UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

The Secretary, United States Department of Housing and Urban Development, on behalf of the Estate of William T. Simpson, and Ross Dennis, Charging Party, v. Edith Marie Johnson, Respondent.	HUDALJ 06-93-1316-8 HUDALJ 06-93-1262-8 Decided: July 26, 1994

Edith Marie Johnson, *Pro Se*

Jon M. Seward, Esq.
For the Government

Before: Alan W. Heifetz
Chief Administrative Law Judge

INITIAL DECISION AND ORDER

Statement of the Case

This matter arose as a result of complaints filed by William Simpson and Ross Dennis ("Complainants"), alleging discrimination in violation of the Fair Housing Act, as amended, 42 U.S.C. § 3601, *et seq*. ("the Act"). On January 13, 1994, following an investigation and a determination that reasonable cause existed to believe that discrimination had occurred, the Department of Housing and Urban Development ("HUD" or "the Charging Party") issued jointly two charges against Edith Marie Johnson ("Respondent"), alleging that she had engaged in discriminatory housing practices in violation of Section 818 of the Act, 42 U.S.C. § 3617. The charges allege that Respondent coerced, intimidated, threatened, and interfered with

Complainants in their exercise and enjoyment of rights granted and protected by the Act. The charges further allege that Respondent discriminated against Mr. Simpson because of his race, and against Mr. Dennis for having associated with Complainant Simpson. *See* 42 U.S.C. § 3617; 24 C.F.R. §§ 100.400(b), 100.400(c)(2).

Respondent did not answer the charges. The Charging Party moved for a default judgment on February 22, 1994. By Order dated February 23, 1994, Respondent was ordered to show cause by March 4, 1994, why a default judgment deeming all material facts alleged in the charges as admitted should not be entered. The Order further provided that her failure to respond timely to the Order would constitute consent to the entry of a default judgment. Respondent failed to respond to the Order, and a default judgment was entered on March 10, 1994. Respondent was thereby adjudged to have violated 42 U.S.C. § 3617, and the hearing was limited to the issue of the appropriate relief to be awarded.

The hearing was held in Beaumont, Texas, on April 19, 1994. Respondent was present, but unrepresented by counsel. At the hearing's close, the Charging Party and Respondent were given the opportunity to file written briefs. The Charging Party filed its brief on June 3, 1994. Respondent did not file a brief.

Findings of Fact

1. Complainant Simpson, now deceased, resided at Vidor Village Apartments ("Vidor Village") in Vidor, Texas, during the relevant period. He was an African-American. Charge ¶ 2.[1]

2. During the relevant period Complainant Dennis resided at Vidor Village in apartment 88, located at 525 Luther Drive. Mr. Dennis is white. Charge ¶ 3.

3. Vidor Village is a 74-unit public housing complex operated by the Housing Authority of Orange County. In early February 1993, all the residents of Vidor Village were white. Charge ¶ 4.

4. In late February 1993, Mr. Simpson moved into apartment 62 at Vidor Village, located at 175 Vidor Drive. Charge ¶ 5.

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[1] "Charge" refers to the Determinations of Reasonable Cause and Charges of Discrimination. "Tr." refers to the hearing transcript. "C.P. Ex." refers to an exhibit introduced by the Charging Party at the hearing and admitted into evidence.

5. During the relevant period Respondent Johnson resided in apartment 68 at Vidor Village, located at 530 Luther Drive. Respondent's apartment was located almost directly across the street from Mr. Dennis' apartment. Charge ¶ 6.

6. After Mr. Simpson moved into Vidor Village, Respondent on repeated occasions directed racial slurs and threats to him within his earshot, as well as to Mr. Dennis. Charge ¶ 7. For example, in the Spring of 1993, Mr. Simpson was in the front yard of Mr. Dennis' residence. Respondent was standing in the street in front of her residence and stated loudly enough to be heard by them, "If that goddamn motherf---ing nigger comes into my yard, I'll kill him with my baseball bat and that goes for those goddamned motherf---ing nigger-lovers across the street." Charge ¶ 8.

