

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

NO. 71-1732-33-34, 71-1807

DOROTHY GAUTREAUX, et al.,)	
)	
Plaintiffs-Appellees,)	
)	On Appeal From The United
vs.)	States District Court for
)	The Northern District of
GEORGE W. ROMNEY,)	Illinois.
)	
Defendant-Appellant.)	
)	
and)	Honorable
)	Richard B. Austin,
THE CITY OF CHICAGO, CENTRAL)	District Judge.
ADVISORY COUNCIL, and)	
CHICAGO HOUSING AUTHORITY,)	
)	
Intervenor-Appellants.))	

REPLY BRIEF FOR INTERVENOR-APPELLANT
CITY OF CHICAGO.

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The plaintiffs' brief is characterized by a refusal to join issues; rather, it proceeds by avoiding the issues. Thus, for example, it displays a perhaps understandable reluctance to deal with either the plain language of Section 602 of the Civil Rights Act, the congressional debates concerning its passage, or

the first case construing the statute, Board of Public Instruction v. Finch, 404 F.2d 1068. All of which, of course, establish the discrete nature of various federal funding programs.

Similarly, plaintiffs ignore the plain language of the model cities statute and the relevant regulations in attempting to tie model cities to public housing via the statutes' respective relocation provisions. The pertinent language, with emphasis supplied, is from 42 U.S.C. sec. 3307:

"(a) A comprehensive city demonstration program shall include a plan for the relocation of individuals, families, business concerns, and non profit organizations displaced or to be displaced in the carrying out of such program."

HUD's regulations (a copy of which appears as an attachment to the Objections of Plaintiffs to Motion of Intervenor-Appellants to Suspend and Vacate an Order of the District Court, filed in Nos. 71-1732-33-34) are framed in the same language:

"1. PURPOSE. This CDA letter describes the relocation policies which will govern displacement caused by activities included within a Comprehensive City Demonstration Program."

* * * * *

"The Program must provide for an increase in the supply of standard, newly-constructed or rehabilitated low-and moderate-income housing units not less than the aggregate number of households displaced as a result of the Program." (Regulations p.1, emphasis supplied.)

Plaintiffs' elaborate efforts to inflate the significance of the model cities relocation provisions is, again, understandable. For by, in effect, re-writing the model cities statute as simply one more federal housing program, plaintiffs hope to forge the missing link between the NDP urban renewal program and the model cities social service program. But in light of the language quoted above, plaintiffs' denial that model cities relocation requirements are limited to providing relocation housing for displacement caused by model cities itself is difficult to understand, as is their assertion that

"The language of the model cities statute and regulations is plainly not so limited...."
(Appellees' Br., p.21.)

The testimony in the district court, of course, established that model cities relocation needs--which were minimal--had been met (App., Vol. I, pp. 164-6). There is not one word in the Record to the contrary. As a result, it is embarrassingly obvious that plaintiffs by finding an "independent" ground for the district court's order in the City's alleged failure "to comply with HUD relocation requirements in its model cities (as in its NDP) program" (Appellees' Br., p.23), are simply putting words in the mouth of the district judge who was himself "fully aware that this has nothing to do with housing...." (T.792)

Similar examples of logical leap-frog pervade the Appellees' Brief. All, however, are subsidiary to the curious logic which is at the core of plaintiffs' argument: we have been assured, in another context, that in wartime it may be possible to "save" a city by destroying it; here, plaintiffs seem to urge that we can enrich a community by impoverishing it. The City of Chicago finds such logic unpersuasive.

Conclusion.

For the foregoing reasons and those stated in the Appellant's Brief of the City of Chicago, the City of Chicago respectfully requests this Court to vacate the order of injunction entered November 11, 1971.

Respectfully submitted,

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PROOF OF SERVICE

Daniel Pascale, one of the attorneys for the City of Chicago, certifies that on January 18, 1972, he caused two copies of the above and foregoing brief to be served upon counsel for each party separately represented.

Daniel Pascale