

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 66 C 1460
	)	
GEORGE W. ROMNEY, Secretary of	)	
the Department of Housing and	)	
Urban Development of the United	)	
States,	)	
	)	
Defendant.	)	

BRIEF OF AMICI CURIAE IN SUPPORT OF PLAINTIFFS'  
MOTION FOR SUMMARY JUDGMENT

The Urban Law Institute of George Washington University and the Citizens Advocate Center of Washington, D.C. have combined in presenting this brief to emphasize the importance of rendering a judgment against the Department of Housing and Urban Development (hereafter cited as HUD) in order to remedy the injustices perpetrated by HUD and the Chicago Housing Authority (hereafter cited as CHA) in the administration of the low-rent public housing program in Chicago. The importance of this case in the area of public housing and the future of our cities must not be underestimated.

## I. INTEREST OF THE AMICI

Urban Law Institute. The activities of the Urban Law Institute of George Washington University (hereafter cited as ULI) have focused on the very real housing deficiencies in the nation. Under the direction of attorney-professor Jean Camper Cahn, ULI has produced numerous tangible and distinctive changes in housing institutions in Washington, D.C. With the academic support and direction of George Washington University, the program has expanded and made more responsive those institutions serving the poor.

Illustrative of the changes in housing resulting from ULI activity are:

- a) On behalf of a community housing corporation, negotiations were successfully completed securing the corporation an FHA mortgage to cover renovation and also a redevelopment agency land write-down.
- b) Created the first grocery store in the country in a public housing project to overcome the obvious hardships resulting from the lack of such services.
- c) Formed a corporation to work with tenants and potential owners to secure federally insured mortgages and assume homeowner responsibilities.
- d) Intervened on behalf of client groups to successfully dissuade the local housing authority from

beginning housing construction in a greatly overcrowded area.

The Urban Law Institute also works closely with the Urban Planning Department of George Washington University in coordinating attacks on urban problems.

Citizens Advocate Center. The Citizens Advocate Center, located in Washington, D.C. and under the direction of Dr. Edgar S. Cahn, is a non-profit organization designed to function as a watchdog of federal grant-making agencies having significant impact on low-income citizens. The objective of the Center is to increase the effectiveness and responsiveness of the administrative process, including the administration of federal housing programs. The methodology used is a comparison of program performance with program requirements, usually entailing a field check by local community groups, as well as a review of agency reports and audits. In this manner, programs in several cities across the nation have been scrutinized in depth.

CAC also has worked with federal agencies in order to make their programs more responsive to the needs of the community. For example, CAC has worked with the Department of Transportation in setting up fair hearing procedures and has worked with HUD in the area of relocation of persons displaced



by housing programs.

## II. THE CASE AGAINST HUD

It is not the purpose of this brief to detail the extensive participation of HUD and its predecessor agencies in the discriminatory conduct of CHA. The activity which violated the Fifth Amendment and Title VI of the 1964 Civil Rights Act (42 U.S.A. §2000d) is convincingly set forth in plaintiffs' brief in support of a motion for summary judgment. Indeed, HUD's own pleadings acknowledge knowing participation with the illegal, discriminatory activity of CHA and thus HUD virtually admits violating plaintiffs' rights.

This case, at least with respect to questions of site selection, is almost identical to the recently decided case of Hicks v. Weaver, 302 F.Supp. 619 (1969). In that case, HUD was found

"... an active participant since it could have halted the discrimination at any step in the program. Consequently, its own discriminatory conduct in this respect is violative of 42 U.S.C. § 2000d." Hicks v. Weaver, at 623.

The important distinction between this case and the Hicks case rests in the remedy area. Whereas the court in Hicks resorted to the extreme measure of cutting off federal funds, plaintiffs here pray for more productive relief; that

is, that HUD be directed to formulate a specific program to correct the pernicious effects of over two decades of discriminatory site selection and tenant assignments in Chicago's public housing program.

There are two reasons why plaintiffs' prayer for relief is an appropriate solution to this controversy:

- 1) HUD is the only organization capable of giving effective relief.
- 2) HUD is the sole agency having the power to act with the speed warranted by the urgency of plaintiffs' positions - poor blacks concentrated in the center of the city.

HUD is the only organization capable of resolving the racial concentration of blacks in central Chicago because the problem is not restricted to the city limits of Chicago. Rather, it is a metropolitan problem necessitating a metropolitan solution. It is in the surrounding white suburbs that much of the problem lies. As the National Commission on Urban Problems has stated: "The urban problem can be described as the big city slum, and as the white suburban noose." (Report of the National Commission on Urban Problems, Chairman Paul H. Douglas, House Document No. 91-34 (1968) at p.1.)

HUD, unlike CHA, is not restricted geographically to the



city limits of Chicago in formulating a solution. And HUD, unlike CHA, is equipped with myriad housing programs which can be utilized to give the metropolitan solution this case necessitates.

The public housing program in Chicago is but one part of the ever-growing "urban problem." This case cannot be viewed in isolation for it is very much a part of that problem. Public housing, as exemplified by this case, has done much to further the racial polarization taking place in our major cities today. As described by the National Advisory Commission on Civil Disorders:

"Almost all Negro population growth (98 per cent from 1950 to 1966) is occurring within metropolitan areas, primarily within central cities.