7. At another time during the Spring of 1993, while Mr. Simpson was in Mr. Dennis' yard, Respondent stated loudly enough to be heard by Complainants, "Look at that nigger and those nigger-lovers. If I had a gun, I'd kill that nigger. I could just puke." Charge ¶ 9.

8. During that same time frame, Respondent stated to Complainants, "It is bad enough to live with niggers, but worse to have to live with nigger-lovers as well." Charge ¶ 10.

9. Also in the Spring of 1993, Respondent threatened another African-American tenant of Vidor Village with a bat because of that tenant's race and color. Thereafter, Respondent displayed the bat on a television show, *Inside Edition*, and threatened to use the bat. Complainants learned that Respondent had threatened the other African-American tenant with a bat. Charge ¶ 11.

10. In March 1993, *Telegraph* magazine reported that Respondent stated, "We don't want niggers here. . .we <u>never</u> had niggers here. . .the only way I'd say hello to a nigger is with a baseball bat." Charge ¶ 12 (emphasis in original).

11. In July 1993, Respondent stated to a white resident at Vidor Village that she had attended a Ku Klux Klan meeting and that the Klan intended to burn down the entire complex and shoot anyone who tried to escape. Respondent intended that the white resident would repeat the statement to others. Respondent's statement was repeated to Complainants. Charge ¶ 13.

12. In mid-July 1993, Respondent stated to a white resident of Vidor Village that she had attended a Klan meeting and that, "on a certain Wednesday, something would happen to niggers and nigger-lovers that would take care of everything." Respondent intended that the white resident would repeat the statement to others. The statement was repeated to Complainants. Charge ¶ 14.

13. In August 1993, as a result of Respondent's conduct, Mr. Dennis and his family moved from Texas to another State. Charge ¶ 16.

14. In early September 1993, as a result of Respondent's conduct, Mr. Simpson moved from Vidor Village to Beaumont, Texas. Charge ¶ 18.

15. Mr. Dennis is 56 years old and has been married to his wife, Joyce, for three years. He moved to Vidor Village in April 1991. He resided in Vidor Village with Joyce and his stepdaughter, Penny. Their apartment was small and had five rooms: a front room, two bedrooms, a kitchen, and a bathroom. The front room and one bedroom were on the street side of the apartment. The kitchen, bathroom and other bedroom were at the rear of the apartment. The apartment had no air conditioning and was hot. Tr. 15-18, 62.

16. The apartments in Vidor Village are laid out in a horseshoe shape. All the apartments are single story and face the street. Access to the complex is gained by Vidor Drive and Luther Drive. Mr. Dennis' front yard measured 15 feet from the apartment's front door to the street. The front yard had a shade tree. The backyard was grassy and had no trees. Tr. 17, 19, 27.

17. Mr. Dennis is retired and disabled with emphysema and asthma. He was the president of Vidor Village's Resident Council from 1991 to 1993. The Resident Council's main focus was to create federally funded educational opportunities for Vidor Village residents. Tr. 16-17, 20-21.

18. Mr. Dennis' first year at Vidor Village, during which all the residents were white, was peaceful, very friendly, enjoyable, and carefree. Mr. Dennis likened it to communal living, where everyone helped each other. On the days that Penny went to school, he and Joyce would spend time together, sometimes going into town or walking in the park. Many residents visited the Dennises' apartment on a daily basis to drink coffee and discuss community events. The Dennises also visited Joyce's children who lived in Vidor. Tr. 19-21.

19. When a plan to integrate Vidor Village was announced, the community became divided. The Dennises accepted the plan, and Mr. Dennis attempted to calm the residents who had become agitated. Mr. Dennis attributed his acceptance of the plan to his having been raised by an African-American woman. Tr. 21-22, 24.

20. Respondent's apartment was situated at a 45-degree angle across the street from the Dennises. The distance between their apartments was 100 feet. Before any African-Americans moved into Vidor Village, Mr. Dennis and Respondent were fairly close and were good friends and neighbors. Respondent told Mr. Dennis that she was against any African-Americans moving into Vidor Village, and in doing so, related that she had lived with African-Americans in the penitentiary, and that "they should all be locked up in cages, they're animals." Respondent also stated that there would never be any "niggers" in Vidor Village, and that if the Ku Klux Klan came in to "burn them out," she would "light the first match." Respondent passionately

expressed these beliefs.
Tr. 23-25.

