

May 29, 1969

Miss Kathryn Kula, General Counsel
Chicago Housing Authority
55 West Cermak Road
Chicago, Illinois

Re: Gautreaux v. CHA, 66 C 1459

Dear Miss Kula:

Plainly, we cannot continue bickering, with copies of ever-longer letters to Judge Austin. Accordingly, this will be my last - and deliberately abbreviated - letter stemming from the release of Professor Wade's letter to the Press. If you wish to respond to it you may have the final word.

I shall not speak further of your statements concerning ACLU or class representation since what you said was heard and may be judged by all. I must respond, however, to your innuendo that I have violated the Canons of Ethics. I believe that my request to meet with the Commissioners was perfectly appropriate, for the reasons given in my letter to them. You chose not to inform Judge Austin that I first discussed my request with Mr. Otis as an effort to break through the wall CHA has built around itself in this case and begin a dialogue. Although he thought the request was not a good idea, it was not for any reasons of ethics or propriety. The ground for rejection of my request was specious - I did not request a public meeting.

As to our complaint that CHA has refused to hold serious discussions with us, here is a paragraph from my letter to Mr. Otis of March 27, 1969:

"It is now 6-1/2 weeks since Judge Austin's opinion was rendered. During that period we have met three times to discuss the final order - each time at our urging. At the first meeting (2/28) CHA had no proposal or suggestion to discuss respecting the key issue of site selection (or any other, for that matter). At the second meeting (3/6) the same was true. So, too at the third (3/11). At the latter meeting CHA rejected our suggested approach to site selection as 'inflexible' but had no alternative suggestion of its own. There has been no further meeting, despite my two letters to you (3/13 and 3/18) advising that we were ready to meet with CHA at its convenience. I consider CHA's studied refusal to enter into any meaningful discussion with us to be irresponsible and unbecoming a public body."

In our view, the situation remains unchanged.

Finally, I will be pleased to match ACLU's restraint respecting public statements about this case with Mr. Swibel's conduct in this regard. Moreover, you seem not to recognize the distinction between comment on public events, such as the filing of the law suit and the announcement of the decision of February 10, 1969 (both CHA and ACLU made public statements on these occasions), and the release to the Press of private communications to Judge Austin for his consideration in shaping a judgment order. You say you are making every effort to ascertain the source of the release of Professor Wade's letter. I have been advised from a responsible quarter that the Chairman of the CHA was the source.

Very truly yours,

Alexander Polikoff

ALP:eo

cc: Hon. Richard B. Austin