

Pleading
Book

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Nos. 71-1732, 33, 34
and 71-1807

DOROTHY GAUTREAUX, et al.,

Plaintiffs-Appellees,

v.

GEORGE W. ROMNEY,

Defendant-Appellant,

and

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

Intervenor-Appellants.

U.S.C.A. — 7th Circuit FILED MAR 22 1972 KENNETH J. CARRICK Clerk
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On Appeal from the Judgment of the United States
District Court for the Northern District of Illinois

MOTION AND BRIEF OF PEOPLE UNITED TO
SAVE HUMANITY (PUSH) AS AMICUS CURIAE.

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MOTION FOR LEAVE TO FILE A BRIEF
AS AMICUS CURIAE

NOW COMES People United to Save Humanity (PUSH) and
respectfully moves this honorable court for leave to file
the annexed brief as amicus curiae in support of the petition
for rehearing and suggestion for rehearing in banc of the

plaintiffs-appellees in the above entitled cause.

The interest of the undersigned as amicus curiae and the reasons for the submission of such brief are stated at the outset of the brief itself.

Respectfully submitted,

Thomas N. Todd
Attorney for Amicus Curiae

March 22, 1972

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AMICUS CURIAE BRIEF OF PEOPLE UNITED
TO SAVE HUMANITY (PUSH)

I. THE INTEREST OF AMICUS

People United to Save Humanity (PUSH) is an Illinois
religious corporation whose members number thousands of poor,

black citizens of the City of Chicago. A primary purpose of PUSH is the alleviation of the suffering and oppression of the poor and the black in the Chicago metropolitan area caused by racial and economic discrimination as manifested in various public and private policies. The membership of PUSH numbers in the thousands, but its influence and significance among poor black people in Chicago far transcends its numerical membership.

Because the majority opinion in this cause presumes to rest so heavily upon the assumed interest of poor black people in Chicago, it is particularly appropriate and important that the views of PUSH be made known to the Court.

II. THE POSITION OF AMICUS

The position of amicus may be stated very succinctly: Although there are many causes and many possible remedies for the oppressed and ghettoized position of poor black people in Chicago, no cause is more significant than deliberate housing segregation and no remedy more important than breaking the pattern of that segregation.

The transient jobs (largely political patronage in character) and other benefits supposed to be provided by the Model Cities Program in Chicago are of course important. But not even those who have the jobs and receive the benefits would deny the overriding practical significance of breaking

down the barriers of housing segregation in this most segregated city in the country.

Odell Jones, one of the plaintiffs here, has given an effective personal statement of this overriding significance:

"CHA was what I was about. Segregated housing, stacked into concentration camps ... trying to raise my children ... and have to keep them cooped up like chickens within a chicken coop ... We have enough prisons within our community. Put them [new housing units] in the outlying areas." (App. 405-06.)

So long as freedom of choice in housing is not afforded to the poor and the black in Chicago, all the other paper mache efforts to improve the ghetto are hypocritical. We do not oppose Model Cities Programs as conceived and expressed in the Model Cities statute, for there Congress said that one of the purposes of Model Cities Programs was to enable cities to "increase their supply of adequate housing for low- and moderate-income people" (42 U.S.C. §3301), and provided that such a Program could be funded only if it contributed to "a well-balanced city with a substantial increase in the supply of standard housing of low and moderate cost [with] maximum opportunities in the choice of housing accommodations for all citizens ..." (42 U.S.C. §3303(a)(3).) We do and must oppose the Chicago Model Cities Program so long as it is not accompanied by the statutorily required affirmative efforts to increase the supply of housing and to break-down housing segregation. Without such efforts, the Model Cities Program in Chicago is just another

trick to keep the poor and the black in their segregated place, another "spectacle of slavery unwilling to die.", Justice Douglas concurring, Jones v. Mayer, 392 U.S. 409, 445 (1968). We now have a host of laws, and a plethora of administrative regulations, all of which, on paper, require an increased supply of unsegregated housing for low income people. When, finally, a federal judge is willing to take all that paper at its word and do what it says, is he to be reproved and reversed. Is this to be still another instance of refusing to enforce principles in fact that have long since existed in theory?

The majority opinion accuses Judge Austin of having ignored the interests of the poor and the black in Chicago. We think the attached editorial, dated March 15, 1972, of the Chicago Daily Defender, the largest daily circulation black newspaper in Chicago, properly defends Judge Austin against the charge that he did not act in the interest of "Chicago's black folk." We think Judge Austin correctly perceives the reality behind the claim that a segregationist City administration represents the interest of the poor and the black in this of all cases.

The Austin decision was a sudden light of hope in the long nightmare of housing segregation in this community. We urge the Court not to turn out that light by denying to Judge Austin the powers he needs to put an end to that

nightmare once and for all.

Respectfully submitted,

Thomas N. Todd
Attorney for Amicus Curiae

March 22, 1972

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3/15/72.

CHICAGO

Daily Defender

(A Sengstacke Newspaper)

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LOUIS MARTIN,
VICE PRESIDENT & EDITORIAL DIRECTOR

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METZ T.P. LOCHARD
Associate Editor

Austin's housing order

When federal Judge Richard B. Austin issued his scattering-housing directive to the Chicago Housing Authority in 1969, he was undoubtedly guided by three rational and reasonable assumptions: 1. dispersal of construction of public housing in such a manner as to bring an end to the concentration of residential units in the critically over-crowded slum areas; 2. fulfillment of the federal government non-discriminatory requirement in federally subsidized low-cost dwellings, and 3. establishment of a practice that would advance the principle of open housing while at the same time altering the unsavory reputation of Chicago as an inordinately segregated metropolis.

It was the pursuit of these social goals that led to the Austin's order freezing the \$24 million in Model Cities fund. The order resulted from the contemptuous refusal of the city government and its component agencies to comply with the court directive.

Judge Austin was acting not only in the interest of Chicago's black folk but also in the interest of the propagation of the democratic process. To accuse Judge Austin of being unrealistic and lacking in compassion is an irresponsible misrepresentation of his benevolent intent and a gross disservice to the cause of open public housing.

It's the City Council and the Chicago Housing Authority who should be escoriated for dereliction of responsibilities in a matter that is well within the context of their administrative authority — responsibilities that transcend personal inclination, political accommodation and racial bias. Judge Austin should be commended, not upbraided.