21. After the plan to integrate Vidor Village was announced, white supremacy groups made regular visits to the town of Vidor and Vidor Village. One Klan member was in Vidor on a daily basis. A representative of another group, the White Knights, also made regular appearances, and a representative of the Nationalist Movement came to speak. The groups handed out literature and tried to recruit members. Tr. 22-23.

22. The first African-American tenants moved into Vidor Village in early 1993. Complainant Simpson was one such tenant. At the time, he was 36 years old.
Mr. Simpson had been living in Beaumont, and had been homeless. He had been injured while working for a construction company and had lost his job. He had also developed diabetes. A family visiting Beaumont while conducting a street ministry for a Vidor Church had become acquainted with Mr. Simpson, and had invited him to live with them in Vidor. Through the church's pastor, Mr. Simpson was recruited to move to Vidor Village as part of the planned integration. Mr. Simpson promised to remain in Vidor Village for six months. He expected to experience some problems because of his race, but was not prepared for the "extreme situation" that developed.
Tr. 25; C.P.Ex 1 at 8, 16-19, 27; C.P.Ex. 2 at 1.

23. Because of his background, it did not bother Mr. Simpson that all of Vidor Village's residents were white. From the age of 5 until he was 8, he had lived in Olean, New York, in a predominantly African-American neighborhood, but most of his friends were white. He had attended a predominantly white school, and had gotten along well with his white teachers and classmates. At age 8, Mr. Simpson moved to a predominantly white neighborhood in Olean. He had attended predominantly white schools. He had also continued to attend the predominantly white church his family had already joined. He never had any problems with his classmates and became involved in church activities. Most of his friends were members of the church or classmates from school and were white. After he graduated from high school, Mr. Simpson attended college in Indiana. He returned from college to New York to live with his family. Two years later, he left home to be on his own. C.P. Ex. 1 at 8-16, 18.

24. Soon after Mr. Simpson moved to Vidor Village, the Dennises walked to his apartment and introduced themselves. The Dennises invited Mr. Simpson to their apartment for coffee. Mr. Simpson appeared apprehensive to Mr. Dennis, but accepted the offer and went to the Dennises. Tr. 25-26.

25. The Complainants became very close friends. They had a lot in common and shared the same attitudes. The Dennises considered Mr. Simpson to be like a member of the family. The Dennises saw Mr. Simpson daily. Mr. Simpson would usually go to the Dennises' apartment. Because it was so hot, they would sit at a table under a tree in the Dennises' front yard. The two men played card games and dominoes, took walks into Vidor, and ate meals together. They would discuss philosophy, race relations, the drug problem, Resident Council

issues, and Vidor's future. Because Mr. Simpson did not have a driver's license, Mr. Dennis drove Mr. Simpson in his car when he needed a ride. Tr. 26-28, 52, 69.

26. Respondent made numerous other threats and slurs directed towards Complainants in addition to those specified in the Charge. The threats and slurs directed at Mr. Simpson began the day he moved into Vidor Village and continued regularly thereafter. Every time Respondent saw Mr. Simpson or believed he was in earshot, she made a racial slur or threat. Respondent was usually at home when
Mr. Simpson visited the Dennises. Whenever she saw the Complainants outside together, she made racial slurs and threats, including referring to Mr. Simpson as a "nigger," "black motherf---er," and "coon," and to the Dennises as "nigger-lovers." She stated that just looking at Complainants made her "sick" and that she could "just puke." She proclaimed "white power." She repeatedly passed along messages of racial slurs and threats to Mr. Simpson through others. As people visiting Respondent were leaving her apartment, if Complainants were sitting across the street in Mr. Dennis' front yard, the visitors would yell racial slurs at them. Tr. 28-30, 37, 63; C.P. Ex. 1 at 20-22; C.P. Ex. 2 at 1.

27. The integration of Vidor Village received extensive local and national media coverage. As newspapers and television stations gave Vidor Village increasing attention, Respondent's threats became more frequent and vociferous. Tr. 29-30.

