

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

DOROTHY GAUTREAUX, et al.,

Plaintiffs,

v.

THE CHICAGO HOUSING AUTHORITY, etc.
et al.,

Defendants.

No. 66 C 1459

*Received by
Messenger
3/30/68
LSP*

MOTION FOR SUMMARY JUDGMENT

The Chicago Housing Authority and its Executive Director, defendants, by their attorneys, pursuant to Rule 56 of the Federal Rules of Civil Procedure, move the Court for summary judgment for the defendants on the grounds that:

(1) The determinative allegations made by plaintiffs against defendants in plaintiffs' Complaint, and upon which plaintiffs' claim for relief is based, are set forth in paragraphs 16 and 17 of Counts I and II of the Complaint as follows:

"16. Since 1950 substantially all of the sites selected by the Authority for regular family public housing projects have been in Negro neighborhoods and within the areas known as the Negro Ghetto because the Authority has deliberately chosen sites for such projects which would avoid the placement of Negro families in white neighborhoods....

"17. The authority deliberately chose Negro neighborhoods for each of the sites for the Five Proposed Projects and for the Twelve Proposed Projects to avoid the placement of Negro families in white neighborhoods."

(2) The affidavit of C. E. Humphrey, in support of this motion, attached hereto shows that there is no genuine issue of

material fact as to the foregoing allegations and that the
defendants are therefore entitled to judgment as a matter of law.

Wm. J. Hurley

One of defendants' attorneys

JOHN W. HUNT
WILLIAM J. HURLEY
38 South Dearborn Street
Chicago, Illinois 60603
346-5100

KATHRYN M. KULA
55 West Cermak Road
Chicago, Illinois
225-9700

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

DOROTHY GAUTREAUX, ODELL JONES,
DOREATHA R. CRENCRAW, EVA RODGERS,
JAMES RODGERS and ROBERT M. FAIRFAX,

Plaintiffs,

vs.

THE CHICAGO HOUSING AUTHORITY,
a Corporation, and ALVIN E. ROSE,
Executive Director,

Defendants.

NO. 66 C 1459

AFFIDAVIT OF C. E. HUMPHREY
IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

C. E. HUMPHREY, being first duly sworn deposes and says:

(1) He is the Executive Director and Secretary of the Defendant CHICAGO HOUSING AUTHORITY ("CHA"), which position he has held since November, 1967, and, as such, has supervision of its books and records and bears over-all administrative responsibility for its operation and management.

(2) Prior to being Executive Director he was Deputy Executive Director of the Defendant CHA, which position he held from May, 1957 to November of 1967 and, as such, had supervisory and administrative responsibility for certain phases of CHA operations, including selection of sites for the development of low-rent public housing in the City of Chicago.

(3) Prior to being Deputy Executive Director, he was the Director of the Development Department of the Defendant CHA, which

position he held from March, 1953 to May of 1957 and, as such, had responsibility for preparation of development programs for the construction of low-rent public housing in the City of Chicago which included responsibility for locating suitable sites.

(4) He has personal knowledge that in CHA's selection of suitable sites, all sections of the City have been canvassed and that the racial character of the neighborhood has never been a factor in CHA's selection of a suitable site for development of low-rent public housing.

(5) CHA does not have, and has never had, any site selection policy, written or unwritten, which is or has been intended or designed to keep Negroes out of white neighborhoods.

(6) Since 1949 approval of the City Council of the City of Chicago has been required by state law as a condition precedent to acquisition by CHA of any sites for development of public housing.

(7) Over the years CHA has considered and recommended for City approval numerous sites located in white or substantially white neighborhoods for the development of low-rent public housing for families, as hereinafter more specifically set forth.

(8) On June 16, 1950, the Commissioners of CHA by Resolution No. 50-CHA-69 approved the acquisition and development for low-rent public housing of a vacant site owned by The Sanitary District of Chicago; CHA's acquisition of this site, consisting of approximately 12,000 acres and located in an all white neighborhood between Foster and Bryn Mawr Avenues on the West Bank of the North Shore Channel, was approved by the City Council of the City of Chicago on August 4, 1950; Section 9 of the Illinois Housing

Authorities Act, Ill. Rev. Stats., 1967, Chapter 67 1/2, provides in pertinent part that no property belonging to a government may be acquired by a local housing authority without the consent of the governmental body owning the property; the Sanitary District of Chicago at the request of CHA authorized on September 28, 1950 execution of a 99 year lease with the Chicago Housing Authority for the property in question; on December 11, 1950, prior to the execution of a lease between the parties, the Sanitary District rescinded and cancelled the action of September 28, 1950, and voted not to sell or lease the property in question to the CHA.

