. HUD*)

My name is Michelle Green and I am a resident of Baltimore County. I support the MBQ program and the *Thompson* settlement because it may have saved my sons' lives. I have four boys. I understand that for young Black males the statistics do not look good. My oldest son and I lived in public housing in Lexington Terrace. Many of my family members lived in the same neighborhood. My sister and I often worried about our sons. We understood how difficult it is for decent boys who are trying to do the right thing to avoid violence in the neighborhood.

Unfortunately, our fears were realized in the worst way when my nephew was killed while walking home from our local convenience store. The robbers thought that he had money. He never got to finish high school; he never had a chance. I wanted to give my son a chance to live and a chance to graduate from high school, which was very rare in my neighborhood. The *Thompson* voucher gave him, and my sons that came later, that chance. I knew that the MBQ program would help me to move to a neighborhood that was safe. I also heard that you would not have to wait for 4, 5, or 6 years to get a voucher, like Section 8 or public housing. I knew that 6 years could mean the difference between life and death for a young man in Baltimore City.

As soon as I got my voucher, I moved to a wonderful neighborhood in Columbia. My boys received a warm welcome and felt really safe there. Thankfully, my two oldest sons attended middle school and high school in Columbia [MD]. They were both very active in school sports, and the coaches, the teachers and the students loved them. The day that my oldest son graduated from high school was the proudest moment of my life. He is doing well and is getting licensed to be a forklift operator. My second son also graduated from high school and is planning to apply to colleges. They have made it past the most difficult age and are productive members of society. And they are safe.

Recently, I moved from Columbia to Baltimore County to be closer to the city to care for my grandmother. But I would never move back to Lexington Terrace. My two youngest sons are doing well in our new neighborhood in Catonsville. They get good grades, participate in sports, and are both determined to go to college. The neighbors love them, and they even earn extra money by mowing the neighbors' lawns. I don't worry about my kids' safety anymore. I am less stressed and am able to go to work and even went back to school. I support the *Thompson* settlement because I believe that it can save lives.

Statement of Nicole Smith (*Thompson v. HUD*)

My name is Nicole Smith and I support the *Thompson v. HUD* settlement because of the warm welcome that I received in my new neighborhood in Howard County. I grew up in public housing in Baltimore City and have lived in at least three different public housing projects (Cherry Hill, Murphy Homes and Westport) since I was a child. When I got older, my mom worked hard and was able to purchase a house in a struggling neighborhood in Baltimore. Despite the fact that she and I were working full-time,

we were unable to make ends meet and the house was foreclosed on.

My family and I signed up for public housing and Section 8 in 2004. My name finally came to the top of the public housing waiting list in 2007 at the same time that I learned about the MBQ program through word of mouth. I knew what to expect in public housing: drugs, violence, crime and poor housing. The *Thompson* voucher, on the other hand, would give me an opportunity to move to neighborhoods that I would not otherwise have access to. I chose the MBQ program because it provided a way out for my 11-year-old son and me.

They helped me to clean up my credit, taught me about budgeting, and took me on a housing tour where I saw nice houses, lots of green spaces and young kids playing outside. My son and I found a home in Columbia, and I feel like a part of the community here. After moving through the program, I was able to get a job working for Howard County schools in their Before and After Care program and was just promoted to Assistant Director. I also enrolled in Howard County Community College, and I am studying early childhood education. I hope to be able to go on to receive a bachelor's degree in order to become an elementary school teacher.

Not only have I found opportunity and happiness here, but so has my son. In the city, I did not want my son to play outside, he didn't have many friends, and he struggled in school. Here, he is doing very well in school and our neighbors are welcoming—often picking him up after school while I'm working and arranging play dates and carpools. On his birthday, for the first time in his life, I was able to give him a birthday party at a local park. So many kids and parents came from the neighborhood and from his school to show their support for him. I support the settlement because other kids deserve to have the love and support that my son and I have.

Statement of Carmen Thompson (*Thompson v. HUD*)

My name is Carmen Thompson. I support the *Thompson v. HUD* settlement and I am proud to have my name represent the African-American residents of public housing in Baltimore City. As a former resident of Lexington Terrace, I know the constant stress and hardship that families experienced while living there. I decided to do something when my then 7-year-old son walked up to the gate outside

of our high-rise apartment and said, "Mom, I feel like I'm in jail." I knew that something needed to change so I got involved in different organizations that were trying to make a difference for the residents of public housing. We investigated what it was like for people who lived in impacted areas. I personally went door-to-door talking to family after family that had lost a sense of hope because their living conditions were so awful. I could relate to it because my son and I were living in the same conditions. *Thompson* has already helped to solve some of these problems for many former residents and it is important that we continue.

Thankfully, I was able to move from Lexington Terrace right before they demolished it. I've been living in a nice apartment for many years now and it really feels like home. It is very peaceful and quiet. I am thankful for this and am glad that I was able to help families attain a better living situation, have access to better schools, and ultimately live a better life. After 15 years, I am relieved that we were finally able to reach a settlement that will allow many other families to move to opportunity areas. And thank you to the Court for seeing this process through to the end. □

(*ORGANIZE: Cont. from page 2*)

cause lawmakers recognized that firms should not be allowed to use their disproportionate power to intimidate workers. But the penalties and processes under the NLRA are far weaker. If employers are found to have violated the law, they must reinstate any terminated employees and provide them with back pay, normally after a lengthy and arduous process of enforcement. And under the NLRA, there is extremely limited opportunity for discovery and no jury trial. Faced with the prospect of having to negotiate substantial wage and benefit increases with a union, businesses have a strong financial incentive to fire organizing employees and risk paying the

penalties as a cost of doing business. Labor lawyer Thomas Geoghegan writes in his 1991 book, *Which Side Are You On?*: "An employer who didn't break the law would have to be what economists call an 'irrational firm.'"

Amending the Civil Rights Act for Labor Organizing

The central thesis of our new book, *Why Labor Organizing Should Be a Civil Right*, is that the Civil Rights Act should be amended to add protection for employees seeking to organize a union. Just as it is illegal to fire someone for race or gender or national ori-

gin or religion, it would be illegal under the Civil Rights Act to fire someone for trying to organize or join a union.

Title VII of the 1964 Civil Rights Act (which now prohibits discrimination based on race, gender, religion and other factors from wrongful termination and other forms of employment discrimination) would be amended to prohibit discrimination against workers who are attempting to organize a labor union, making them eligible not only for back pay but for compensatory and punitive damages as well. (Alternatively, a stand-alone bill could be offered that would have the effect of adding Title VII-type protections for labor organizing without literally

(Please turn to page 10)