

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

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	66 C 1459
	)	66 C 1460
	)	(Consolidated)
v.	)	
	)	Hon. Marvin E. Aspen
CHICAGO HOUSING AUTHORITY and	)	
ANDREW CUOMO, Secretary of Department	)	
of Housing and Urban Development,	)	
	)	
Defendants.	)	

To: Counsel on Attached Service List

NOTICE OF FILING

PLEASE TAKE NOTICE that on June 25, 1997, we filed in the United States District Court for the Northern District of Illinois, Eastern Division, DEFENDANT CHICAGO HOUSING AUTHORITY'S RESPONSE TO PLAINTIFFS' MOTION TO MODIFY JUDGMENT ORDER, a copy of which is attached hereto and served upon you.

Dated: June 25, 1997
Chicago, Illinois

Respectfully submitted,



Susan Getzendanner
Nancy Eisenhauer
Skadden, Arps, Slate, Meagher & Flom (Illinois)
333 West Wacker Drive, Suite 2100
Chicago, IL 60606
(312) 407-0700
Counsel for Defendant
Chicago Housing Authority

Jerome M. Butler
General Counsel for the
Chicago Housing Authority

SERVICE LIST

Lewis M. Nixon, Esq.
John Jensen, Esq.
U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
77 West Jackson Boulevard
Suite 2620
Chicago, Illinois 60604

Michael L. Shakman, Esq.
Barry A. Miller, Esq.
Edward W. Feldman, Esq.
Derek L. Cottier, Esq.
MILLER, SHAKMAN, HAMILTON,
KURTZON & SCHLIFKE
208 South LaSalle Street
Suite 1100
Chicago, Illinois 60604

Carole Wilson, Esq.
Office of General Counsel
U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
451 Seventh Street, S.W.
Washington, D.C. 20410

Alexander Polikoff, Esq.
BUSINESS AND PROFESSIONAL
PEOPLE FOR THE PUBLIC
INTEREST
17 E. Monroe Street
Suite 212
Chicago, Illinois 60603

Linda Wawzenski, Esq.
ASSISTANT U.S. ATTORNEY
Deputy Chief, Civil Division
Suite 500
219 South Dearborn Street
Chicago, Illinois 60604

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**DEFENDANT CHICAGO HOUSING AUTHORITY'S RESPONSE TO
PLAINTIFFS' MOTION TO MODIFY JUDGMENT ORDER**

Defendant Chicago Housing Authority (the "CHA") respectfully submits this response to Plaintiffs' Motion To Modify Judgment Order ("Motion").

Preliminary Statement

Plaintiffs' Motion to modify the Gautreaux judgment order (the "Injunction") fails to state with particularity the basic legal requirements that must be met before the Court may modify the Injunction under either Fed. R. Civ. P. 60(b)(5) or its general equitable powers. Modification of federal court injunctions in institutional reform cases, particularly those that prospectively govern the exercise of a governmental function by a state or local government, requires a complex analysis of constitutional and other important issues. Numerous recent decisions of the United States Supreme Court and the Seventh Circuit explicitly set forth the standards and substantive issues that bear on Plaintiffs' Motion, none of which are discussed by Plaintiffs. For these reasons alone, the Motion summarily should be denied. In the alternative, and as demonstrated more fully below, even a cursory review

of the standards and substantive issues that bear on Plaintiffs' Motion reveals that the specific modification proposed by Plaintiffs is clearly impermissible.

I. SIGNIFICANT CHANGE IN LAW AND CIRCUMSTANCES

The only substantive issue relating to the propriety of modification that the Motion at least partially addresses is whether there has been a significant change in circumstances, legal or factual, that warrants revision of the Injunction. The Plaintiffs have asserted that there has been such a change. That is undoubtedly correct. However, Plaintiffs identify the change as the decline in federal funding of scattered housing sites and the dramatic increase in use of federally funded Section 8 certificates. Motion at ¶¶ 4, 5. This only states some of the consequences of the change, not the change itself. The relevant change is the substantial shift in the federal public housing laws and policies set by Congress and the Department of Housing and Urban Development ("HUD"). Scattered site public housing in white neighborhoods, the specific object of the Injunction, is no longer viewed as the appropriate response to both the public housing crisis in America and the problems facing minorities living in and eligible for public housing.

