

'Tainted with racial animus'

**BIRMINGHAM WORKERS, NAACP FILE FEDERAL CIVIL RIGHTS SUIT AGAINST
ALABAMA GOVERNOR FOR BLOCKING MINIMUM WAGE INCREASE**

--

***Nullifying raise disproportionately affected Birmingham's black residents,
violated U.S. Constitution's Equal Protection clause***

--

HB 174 relied on racially discriminatory 1901 state Constitution

Birmingham, Ala. – Birmingham fast-food workers, along with the Alabama NAACP and Greater Birmingham Ministries, filed a federal civil rights lawsuit Thursday charging Ala. Gov. Robert Bentley illegally blocked a measure that would have raised pay for workers in the predominantly black city to \$10.10.

In a suit filed in U.S. District Court in Birmingham, the plaintiffs argue that HB 174—a bill rushed through the state legislature in February and signed by the governor that nullified a raise for 40,000 workers— is tainted “with racial animus” and that it violates the equal protection clause of the U.S. Constitution.

“Despite working hard for the same restaurant for three years, I’ve only gotten one 25-cent raise,” said Marnika Lewis, a 23-year old Birmingham resident who works at Moe’s Restaurant, is paid \$7.75/hr and is a plaintiff in the case. “I can’t afford to feed my son or heat my home on the \$270 I’m paid each week, so I have to rely on public assistance just to scrape by. If the legislature and governor hadn’t illegally stolen my raise, I would have had money to pay for my son’s child care.”

Ms. Lewis and her co-plaintiffs contend that nullification of the wage increase to \$10.10 from \$7.25 relied on the 1901 Alabama Constitution, which concentrated power at the state level with the express purpose of denying minority populations local control over matters affecting their own communities.

“The exercise of complete control over regulation and policy pertaining to wages, leave or other employment benefits can be directly traced to provisions in the racially discriminatory 1901 Constitution that deprives black citizens the right to regulate such matters of central concern to their daily lives,” the suit argues. “Such provisions that grant exclusive authority to the State legislature to override any and all local ordinances are vestiges of race discrimination and HB 174 disproportionately impacts African American residents who live and work in the City of Birmingham.”

The suit, which names Attorney Gen. Luther Strange as an additional defendant, also alleges that HB 174 further violates the U.S. equal protection laws because it specifically targets an ordinance that Birmingham’s black community and its city council strongly supported. The Alabama legislature also failed to follow legally required notice procedures before ramming HB 174 through the legislature, according to the complaint. The plaintiffs seek an injunction prohibiting the state from enforcing HB 174, or taking any action to prevent the wage increase from taking effect.

"I want to go to college, but on \$7.25 saving up is impossible," said Antonin Adams, a 23-year-old Birmingham resident who works at Hardees and is a plaintiff in the suit. "I'd love to be a computer technician, and a raise to \$10.10 sure would have helped me along that path."

Mr. Adams, who is black, lives in a city where 74% of the residents are black and approximately 32 percent of those residents live below the federal poverty level. In contrast, Alabama's state-level officials are overwhelmingly white, and the city of Mountain Brook, home to HB 174 sponsor State Rep. David Faulkner, is 97.2 percent white. Less than 3 percent of its residents live below the poverty line.

"The state's move to block Birmingham's minimum wage increase was not only unjust and immoral, it was illegal too," said Benard Simelton, president of the Alabama State Conference of the National Association for the Advancement of Colored People. "The city council and mayor of Birmingham made a decision they believed to be in the best interest of the citizens of Birmingham, but the state legislature, continuing a long history of discrimination, overturned it."

The push to raise Birmingham's minimum wage to \$10.10 followed strikes and protests by local fast-food workers and supporters as part of the national Fight for \$15 movement. With cities, states and companies around the country racing to significantly raise pay as a result of the Fight for \$15, the Birmingham City Council decided to act to address the city's low-wage crisis. Council members voted unanimously in 2015 to raise Birmingham's minimum wage to \$10.10 an hour, making it the first city in the South to raise its minimum wage. But days before the increase was set to go into effect in February 2016, the state legislature passed HB 174 and sent it to Gov. Bentley, who signed it 90 minutes after it reached his desk.

"Gov. Bentley's signature on HB 174 took away Birmingham's ability to raise itself up and grow," said Scott Douglas, executive director of Greater Birmingham Ministries. "The problem with Birmingham is that it's in Alabama."