

Corrected
2/28/19

IN THE UNITED STATES DISTRICT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOROTHY GAUTREAUX, ODELL JONES, DOREATHA
R. CRENCHAW, EVA RODGERS, JAMES RODGERS,
ROBERT M. FAIRFAX, JIMMIE JONES,

No. 66 CV 1459

Plaintiffs,

Chicago, Illinois

vs.

January 17, 2019

CHICAGO HOUSING AUTHORITY, et al.,

10:30 o'clock a.m.

Defendants.

TRANSCRIPT OF PROCEEDINGS -
Joint motion for final approval of case settlement
BEFORE THE HONORABLE MARVIN E. ASPEN

For the Plaintiff: BUSINESS & PROFESSIONAL PEOPLE FOR THE
PUBLIC INTEREST
BY: Alexander L. Polikoff
Julie Elena Brown
25 East Washington Street
Suite 1515
Chicago, Illinois 60602
(312) 641-5570
Email: Apolikoff@pichicago.org
Email: Jbrown@pichicago.org

For Defendant Chicago Housing Authority:
JOHNSON, JONES, SNELLING & GILBERT
BY: Thomas Edward Johnson
36 South Wabash Street
Suite 1310
Chicago, Illinois 60603
578-8100
Email: Tjohnson@sgd.com

Court reporter: BLANCA I. LARA
Official Court Reporter
219 South Dearborn Street
Room 2504
Chicago, Illinois 60604
(312) 435-5895
blanca_lara@nd.uscourts.gov

1 Appearances (continued:)

2
3 Chicago Housing Authority:

4 CITY OF CHICAGO, LAW DEPARTMENT - CORPORATION
5 COUNSEL

6 BY: James Lavell Bebley
7 Cheryl J. Colston
8 Elizabeth Marie Silas
9 60 East Van Buren Street
10 12th Floor
11 Chicago, Illinois 60605
12 (312) 913-7116
13 Email: JBebley@checha.org

14
15 RILEY SAFER HOLMES & CANCEL LLP
16 BY: Ruth E Krugly
17 70 West Madison Street
18 Suite 2900
19 Chicago, Illinois 60602
20 (312) 471-8729
21 Email: RKrugly@shc-law.com

22
23 On behalf of the Proposed Intervenor:

24 SARGENT SHRIVER NATIONAL CENTER ON POVERTY LAW
25 BY: Katherine Elizabeth Walz
50 E Washington
Suite 500
Chicago, Illinois 60602
(312) 263-3830
Email: Katewalz@overtylaw.org

1 (Proceedings taken in open court:)

2 THE CLERK 66 C 1459, Gautreaux versus Chicago
3 Housing Authority.

10:41:59

4 MR JOHNSON I noticed, Judge, you were telling the
5 last counsel that you fast-track cases. I didn't want to let
6 them know that this is a few years old.

7 THE COURT: Yeah. Well, this case, obviously, never
8 got that definition by anyone.

9 (Laughter in the courtroom).

10:42:12

10 MR JOHNSON Right. Anyway, Tom Johnson on behalf of
11 the CHA

12 MS WALZ Katherine Walz on behalf of proposed
13 intervenors, Your Honor.

14 THE COURT: Good morning.

10:42:19

15 MR POLIKOFF: Alex Polikoff and Julie Brown on behalf
16 of the Gautreaux plaintiffs.

17 THE COURT: Good morning.

18 All right. I have read the motion. I have read the
19 responses to the motion.

10:42:29

20 MR JOHNSON If I could, with Your Honor's
21 permission, CHA yesterday filed something, and I might not have
22 been exactly clear on what our position is.

23 THE COURT: Go ahead.

10:42:43

24 MR JOHNSON But I wanted to be clear -- and I told
25 Ms. Walz ahead of court -- that the CHA really takes the same

1 position as the plaintiffs in the sense that we are happy to
2 have Ms. Walz and her clients here. She represents non-class
3 members.

10:43:01

4 And as has been your practice throughout, we've
5 enjoyed having non-class members here to express their views.
6 And that's happened many, many, many times over the years.

