

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

No. 71-1807

DOROTHY GAUTREAUX, et al.,

Plaintiffs-Appellees,

v.

GEORGE W. ROMNEY,

Defendant,

and

CITY OF CHICAGO, CENTRAL
ADVISORY COUNCIL, and
CHICAGO HOUSING AUTHORITY,

Intervenor-Appellants.

On Appeal from the United States District Court
for the Northern District of Illinois

RESPONSE OF CENTRAL ADVISORY COUNCIL,
INTERVENING-DEFENDANT APPELLANT TO
THE RESPONSE HERETOFORE FILED BY
THE UNITED STATES

Now Comes CENTRAL ADVISORY COUNCIL, Intervening-Defendant
Appellant, by its attorney, H. Ernest Lafontant, and for its response to

the Response of the United States [George Romney, Secretary of HUD, is the Defendant in the case] represents to the Court as follows:

1. That the Defendant has not filed a notice of appeal, is not a party to this appeal, and any relief sought from this Court should be by motion supported by the proper affidavit.

2. That paragraph 2 of the order of November 11, 1971 is identical with the order of October 1, 1971; the Defendant, George Romney, has had ample opportunity to "consider whether or not to appeal from" the October 1, 1971 order. *

3. The request of the Defendant for time to make up its mind whether to appeal or not, if granted, would compound the "devastating effect" upon the membership of the Appellant of the orders of October 1 and November 11, 1971.

4. The same day that this Appellant received notice of the Defendant's response, this Appellant also received, from the Defendant, a motion to alter or amend the judgment order of November 11, 1971 under Rule 59(e), (a copy of which is attached hereto, and which incorporates this Appellant's views as stated in Sec. 3 of its brief filed with this Court).

*

It has been the position of this Appellant that the Defendant did not have the authority to enter into the May 12 and June 11 letter agreements. That it did so against the express dictates of Sec. 2000-d-1, which aims at protecting the interests of the membership of this Intervenor-Defendant Appellant.

Intervenor-Appellant's brief
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5. The effect of filing in the District Court a motion pursuant to Rule 59 (e) is inconsistent with the request made by the Defendant, since the provisions of Rule 4 (a) suspend the running of the time to file an appeal until the entry of an order made upon a motion under Rule 59, and a motion filed under 59 (e) opens the judgment as to the moving party, and there is nothing to appeal from.

6. The briefing schedule and the time set by this Court for oral argument represent a determination by this Court of the urgency of the matter. The Defendant has not pleaded any facts showing any relevant change in the issues or the interests of the parties to justify any modification of the prior order of this Court.

For the above reasons, this Appellant prays that the relief sought in the "response" of the Defendant be denied.

H. Ernest Lafontant
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Council
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AN3-4882

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOROTHY GAUTREAUX, et al.,

Plaintiffs,

v.

GEORGE W. ROMNEY,

Defendants.

NO. 66 C 1460

MOTION TO ALTER OR AMEND THE JUDGMENT ORDER

Now comes George W. Romney, Secretary of the Department of Housing and Urban Development, by WILLIAM J. BAUER, United States Attorney for the Northern District of Illinois, and moves pursuant to Rule 59(e) of the Federal Rules of Civil Procedure that this court enter an order altering or amending the judgment order entered on November 11, 1971, in the following particulars:

1. That the City of Chicago, acting through its Committee on Planning and Housing, commence and conclude within dates to be prescribed by this court, public hearings on the remaining approximately 190 sites of the 275 sites heretofore submitted to the City by the Chicago Housing Authority pursuant to the order of this court entered on March 11, 1971 in the companion case of Gautreaux v. Chicago Housing Authority (66 C 1459).
2. That, immediately, upon completion of the public hearings on the aforesaid approximately 190 sites, the Committee on Planning and Housing make its recommendations to the Mayor and City Council of the City of Chicago, with an accompanying report detailing specific reasons why any specific proposed site was found by the Committee to

be unacceptable for low-rent family housing. Further, that a copy of said recommendation and said report of the Committee on Planning and Housing be filed simultaneously with this court.

3. That upon receipt by the City Council of the City of Chicago of the aforesaid recommendations and report from the Committee on Planning and Housing, the City of Chicago, acting through its Mayor, Richard J. Daley, promptly cause the same to be placed on the agenda of the next meeting of the City Council for deliberation and decision.
- 4(a) That, immediately, upon the conclusion of said deliberation and decision by the City Council, the City of Chicago, acting through its Mayor, Richard J. Daley, file with this court a final report indicating the City Council's action with respect to each of the approximately 190 sites proposed by the Chicago Housing Authority for development of low-rent family housing, and (b), in the case of any site or sites which were not approved by the City Council for development of low-rent family housing, a detailed report shall be filed setting forth the specific reason or reasons why any such site or sites were found unacceptable by the City Council.
5. That the Chicago Housing Authority, acting through its Chairman, Charles R. Swibel, file with the United States Department of Housing and Urban Development by a date to be determined by this court, a Development Program for approximately 27 1/4 units of low-rent public housing on sites which have heretofore been approved

by both the City Council and the Department of Housing and Urban Development.

6. That this court further modify its judgment order entered November 11, 1971 so as to permit the release of the Second Year Model Cities Funds to the City of Chicago, for the reasons previously advanced by the defendant in the briefs previously filed and the arguments previously addressed to this court, and for the further reason that the forms of relief requested in paragraphs 1 through 5 of this motion constitute a more direct and pragmatic approach to the problem of the racially discriminatory public housing program existing in the City of Chicago.

WILLIAM J. BAUER
United States Attorney

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NOTICE

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PLEASE TAKE NOTICE that I have this day filed with the Clerk of the Court of Appeals for the Seventh Circuit, the response of CENTRAL ADVISORY COUNCIL, Intervening-Defendant Appellant, to the response heretofore filed by the United States, a copy of which is attached hereto.

H. Ernest Lafontant
Attorney for Central Advisory Council

PROOF OF SERVICE

The undersigned, attorney for CENTRAL ADVISORY COUNCIL, Intervening-Defendant Appellant, hereby certifies that he served a copy of the response of CENTRAL ADVISORY COUNCIL, Intervening-Defendant Appellant, to the response heretofore filed by the United States, together with the foregoing notice, by mailing copies of the same to the persons shown on the notice at the addresses shown, all this 23rd day of November, 1971.

H. Ernest Lafontant

November 23, 1971

H. Ernest Lafontant
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AN3-4882