28. Mr. Dennis believed that Respondent was capable of carrying out her threats and he was frightened. Respondent had told him that when she was in the penitentiary, she stabbed an African-American inmate with a pork-chop bone. Respondent had also told him that a telephone call would bring "the War Plan" to Vidor, to "burn the community down." It had been reported to him, by someone other than Respondent, that Respondent had attended Klan meetings, and that at one such meeting, a map of Vidor Village had been discussed in the context of what was to be done with the people involved in desegregating Vidor Village. He had further been advised that his name and address were highlighted on the map. Respondent also made a comment, reported in a newspaper, that Complainants were in more danger than they realized. Tr. 30-33, 37.

29. Following a visit by a member of a group calling itself the "Nationalist Movement," Respondent distributed the group's flags and literature at Vidor Village. Respondent gave a flag and a copy of a letter on Nationalist Movement letterhead to Mr. Dennis. The letter, dated July 20, 1993, described the group's activities, including "beating back. . .minorities," and solicited membership in the organization and subscriptions to its newsletter. Attached to the letter were photographs and a newspaper clipping related to the group's activities. Tr. 31-32, 35-36; C.P. Ex. 4.

30. Respondent showed a Nationalist Movement newsletter to Mr. Dennis. She stated that she was a member of the group and that the group would "keep the niggers out of Vidor." The newsletter, entitled *All the Way*, was dated December 1992, and contained both an interview given by Respondent and her picture, captioned "Vidor Heroine." When asked during the

interview why she was opposed to the integration of Vidor Village she stated that integration would bring drugs, prostitution and drive-by shootings to the community. When asked how she would "reply when minorities say that you 'owe it to them' to put them in here," Respondent stated, "I owe to God only, my maker. He made red birds and blue birds, not all in the same nest." Tr. 32, 34-35; C.P. Ex. 3.

31. Complainants filed complaints against Respondent with the local police after she made the threat concerning the baseball bat. Respondent's threats and slurs did not cease after the police spoke with her. In addition to contacting the police, Mr. Dennis sent a letter to the Orange County Housing Authority, explaining that he and
Mr. Simpson were going to file complaints with the federal Government against Respondent and requesting that Respondent be moved to a different site. Mr. Dennis did not receive a response to the letter. Mr. Simpson also complained to the Housing Authority and Complainants filed complaints with the Texas Commission on Human Rights. Ultimately, Mr. Simpson wrote a letter to the Secretary of HUD. Tr. 37-41;
C.P. Ex. 2 at 2.

32. To avoid any confrontations, and to "get out of the line of fire," the Dennises moved Penny from the front bedroom to the back bedroom and moved the table at which they sat with Mr. Simpson from the front yard to the backyard. The Dennises felt unsafe in the park, and would not leave Vidor Village at night for any reason. They stopped going out socially. They no longer visited Mrs. Dennis' children who lived in Vidor. They felt they could not walk freely in Vidor. During the day, they ran errands quickly, and stayed within the confines of their apartment and Vidor Village.
Mr. Dennis no longer went fishing. He felt like a prisoner in his own home. Tr. 18, 37, 39, 46, 62, 67, 71-72.

33. Mr. Simpson also altered his daily activities. He spent a great deal of time at the Dennises' apartment. He preferred to sit in the Dennises' backyard rather than the front yard. Because he was afraid to go back to his own apartment, he sometimes spent the night at the Dennises' apartment. He also became afraid to leave Vidor Village alone, and would not walk into Vidor alone to shop for food and insulin. Because he did not own a car and there was no public transportation, he would go into town only if driven or accompanied by Mr. Dennis or another white person. Otherwise, he would go without food and insulin. Mr. Simpson was nearly seven feet tall, weighed 330 pounds, and had bushy hair and a bushy beard. Notwithstanding his imposing appearance, he felt that he needed the company of a white person to deter confrontations or attacks. When he first moved to Vidor Village, he spoke by telephone with his mother and her husband four or five times a week. Later, he spoke with them less frequently because he would take his telephone off the hook to avoid having to answer it. Tr. 41, 52-53; C.P.Ex. 1 at 15, 19-20, 24-25, 27.