7 THE COURT: Sure.

10:43:13

8 MR. JOHNSON: But we did not want to suggest by our
9 filing that we were agreeable to make these non-class members
10 parties, because with that comes a different set of
11 responsibilities and rights.

12 THE COURT: Okay.

13 MR. JOHNSON: So that's where we wanted to be and I
14 informed Ms. Walz to that.

10:43:22

15 MS. WALZ: And we are not seeking to become parties,
16 Your Honor. It's simply for, as the motion states, the limited
17 purpose of filing the written objection and potentially --

10:43:37

18 THE COURT: I'm going to allow this motion with the
19 understanding that the parties in this lawsuit, and you as
20 well, have said as to the role that you're going to play.

21 And I've read the substance of your motion. Do you
22 want to speak as well?

23 MS. WALZ: No, Your Honor. My clients may be speaking
24 at 11:00, but I'm not going to speaking at 11:00.

10:43:57

25 THE COURT: Okay. Fine. I would ask that you speak

1 with your clients and get a representative. I don't think I
2 need to hear all of them. And I'm going to limit the
3 objections that I have to five minutes. Now, obviously, if
4 somebody is in the middle of a sentence, I'm not going to block
5 it.

10:44:17

6 Are any of your clients here?

7 MS WALZ Two of my clients are here, and I believe
8 just two of them would like to speak. It would take no more
9 than five minutes for the two combined.

10:44:37

10 THE COURT: I'd be happy to hear from them.

11 MS WALZ Great. Thank you, Your Honor.

12 THE COURT: Thank you.

13 MR POLIKOFF: Your Honor, for clarification, you used
14 the words "allow the motion." We are --

10:44:46

15 THE COURT: Motion to intervene for the limited
16 purpose of stating objections.

17 MR POLIKOFF: We much prefer, since you're granting
18 the request to speak -- which I would be with the parties in
19 agreement on all of that, including your own -- there's no need
20 for the motion to be allowed. The motion to intervene I think
21 we would much prefer to be dismissed as moot since you're
22 granting what the request is for.

10:45:04

23 THE COURT: Okay. I'll deny the motion as moot, but I
24 will allow the proponents of the motion to speak to the
25 objections, although they are not members of the class,

10:45:29

1 necessarily.

2 MR POLIKOFF: Thank you, Your Honor.

3 MS WALZ: Thank you, Your Honor.

4 THE COURT: Thank you.

10:45:37 5 MR JOHNSON: Thanks, Judge.

6 (Brief pause).

7 MR POLIKOFF: We'll retire to our front row seats.

8 THE COURT: Yes.

9 (Brief pause)

10:45:44 10 MR JOHNSON: Unless Your Honor wanted to talk a
11 little bit about how you're going to do this, is that worth
12 spending a minute on?

13 THE COURT: Well, let's do that, as long as you're
14 here.

10:45:54 15 MR JOHNSON: And I'm sure you had a game plan on how
16 you wanted to do it.

17 THE COURT: No, but what are your views? I've got my
18 own views.

10:46:11 19 MR JOHNSON: Well, so, obviously, from our
20 standpoint -- and we've talked with Alex a little bit about
21 this -- perhaps very short opening remarks. Mr. Bebley, the
22 general counsel of the CHA, would like to just say a few
23 words.

24 THE COURT: Sure.

10:46:23 25 MR POLIKOFF: As I would, Your Honor, representing

1 the plaintiffs.

2 MR JOHNSON And then after that, we do have Eugene
3 Jones, who is our CEO. He has been a very important critical
4 force in this whole process, and he's here. He would probably
5 say something maybe toward the end.

10:46:36

6 And in the meantime --

7 THE COURT: What do you mean? Toward the end of what?

8 MR JOHNSON At the end of your proceedings, after
9 the objectors are heard, perhaps.

10 THE COURT: Okay. You have any problem with that?

10:46:48

11 MR POLIKOFF: Oh, we have a different idea, but could
12 be done any way Your Honor prefers. We thought that each side
13 should open with statements. We go, and then Mr. Bebley would
14 go with brief opening statements, so to speak. And then
15 Mr. Jones would come on, called by CHA. And we have a few
16 people to put on, all within the five-minute limit. There
17 aren't going to be very many of them. And then you could hear
18 the objections.