(9) On June 16, 1950, the Commissioners of CHA by Resolution No. 50-CHA 72 approved the acquisition and development for low-rent public housing of a vacant site owned by the Chicago and Western Indiana Railroad Company and the Belt Railway Company of Chicago; CHA's acquisition of this site, consisting of approximately 21 acres and located between 105th and 108th Streets and Oglesby Avenue, an all white neighborhood, was approved by the City Council of the City of Chicago on August 4, 1950. On October 8, 1951, the CHA filed a petition in the Circuit Court of Cook County seeking to condemn the property in question; on April 19, 1952, CHA filed a petition with the Illinois Commerce Commission as required by law requesting the Commission to grant its approval for acquisition by CHA of said tract of land; after several hearings, the Illinois Commerce Commission on April 28, 1953 denied the petition of CHA for approval to acquire the property hereinabove identified.

(10) 1955 Program:

On January 24, 1955, the Commissioners of the CHA by Resolution No. 55-CHA-7, approved acquisition of 25 sites for the construction of from 3,626 to 4,528 apartments for families of low income. Four of these sites, identified as 89th and Avenue O, 115th and Vincennes, 115th and Morgan, and 44th and Lavergne, numbered 15, 18, 19 and 25 in Exhibit A, attached hereto and made a part hereof, accommodating from 1,650 to 1,850 dwelling units or 45% of the total program, were located in white or substantially white neighborhoods.

Said sites were included in an ordinance introduced into the City Council of the City of Chicago on March 15, 1955 at the request of CHA, which ordinance was referred to the Committee on Planning and Housing; said Committee recommended to the City Council and the City Council adopted an ordinance on May 12, 1955 approving sites for acquisition by CHA which excluded six of the original sites, identified as 89th and Avenue O, 115th and Vincennes, 115th and Morgan, 44th and Lavergne, Oakwood and Ellis, and 95th and Wentworth.

(11) 1956 Program:

On February 15, 1956, the Commissioners of CHA by Resolution No. 56-CHA 22 approved eleven sites for the construction of from 4,870 to 6,110 apartments for families of low income. Four of these sites identified as 87th and Baltimore, 44th and Lavergne, 130th and Exchange and 115th and Morgan; numbered 7, 9, 10 and 11 in Exhibit "B" attached hereto and made a part hereof, accommodating from 1,460 to 1,850 apartments or 30% of the total program, were located in substantially white neighborhoods.

Said sites were included in an ordinance introduced into the City Council of the City of Chicago on February 24, 1956 at the request of CHA, which ordinance was referred to the Committee on Planning and Housing. Said Committee recommended to the City Council and the City Council adopted an ordinance on May 9, 1956 approving sites for acquisition by CHA which excluded six of the original sites, identified as 87th and Baltimore, 44th and Laverne, 130th and Exchange, 115th and Morgan, 31st and South Park, and 130th and St. Lawrence.

(12) 1958 Program:

On May 21, 1958, the Commissioners of CHA by Resolution No. 58 CHA-58 approved eleven sites for the construction of approximately 3,261 apartments for families of low income. Two of these sites identified as 87th and Mackinaw and 27th and Shields, numbered 9 and 11 in Exhibit "C" attached hereto and made a part hereof, accommodating approximately, 1,019 apartments or 31% of the total program, were located in substantially white neighborhoods.

Said sites were included in an ordinance introduced into the City Council of the City of Chicago on May 28, 1958 at the request of CHA, which ordinance was referred to the Committee on Planning and Housing. Said Committee recommended to the City Council and the City Council adopted an ordinance on December 29, 1958 approving sites for acquisition by CHA which excluded four of the original sites identified as 87th and Mackinaw, 27th and Shields, 50th and Cottage Grove and Maxwell and Miller.

