

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

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 66 C 1459
	)	66 C 1460
CHICAGO HOUSING AUTHORITY and	)	(Consolidated)
JAMES T. LYNN, Successor to George	)	
W. Romney, Secretary of the	)	
Department of Housing and Urban	)	
Development, et al.,	)	
	)	
Defendants.	)	

MEMORANDUM OF CHICAGO HOUSING
AUTHORITY IN OPPOSITION TO MOTION
OF PLAINTIFFS FILED WITH THEIR
JULY 10, 1974, REPORT TO THE COURT
PURSUANT TO THE ORDER OF MAY 6, 1974

The Judgment Order of July 1, 1969, provided as follows:

"VIII. CHA shall affirmatively administer its public housing system in every respect (whether or not covered by specific provision of this judgment order) to the end of dis-establishing the segregated public housing system which has resulted from CHA's unconstitutional site selection and tenant assignment procedures. Without limiting the foregoing,

"A. 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,

including making applications for allocations of federal funds and carrying out all necessary planning and development; and

"B. CHA is hereby permanently enjoined from invidious discrimination on the basis of race in the conduct or operation of its public housing system, including without limitation the 'preclearance procedure' described in the Court's Memorandum Opinion of February 10, 1969." (304 F.Supp. at p.741)

During the years that have ensued since, and in the course of the innumerable hearings that have been held before this Court on various issues, plaintiffs have often suggested that CHA has not been exerting its best efforts pursuant to Section VIII A of the Judgment Order. CHA has persistently rejected each of those suggestions and reminded plaintiffs of the remedies available when Court orders are not being obeyed. Plaintiffs have never sought relief pursuant to any such remedies. The reason for that, of course, is that there is not now and never has been any basis for the claim that CHA was not using its best efforts to increase the supply of dwelling units in accordance with each provision of the 1969 Judgment Order.

Now, after discovery pursuant to this Court's order of May 6, 1974, plaintiffs have concluded that what inhibits progress at the rate which would satisfy them are "normal bureaucratic processes" (Report p.6). Those procedures must be speeded up,

claim plaintiffs, and they seek an order upon CHA and HUD to submit recommendations and specific programs to that end. Plaintiffs themselves have nothing specific to suggest.

CHA submits that the record is clear that it is striving energetically to move ahead and is moving ahead. That progress, however, must proceed through channels - CHA has no choice in the matter. But where CHA has seen an opportunity to innovate, it has done so. Thus plaintiffs concede (Report p.5), that CHA has asked HUD for approval of certain development programs without submitting sites, "a departure from usual practice".

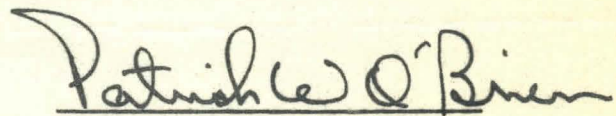
Plaintiffs' motion, if granted, would require the diversion of CHA staff from the practical work of pushing its programs forward for a review of its and HUD's procedures. Plaintiffs' motion should be denied so that CHA and HUD can go about their business of increasing the supply of housing - a process that is more complicated than any of the participants would wish. But such complications are the natural result of our system of government.

CHA and HUD are operating under "best efforts" orders. Plaintiffs have read that phrase out of those orders and replaced it with "efforts approved by plaintiffs".

Finally, it appears from this latest motion of plaintiffs that their goal is to have this Court become the superintendant

of public housing, if not for the Chicago metropolitan area, for, at least, Chicago. This task, just as serving as "school superintendant", is a task which few, if any, judges are qualified to perform. See Milliken v. Bradley, U.S. (July 25, 1974, CCH U.S. Sup. Ct. Bull. 7-26-74, B4760 at p.4787.

Respectfully Submitted,



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PROOF OF SERVICE

Patrick W. O'Brien, one of the attorneys for Chicago Housing Authority, certifies that on July 29, 1974, he mailed a copy of the above and foregoing "Memorandum Of Chicago Housing Authority In Opposition To Motion Of Plaintiffs Filed With Their July 10, 1974, Report To The Court Pursuant To The Order Of May 6, 1974" upon the attorney of record for plaintiffs and HUD.

Patrick W. O'Brien