10:47:06

19 MR BEBLEY: Your Honor, if I may. We're willing to
20 be flexible. I would like, however -- and Mr. Jones can follow
21 me. I would like, however, for him to have an opportunity to
22 assure the public and the Court to the extent that objectors
23 raise issues of --

10:47:20

24 THE COURT: Sure. I have no problem with having him
25 go after we've heard the objections.

10:47:38

1 THE COURT REPORTER I'm sorry, counsel. State your
2 name for the record.

3 MR BEBLEY: James Bebley.

10:47:53

4 THE COURT: And I take it that after I've heard all
5 the objections and Mr. Jones has made his comments, do you want
6 to again --

7 MR POLIKOFF: I would welcome an opportunity to
8 respond if Your Honor would grant us that.

9 THE COURT: Sure.

10:48:12

10 MR JOHNSON: I think we would like Mr. Polikoff have
11 the last word.

12 THE COURT: Yeah. Well, you can have the next to the
13 last word, if you wish after the objections.

14 (Laughter in the courtroom).

10:48:20

15 MR JOHNSON: Only if it's necessary. But I think the
16 idea of having Mr. Jones --

17 THE COURT: However, he's not going to have the last
18 word. I'm going to have the last word.

19 MR JOHNSON: Oh, yeah. Good point. Good point.

10:48:29

20 THE COURT: Okay.

21 MR JOHNSON: But Mr. Jones -- we've talked to some of
22 the objectors about their concerns -- and I think he wants to
23 respond.

24 THE COURT: Sure. Sure.

10:48:38

25 MR JOHNSON: So that's why we had him at the end.

1 THE COURT: I think that makes a lot of sense.
2 Okay. Thank you. We'll take a short recess.

3 MR. JOHNSON: Thank you.

4 THE CLERK: All rise. The Court stands in recess.
5 (Recess.)

11:02:07

6 THE CLERK: All rise. The court resumes in session.
7 The Honorable Marvin Aspen presiding. Please be seated.

8 THE COURT: Good morning. We are here today to hear
9 the joint motion for final approval of case settlement in a
10 case which I'll ask the clerk to call at this time.

11:05:44

11 THE CLERK: 66 C 1459, Gautreaux versus Chicago
12 Housing Authority.

13 THE COURT: Okay. Would the movants please identify
14 yourselves for the record.

11:06:05

15 MR. POLIKOFF: Alex Polikoff and Julie Brown for the
16 Gautreaux plaintiffs.

17 MR. JOHNSON: On behalf of the CHA, Tom Johnson. I'm
18 here with James Bebley, who is the General Counsel of the CHA
19 along with Cheryl Colston, Elizabeth Silas, and Ruth Krugly,
20 all for the CHA.

11:06:23

21 THE COURT: Okay. And let's talk about how we are
22 going to proceed. I'm going to allow the plaintiffs -- and I
23 assume that's Mr. Polikoff --

24 MR. POLIKOFF: Yes, Your Honor.

11:06:46

25 THE COURT: -- make his statements related to the

1 motion.

2 And then Mr. Bebley is going to be speaking --

3 MR JOHNSON Correct. Yes, sir.

4 THE COURT: -- on behalf of the CHA

11:07:04

5 We will at that time, after that, we have received
6 several written objections. And I've read them all. They will
7 all be made part of the record.

8 Several of the objectors have asked to speak as well.

11:07:43

9 And if they still wish to do so, they may. We'll allow each
10 objector up to five minutes to speak, who has asked previously
11 to speak, and that will include an intervenor objector who is
12 not part of the class and has asked also to speak. My clerk
13 will call them in that order.

14 Let me see what else I have here.

11:08:26

15 (Brief pause).

16 THE COURT: All right. So let's proceed.

17 MR POLIKOFF: Your Honor, with one proposed friendly
18 amendment. After Mr. Bebley concludes, the plaintiffs would
19 like to call a few persons to speak very briefly.

11:08:47

20 THE COURT: I'm sorry. I'm glad you reminded me
21 Yes, the plaintiffs will call a couple of witnesses who will
22 speak.