A. Change in Federal Public Housing Policy and Law

The present federal policy is to raze the high- and mid-rise buildings that cannot be repaired on a cost-efficient basis and to give the displaced residents their choice to take a Section 8 certificate and relocate anywhere in the state, to apply for scattered site housing, or to await the development of new units to be built in the communities from which the residents were displaced.¹ This substantive federal policy change may require modifi-

¹ Nationwide, federal law requires demolition of approximately 200,000 units of public housing. Conversion of Certain Public Housing to Vouchers, Pub. L. 104-134, Title I,
(continued...)

cation of the Injunction, but, as will be discussed in this Response, the specific modification cannot equitably or constitutionally be to place the use of Section 8 certificates in Chicago under the proscriptions of this Court.

B. Change in Circumstances/Factors Beyond CHA's Control

Many additional significant changes have occurred in the last thirty years that also justify modification of the Injunction, but again, not the modification proposed by Plaintiffs. In the past thirty years, much has been learned about whether any agent can ever achieve disestablishment of segregation in public housing and about the causes of existing segregated neighborhoods in Chicago. The location of public housing units and tenant assignment procedures, the violations of law that originally supported the Injunction, were only two of many factors in 1969. Other factors, well beyond the CHA's control, have become dominant over the years, including:

- the creation and growth of suburbs, resulting in part from the phenomenon of white flight;
- seemingly impenetrable barriers to integration through the relocation of inner-city families, notwithstanding the community and judicial efforts for the past twenty-nine years to enforce the Fair Housing Act;
- the changed demographics of the City, as shown by the public housing population in 1966 (29% African-American/71% White) and in 1996 (85% African-American/11% White/4% Other);
- effects of past and current race discrimination by neighborhoods, suburbs, employers, unions, financial institutions, and other private parties;

¹(...continued)

§ 101(e)(Title II, § 202), Apr. 26, 1996, 110 Stat. 1321-279 renumbered Title I Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327. This is another substantial change in law that dramatically affects public housing policy in Chicago and provides a separate basis for modifying the Injunction, but certainly not to limit the choice of displaced residents to live where they want to live as would happen under Plaintiff's proposed modification.

- effects of past discrimination by governmental entities, such as the City and the Board of Education documented in connection with the creation of minority set-aside programs and in judgments and Injunctions in other institutional reform litigation;
- persistent poverty notwithstanding substantial federal poverty programs from 1965 forward;
- joblessness, identified by some sociologists as the major source of inner-city decay, which seems virtually unsolvable for public housing resident and applicants; and
- increased ghettoization due to the loss of middle class minority families in the inner city, crime, drugs, guns, gangs, lack of family structure, generations of welfare dependence, and hopelessness, to name but a few societal causes.

Any modification of the Injunction should be based on reality, and on what can be accomplished, under all of the relevant circumstances. See, e.g., Freeman v. Pitts, 503 U.S. 467, 112 S. Ct. 1430 (1992); Rufo v. Inmates Of The Suffolk County Jail, 502 U.S. 367, 112 S. Ct. 748 (1992); Swann v. Charlotte-Mecklenburg Bd. of Educ., 402 U.S. 1, 91 S. Ct. 1267 (1971). How would Plaintiffs' proposed modification be judged under a careful scrutiny of these factors? The Plaintiffs have not told us their view.

II. FEDERALISM

Even assuming, arguendo, that Plaintiffs have established that all of the relevant factors support the proposed modification of the Injunction is appropriate, Plaintiffs fail to address even generally the significant burden that federal court prospective injunctions impose on state and local governments, let alone the impact of their proposed modification on the federalism balance in this case. The Supreme Court and the Seventh Circuit have admonished against judicial usurpation of local governmental powers, and have directed district courts to consider federalism concerns when crafting any remedial relief against a state or local government.

