SCHIFF HARDIN WAITE DORSCHEL & BRITTON

231 SOUTH LA SALLE STREET

CHICAGO, ILLINOIS 60604

CENTRAL 6-4500
AREA CODE 312
CABLE ADDRESS
DALLSCHIFF

April 10, 1969

The Honorable Richard B. Austin
United States District Judge
United States Court House
219 South Dearborn Street
Chicago, Illinois

Re: Gautreaux v. CHA, 66 C 1459

Dear Judge Austin:

I enclose herewith two copies of an outline of a proposed final order to serve as a basis for discussion at the progress report on the above case scheduled for 10:30 A.M. next Tuesday, April 15, 1969. Copies are of course being delivered to CHA as well.

Although we are well along in the drafting of the final order itself, we could use some additional time beyond April 15 to put that document in shape for presentation to you. Meanwhile, it seems to us desirable to discuss what we view as the principal elements of the final order. Indeed, it may be preferable that such a discussion not be encumbered with the necessarily detailed provisions of the order itself.

Very truly yours,

Alexander Polikoff

ALP:eo
Encs.
cc: James T. Otis
Jack B. Schmetterer
Robert L. Tucker

FINAL

GAUTREAUX V. CHA, NO. 66 C 1459

Outline of Proposed Final Order

I. Definitions. It will be convenient to define several terms to be used in the order, including non-white and white neighborhoods. For example, non-white neighborhoods might be defined as census tracts having, or contiguous to tracts having, 30% or more non-white population.

[Comment: CHA's testimony was that a neighborhood tends to "turn" if its non-white population reaches 30%.]

II. Location of Dwelling Units. A high percentage (80%) of all future dwelling units supplied by or through CHA should be located in white neighborhoods of the City. A portion of these (25%) could at CHA's option be located in white neighborhoods of Cook County.

[Comment: In significant part the existing segregation results from the location of almost all CHA family dwelling units in Negro or changing neighborhoods. Short of more drastic steps, the remedy must include the location of a heavy preponderance of future dwelling units in white neighborhoods. The percentage should be quite high because of the very large number of dwelling units already placed in Negro neighborhoods. Since it is widely acknowledged that low-rent housing is of metropolitan-wide concern, it is desirable that some of these units be located in the metropolitan area outside of Chicago. The suggested provision should encourage CHA to try to accomplish this.]

III. Density. Large concentrations of public housing should not be permitted. Projects or groups of projects having more than 100 dwelling units, over-concentration of public housing in a single neighborhood, and high density and high-rise elevator projects should not be possible without the specific permission of the Court, to be given only when special planned

developments assure desegregation.

[Comment: Large concentrations of public housing have contributed to segregation and compound the difficulty of achieving desegregation. Huge enclaves of low-rent housing must therefore be prevented.]

IV. Tenant Assignment. CHA's newly adopted first-come, first-served tenant assignment policy should be employed except as otherwise specified.

For the purpose of desegregating the waiting list as promptly as possible, new registrations should be temporarily ended. A determination should then be made as to how many persons on the list remain eligible for and still desire public housing (the waiting list may appear to be considerably longer than it really is). The filling of normal vacancies and of dwelling units now under construction will further deplete the list. Intensive publicity efforts should then be used to inform low-income families throughout the City (including present tenants) that large quantities of low-density desegregated public housing are to be made available in scattered white neighborhoods. Thereafter the waiting list should be reopened to new applicants (including present tenants who wish to apply for CHA projects in white neighborhoods).

To assure desegregation (defined for this purpose as not less than 40% white in a majority non-white project, and vice versa), as nearly as possible, within the larger new CHA projects in white neighborhoods (e.g., those having 20 or more dwelling units), 50% of the units in each such project would be made available (as to initial occupancy) to eligible neighborhood residents. The remaining 50% of the units would be made available to persons on the CHA waiting list. Following initial occupancy of such projects, CHA would continue to make units in them available to eligible neighborhood residents only to the extent necessary to maintain desegregation.

The same definition of desegregation and a similar means of maintaining it would be made applicable to the four nearly all white projects.

[Comment: CHA's newly adopted first-come, first-served tenant assignment policy is non-discriminatory

on its face. However, CHA's discriminatory policies of the past have produced a waiting list which is nearly all non-white. Therefore it is necessary that the new tenant assignment policy include provisions designed to assure that new larger projects in white neighborhoods do not become segregated non-white enclaves. CHA has expressed great concern as to this problem and has adverted to some arrangement entitling it to deviate from the first-come, first-served use of the waiting list to the extent necessary to maintain desegregation. Subject to review of the particular proposal, plaintiffs would be willing to consider some such additional provision in the final order to be used only where the neighborhood resident priority was inadequate to maintain desegregation.

Small (i.e., fewer than 20 units), scattered site housing does not present a segregation problem because it does not create a public housing enclave within the neighborhood. Accordingly, the "anti-segregation" provisions need not apply to such housing.

Desegregation of existing and new projects in non-white neighborhoods may not be possible in the foreseeable future. However, if desired for the sake of uniformity or otherwise, the 50% neighborhood resident priority could be made applicable to such projects.]

V. Miscellaneous.

A. Continued Supply of Dwelling Units. CHA should use its best efforts to make available to eligible residents of the City the maximum possible number of additional dwelling units in the shortest possible time, such number to be not less than the goal set forth in the City's Model Cities Plan for the period 1969 through 1973. CHA should take all steps necessary to this end, including making application for allocations of federal funds and carrying out all necessary planning and development. It should be a violation of the order for CHA or any of its agents to fail to use its or his best efforts to accomplish the foregoing purpose, or for any other government official or agency to hinder, interfere with or attempt to frustrate CHA's efforts to attain such goals. CHA

should promptly report to the Court any such hindrance, interference, or frustration.

[Comment: This provision is necessary if the remedy provided by the order is to be accomplished within a reasonable time.]

B. Reporting. Suitably detailed information respecting its progress in complying with the order should be regularly furnished by CHA to the Court and the plaintiffs.

C. Facilities in Existing Projects. CHA should submit a plan for the amelioration of unsatisfactory conditions (e.g., inadequate welfare, community and recreation facilities) in the existing massive, segregated projects, after which a hearing should be held and implementation ordered.

[Comment: It does not appear possible in the foreseeable future to achieve desegregation of the massive projects in non-white neighborhoods. CHA's creation of such massive segregated projects has rendered it extremely difficult for tenants in them to enjoy a normal community life. Accordingly, CHA should be responsible to provide or cause to be provided for such projects the facilities and services necessary to a normal community life, at least to the extent such facilities and services are available to tenants of the projects in white neighborhoods.]

D. Continuing Jurisdiction. As in school desegregation cases, the Court should retain jurisdiction to oversee the implementation of the comprehensive desegregation plan.