23 MR POLIKOFF: And they all understand the five-minute
24 limit, Your Honor.

11:09:02

25 THE COURT: Yes. And Mr. Jones of the CHA will be

1 invited to speak as well after that, and then Mr. Polikoff will
2 speak.

3 MR JOHNSON: Excellent. Okay. Mr. Jones after the
4 objectors, right?

11:09:19

5 THE COURT: Yes.

6 MR JOHNSON: Okay. Perfect. Thank you, Judge.

7 THE COURT: And you can have the last word. Next to
8 the last word.

11:09:24

9 MR POLIKOFF: Thank you, Your Honor. That's
10 appreciated.

11 Well, if I may begin with what I'll call the opening
12 statement of the plaintiffs. And I appreciate your being here,
13 not only today but over the years to hear all the things we
14 have to say, some effective, some not so effective.

11:09:46

15 And you know that over the years we have spoken of the
16 desegregation remedies provided by Gautreaux as three streams
17 of relief. The first, historically, was scattered sites, the
18 second was voucher mobility, and the third was mixed income,
19 what you may recall, Your Honor, you once called 21st Century
20 Gautreaux.

11:10:06

21 In giving this overview of the settlement that's
22 proposed for Your Honor's consideration, I want to say that the
23 settlement agreement essentially continues each of these three
24 streams of relief in their contemporary garb, and it adds a
25 fourth for the several thousand families for whom

11:10:24

1 desegregation -- main object of the case from the very
2 beginning -- is still not a reality.

3 Thus, Your Honor, the settlement agreement contains
4 four major CHA promises:

11:10:41

5 The first promise, to continue in the historical vein,
6 essentially continues the first remedial stream, scattered
7 sites, which are today typically developed with project-based
8 vouchers and other forms of development in partnership with the
9 private sector.

11:11:00

10 In the settlement agreement, CHA agrees that going
11 forward all of its development of this sort will be focused on
12 desegregation by promising that, with certain exceptions, it'll
13 be located in Gautreaux-defined general or opportunity areas
14 until 50 percent of its entire portfolio of these non-mixed
15 income scattered site units are so located.

11:11:24

16 A second promise growing out of the second remedial
17 stream of housing mobility -- growing also out of the shared
18 perception that CHA's voucher program is not fully realizing
19 its desegregation potential -- that second promise is that CHA
20 will enter upon discussions with plaintiffs' counsel about how
21 to improve the mobility aspect of its voucher program.

11:11:49

22 A third promise is to continue and complete the mixed
23 income developments that are replacing the downed high-rises,
24 essentially in conformity with the Gautreaux orders that have
25 governed that form of development to date, but now,

11:12:12

1 importantly, within an agreed-upon time table, which we never
2 had before, for all of these mixed income developments.

3 The fourth and final promise is based on the reality
4 that desegregation cannot be obtained -- in the near term at
5 least -- for several thousand families who still live in large
6 100 percent African-American public-housing complexes, such as
7 Altgeld Gardens.

8 Over the last several years, we have fostered an Early
9 Learning Coalition at Altgeld Gardens, whose multifaceted
10 program works with families -- especially mothers with young
11 children -- on a mission to see to it that all Altgeld children
12 can read at grade level by the time they enter the third grade.

13 On the settlement agreement -- what I'm calling the
14 fourth promise -- CHA promises to try to replicate this Altgeld
15 program at four other large public-housing complexes, they're
16 Dearborn, Washington Park Homes, Trumbull Park Homes, and
17 Wentworth Gardens.

18 (Brief pause).

19 MR POLIKOFF: Sorry for knocking the pen off the
20 podium.

21 In somewhat simplified fashion, Your Honor, that's the
22 essence of the settlement agreement. It can be said to
23 modernize, but essentially to continue the historical Gautreaux
24 streams of relief with the one addition of the fourth promise.

25 Of course, every settlement is a compromise. So what

1 do we give up, so to speak, in order to get those four
2 promises? To answer, your Honor, it's basically an end date.
3 If CHA lives up to the four promises, this case will end in
4 about five more years, on July 31st, 2024. We agreed to that
5 timeframe because we believe CHA as presently constituted, is
6 serious about remedying segregation, and that five years of
7 good-faith devotion to the four promises should be enough to
8 get us well along the desegregation road, and entitle CHA at
9 last, to be free of court supervision. Of course, if any of
10 the promises should be broken before the end date, we are
11 entitled under the provisions of the settlement agreement to
12 seek the aid of the Court.