A. Prospective Injunctions Governing Local Governments Not Favored

Permanent federal court control over the operations of the CHA violates principles of federalism. Rufo, 502 U.S. at 392, 112 S. Ct. at 764; Evans v. City of Chicago, 10 F.3d 474, 477-478 (7th Cir. 1993) (citing Missouri v. Jenkins, 495 U.S. 33, 110 S. Ct. 1651 (1990)). Even though the Injunction was originally justified due to the substantial federal claim in this case, federalism must be considered now that Plaintiffs seek to extend the relief in the Injunction. Again, however, Plaintiffs' Motion does not speak to the federalism concerns that are raised by the Motion.

B. The Waiver Process Is Burdensome and Intrusive on Local Government

In this case, in particular, the Injunction has imposed a substantial burden on the CHA, and under the proposed modification that burden would only increase. Plaintiffs' proposed modification, which would impose severe locational restrictions on the use of Section 8 certificates² (they could only be used in white areas and areas deemed by the Court to be revitalizing) is contrary to current federal statutory law. Public housing authorities are prohibited from limiting the geographic area in which an eligible family can use the Section 8 certificates that are allotted to the housing authority in its general allotment; specifically, the law provides that such certificates may be used by the recipients in the same state in which the housing authority is located, or in a different state provided that the family uses the

² 42 U.S.C. § 1427f (1990). The Section 8 program, created by Congress, is wholly funded by the federal government and administered by HUD, an agency of the executive branch of the federal government. Each year, HUD allots a specified number of Section 8 certificates to local public housing authorities in accordance with a statutory formula. Local housing authorities are not required, nor do they have the unconditional right, to participate in the Section 8 program. Instead, they must meet statutory and regulatory requirements and agree, among other things, to implement the program in accordance with the federal statute and HUD regulations and to formulate a preference scheme for distributing the certificates pursuant to a notice and comment process.

certificate in a metropolitan area that is contiguous with the local authority's metropolitan area. 42 U.S.C. § 1437f(r)(1) (1990). Thus, if Plaintiffs' proposed modification were to be entered, the CHA would be forced to violate federal law and possibly be penalized by HUD. Alternatively, CHA would, in order to use the certificates lawfully, have to obtain a waiver from the Gautreaux Court in order to use Section 8 certificates in accordance with federal statutory law.

In this case, the process of obtaining waivers has already imposed burdensome and intrusive constraints on the CHA. For example, the CHA's present redevelopment projects comply with federal law and policy, but are prohibited by Gautreaux. In order to begin those efforts, the CHA was forced to obtain a waiver, and forced to negotiate with Plaintiffs' attorney on the terms of an agreed order allowing the proposed development to take place. In addition, the CHA must continue to negotiate Plaintiffs' counsel regarding ongoing activities at development sites. Agreed orders are possible if the CHA, as it has done in the past, is willing to defer to some or many of the requests made by Plaintiffs' counsel. Just as a government entity may choose to enter into a consent decree in order to avoid the cost and delay of litigation, the CHA has been highly motivated in the past to negotiate an agreed order modifying the Injunction. This is the only way the CHA could proceed with the redevelopment projects, absent a battle in court over such issues.

But, the end-result of the waiver process is that the CHA ends up with a program that is not the program that would have been established had the CHA followed its own policies and those of the federal government, as was clearly the case in Horner. In other words, the waiver process in which the parties and the Court have been engaged (and will continue to be engaged if the Motion is granted) forces a local government to negotiate with

a private individual who may have a contrary public housing philosophy, as is true in this instance, providing him with significant leverage and effective control over government policy and actions. The process is not only unduly burdensome, but violates firmly established principles of federalism as well.

III. SEPARATION OF POWERS

Even assuming, arguendo, that Plaintiffs' proposed modification properly balances federalism concerns, the modification nonetheless raises additional serious concerns about separation of powers. It is axiomatic that a federal court's remedial order must not itself create or perpetuate a constitutional violation. Rufo, 502 U.S. at 391, 112 S. Ct. at 763. Yet, Plaintiffs' proposed modification violates the Constitution's separation of powers design.