(13) New programs for the development of public housing in the years from 1958 to 1964 were confined to housing for the elderly and, consequently, with one exception* no programs for development of housing for families were undertaken during that period.

(14) CHA owns and operates housing for elderly persons totalling 5,050 apartments of which 2,751 (54 1/2%) are in white or substantially white neighborhoods. All of these apartments were built by CHA subsequent to 1958. In addition to the above units, CHA has 2,047 units for the elderly in various stages of design and development of which 1,170 (57%) are in white or substantially white neighborhoods. See Exhibit "D" attached hereto and made a part hereof.

(15) 1965 Program:

Early in 1965, CHA staff pursuant to law submitted to the Department of City Planning for its review eighteen sites accommodating 2,938 apartments for families of low-income; of this number nine sites accommodating 1,538 apartments (over 50% of the total program) were located in white or substantially white neighborhoods, as set forth in Exhibit "E" attached hereto and made a part hereof. Of these 9 sites, the Department of City Planning approved all except the site at Western and Flournoy. Of the remaining 8 sites, only the site at Franklin and Homan intended to accommodate 360 apartments was submitted by CHA staff to the CHA Board of Commissioners or the City Council because the Aldermen in whose wards those sites were located advised of community opposition and indicated they were opposed to such

* 346 Units at Cermak & State Street

sites in their wards. (Based on actual experience in submitting sites to the City Council for approval, CHA staff was aware that as a general rule unless the Alderman of the ward in which a proposed site was located was in favor of the proposed development, the site would not receive city approval.) The Franklin and Homan site was included in an ordinance together with other sites located in substantially Negro neighborhoods and introduced at the request of CHA into the City Council on March 24, 1965 and referred to the Committee on Planning and Housing; said Committee recommended to the City Council and the City Council adopted an ordinance on April 7, 1965 approving sites for acquisition by CHA which excluded the Franklin and Homan site.

(16) On May 26, 1965 the Commissioners of CHA by Resolution No. 65-CHA-68 authorized the acquisition of four scattered sites for development of low-rent public housing located in white or substantially white neighborhoods. Such acquisition was approved by the City Council on July 7, 1965, and development has since been completed as follows:

Location	No. of Apts.	%White -	1960 Census Tracts
51st & Blackstone	6 (Families)		94.1
53rd & Woodlawn	8 (Elderly)		45.5
55th & Woodlawn	14 (Elderly)		96.3
56th & Dorchester	6 (Family)		96.3

(17) On September 9, 1965, the Commissioners of CHA by Resolution No. 65-CHA-132 approved a development program for Project Ill. 2-51, as follows:

Location	No. of Apts.	%White - Tracts	1960 Census
Clark & Webster	100 Elderly Units		97.2
Sedgwick & Wisconsin	6 Family Units		95.1
Hudson & Sedgwick	12 Family Units		96.5

Acquisition by CHA of the above sites was authorized by the City Council on July 7, 1965.

(18) 1966 Program:

Early in 1966, CHA submitted to the Department of Development and Planning of the City of Chicago, for its review some 60 sites intended to accommodate 4,089 apartments for families of low income. Of this number 22 sites intended to accommodate 2,236 apartments (over 50% of the total program) were located in white or substantially white neighborhoods, as set forth in Exhibit "F" attached hereto and made a part hereof. Of these 22 sites, two sites located at Franklin and Albany and 118th and Wood, intended to accommodate a total of 436 apartments, were included in an ordinance together with ten other sites located in Negro or substantially Negro neighborhoods, and introduced into the City Council on June 23, 1966 and was referred to the Committee on Planning and Housing. Said Committee recommended and the City Council adopted an ordinance on July 11, 1966 approving 11 sites for acquisition by CHA, which included the sites at Franklin and Albany and 118th and Wood. With respect to the other 20 sites (located in white or substantially white neighborhoods) they were not submitted by CHA staff either to the CHA Board of Commissioners or the City Council because the City's

Department of Development and Planning either (a) disapproved the site, (b) recommended deferment or (c) advised of Aldermanic opposition.