13 That, in brief, Your Honor, is a quick overview of the
14 proposed settlement agreement that's been brought before you
15 today. You know from the papers we filed, from what we stated
16 at length in our motion -- probably too long -- that we think
17 it's a good deal for class members:

18 They get a timeline for the major mixed income
19 development work that CHA has yet to complete.

20 They get a continuation of the desegregation focus at
21 scattered site development.

22 They get an opportunity to ramp up the desegregation
23 potential of CHA's Voucher Mobility Program, and they get a
24 commitment to try to replicate the hopeful Altgeld Gardens
25 early learning initiative.

1 In our view, Your Honor -- "ours" meaning class
2 counsel's view -- this is an extremely positive package in the
3 language of the federal rules, "fair and adequate".

11:15:46

4 Before closing, Your Honor, I'd like to add a word
5 about what this case and this settlement agreement are not,
6 because a number of the communications we have received -- not
7 talking now about the objections but about communications by
8 phone, by letter, in-person visits that Ms. Brown and myself
9 have been recipients of -- a number of those communications
10 speak to concerns about alleged mistreatment in one way or
11 another by CHA and they uniformly voice a fear that the
12 proposed settlement may take away their right to complain.

11:16:06

13 As Your Honor knows, this case was brought on behalf
14 of African-American families living in public housing and on
15 the waiting list to remedy the residential segregation of those
16 families for which CHA was responsible.

11:16:28

17 Neither the case, nor the proposed settlement of it,
18 involve any of the individual acts of wrongdoing, if there are
19 any, including discrimination, or of unfair and insensitive
20 treatment that may occur over a long course of dealing with a
21 large agency such as CHA

11:16:49

22 So I think it's important that it be understood that
23 the settlement agreement does not take away anybody's right to
24 complain about anything other than what was alleged back in
25 1966; namely, that CHA was intentionally locating its new

11:17:07

11:17:28

1 public housing to keep African-Americans out of white
2 neighborhoods and that it was excluding African-American
3 families from certain largely white public housing developments
4 that existed at that time. Nor, of course, as Your Honor well
5 knows, has the case ever involved seniors or persons of
6 Hispanic origin, and they are not affected by the settlement
7 agreement at all.

11:17:46

8 Also, as I trust everyone understands, this case deals
9 only with subsidized housing. A relatively small part of the
10 total housing market. It was never designed to deal with
11 long-standing patterns of racial residential segregation
12 throughout Chicago.

11:18:05

13 That being said, Your Honor, unless there are
14 questions, I'd like to turn the lectern over to Mr. Bebley.
15 And thank you for listening.

11:18:20

16 THE COURT: As a practical matter, the joint
17 settlement vacates the consent decree.

18 MR POLIKOFF: Vacates the judgment order.

19 THE COURT: The judgment order.

20 MR POLIKOFF: Yes, Your Honor.

21 THE COURT: But the case is --

22 MR POLIKOFF: It vacates it in futuro, I might add.
23 It vacates it on the effective date of the settlement
24 agreement.

11:18:30

25 THE COURT: Correct. Which is in July.

1 MR POLIKOFF: Of 2024.

2 THE COURT: Yeah. So the case --

3 Yes?

4 (Discussion had off the record between counsel).

11:18:44 5 MR POLIKOFF: I'm sorry, I misspoke. Mr. Johnson is
6 right.

7 Thank you, Tom

8 When the settlement agreement is effective, which will
9 be on an uncertain date but a close date, not 2024, that's when
11:18:57 10 the vacation occurs.

11 THE COURT: Okay.

12 MR POLIKOFF: I might add, just for clarity, that the
13 settlement agreement will be effective if no objection is filed
14 and Your Honor were to rule today, but that's not the case
11:19:12 15 because we have objections. So the earliest date the
16 disagreement would be effective would be the expiration of the
17 appeal time for those who's filed objections.

