

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

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	NO. 66 C 1459
	)	
GEORGE W. ROMNEY and	)	NO. 66 C 1460
CHICAGO HOUSING AUTHORITY,	)	
et al.,	)	(Consolidated)
	)	
Defendants.	)	

MEMORANDUM OF CHA IN OPPOSITION
TO THE ORDER PROPOSED BY PLAINTIFFS
ON SEPTEMBER 30, 1974.

In our September 23, 1974, memorandum in opposition to the order proposed by plaintiffs on September 11, 1974, we noted that ever since April, 1971, CHA has regularly been filing quarterly reports of its activities pursuant to this Court's Judgment Order. We attached Report No. 13 to our September 23 memorandum. We attach Report No. 14, dated September 30, 1974, to this memorandum.

CHA's quarterly Report No. 14, and CHA's previous 13 quarterly reports, provide ample evidence of CHA's "best efforts" to comply with all of the provisions of the Judgment Order as amended and provide concrete evidence of steady progress. Plaintiffs' attorneys, although regularly served with copies of

such reports, continue to pretend that CHA has been content to "let the stalemate continue" (Reply, p.2). If plaintiffs' position, most recently reflected in their September 30, 1974, documents, is not a pretense, then it seems clear that they are not bothering to read CHA's reports.

The new motion of plaintiffs of September 30, 1974 constitutes an abandonment of their September 11, 1974 motion. Plaintiffs now seek to have a housing "czar" appointed who would take over the most basic functions of both CHA and HUD. By doing so, plaintiffs demonstrate, once again, their inability to grasp what this case is and has been about as well as their failure to recognize any distinctions between this particular housing case and school case opinions upon which plaintiffs persist in relying.

(It should be noted that when a school case opinion is contrary to their view, e.g. Milliken v. Bradley U.S., 42 U.S.L.W. 5249, decided on July 25, 1974, plaintiffs distinguish it because it is a school case)*.

*/ "The holding of [the Supreme Court in] Milliken v. Bradley is that because of the long and important tradition of local control of schools, together with the extreme difficulty of a judicially supervised restructuring of local administration of schools, it is inequitable and therefore improper to order an inter-district remedy in a school desegregation case as a response to a constitutional violation found to have occurred only within a single school district and not to have inter-district effects" (emphasis added). Plaintiffs' Memorandum, filed

There is no vestige, not a remnant, of racial discrimination in any phase of CHA's operation. Not even plaintiffs make such a claim. Nor do plaintiffs now charge, nor indeed have they ever charged, in an appropriate and serious manner that CHA has not been, or is not now, using its "best efforts" to comply with the Judgment Order as amended. Plaintiffs' current grievance is that the pace of construction of scattered site low income family public housing is too slow: CHA's and HUD's procedures are too cumbersome and complicated for plaintiffs' taste. So they want the Court to appoint a housing "czar".

CHA suggests that such an appointment of such a person is unwarranted by anything either in the issues or the record in this case.

Nor does the most recent school case opinion relied on by plaintiffs provide support for what plaintiffs now seek. In

*/ Continued from p.2.

August 14, 1974, in the United States Court of Appeals for the Seventh Circuit, Nos. 74-1048-9, p.2. But, when discussing the opinion of the 6th Circuit in Milliken v. Bradley, which the Supreme Court reversed but which pleased plaintiffs, they said: "Bradley presents virtually the same issue that is presented at the current stage of this case: whether and under what circumstances metropolitan-wide relief is called for in a racial desegregation case". Memorandum In Support of Plaintiffs' Motion For a Ruling On The Propriety Of Considering Metropolitan Relief" filed in this Court on January 29, 1973, p.1.

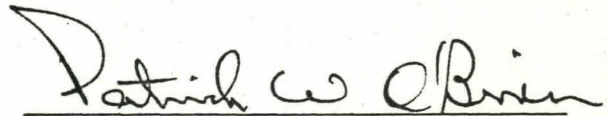
United States v. The Board of School Commissioners of Indianapolis,
F.2d (7th Circuit, August 21, 1974) - the Court of Appeals
approved a District Court order appointing two Commissioners to
develop desegregation plans for the Indianapolis Public School
System. But that order was only entered after an evidentiary
hearing at which the District Court had found that the school
district defendant had disobeyed previous court orders directing
it to proceed in specific ways. Before the two Commissioners
were appointed, the District Court had found the school system
defendant had not readjusted the percentage of minority students
in the elementary schools to approximately 15% as previously ordered,
had not provided for reducing the percentage of minority students
at one high school as previously ordered, had not provided for
increasing the percentage of minority students at another high
school as previously ordered and had not provided for the use of
any of the attendance zone, pairing or clustering devices pre-
viously required by the District Court (Opinion, p.8).

