

**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MISSISSIPPI RISING COALITION,)
RONALD VINCENT, LEA CAMPBELL)
and CURLEY CLARK)

PLAINTIFFS,)

V.)

No. _____

CITY OF OCEAN SPRINGS,)
MISSISSIPPI)

DEFENDANT.)

COMPLAINT

1. This action is brought under the Fair Housing Act of 1968, 42 U.S.C. § 3601 et seq, and under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Jurisdiction exists under 28 U.S.C. §§ 1331 and 1343.

2. Ocean Springs, located in Jackson County, Mississippi, has a population of approximately 17,500 people, only about 7.5% of whom are African-American, according to the most recent United States census.

3. Mississippi’s official state flag incorporates into its upper left hand corner, or canton, the Confederate battle flag. It was adopted in 1894 by the Mississippi legislature for the specific and explicit purpose of endorsing white supremacy. It was intended to be the banner under which Mississippi’s newly instituted constitutional policies of African-American disenfranchisement and enforced segregation were to be implemented.

4. Confederate armies fought to preserve the slavery of African-Americans under the banner of the Confederate flag. Mississippi’s decision to secede from the United States and to

engage in war against the United States was based on the specific and paramount purpose of preserving slavery.

5. The Confederate flag, standing alone or as incorporated into the Mississippi state flag, has long been associated with racial hatred and hostility. See generally, Moore v. Bryant, 205 F. Supp. 3d 834, 838-49 (S.D. Miss. 2016), aff'd 853 F. 3d 245 (5th Cir. 2017), cert. denied 2017 U.S. Lexis 7027. As explained by a member of the Mississippi Supreme Court, the Confederate flag “takes no back seat to the Nazi Swastika” as a symbol of “white supremacy, racism, and oppression.” Daniels v. Harrison Cnty Bd. of Supervisors, 722 So. 2d 136, 140 (Miss. 1998).

6. Mississippi state law does not require any town, city, or county to fly the Mississippi state flag. See, Miss. Code Ann §§ 3-13-15, 3-13-16, 37-13-5.

7. For many years prior to 2017, Ocean Springs did not display the flag on city property. In July, 2017, however, Shea Dobson -- upon becoming mayor -- ordered that it be displayed.

8. Mayor Dobson’s decision was met with widespread disapproval, particularly from African-Americans, who properly regarded it as an endorsement by the city of racism and white supremacy. He responded by reversing his decision and the flag was removed from City Hall.

9. Almost immediately, the all-white Ocean Springs Board of Aldermen passed an resolution requiring that the state flag be flown at City Hall and other city buildings. Pursuant to that resolution, Ocean Springs has displayed Mississippi’s Confederate banner since November, 2017.

10. Ocean Springs' display of the Mississippi state flag is intended to -- and does -- send a message to its African-American citizens that they are second class citizens and are not welcome in Ocean Springs. It also sends a message to African-Americans who might consider living or visiting the city that they too are not welcome and it deters them from moving into the city or visiting the city for both social and commercial purposes. The City's actions have also had the inevitable effect of inspiring hate groups, such as the United Dixie White Knights of the KKK, which has issued threats via email and youtube videos against those who oppose Ocean Springs' decision to fly the state flag, including MRC. See, e.g., <http://www.wlox.com/story/37829782/united-dixie-white-knights-admit-to-sending-video-to-ms-rising-coalition> .

11. The purpose, and the effect, of Ocean Springs' display of a racially hostile and demeaning banner, which it has no obligation to display, is to preserve to the maximum extent possible its status as an overwhelmingly "white" community.

12. Plaintiff Mississippi Rising Coalition ("MRC") is a non-profit, non-partisan membership organization based on the Mississippi Gulf Coast with the goal of promoting the equal value and dignity of every Mississippian regardless of race, ethnicity, age, sex, religion, gender identity, sexual orientation, socioeconomic status, nation of origin, immigration status or housing status. Equal access to housing throughout the state is central to MRC'S purpose. MRC has African American members, and other members, who reside in Ocean Springs and in neighboring communities, all of whom are harmed by Ocean Springs actions in deterring African Americans from moving into, or remaining in, Ocean Springs. In addition, MRC has suffered, and is suffering, direct harm due to Ocean Springs actions in that the city's display of the state flag interferes with, and diminishes, MRC's ability to accomplish its above-stated goals and

because the city has incited third parties to threaten and attempt to intimidate and deter MRC and its members from pursuing those goals.

13. Plaintiff Ronald Vincent is an African-American resident of Ocean Springs. Members of his family have lived in the city since 1926. The city's actions harm him in that they (a) label him as an inferior and undesirable member of the community and (b) deter other African Americans from residing in the city and therefore deny him the opportunity to live in a more integrated and diverse community.

14. Plaintiff Lea Campbell is a white resident of Ocean Springs. She is the president of Plaintiff MRC. She has been active in efforts to persuade Ocean Springs to take down the Mississippi flag and she has been the subject of threatening messages because of those efforts. She has been injured by the city's action in encouraging and inciting those threats and because the city's actions deter non-white individuals from residing in the city and therefore deny her the opportunity to live in a more integrated and diverse community.

15. Curley Clark, is a resident of a town close to Ocean Springs. He is the President of the Jackson County NAACP. He has appeared before the Ocean Springs Board of Aldermen in an unsuccessful effort to have them rescind their decision to mandate the flying of the state flag. He is harmed in that he wishes to visit and patronize businesses in Ocean Springs but he is deterred from doing so by the city's racially demeaning and threatening message embodied in the state flag.

16. Plaintiffs are "aggrieved persons" under the Fair Housing Act and have standing. 42 U.S.C. 3613(a). See, e.g., Smith v. Cleveland Heights, 760 F. 2d 720 (6th Cir. 1985).

COUNT ONE

17.. The city's display of the racially demeaning and hostile state flag violates the United States Fair Housing Act in that it is intended to, and does, express a preference for white residents and a corresponding discouragement, and suppression, of African-American residents. This violates 42 U.S.C. § 3604 (a) which makes it unlawful to "make unavailable or deny a dwelling to any persons because of race [or] color" and 42 U.S.C. § 3604 (c) which makes it unlawful to "make print or publish ... any notice, statement or advertisement ... that indicates any preference, limitation, or discrimination based on race [or] color." Municipalities are subject to the Act. See, e.g., United States v. City of Parma, Ohio 494 F. Supp. 1049 (ND Ohio 1980), aff'd 661 F. 2d 562, 572 (6th Cir. 1981); Smith v. City of Cleveland Heights, 760 F. 2d 720 (6th Cir. 1985).

COUNT TWO

18. By preventing African-American residents of Ocean Springs from living in a more integrated community and by actively discouraging other African-Americans from visiting or residing in Ocean Springs, the city is engaging in discriminatory treatment of plaintiffs and other African-Americans in violation of the Equal Protection Clause of the Fourteenth Amendment.

RELIEF REQUESTED

19. Accordingly, Plaintiffs request that the city be enjoined from any and all public displays of the Mississippi state flag; that actual damages be assessed as may be proven at trial; that punitive damages be assessed; and that plaintiffs be awarded their attorneys' fees and costs incurred in bringing and prosecuting this action. See 42 U.S.C. 3613(c).

Respectfully submitted

/s/Carlos E. Moore

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