(19) All sites acquired by CHA and developed with low-rent public housing from 1950 to date have been consistent with the comprehensive plan for redevelopment of Chicago and have been approved by the Chicago Plan Commission.

/s/ C. E. Humphrey
C. E. Humphrey

Subscribed and Sworn to before me
this 3rd day of March, 1968.

/s/ Ruth M. Taylor
Notary Public

1966 PROGRAM FOR FAMILY HOUSING
(AS PROPOSED BY CHA TO DEPARTMENT
OF DEVELOPMENT & PLANNING)

<u>Site Location</u>	<u>Proposes No. of Apts.</u>	<u>1960 Census % White - Tracts</u>
Flournoy & Lockwood	72	99.9%
Monticello & Kinzie	72	99.6%
Western & Flournoy	60	96.1%
16th & Laflin	48	97.2%
16th & Throop	24	97.2%
118th & Wood	400	72.8%
92nd & Mackinaw	300	82.4%
115th & Ewing	270	100.0%
7501-31 N. Wolcott	61	99.4%
7400-24 N. Wolcott	47	99.4%
7427-55 N. Clark St.	46	99.4%
7334-72 N. Clark St.	76	99.4%
Columbus & Rockwell	26	100.0%
Archer & Pulaski	75	100.0%
Evergreen & Hoyne, Crystal & Leavitt	30	99.6%
Bell & Potomac	212	91.7%
Ohio & Paulina	126	99.0%
Damen & Erie	5	97.5%
Erie & Noble	72	99.2%
Erie & Elizabeth	42	99.2%
Franklin & Albany	36	85.3%
17th & Rockwell	<u>136</u>	99.8%
	2,236	
Van Buren & Albany	24	30.2%
Scattered Sites ()-Lawndale	350	0.0%
Fulton & Kedzie	150	6.4%
Congress & Millard	120	44.4%
California & Wilcox	54	10.4%
Sacramento & Van Buren	96	13.9%
Shland & Hastings	160	3.5%
Airfield & 12th Place	330	38.2%
Garden & Rockwell	120	38.2%

1956 PROGRAM - SITES APPROVED BY CHA
AND SUBMITTED TO CITY COUNCIL FOR APPROVAL

Site No.	Site Location	Proposed No. of Apts.	% White -	1960 Census Tract
7.*	87th & Baltimore	300 - 400	(93.4% (97.1% (45.6% (82.4%	
9.*	44th & Laverne (Leclaire Courts Extension)	200 - 250	47.7%	Census Tract
10.*	130th & Exchange	480 - 600	98%	93.2% Community Area
11.*	115th & Morgan	480 - 600	99.5%	
		1460 - 1850		
1.	43rd & State	1040 - 1300	0.4%	
2.	47th & State	1280 - 1600	0.2%	
3.	63rd & South Park	80 - 100	0.7%	
4.	38th & Cottage Grove	210 - 260	0.7%	
5.*	31st & South Park	480 - 600	0.0%	
6.	44th & Cottage Grove	160 - 200	0.5%	
8.*	130th & St. Lawrence (Murray Extension)	160 - 200	9.8%	
		3410 - 4260		
Total Units		4870 - 6110		

Sites not approved by City Council Committee on Planning and Housing, the subcommittee thereof, or the City Council of the City of Chicago.

1958 PROGRAM - SITES APPROVED BY CHA
AND SUBMITTED TO CITY COUNCIL FOR APPROVAL

<u>Site No.</u>	<u>Site Location</u>	<u>Proposed No. of Apts.</u>	<u>% White -</u>	<u>1960 Census Tracts</u>
9.**	87th & Mackinaw	900*	93.4) 45.6)	Census Tracts
			94.8)	Community Area
11.**	27th & Shields	<u>119*</u>	99.7	
		1,019*		
1.	38th & Calumet	170	0.1	
2.	43rd & Cottage Grove	460	0.7) 0.3)	
3.	44th & St. Lawrence	240	0.2) 0.5) 0.9)	
4.	58th & Normal	30	4.5	
5.	40th & Ellis	12	1.1	
6.	40th & Lake Park	220	1.1	
7.	43rd & Oakenwald (41st & Lake Park)	480	1.1	
8.**	50th & Cottage Grove	250*	1.2	
10.**	Maxwell & Miller	<u>380*</u>	1.5	
			<u>2,242</u> <u>3,261</u>	

*Estimated on basis of size of site, zoning and CHA standard densities.