"The vast majority of white population growth (78 per cent from 1960 to 1966) is occurring in suburban portions of metropolitan areas. Since 1960, white central-city population has declined by 1.3 million.

"As a result, central cities are becoming more heavily Negro, while the suburban fringes around them remain almost entirely white."  
(Report of The National Advisory Commission on Civil Disorders, Chairman Otto Kerner, U.S. G.P.A. 1968, p.6.)

The more recent study performed by the National Commission on Urban Problems (The Douglas Report) indicates this polarization will continue to create two societies: one black and urban,

the other white and suburban - separate and unequal.

"The overwhelming majority of the future of nonwhite population growth is likely to be concentrated in central cities unless major changes are made.

. . . . .

It is entirely possible that a greater concentration of Negroes in the central cities would be accompanied by an increase in tension and violence. If this violence is met by repressive measures there could be further polarization of blacks and whites, and the flight of more and more businesses, and therefore, jobs, from the city.

The suicidal consequences that such a possibility suggests are not pleasant to contemplate. They threaten our country." (Douglas Report, p.5.)

Thus, Chicago, like the other great cities of this nation, is becoming an increasingly all-black city. HUD, which has as a national goal the lessening of racial concentrations in the central cities, has ignored this and approved the discriminatory actions of CHA. In the process, it has aggravated the trend toward racial polarization in Chicago. One need not ponder for any great length of time to realize what is happening in the process. Our central cities are becoming the poverty, drug, disease, slum, and crime centers of our nation. The National Commission on the Causes and Prevention of Violence (Dr. Milton Eisenhower, Chairman), in its recent report issued in November, 1969, has projected the look of the city of the near future. In a few more years, lacking effective public



action, this is how these cities will look:

Central business districts in the heart of the city, ... will be largely deserted except for police patrols during nighttime hours.

High-rise apartment buildings ... will be fortified cells for upper-middle and high-income populations ...

Suburban neighborhoods, geographically far removed from the central city, will be protected by economic homogeneity and by distance from population groups with the highest propensities to commit crimes.

... ownership of guns will be almost universal in the suburbs, homes will be fortified by an array of devices ...

... armed guards will "ride shotgun" on all forms of public transportation.

Streets and residential neighborhoods in the central city will be unsafe in differing degrees, and the ghetto slum neighborhoods will be places of terror with widespread crime, perhaps entirely out of police control during the nighttime hours.

Between the unsafe, deteriorating central city on the one hand and the network of safe, prosperous areas and sanitized corridors on the other, there will be, not unnaturally, intensifying hatred and deepening division. (Commission Statement on Violent Crime: Homicide, Assault, Rape, Robbery, by the National Commission on the Causes and Prevention of Violence, Chairman, Dr. Milton S. Eisenhower, November, 1969, pps. 16-17.)

The Eisenhower Report, the third report by a national commission on urban problems in as many years, paints the above picture of our cities to stress the urgency of the problem. The facts are that as each day passes, the racial polarizations in



the central city and suburb continue. The situation in Chicago is particularly acute as pointed out by two urban experts:

"... the fact remains that the sheer numbers required for dispersal of the ghetto through suburbanization make the occurrence unlikely. For example, achieving the population level of 350,000 blacks outside the central city of Chicago by 1980 ... would require a net migration plus natural increase of 15,000 blacks per year for the next 15 years." (W. W. Stafford and J. Ladner, Comprehensive Planning and Racism, in the Journal of the American Institute of Planners, March 1969, No. 2, p. 73.)

Clearly, the time for effective action is now. HUD, which administers a multitude of programs which can be utilized in effectuating programs to alleviate the racial concentrations in the central city, stands before this court as the admitted participant with the Chicago Housing Authority in a program to separate the races in public housing. To remedy this inexcusable conduct, plaintiffs have prayed for an order against HUD directing it to create an imaginative, comprehensive program to erase the effects of two decades of systematic housing discrimination in site selection and tenant assignment. The Urban Law Institute and the Citizens Advocate Center offer their services in formulating such a program.

In light of the growing effort to make the law an ally rather than enemy of the poor, as well as for the pressing reasons noted above, this court should not hesitate to fashion

an order that will bring relief not only to public housing tenants such as the plaintiffs but to the entire community as well. HUD has both the legislative mandate and the tools to do the job. It is an unhappy commentary on our institutions that this court must furnish HUD the will.

Respectfully submitted,

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of George Washington University

Edgar S. Cahn  
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Center

By: \_\_\_\_\_  
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No. 66 C 1460

GEORGE W. ROMNEY, Secretary of  
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States,

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MOTION OF AMICI CURIAE FOR LEAVE TO FILE BRIEF IN  
SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Now come the Urban Law Institute of George Washington University and the Citizens Advocate Center, by their attorneys, and respectively move this Court for leave to file their brief, attached hereto, as amici curiae, in support of plaintiffs' motion for summary judgment, filed October 31, 1969. In their brief, attached hereto, the amici state their interest in this proceeding and their reasons in support of the desirability of a brief amicus curiae in this cause.

Respectfully submitted,

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December 4, 1969



## EASTERN DIVISION

No. 66 C 1460

Defendant. )

Robert L. Stern, Attorney for  
Amici Curiae



Received a copy of the above notice and the motion and brief  
therein referred to this \_\_\_\_ day of December, 1969.

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Assistant United States Attorney