18 THE COURT: Okay. You want to add anything before we
19 hear from Mr. --

11:19:26 20 MR JOHNSON: The other thing is, Judge, that's
21 absolutely correct. And we are hopeful that there will be no
22 appeal, and so it would be 30 days after you approve it on the
23 effective date.

24 The other thing is, the complaint is dismissed without
11:19:40 25 prejudice until the very end of the settlement agreement when

1 it's dismissed with prejudice, I think that's a function of the
2 Seventh Circuit's instructions to us on how to deal with these.

3 THE COURT: Okay.

4 MR POLIKOFF: Agreed.

11:19:52

5 THE COURT: All right.

6 Mr. Bebley.

7 MR POLIKOFF: Thank you for listening, Your Honor.

8 THE COURT: Thank you.

9 MR BEBLEY: Thank you, Your Honor.

11:20:06

10 My name is James Bebley, general counsel for the
11 Chicago Housing Authority.

12 Over 52 years ago African-Americans who lived in CHA
13 public housing, or were applicants for public housing, sued CHA
14 alleging that CHA selection of sites for public housing and the
15 assignment of tenants were racially discriminatory. This
16 effort was initiated by a brave group of residents led by
17 Dorothy Gautreaux and others.

11:20:28

18 The CHA concentrated African-Americans residents in
19 the State Street corridor surrounded by Cermak Avenue, Garfield
20 Boulevard, State Street, and Federal Street. Other
21 concentrated areas included the Cabrini-Green Development and
22 the Altgeld Gardens Homes where Dorothy Gautreaux lived with
23 her family. A true tenant selection plan did not exist, and
24 instead the CHA assigned residents as it pleased. The Court
25 found then that CHA had discriminated against African-Americans

11:20:49

11:21:09

1 in applying its housing policies.

2 Fast forward to the present where a lot has changed
3 since 1966. Time has changed, attitudes and people have
4 changed. Residents have more voice today than ever before.
5 The discriminatory site selection procedures no longer exist.
6 They have been replaced with practices that are race-neutral,
7 consistent with the numerous orders that this Court has entered
8 over the years.

9 The discriminatory tenant assigned practices no longer
10 exists. Tenants now select their locations of interest. This
11 is done using an electronic site-based waitlist. Today, CHA
12 has residents or housing-choice voucher participants living in
13 all 50 of the City's wards, all 77 of the City's community
14 areas, and 751 out of the City's 851 census tracts.

15 CHA's use of project and tenant-based vouchers allows
16 families the opportunity to rent housing in a broader private
17 market, including areas of the City that the CHA may otherwise
18 not be able to access. Today families using vouchers
19 out-number almost 2 to 1 the number of public housing
20 residents.

21 As Mr. Polikoff alluded, the settlement covers four
22 major areas, and I apologize to the extent that I may duplicate
23 some of his comments.

24 CHA has been working on mixed income developments
25 since 1995, and is proud to be the nation's leader in mixed

1 income housing developments. This is a key element of the
2 CHA's plan for transformation. CHA has agreed to certain
3 benchmarks in the development plan for its mixed income housing
4 developments in Exhibit A of the settlement agreement.

11:23:18

5 CHA residents will access these mixed income projects
6 simultaneously with nonresidents or owners. There will be no
7 clustering, no stacking, or isolation of public housing units.
8 CHA owned or controlled units will be indistinguishable from
9 other units.

11:23:41

10 CHA has also agreed to prioritize this development
11 acquisition or lease the project-based vouchers, scattered
12 sites, traditional and elderly housing in general or
13 opportunity areas. This goal is designed to promote additional
14 public housing in general opportunity areas until the ratio of
15 such housing is at least equal to public housing in limited
16 areas. The presence of CHA residents and participants
17 throughout the City is evidence of the City's efforts.

11:24:03

18 The City also has the best Housing Choice Mobility
19 Program in the country. Nevertheless, CHA has agreed to engage
20 in discussions with plaintiffs' counsel regarding the HCV
21 Program and expansion of mobility opportunities, including the
22 identification of mobility areas, providing information to
23 families about the benefits of moving to mobility areas, and
24 efforts to increase landlord participation.