A. The Proposed Modification Would Enact a Gautreaux Section 8 Program

Plaintiffs are proposing the modification only because without it, federal statutory law would prevent the CHA from using its Section 8 certificates in the manner proposed by Plaintiffs. Specifically, under federal statutory law, local housing authorities may not geographically limit Section 8 certificate recipients in the use of their certificates; if a housing authority were to impose such limitations, the housing authority would risk losing the certificates, or face some other penalty from HUD. 42 U.S.C. § 1437f(r)(1) (1990). Yet, Plaintiffs are asking this Court to order the CHA to geographically limit recipients in the use of their certificates. By asking the Court to order the CHA to use its allotment of Section 8 certificates in a manner that is directly at odds with the manner set forth by Congress in a duly enacted statute, Plaintiffs are, in substance, improperly asking this Court to enjoin the enforcement of Congress' Section 8 program, and to "enact" in its stead

Plaintiffs' preferred version of Section 8 -- the Gautreaux Program³. Cf. Alliance To End Repression v. City of Chicago, 742 F.2d 1007, 1019 (7th Cir. 1984). Clearly, such an act on the part of this Court is impermissible. As the Supreme Court aptly stated in Mobil Oil Corp. v. Higginbotham, 436 U.S. 618, 625-26, 98 S. Ct. 2010, 2015 (1978):

There is a basic difference between filling a gap left by Congress' silence and rewriting rules that Congress has affirmatively and specifically enacted. In the area covered by the statute, it would be no more appropriate to prescribe a different measure of damages than to prescribe . . . a different class of beneficiaries. . . .[W]e have no authority to substitute our views for those expressed by Congress in a duly enacted statute.

B. A Federal Housing Program Should Not Be Subjected To A Waiver Process

The waiver process, discussed above, also implicates separation of powers concerns. Enjoining the CHA's lawful use of a federal housing program, and requiring compliance with federal statutory law to be subjected to the waiver process, is the antithesis of the balance of power allocated by the Constitution to the three branches of the federal government.

C. HUD Takeover of CHA Must Be Considered

HUD's takeover of the CHA was almost two years ago, a circumstance that is ignored by Plaintiffs in their Motion. The CHA is more than a local government entity—it is controlled by HUD through its Executive Director Joseph Shuldiner. Thus, Plaintiffs must show that there is a need to expand federal court jurisdiction over a local government agen-

³ In addition to the general yearly allotment of Section 8 certificates at issue here, the Secretary of HUD has been granted the discretion to create special Section 8 programs with additional funds. Indeed, the Secretary did so in creating the Gautreaux Program. Plaintiffs now ask the Court to force the Secretary to transform the CHA's general allotment into a special Section 8 program. However, the Secretary cannot rewrite express statutory guidelines concerning the general allotment.

cy, such as the CHA, that is already under the direct control of the federal government's housing agency.

D. Plaintiffs' Modification Would Control HUD Through Control of CHA

HUD has provided (or will have by the end of the fiscal year, depending on the Court's ruling on HUD's pending motion) the last of the Gautreaux remedy funding and the last Section 8 certificates in the program created by the 1981 Consent Decree. HUD's obligation to provide Section 8 certificates as part of the Gautreaux remedy, and its commitment to provide units for 7,100 persons in the Gautreaux class, constituted the deal that the Plaintiffs negotiated with HUD. HUD has no further obligations regarding the use of Section 8 certificates in Chicago.

HUD is, of course, required to comply with current federal law and policy, which requires that Section 8 certificate recipients be permitted to use the certificates throughout the state, and that HUD to impose statutory penalties on the CHA for unauthorized use of the certificates. 42 U.S.C. § 1437f(r)(1) (1990). If Section 8 certificates are controlled by this Court under the authority of the Gautreaux judgment order, Plaintiffs indirectly will be obtaining more relief from HUD than they agreed to under the Consent Decree. Cf. United States v. Board of Educ. of the City of Chicago, 11 F.3d 668 (7th Cir. 1993). Plaintiffs should not be allowed to control HUD's Section 8 program in Chicago through an injunction against the CHA.

