

IN THE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

DOROTHY GAUTREAUX, et al.,

Plaintiffs,

v.

CHICAGO HOUSING AUTHORITY, a
corporation, CLEMENT E. HUMPHREY,
Executive Director, Chicago
Housing Authority, GEORGE W.
ROMNEY, Secretary, Department of
Housing and Urban Development,
RICHARD J. DALEY, Mayor, City of
Chicago, FRED B. ROTI, TYRONE T.
KENNER, CLAUDE W. B. HOLMAN, LEON
M. DESPRES, EUGENE SAWYER,
WILLIAM COUSINS JR., ALEXANDER
A. ADDUCI, EDWARD R. VRDOLYAK,
MICHAEL A. BILANDIC, DONALD T.
SWINARSKI, CASIMIR J. STASZCZUK,
EDWARD M. BURKE, FRANCIS X. LAWLOR,
ANNA R. LANGFORD, WILLIAM H.
SHANNON, EDWARD J. HINES, THOMAS
F. FITZPATRICK, CLIFFORD P.
KELLEY, BENNETT M. STEWART, FRANK
D. STEMBERK, JOSEPH POTEMPA,
DAVID RHODES, VITO MARZULLO,
STANLEY M. ZYDLO, EUGENE RAY,
JIMMY L. WASHINGTON, ROBERT BIGGS,
ELMER R. FILIPPINI, THOMAS E.
KEANE, TERRY M. GABINSKI, REX
SANDE, WILSON FROST, CASIMIR C.
LASKOWSKI, JOHN F. AIELLO, THOMAS
J. CASEY, WILLIAM J. CULLERTON,
ANTHONY C. LAURINO, SEYMOUR SIMON,
EDWARD T. SCHOLL, BURTON F.
NATARUS, WILLIAM S. SINGER, DICK
SIMPSON, EDWIN P. FIFIELSKI,
CHRISTOPHER B. COHEN, JOHN J.
HOELLEN, MARILOU HEDLUND, PAUL
T. WIGODA, JACK I. SPERLING,
members of the City Council of
the City of Chicago, and the
CITY OF CHICAGO, a municipal
corporation,

Defendants.

No. 66 C 1459

No. 66 C 1460

(Consolidated)

*Supplemental Complaint,
filed 2/2/72*

SUPPLEMENTAL COMPLAINT

NOW COME plaintiffs, by their attorneys, and for their supplemental complaint against defendants state as follows:

1. Defendant Richard J. Daley resides within and is Mayor of the City of Chicago. Under Section 3-11-14, Chapter 24, Illinois Revised Statutes, the Mayor of the City of Chicago presides at meetings of the City Council of the City of Chicago ("City Council") and has the power to vote at such meetings under certain circumstances.

2. Defendants Fred B. Roti, Tyrone T. Kenner, Claude W. B. Holman, Leon M. Despres, Eugene Sawyer, William Cousins Jr., Alexander A. Adduci, Edward R. Vrdolyak, Michael A. Bilandic, Donald T. Swinarski, Casimir J. Staszczuk, Edward M. Burke, Francis X. Lawlor, Anna R. Langford, William H. Shannon, Edward J. Hines, Thomas F. Fitzpatrick, Clifford P. Kelley, Bennett M. Stewart, Frank D. Stemberk, Joseph Potempa, David Rhodes, Vito Marzullo, Stanley M. Zydlo, Eugene Ray, Jimmy L. Washington, Robert Biggs, Elmer R. Filippini, Thomas E. Keane, Terry M. Gabinski, Rex Sande, Wilson Frost, Casimir C. Laskowski, John F. Aiello, Thomas J. Casey, William J. Cullerton, Anthony C. Laurino, Seymour Simon, Edward T. Scholl, Burton F. Natarus, William S. Singer, Dick Simpson, Edwin P. Fifielski, Christopher B. Cohen, John J. Hoellen, Marilou Hedlund, Paul T. Wigoda, and Jack I. Sperling are all of the duly elected and acting members of the City Council and reside in the City

of Chicago.

3. Defendant City of Chicago ("City") is an Illinois municipal corporation having a population of more than 500,000 persons. The City Council is the governing body of the City.

4. On February 10, 1969, this Court issued its memorandum opinion in this cause. 296 F.Supp. 907.

5. On July 1, 1969, this Court entered its judgment order ("Judgment Order") in this cause. 304 F.Supp. 736.

6. On September 10, 1971, the Court of Appeals for the Seventh Circuit issued its opinion in this cause. 448 F.2d 731. Pursuant thereto this Court entered its order of December 23, 1971.