34. When the racial slurs and threats began, Mr. Dennis felt anger. As the situation worsened, he became fearful for himself, his family, and Mr. Simpson. In his apartment, Mr. Dennis tried to keep everyone together in the same room, in case something happened. During

the several weeks prior to moving from Vidor Village, he felt helpless, hopeless and trapped. The experience was like no other he had had during his lifetime. He felt his home was sacred and should be secure -- that his home was his "castle," and that he and his wife were "the king" and "queen." He felt as if "the kingdom" were "falling apart." Tr. 44-45, 47, 50-51.

35. Respondent's racial slurs and threats began to affect Mr. Dennis most deeply during the three to four months preceding his family's move from Vidor Village. The effects intensified during the several weeks preceding the move. The impact was progressive, with everything seeming to fall apart. His personality changed radically. Once easygoing and friendly, he became testy and withdrawn, especially with his family. He became nervous, temperamental, and argumentative. More than once, he began crying "out-of-the-blue," which was very unusual, and he began to have panic attacks. He became short-tempered with Penny, and would lose his patience and yell at her. His sleep pattern became erratic because he and his wife took turns throughout the day and night sleeping and watching from the windows. He lost his appetite. Despite his asthma, emphysema, and his doctor's advice that if he did not quit smoking there would be dire health consequences, in order to relieve his stress and nervousness, he started smoking cigarettes again, even though he had quit six weeks earlier. His asthma and emphysema worsened. He had been intimate with his wife, but lost interest in their physical relationship and wondered if he had become impotent. Tr. 45-49, 63-68, 72-73.

36. The situation at Vidor Village caused even greater physical, emotional, and spiritual changes in Mr. Simpson. At first, he tried to ignore Respondent in the hope that she would stop making the slurs and threats. Rather than stop, the situation worsened. As an African-American to whom racial epithets were directed, his feelings and pride were hurt, and he believed the authorities were ignoring him. Before moving to Vidor Village, he had pride and dignity, and he commanded respect. Afterwards, he felt degraded. He had never before been involved in a racial situation from which he could not extricate himself, and he had never before felt such fear. He had been easy-going, talkative, and happy, but became fearful, edgy, and unfocused. He became quiet, withdrawn, and subdued -- traits all out of character. He developed trouble sleeping and lost his appetite. He began drinking alcohol, and increased the amount of cigarettes he smoked. Strain was visible on his face. Tr. 27, 52-55, 69; C.P.Ex. 1 at 16, 23-27. He stated in a prophetic affidavit dated August 4, 1993:

> While I have always considered myself a strong person able to handle anything, these past few months of constant physical threats and verbal attacks have caused me to be constantly looking over my shoulder afraid for my safety. I can't sleep well at night, as every strange noise bothers me and keeps me awake. I would like to move away from this project as soon as possible before something tragic happens.

C.P.Ex. 2 at 4.

37. Mr. Simpson was a religious, open-minded man. Despite all that had transpired, he stated to Mr. Dennis, in referring to the white supremacy groups, "I don't understand them, but I'll pray for them." Once, in response to a remark made by Mrs. Dennis that they could all be killed, Mr. Simpson smiled and said that "the spirit cannot be killed," and that if he were killed, it would be for "a good cause." He further stated, "If we can bring people together as a community where everybody can live together in peace, then it will be worth it." Tr. 54, 69-70.

38. Because of the racial slurs and threats, and their feeling that they were in an unsafe and hopeless situation, Mr. Simpson and the Dennises made plans to move from Vidor Village. Mr. Simpson had applied for disability benefits and planned to move to Buffalo, New York as soon as his benefits were approved. The Dennises "were just going to try to disappear and find somewhere." Once the decision to move had been made, the Dennises and Mr. Simpson hoped to move at the same time. They wanted to move immediately, but could not due to financial constraints. The Dennises also wanted to move as soon as possible because school was about to start, and they were afraid to send Penny to school in Vidor. They also needed to move as close to September first as possible to avoid having to pay rent and utilities for the Vidor Village apartment. The beginning of the month was also the only time they had sufficient funds to rent a trailer to move their belongings. Tr. 42-44, 53, 70-71.

39. On August 11, 1993, the Dennises hastily moved out of Vidor Village. They rented a trailer for $200.00, and expended an additional $100.00 for gasoline. The trailer was small, but it was all they could afford. It did not hold all of their belongings.
Tr. 42-43, 51-52, 62.