In short, in the Indianapolis school case the defendant
school system had failed to take the necessary and appropriate steps
to desegregate the schools within its system which had been ordered
by the court. No such disobedience of court orders by CHA is
exhibited by any portion of the record in this cause and, of course,

there have been no such findings.

What plaintiffs seek obviously goes beyond the desegregation issues which have been the subject matter of this litigation. An analogy to what plaintiffs are now after in a school desegregation case situation would be the appointment of an education czar to supervise teaching methods, curricula and text book selection for the reason that desegregation had not resulted in better educated pupils.

Respectfully submitted,

A handwritten signature in dark ink, reading "Patrick W. O'Brien". The signature is fluid and cursive, with the first name "Patrick" being the most prominent.

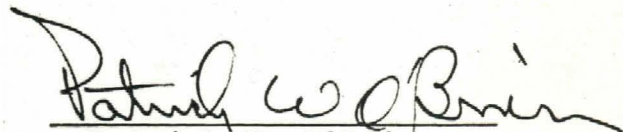
Patrick W. O'Brien
One of the attorneys for
Chicago Housing Authority
231 South LaSalle Street
Chicago, Illinois 60604
State 2-0600

OF COUNSEL

MAYER, BROWN & PLATT

CERTIFICATE OF SERVICE

Patrick W. O'Brien, one of the attorneys for
CHA, certifies that on Monday, October 7, 1974, he
caused a copy of the above and foregoing "Memorandum
Of CHA In Opposition To The Order Proposed By Plain-
tiffs On September 30, 1974" to be served upon the
attorneys for plaintiffs and for HUD.


Patrick W. O'Brien

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

RECEIVED

SEP 30 1974

DOROTHY GAUTREUX, et al.,

Plaintiffs

vs.

GEORGE W. ROMNEY and
CHICAGO HOUSING AUTHORITY,
et al.,

Defendants

NO. 66 C 1459

NO. 66 C 1460

(Consolidated)

REPORT NO. 14 TO THE COURT
PURSUANT TO ORDER OF APRIL 16, 1971

CHA ACTIVITIES - FAMILY PUBLIC HOUSING SITES

1. Project ILL-2-85

It was stated in Report No. 13 that the construction of 63 units in the original Project ILL-2-85 have been assigned Project Nos. ILL-2-90, 91, 93 and 94. Four separate construction contracts were awarded to Teddy Bear Builders (2), Ruby Construction Co. and M. L. Peterson for this work. These contract awards have now been approved by the Area Office of the Department of Housing and Urban Development and Notice to Proceed issued by the Chicago Housing Authority. Actual construction has been started on these contracts. The Area Office of the Department of Housing and Urban

Development has completed the Special Environmental Clearance for the 56 substitute sites submitted for the residual units in the ILL-2-85 Program. Thirty-eight (38) sites were approved and an additional 11 sites are under further study. (Copy of letter from HUD, dated August 23, 1974, attached as "Exhibit A.")

2. Projects ILL-2-86 and ILL-2-87

Development Programs have been submitted to the Area Office of the Department of Housing and Urban Development but have not been approved. Forty-nine (49) sites representing 170 units have been submitted for environmental clearance. Chicago Housing Authority, at the present time, has no funding for these programs.

3. Section 23 - Leasing Program and Section 8 of Housing and Community Development Act of 1974

In conformance with the Department of Housing and Urban Development's requirement that prior to the submission of an application for revised Section 23 Housing Assistance Payments Program the Local Authority must meet with the Department of Housing and Urban Development in a pre-application conference, the Chicago Housing Authority met with officials of the Area Office, Department of Housing and Urban Development, on July 17, 1974. At this conference Chicago Housing Authority was advised that present policy will

