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

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	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.)	)	

BRIEF OF PLAINTIFFS

As directed by the Court, plaintiffs sought to meet with counsel for HUD and CHA to determine whether the form of an order appointing a Commissioner could be agreed upon. However, counsel for HUD and CHA each declined to meet.

Plaintiffs therefore renew their motion that an order in the form previously submitted by them be entered. Since the provisions of that order, and much of its specific language, are taken from an order recently affirmed by the Court of Appeals for the Seventh Circuit, there can be little doubt that the order is appropriate in form. (Although the Indianapolis case involved only State and not Federal defendants, similar planning orders against HUD were affirmed

in both the Shannon and Hamtramck cases as previously pointed out to the Court.)

We need only add that if the Commissioner is to perform his duties effectively he needs the sanction and authority of the Court to call upon the defendants to cooperate in providing information, technical staff, documents, etc. It would not do to assign the Commissioner a difficult task and then hamstring him with inadequate authority. If either of the defendants at any time believes the authority is being abused, either can request the Court's intervention. However, the stature of the Commissioner should be such that there ought be little to fear on this score.

After years of frustration it is time to take steps to insure that the job that should be done gets done, rather than run the risk of further frustration by limiting the Commissioner's power and authority. At the recent hearing in chambers the "rage of debate" about small matters (Jefferson's phrase) tended to obscure the basic fact that whatever the reason, there has been inadequate progress in implementing the Court's decree, no assurance could be given as to future progress, and a stalemate between HUD and CHA presently persists. The appointment of a Commissioner, sufficiently empowered, would go a long way toward providing the Court with the knowledge it needs to determine whether there is any cure for that situation.

We are sorry that we have been unable to find additional persons in the Chicago area or environs who possess the stature and knowledge of housing matters of the two persons already suggested.

Respectfully submitted,

By:


Alexander Polikoff
One of the Attorneys for Plaintiffs

October 23, 1974

Alexander Polikoff
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Chicago, Illinois 60602
641-5570

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NOTICE

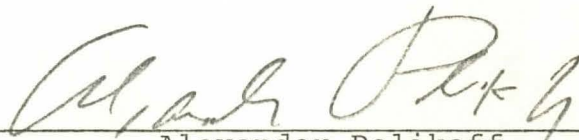
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PLEASE TAKE NOTICE that we have this day filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, Brief of Plaintiffs in the above captioned matter, copies of which are attached hereto.

October 23, 1974

Alexander Polikoff
109 N. Dearborn Street
Chicago, Illinois 60602
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Alexander Polikoff
One of the Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

Alexander Polikoff, one of the attorneys for plaintiffs, hereby certifies that he served a copy of the foregoing Notice and Brief of Plaintiffs referred to therein upon the parties named in the Notice at the addresses there shown, by mailing a copy, postage prepaid, in the United States mail this 23rd day of October, 1974.



Alexander Polikoff