40. Once the Dennises moved out of Texas, the effects on Mr. Dennis caused by the problems at Vidor Village diminished, but did not vanish. Mr. Dennis believes that the emotional distress and fear will never entirely go away. Mr. Dennis has become paranoid when in public places, "wondering who's there and what are they going to do." However, he is no longer impatient with Penny, and has resumed a close and intimate relationship with his wife. He no longer has problems sleeping, but continues to smoke cigarettes. Tr. 48-50, 65, 67-69.

41. Mr. Dennis' last conversation with Mr. Simpson occurred one week before Mr. Simpson's death. Mr. Dennis telephoned Mr. Simpson from his new home because he was concerned about Mr. Simpson's safety. Mr. Simpson was very upset. His usually soft and smooth voice was shaky, trembling, and breaking. Mr. Dennis had never heard Mr. Simpson sound so afraid. Tr. 44, 50.

42. Mr. Simpson realized that he could no longer live in Vidor Village when one evening, following a day filled with Respondent's slurs and threats, five carloads of people visited Respondent's apartment. The next morning he was told that his death had been planned. C.P.Ex. 1 at 27-28.

43. Mr. Simpson moved out of Vidor Village to Beaumont, Texas, on September 1, 1993, three weeks after the Dennises moved. Within a few hours of moving to Beaumont, Mr. Simpson was shot and killed. Mary Lewis, Mr. Simpson's mother, is the representative of his estate. Tr. 43; C.P. Ex. 1 at 8, 27-28.

Discussion

The Act provides that where an administrative law judge finds that a respondent has engaged in a discriminatory housing practice, the judge shall issue an order for "such relief as may be appropriate, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief." 42 U.S.C. § 3612(g)(3). That section also provides that to "vindicate the public interest," a civil penalty may be assessed. The Charging Party seeks to compensate Complainants for actual and intangible damages. The Charging Party also prays for injunctive relief and the imposition of civil penalties against Respondent.

1. Out-of-Pocket Losses

Mr. Dennis is entitled to $300.00 as compensation for the out-of-pocket losses he incurred when he and his family moved from Vidor Village. The amount awarded reflects $200.00 for the trailer rental and $100.00 for gasoline.

2. Emotional Distress and Humiliation

The Charging Party seeks compensatory damages for the intangible injuries Mr. Dennis and Mr. Simpson suffered as a result of Respondents' unlawful discrimination. Although "courts do not demand precise proof to support a reasonable award of damages [for emotional distress]," *Block v. R.H. Macy & Co., Inc.*, 712 F.2d 1241, 1245 (8th Cir. 1983), such damages may be inferred from the circumstances of the discrimination, as well as established by testimony. *See Seaton v. Sky Realty Co., Inc.*, 491 F.2d 634, 636 (7th Cir. 1974); *see also HUD v. Blackwell*, 2 Fair Housing-Fair Lending (P-H) ¶ 25,001 at 25,011-13 (HUDALJ Dec. 21, 1989), *aff'd*, 908 F.2d 864, 872-73 (11th Cir. 1990). Ordinarily, to the extent that damages evidence is based on the subjective experience of a complainant, that evidence must be evaluated against an objective standard to test its reasonableness. The usual standard is the reaction of a

reasonable complainant to the respondent's discriminatory conduct. That reaction will vary with the relative egregiousness of the discriminatory conduct.[2]

The record in this case is replete with uncontroverted evidence of the devastating effect on both Mr. Dennis and Mr. Simpson of Respondent's flagrant, unremitting conduct. As a protagonist of bigotry, hatred, and intimidation, Edith Marie Johnson embarked on a course of conduct calculated (1) to drive Mr. Simpson from his home in Vidor Village; (2) to sever the bonds of friendship between Mr. Simpson and
Mr. Dennis; (3) to threaten not only Mr. Simpson and Mr. Dennis, but also those who would favor or foster the racial integration of Vidor Village; and (4) ultimately to deter and prevent the racial integration of Vidor Village. The extreme emotional distress suffered by these Complainants was an intentional, foreseeable, and natural consequence of Johnson's actions.