not permit the assigning of additional units to any Local Housing Authority that is not 100% leased. Chicago Housing Authority is now advised that there are 450 units available in the Section 23 Program. Accordingly, Chicago Housing Authority, by its letter of September 10, 1974 to the Director, Area Office of the Department of Housing and Urban Development, has requested that the Area Office of the Department of Housing and Urban Development waive the 100% occupancy policy and permit Chicago Housing Authority to submit its application. Under joint memorandum issued on August 22, 1974 by Sheldon B. Lubar, Assistant Secretary - Commissioner, Housing Production and Mortgage Credit, and H. R. Crawford, Assistant Secretary for Housing Management, new construction and substantial rehabilitation application and projects would be subject to the provisions of Section 8 of the Housing and Community Development Act. It is anticipated that specific regulations under Section 8 of this Act will be published on or about October 1, 1974. As soon as procedures are established, Chicago Housing Authority will submit an application for both existing and new construction provided under the Housing and Community Development Act of 1974.

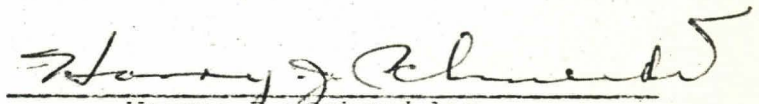
CHA ACTIVITIES - INFORMING THE PUBLIC
RE THE NEW PUBLIC HOUSING PROGRAM

No new developments since Report No. 10, dated September 30,
1974.

CHA ACTIVITIES - AGREEMENT WITH
HOUSING AUTHORITY OF COOK COUNTY

No new developments since Report No. 8, dated March 30, 1973.

Respectfully submitted,



Harry J. Schneider
Executive Director

September 30, 1974



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
CHICAGO AREA OFFICE
17 NORTH DEARBORN STREET
CHICAGO, ILLINOIS 60602

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SEP 30 1974

REGION V
309 South Wacker Drive
Chicago, Illinois 60606

IN REPLY REFER TO:

U. S. DEPT. OF HOUSING AND URBAN DEVELOPMENT
5.234

AUG 23 1974

Mack

Mr. G. W. Lobsack
Director of Engineering
Chicago Housing Authority
22 West Madison Street
Chicago, Illinois

HUD 2-85

Dear Mr. Lobsack:

The Special Environmental Clearance for the 56 substitute sites in Project Ill. 2-85 has been completed.

The following sites are approved for acquisition:

<u>Site Address</u>	<u>No. of Units</u>
2147 W. Granville	3
1921 W. Normood	12
4500-02 N. Beacon	6
1453 W. Edgewater	3
4818-24 N. Kenmore	12
4907-09 N. Kenmore	6
5062-64 N. Kenmore	6
5236 N. Kenmore	3
5722-24 N. Kenmore	15
5740-42 N. Kenmore	6
4618-30 N. Malden	12
1731 W. Summerdale	2
4725 N. Winthrop	3
4829 N. Winthrop	3
5053-55 N. Winthrop	6
5959 N. Winthrop	12
2133 W. Agate	1
2542 W. Kinona	2
2042 W. Cuyler	1
3101-03 N. Oakley	2
735-39 W. Aldine	9
757-59 W. Brompton	3
1348 W. George	1
3918 N. Greenview	3
1026 N. Oakdale	3
1132 N. Patterson	3
1137 N. Patterson	3
3623 N. Paulina	2

EXHIBIT A

<u>Site Address (Cont'd.)</u>	<u>No. of Units</u>
2824-26 N. Racine	3
4049-51 N. Albany	2
3755-59 N. Mozart	2
4021 N. Troy	1
2667 W. Nelson	1
1816 N. Richmond	1
1712 N. Albany	1
1451 N. Bell	1
1719 N. Talman	1
1719 N. Washtenaw	1

A noise study is being done on the following sites and you will be notified as to their acceptability when the study is concluded.

1837 W. Birchwood	12
7455-57 N. California	1
2146 W. Foster	2
2527 W. Foster	9
2600-02 W. Foster	3
2000-08 W. Melrose	9
1510-12 W. Diversey	6
1744 W. Melrose	1
3616-18 N. California	6
2434 W. Diversey	1
2504-10 W. Diversey	5

You are now authorized to initiate the acquisition process, the first step of which is to request a HUD appraisal of the 38 properties above. HUD Form 52651 "Preliminary Site Report" should be submitted in accordance with the Low-Rent Public Housing Preconstruction Handbook 7410.1.

A copy of the environmental clearance will be sent to you under separate cover.

Sincerely,



Francis C. Sperry
Director of Operations

EXHIBIT A