E. Plaintiffs Seek to Control Congress' General Spending Powers

Plaintiffs' Motion explicitly identifies Congress and its spending policies as the primary cause of the immediate "harm" that their proposed modification attempts to address:

[B]ecause of (1) the impending exhaustion of scattered site funds (virtually no new incremental funding for public housing construction is being provided by Congress),

and (2) the impending termination of the Gautreaux Program . . . , the two principal remedial mechanisms in this case will no longer be able to provide relief to the remaining plaintiff class families Motion at ¶ 4

Thus, according to Plaintiffs, if Congress is refusing to fund scattered housing sites, this Court should order the use of the federal funds appropriated by Congress to Section 8, in order to continue the federal government's funding of the Gautreaux remedy.

In United States v. Board of Educ. of the City of Chicago, the Seventh Circuit analyzed a similar situation in which a state finance authority refused to fund activities required to be performed by the Chicago Board of Education under a consent decree entered into by the Board. 11 F.3d at 673. In denying the relief sought by Plaintiffs, the court reasoned as follows:

[T]he decree assumes rather than requires that the schools have resources sufficient to enable them to operate. The decree does not purport to assure that the schools will have those resources. Had such assurance been desired, the decree would have been worded differently and, more important, it would have named additional parties as defendants, since the Chicago public-school system is not self-financing.

Id. (emphasis in original).⁴ Plaintiffs' Motion does not cite to any portion of the Injunction that mandates federal funding of the activities required of the CHA. Indeed, one provision of the Injunction that does speak to the issue of funding merely requires CHA to make "applications for allocations of federal funds." Gautreaux v. Chicago Hous. Auth. 304 F. Supp. 735, 741, Article VIII (1969).

⁴ In this case, plaintiffs did in fact name HUD (the source of federal funds) as a defendant, but agreed in the 1981 Consent Decree to limit HUD's financial obligation to the plaintiffs. Plaintiffs should not be permitted to seek more relief from HUD in the guise of modifying an Injunction against the CHA.

F. Plaintiffs' Interpretation of the "All Affirmative Acts" Requirement Of The Injunction Requires the CHA to Violate Duly Enacted Acts of Congress

Plaintiffs' Motion also suggests that despite the fact that the Section 8 program is not mentioned in the Gautreaux Injunction, the CHA must use its Section 8 program in conformity with their proposed modification in order to comply with the Injunction's "affirmatively administer" provision. Gautreaux, 304 F. Supp. at 741, Article VIII(A). However, in Alliance to End Repression, the Seventh Circuit, in part out of a "due regard for the separation of powers," refused to adopt the literal meaning of a disputed phrase in the FBI consent decree. 742 F.2d at 1019, 1013 ("[I]t is permissible to construe unambiguous language where construction is necessary to determine the intended rather than the literal meaning of the decree. . . . One thing to consider is the consequences of alternative interpretations.") Here, to adopt Plaintiffs' interpretation and application of the "affirmatively administer" phrase, the Court would have to attribute to Judge Austin (the drafter of the Injunction) an intent to "put a district judge in charge of [HUD] in Chicago," that is, an intent to intrude on Congress' constitutional responsibilities. Id. at 1019.⁵

IV. EQUAL PROTECTION

In the same vein as the separation of powers issues, Plaintiffs' proposed modification raises, but does not address, significant issues regarding equal protection. The

⁵ Although Plaintiffs' Motion implies that the CHA is not administering the current Section 8 program in a manner that affirmatively addresses past discrimination, Plaintiffs do not explicitly make such an argument. Indeed, because the CHA is administering the program in a manner that is consistent with the relevant statute and regulations, Plaintiffs would have to establish that the federal Section 8 program is somehow violative of the federal Fair Housing Act in order to establish that the CHA is failing to affirmatively administer its programs in compliance with the Injunction. See NAACP v. Secretary of Hous. & Urban Dev., 817 F.2d 149 (1st Cir. 1987) (secretary must administer housing programs in a manner that affirmatively addresses discrimination).

Gautreaux plaintiff class consists of “[African-American] tenants of and applicants for public housing in Chicago.” 304 F. Supp. at 737, Preamble. Plaintiffs’ Motion asks this Court to require the CHA to create a preference in Chicago whereby eligible African-Americans would receive Section 8 certificates before any eligible non-African-Americans and to limit the use of the certificates received by African-Americans to certain designated areas of Chicago—namely, the “general areas” specified under the Gautreaux judgment order. Motion at ¶¶ 5, 7. Yet, a policy of this nature would violate the Constitution.