**Sites not approved by City Council Committee on Planning and Housing or by City Council of the City of Chicago.

EXHIBIT "C"

ELDERLY HOUSING PROJECTS
(IN MANAGEMENT)

<u>PROJECT NAME</u>	<u>LOCATION</u>	<u>NO. UNITS</u>	<u>1960 CENSUS TRACTS % WHITE</u>
Lathrop Apts.	2717 N. Leavitt	92	99.8
5040 Kenmore Ave. Apts.	Kenmore & Winona	135	93.1
Washington Park Apts.	4949 S. Cottage Grove	92	80.0
1039 Hollywood Ave. Apts.	Hollywood & Kenmore	117	98.5
4945 Sheridan Road Apts.	Sheridan & Argyle	201	96.5
Park View Apts.	3916 W. Washington Blvd.	181	97.1
Eckhart Apts.	838 N. Noble St.	181	95.5
Bridgeport Apts.	841 W. 32nd St.	14	99.7
Yates Apts.	10513-51 Yates and 2434-40 106th St.	28	96.5
Wicker Park Apts.	1414 N. Damen Ave.	116	98.2
Shields Apts.	344 W. 28th Place	116	99.7
Armour Square Apts.	3146 S. Wentworth and 3216 S. Wentworth	198	89.1
Judge Harry M. Fisher Apts.	Broadway & Ardmore	200	98.5
Franklin Blvd. Apts.	Franklin & Drake	157	99.6
Hattie Callner Apts.	Aldine & Clark	151	88.9
Britton I. Budd Apts.	501 W. Surf St.	173	99.4
3930 N. Clark St. Apts.	Clark & Irving Park	163	98.1
Hyde Park Area Apts.	55th & Woodlawn	14	96.3
4645 Sheridan Road Apts.	Sheridan & Leland	235	93.0
ILL-2-61 (No name)	Lincoln & Sheffield	188	96.8
TOTAL UNITS IN WHITE AREAS		2,751	

EXHIBIT "D"

ELDERLY HOUSING PROJECTS
(IN MANAGEMENT)

<u>PROJECT NAME</u>	<u>LOCATION</u>	<u>NO. UNITS</u>	1960 <u>CENSUS TRACTS</u> <u>% WHITE</u>
Lake Michigan Apts.	4227 S. Oakenwald	124	1.1
Flannery Apts.	1507-31 N. Clybourn	252	18.4
Wm. C. Jones Apts.	1447 S. Ashland Ave.	116	3.7
Patrick J. Sullivan Apts.	1653 W. Madison St.	482	36.1
Garfield Park Apts.	5th & Millard	151	44.4
Raymond Hilliard Center	Cermak & State	361	44.1
Judge Frederick W. Slater Apts.	43rd & Evans	204	0.7
ILL-2-49 (No name)	69th & South Chicago	125	0.9
655 W. 65th St. Apts.	65th & Union	193	13.1
Judge Wendell E. Green Apts.	40th & Lake Park	154	1.1
Hyde Park Area Apts.	53rd & Woodlawn	8	45.5
Midwest Terrace Apts.	150 N. Campbell	129	10.5
TOTAL UNITS IN NEGRO AREAS		2,299	

RECAPITULATION

TOTAL UNITS IN WHITE AREAS	2,751
TOTAL UNITS IN NEGRO AREAS	2,299
TOTAL UNITS IN MANAGEMENT	5,050

EXHIBIT "D"

ELDERLY HOUSING PROJECTS
(IN PLANNING & DEVELOPMENT STAGE)