Prior to the integration of Vidor Village in early 1993, Mr. Dennis lived a relatively tranquil, fulfilling life as a member of the Vidor Village community. However, after he accepted racial integration and befriended Mr. Simpson, his life, and that of his family, dramatically altered. Initially, he reacted to Respondent's statements and conduct merely with anger. But, in light of her avowed sympathy for, and affiliation with, white supremacy groups touting her as a role model, he could no longer ignore her repeated boasts that she had the will and the means to commit acts of physical violence. Her claim that she stabbed a fellow inmate during a racially-motivated incident at the penitentiary was enough to displace his anger with fear. As it became clear that Respondent was orchestrating and waging a relentless campaign of intimidation directed at both Mr. Simpson and himself, Mr. Dennis feared not only for his own safety, but also for that of his family. Fear made him a prisoner in his own home. He could no longer participate in outside activities or visit family and friends in the community. He felt vulnerable if he remained outside the front of his house, and he worried that if his daughter remained in the front bedroom, she would be exposed to a drive-by shooting.

As his lifestyle changed, so did his personality. He became testy, withdrawn, nervous, and temperamental. His relationships with friends and family consequently became strained. He lost his appetite and was unable to sleep at night. He had recently taken his doctor's advice to quit smoking because of serious respiratory illness. However, he began to smoke again and has been unable to stop in spite of a prognosis

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[2] Alan W. Heifetz and Thomas C. Heinz, *Separating the Objective, the Subjective and the Speculative: Assessing Compensatory Damages in Fair Housing Adjudications*, 26 J. Marshall L. Rev. 3, 22-24 (1992).

that continued smoking would jeopardize his life. Indeed, the situation became so grave that he felt he had no choice but to leave Vidor Village. The move was made even more difficult and stressful because of his limited financial resources, the pressure to act quickly, and the fact that he was forced to leave behind many of the family's belongings. Despite the move to another State, he continues to feel paranoid in any public place, suspecting that he is still in danger.

Respondent's threats and intimidation had a similarly destructive effect on Mr. Simpson's life and personality. As an African-American, he was a direct object of Respondent's racial hostility and the example she would make of any black who attempted to live in Vidor Village. He had come to Vidor Village with the hope not only of improving the quality of his own life, but also to further the cause of racial integration. He had expected to face some resistance, but he was totally unprepared for the intensity and virulence of the opposition to his presence. While he tried at first to ignore Respondent's taunts and threats, once it became clear that she was in the forefront of a sustained effort to drive him out of Vidor Village, the lash of her tongue began to sting and his confidence in the future began to wane.

Although a proud and physically imposing man, Mr. Simpson experienced abject fear for the first time in his life. Afraid to walk on the street or travel alone, he would go without food and medicine, rather than face the risks inherent in a solitary trip into town. Rather than spend the night alone in his own apartment, he occasionally stayed with the Dennises. He avoided answering the telephone. Like Mr. Dennis, he lost his appetite and suffered from sleep deprivation. His consumption of cigarettes increased, and he began to drink alcohol. Once an optimistic, extroverted individual, he became remote, distracted, and despondent. Vidor Village once had been a promising dream of a better life; it became a nightmare. Because he lacked the financial resources to move immediately, he was forced to delay his departure until some three weeks after the Dennises moved and to endure the conditions at Vidor Village on his own. A late night gathering at Respondent's house followed by a death threat the next morning convinced him that he could no longer delay his move.

The Charging Party asserts, and I conclude, that by virtue of Respondent's discriminatory conduct, Mr. Simpson was damaged in the amount of $175,000.00 and Mr. Dennis was damaged in the amount of $125,000.00. Short of physical torture, there is little one can imagine that would be worse than the extreme emotional distress that Mr. Simpson suffered; he lived in constant fear for his life for an extended period of time. The severity of his emotional distress reached its peak during the weeks he was alone after the Dennises had moved out of Vidor Village. The duration of his suffering ended only with his tragic death, which occurred almost immediately upon moving from Vidor Village. Mr. Simpson's estate is also entitled to compensation for the extreme and

by the Secretary within that time.

ALAN W. HEIFETZ
Chief Administrative Law Judge