Plaintiffs’ proposed modification creates a quota system within the Section 8 program (30,000 African-Americans must be offered Section 8 certificates which can only be used in specified geographic locations).⁶ Although the Supreme Court has held that race-conscious remedies that burden some minorities may be permissible in the face of an adjudicated constitutional violation, Swann v. Charlotte-Mecklenburg Bd. of Educ., 402 U.S. 1, 28, 91 S. Ct. 1267, 1282 (1971), even the Swann Court refused to sanction the use of burdensome racial quotas to remedy past discrimination and segregation. Id. at 22-25. In addition, the Swann Court emphasized that “there are limits” on the use of race-conscious remedies, even when such remedies are used in the name of remedying past discrimination. Id. at 28.

In any event, the current Court has clarified that the use of “remedial” or “benign” race classifications designed to remedy past discrimination must be “narrowly tailored.” Shaw, 116 S. Ct. at 1905. Plaintiffs’ proposed modification is not narrowly tailored. Plaintiffs propose that all of the Section 8 certificates granted to the City by the

⁶ The constitutional rights of other racial and ethnic minorities eligible for public housing are violated if African-Americans have a priority to claim a Section 8 certificate.

federal government be used first for African-Americans, yet African-Americans have been able to apply for Section 8 certificates since 1974 when the program was created.

Plaintiffs also propose that only African-Americans be limited in the geographic area in which they may use the certificates. Yet, at the time of the Gautreaux decision, Judge Austin found that CHA had discriminated against Plaintiffs on the basis of race by denying them the option of leasing public housing in predominantly white neighborhoods; the harm to the Plaintiffs was certainly not the mere fact that they were living in predominantly African-American neighborhoods. Gautreaux, 296 F. Supp. at 910-12. Instead, Judge Austin found that the CHA had denied Plaintiffs the option of choosing where to lease public housing both by building a disproportionate amount of public housing in African-American neighborhoods and by setting racial quotas for each of its housing projects. Id. at 915. The proposed modification similarly would deny eligible African-Americans the option of choosing where to rent public housing. In addition, the proposed modification would harm African-American landlords who own buildings in predominantly African-American neighborhoods, by denying them the opportunity of renting to those Section 8 certificate holders who are likely to choose to rent in their neighborhoods.

V. PLAINTIFFS MUST ESTABLISH THAT THE PRINCIPAL OBJECTS OF THE INJUNCTION HAVE NOT BEEN ACHIEVED

Where the party moving for a modification is the party who obtained injunctive relief, the movant must also demonstrate that the “principal objects” of the injunction have not been achieved in order to justify the modification. United States v. United Shoe Mach. Corp., 391 U.S. 244, 250, 88 S. Ct. 1496, 1500 (1968); City of Chicago, 663 F.2d at 1360. Here, Plaintiffs appear to be claiming that the remaining principal object of the Injunction is to provide 30,000 class members (out of 40,000) with relief to which each is

entitled. The Injunction did not hold or even suggest that each African-American resident in or applicant for public housing in Chicago was entitled to personal relief.

According to the judgment order, the two principal objects of the Injunction were (1) to "disestablish[] the segregated public housing system which has resulted from CHA's unconstitutional site selection and tenant assignment procedures," 304 F. Supp. at 741, and (2) to "remedy the past effects of the Defendant Chicago Housing Authority's unconstitutional site selection and tenant assignment procedures," 304 F. Supp. at 737. The principal object of the Injunction was not simply to move the population of African-Americans from existing public housing to the general or revitalizing areas of Chicago. Neither was the principal object to have specific proportions of Plaintiffs and whites in each area occupied by the "majority" race. The disestablishment of segregated public housing caused by the acts of the CHA is a relative concept, requiring a comparison of the demographics of the institution in question to the demographics of the population at large, among other factors.⁷ Freeman v. Pitts, 503 U.S. 467, 493-96, 112 S. Ct. 1430, 1447-48 (1992).