7. The Judgment Order provides, among other things, that the defendant Chicago Housing Authority ("CHA") shall

"use its best efforts to increase the supply of Dwelling Units as rapidly as possible in conformity with the provisions of this judgment order and shall take all steps necessary to that end ..." (304 F.Supp. at 741.)

8. CHA's efforts to increase the supply of Dwelling Units as provided in the Judgment Order require CHA to acquire real property.

9. Section 9 of Chapter 67-1/2, Illinois Revised Statutes, provides in part that no real property shall be acquired in a municipality having a population in excess of 500,000 by the housing authority within whose area of operation such

municipality is located until the housing authority has advised the governing body of the municipality of the description of the real property proposed to be acquired and the governing body of the municipality has approved the acquisition thereof by the housing authority. Such provisions of said Section 9 are deemed by CHA to apply to its acquisitions of real property.

10. From July 1, 1969 until March 5, 1971, CHA did not advise the City Council of any real property proposed to be acquired by it for the purpose of increasing the supply of Dwelling Units in conformity with the Judgment Order.

11. On March 1, 1971, this Court entered an order directing CHA to advise the City Council on or before March 5, 1971, of real property proposed to be acquired by it for the purpose of providing not fewer than 1500 Dwelling Units in conformity with the Judgment Order. On March 5, 1971 CHA complied with such order and did so advise the City Council.

12. On January 3, 1972 this Court entered an order directing CHA to file certain plans with the Court on or before January 18, February 2 and February 17, 1972, respectively. In its "Response" to paragraph 1 of such order, filed by CHA on January 18, 1972, CHA advised the Court as follows:

- (a) In June, 1971, the City Council approved the acquisition by CHA of real property said by CHA to be suitable for the provision of 302 Dwelling

Units in conformity with the Judgment Order;
and

- (b) Subject to the approval of the Department of Housing and Urban Development ("HUD") CHA proposes to acquire real property, the acquisition of which was so approved by the City Council in June, 1971, at 29 different locations, said to be suitable for the provision of 199 Dwelling Units in conformity with the Judgment Order.

13. Since June, 1971, the City Council has not approved the acquisition by CHA of any real property for the purpose of providing Dwelling Units in conformity with the Judgment Order.

14. Relying upon such lack of such approval and upon the provisions of Section 9, Chapter 67-1/2, Illinois Revised Statutes, CHA has not acquired real property for the provision of Dwelling Units in conformity with the Judgment Order. Such failure by CHA to acquire real property for such purpose has the effect of denying to the plaintiffs the relief to which they are entitled under the Judgment Order and of preventing this Court from providing a full remedy for the violations of federal constitutional rights which this Court's memorandum opinion of February 10, 1969, found to have occurred.

15. Paragraph 2 of this Court's order of January 3, 1972,

requires CHA to file with the Court on or before February 2, 1972, a specific plan for the prompt acquisition by CHA, regardless of any action taken or not taken by the City Council, of such number of additional sites for Dwelling Units as will, when added to the sites approved by the City Council in June, 1971, permit CHA to provide the 1500 Dwelling Units referred to in this Court's order of March 1, 1971. Such order of January 3, 1972, further provides that a hearing for the consideration of such plan and the entry of further orders in connection therewith shall be held on February 17, 1972.

WHEREFORE, following such hearing on February 17, 1972, plaintiffs pray:

(a) for the entry of a declaratory judgment that under the circumstances set forth herein the effect of the operation of Section 9, Chapter 67-1/2, Illinois Revised Statutes, has been and is to deny plaintiffs the relief to which they are entitled under the Judgment Order and to prevent this Court from providing a full remedy for the violations of federal constitutional rights which the Court's memorandum opinion of February 10, 1969, found to have occurred;

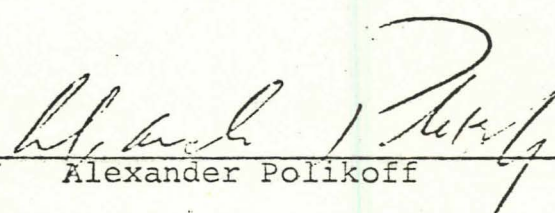
(b) for the entry of an order directing CHA to acquire, regardless of any action taken or not taken by the City Council, such additional sites for Dwelling Units as are specified in CHA's plan therefor to be filed on February 2,

1972, subject to such modifications therein as may be appropriate in light of the evidence adduced at such hearing of February 17, 1972;

(c) for the entry of an order directing CHA to provide Dwelling Units on such additional sites as rapidly as possible; and

(d) for the entry of an order granting plaintiffs such other and further relief as the Court may deem just and equitable.

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By: 

Alexander Polikoff

February 1, 1972

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