11:24:25

11:24:46

25 I note that CHA generally engages the community at

11:25:09

1 large in these conversations on a regular basis. We currently
2 do and will continue our consortium and network with
3 organizations such as Chicago Alliance of Fair Housing, the
4 Shriver Center, the other governmental agencies and community
5 advocates throughout the City of Chicago. Our conversations
6 with plaintiffs' counsel will have no impact on the access and
7 the availability of CHA to the rest of the community.

11:25:30

8 Fourth, CHA has agreed to coordinate efforts to
9 implement learning programs initiatives at Lake Park Place,
10 Washington Park, Dearborn, Trumbull, and Wentworth Public
11 Housing Developments. These early learning initiatives will be
12 modeled on the Altgeld Early Learning initiative as currently
13 in place at CHA's Altgeld Gardens.

11:25:54

14 At this point, if I may, Your Honor, I'd like to make
15 a note of personal importance. My family resided in public
16 housing. I was a resident of the Harold Ickes Homes from
17 approximately 1966 to 1983. I bare witness, personally, that
18 the CHA today is nothing like the CHA of 1966. Conditions that
19 existed in 1966 were not perfect, were not good, but the
20 conditions today were not imaginable in 1966.

11:26:32

21 Your Honor, CHA and I as a former CHA resident, fully
22 supports the proposed settlement agreement and seeks the Court
23 approval.

24 THE COURT: Thank you, Mr. Bebley.

11:26:52

25 MR POLIKOFF: Thank you, Your Honor.

1 We'd like first a very small group of persons to call,
2 believe it or not, descendents, biological descendents of
3 Dorothy Gautreaux's family.

4 THE COURT: Certainly.

11:27:09

5 (Brief pause).

6 MR POLIKOFF: You want them to stay here or up there
7 (indicating)?

8 THE COURT: Wherever you're more comfortable, that's
9 fine.

11:27:27

10 MR POLIKOFF: Just state your name and your
11 relationship to Dorothy Gautreaux.

12 MS ELLINGTON: Okay. Good morning. Thank you, Your
13 Honor. My name is Renata Ellington and I'm Dorothy Gautreaux's
14 granddaughter.

11:27:36

15 First I want to read a statement on behalf of my
16 cousin, Dorothy Gautreaux Sisnett, who is in the audience:

17 Three generations of the Gautreaux family are elated
18 to see progress being made toward Dorothy Gautreaux's dream of
19 eradicating housing discrimination. She firmly believed in
20 Dr. Martin Luther King's philosophy that the arch of moral
21 universe is long but it bends towards justice.

11:27:50

22 We saw that bend with the landmark Supreme Court
23 decision and that bend continues today with this settlement
24 agreement between the business and professional people in
25 public interest, BPI, and the Chicago Housing Authority, "CHA".

11:28:05

1 We are grateful for the other plaintiffs, Alexander
2 Polikoff, BPI, and the American Civil Liberties Union for their
3 unwavering commitment, dedication, and conscientious efforts to
4 hold the CHA accountable.

11:28:21

5 Dorothy Gautreaux envisioned a better Chicago for all
6 residents regardless of race and socioeconomic status. She
7 knew that progress in Chicago could and would ultimately lend
8 itself to process across the country and thus a more fair and
9 just America.

11:28:36

10 We know there is still more work that must be done,
11 and want to be active participants in helping to ensure that
12 the conditions agreed upon in this settlement are fully
13 implemented.

11:28:50

14 It is now our duty and call to carry the torch of our
15 beloved Dorothy Gautreaux, because the light shines bright and
16 the reverberations of her activism will continue to positively
17 impact the lives of many Americans.

18 I would now like to read a quick statement on behalf
19 of my entire family, some of who are here.

11:28:58

20 THE COURT REPORTER Excuse me. Please slow down.

21 MS ELLINGTON: Okay. Sorry.

22 So, again, thank you for the opportunity to speak.
23 Again, I'm Renata Ellington, one of Dorothy Gautreaux's
24 grandchildren.

11:29:10

25 Several members of my family, my uncle and my cousins

1 are here as representatives of our mothers, our fathers, our
2 aunts and uncles. My grandmother's five children, my aunt
3 Etas; my mother, Denise; my Uncle Walter, who we affectionately
4 call Uncle Junior; my Uncle Kevin, who we call Uncle Ricky who
5 is here in the audience with us; and my aunt Dorothy, all whose
6 children are here. My cousin Greg, my cousins Michelle,
7 Margus, Maurice and Dorothy.