The focus on proportion and concentration makes sense, particularly in this case, because of the broad statutory mandate of the CHA and the extreme racial segregation of non-public housing in Chicago. The district court did not find that the CHA's policies

⁷ In 1969, the district court found that the CHA's actions caused "overconcentration" of public housing in African-American neighborhoods in proportion to the number of such families eligible for public housing. There were 188,000 white families and 76,000 African-American families eligible for public housing. The CHA had 54 family housing projects at 64 sites comprising 30,848 units. Exclusive of four segregated predominantly white projects, CHA's family housing tenants were 99 percent African-American. Most of the non-white projects were in African-American areas. It was in large part the disproportionality of units occupied, as compared to the African-Americans eligible for public housing, that influenced the Court's finding that the CHA had impermissibly used race as a factor in its site selection policy.

had created racially segregated neighborhoods in the first instance.⁸ Nowhere has the CHA been charged with the responsibility of desegregating the already racially segregated neighborhoods of Chicago. Plaintiffs have not alleged nor sustained their burden of showing that the primary objectives of the Injunction have not been met by pointing to the purported number of class members and asserting that 30,000 have not received their remedy.

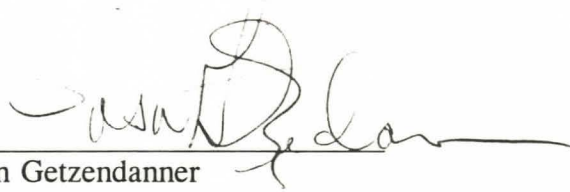
CONCLUSION

WHEREFORE, for the above reasons, the CHA respectfully requests that this Court deny Plaintiffs' Motion To Modify Judgment.

Dated: June 25, 1997
Chicago, Illinois

Respectfully submitted,

Jerome M. Butler
General Counsel for the
Chicago Housing Authority


Susan Getzendanner
Nancy Eisenhower
Skadden, Arps, Slate, Meagher & Flom (Illinois)
333 West Wacker Drive, Suite 2100
Chicago, IL 60606
(312) 407-0700
Counsel for Defendant
Chicago Housing Authority

⁸ The Gautreaux court noted that "188,000 White families eligible for public housing have understandably chosen in the main to [forgo] their opportunity to obtain low cost housing rather than to move into all Negro projects in all Negro neighborhoods." Gautreaux, 296 F. Supp. at 915. This pattern of housing preference had to be a significant contributing cause to the highly segregated neighborhoods that existed in Chicago at that time.

CERTIFICATE OF SERVICE

I, Nancy S. Eisenhower, counsel for the CHICAGO HOUSING AUTHORITY, hereby certify that on Wednesday, June 25, 1997, I caused a copy of DEFENDANT CHICAGO HOUSING AUTHORITY'S RESPONSE TO PLAINTIFFS' MOTION TO MODIFY JUDGMENT ORDER to be served via Federal Express to Carole Wilson, Esq., at the address listed below and via hand delivery on remaining counsel listed below:

Lewis M. Nixon, Esq.
John Jensen, Esq.
U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
77 West Jackson Boulevard
Suite 2620
Chicago, Illinois 60604

Alexander Polikoff, Esq.
BUSINESS AND PROFESSIONAL PEOPLE
FOR THE PUBLIC INTEREST
17 E. Monroe Street
Suite 212
Chicago, Illinois 60603

Michael L. Shakman, Esq.
Barry A. Miller, Esq.
Edward W. Feldman, Esq.
Derek L. Cottier, Esq.
MILLER, SHAKMAN, HAMILTON,
KURTZON & SCHLIFKE
208 South LaSalle Street
Suite 1100
Chicago, Illinois 60604

Linda Wawzenski, Esq.
ASSISTANT U.S. ATTORNEY
Deputy Chief, Civil Division
Suite 500
219 South Dearborn Street
Chicago, Illinois 60604

Carole Wilson, Esq.
Office of General Counsel
U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
451 Seventh Street, S.W.
Washington, D.C. 20410



Nancy S. Eisenhower