<u>PROJECT</u>	<u>LOCATION</u>	<u>PROPOSED NO. UNITS</u>	<u>1960 CENSUS TRACTS % WHITE</u>
ILL-2-50	Dickens & Burling	138	97.8
ILL-2-51	Clark & Webster	100	97.2
ILL-2-33	31st & Wentworth	197	89.1
ILL-2-67	Chestnut & Noble	213	95.5
ILL-2-68	Wicker Park	122	98.2
ILL-2-71	Clark & Irving Park	194	98.1
ILL-2-72	Lincoln & Sheffield	206	96.8
TOTAL UNITS IN WHITE AREA		1,170	
ILL-2-52	64th & University	165	4.2
ILL-2-57	49th & Langley	174	0.2
ILL-2-32	43rd & Princeton	324	5.7
ILL-2-70	43rd & Evans	214	0.7
TOTAL UNITS IN NEGRO AREAS		877	
TOTAL UNITS IN WHITE AREAS		1,170	
TOTAL UNITS IN PLANNING & DEVELOPMENT STAGE		2,047	

* * * * *

TOTAL RECAPITULATION

	<u>WHITE AREAS</u>	<u>NEGRO AREAS</u>	<u>TOTAL</u>
TOTAL UNITS IN MANAGEMENT	2,751	2,299	5,050
TOTAL UNITS IN PLANNING & DEVELOPMENT STAGE	1,170	877	2,047
GRAND TOTAL OF UNITS FOR ELDERLY HOUSING			7,097

1965 PROGRAM FOR FAMILY HOUSING
(AS PROPOSED BY CHA TO DEPARTMENT
OF CITY PLANNING)

Site Location	Proposed No. of Apts.	% White -	1960 Census Tracts
Franklin & Homan	350		95.6%
Monticello & Kinzie	72		99.6%
Flournoy & Lockwood	72		99.9%
Western & Flournoy	60		96.1%
16th & Laflin	48		97.2%
16th & Throop	36		97.2%
92nd & Mackinaw	300		82.4%
118th & Wood	400		72.8%
115th & Ewing	200	1,538	100.0%
Van Buren & Albany	24		30.2%
Adams & Wood	100		21.2%
Washtenaw & 12th Place	200		38.2%
Bowen & Cottage Grove	180		1.4%
43rd & Wentworth	800		5.7%
45th & Drexel	24		3.1%
50th & Michigan	24		1%
(2-28) 56th Place & Normal	24		4.5%
46th & Drexel	24	1,400	3.1%
		2,938	

1955 PROGRAM - SITES APPROVED BY CHA
AND SUBMITTED TO CITY COUNCIL FOR APPROVAL

Site No	Site Location	Proposed No. of Apts.	% White	1960 Census Tracts
15*	89th & Brandon a/k/a 89th & Avenue O	450 - 600	50% 95.2%	(Census Tract) (Community Area)
18*	115th & Vincennes	500	72%	
19*	115th & Morgan	500	100%	
25*	44th & Lavergne Leclaire Courts Extn.	200 - 250 1650-1850	47.7% 93.2%	(Census Tract) (Community Area)
1.	Roosevelt & Blue Island	320 - 400	1.5%	
2.	35th & Wentworth	600 - 800	0.3%	
3.	32nd & Prairie	105 - 140	0.1%	
4.	35th & Calumet	30 - 40	0.1%	
5.	37th & Calumet	14 - 20	0.1%	
6.	37th & Ellis	20 - 30	5.8%	
7.	37th & Lake Park	30 - 45	1.1%	
8.	40th & Langley	50 - 75	0.7%	
9.	45th & Champlain	120 - 160	0.5%	
10.	Pershing & South Park	200 - 300	0.3%	
11.*	Oakwood & Ellis	12 - 18	1.4%	
12.	Oakenwald School Area (40th & Oakenwald)	50 - 75	1.1%	
13.	50th & Cottage Grove	75 - 100	6.5%	
14.	62nd & Blackstone	15 - 25	32.4%	
16.	57th & Normal	50	4.5%	
17.*	95th & Wentworth	16 - 20	1.3%	
20.	51st & Calumet	15 - 20	3.2%	
21.	57th & Wabash	14 - 20	0.3%	
22.	63rd & Calumet	60 - 90	0.6%	
23.	63rd & Indiana	30 - 50	0.6%	
24.	63rd & Wabash	150 - 200	0.6%	
		1976-2678		
Total Units		3626-4528		

*Sites not approved by City Council Committee on Planning and Housing or by City Council of the City of Chicago

EXHIBIT "A"

12/10 Humphrey Rep 16 ul