8 I would like to take a minute to talk about our
9 legacy, the Gautreaux legacy. We are a quiet family, we all
10 possess the quite strength that was instilled in us by our
11 parents by way of the guidance and nurturing of their mother.

12 We recognize the efforts of our guidance, we recognize
13 the efforts of our grandmother and other CHA residents who are
14 fully aware that we are the benefactors of their tireless
15 efforts to improve access to quality and fair housing options
16 for residents of Chicago.

17 We have observed and followed this case in various
18 ways throughout our lives. We are a family that has been
19 raised to speak through action. And as we have come into our
20 own, our understanding and support for these efforts have taken
21 root and become a part of who we are as human beings through
22 our professional lives working in human services, education,
23 public health, and other fields, as well as our personal lives
24 that are driven by serving our communities. Our grandmother's
25 legacy is one of activism, action, compassion, and idea of

1 doing what is right, just, and fair.

2 We grew up knowing our grandmother's efforts to
3 desegregate the CHA and the impact this case has had on the
4 lives of many Chicagoans and individuals throughout the United
5 States.

11:30:42

6 As we move toward a settlement and a path forward, we
7 thought it important to publicly acknowledge the efforts that
8 our grandmother believed so deeply in and fought for. While
9 she did not live to see the courts rule in her favor or to
10 enjoy the role of grandmother, we know that she is proud of her
11 legacy and the fruits of her labor.

11:30:57

12 We want to be clear, there's still work to be done;
13 however, we celebrate the accomplishments thus far and are in
14 support of proposed efforts described in the Plan for
15 Transformation. We are committed to seeing this initiative
16 through to the end. This is the legacy of our grandmother and
17 of the other CHA residents involved in this case. I know I
18 speak for my family when I say we are beyond proud to be a part
19 of the Gautreaux family.

11:31:12

20 In conclusion, I want to say we are grateful for this
21 opportunity and for those that have contributed to the success
22 of this case. So today, we celebrate Dorothy Gautreaux, our
23 mother, our grandmother, and the thousands of Chicagoans that
24 have benefited from this case.

11:31:24

25 Thank you so much.

11:31:39

1 I want to turn it over to my cousin, Greg.

2 MR JACKSON: Good afternoon, Judge, courtroom.

3 Again, my name is Gregory Jackson. I am the oldest
4 grandson of Dorothy Gautreaux. I am here along with my Uncle
5 Ricky, Dorothy Gautreaux's son, and my brothers and sisters and
6 my cousins.

11:31:58

7 The representatives for Dorothy Gautreaux appreciate
8 the efforts at striving to remedy discrimination in
9 predominantly black neighbors.

11:32:18

10 Looking forward, pursuant to case of Gautreaux versus
11 Chicago Housing Authority, 66-CV-1459:

12 "Work remains to be done to achieve in full the
13 ambitious goal of the plan for transformation
14 and plan forward ... that assist in the creation
15 of sustainable neighborhoods."

11:32:38

16 With respect to the settlement agreement, the Estate
17 of Dorothy Gautreaux requests that the settlement agreement be
18 approved with inclusion of the Estate of Dorothy Gautreaux as a
19 member to the Board of Directors for the implementation to
20 remedy the effects on the families caused by discrimination via
21 administering workforce and family counseling programs.

11:32:57

22 Thank you.

23 THE COURT: I want to thank you both. You are
24 representatives of your grandmother that would have made her
25 proud. And I'm proud, personally, to have you both in the

11:33:18

1 courtroom, as well as the other members of your families.

2 MR JACKSON: Thank you, Judge. Appreciate it.

3 MS ELLINGTON: Thank you.

4 MR POLIKOFF: I'd like now to call Ruth Frazier.

11:33:36

5 Your Honor, Ruth Frazier is the daughter, as she will
6 tell you, of one of the other original named plaintiffs in the
7 case.

8 MS FRAZIER: Your Honor, I appreciate the opportunity
9 to present here today. I'd like to pass forward to you my
10 written remarks, as I will abbreviate them for today.

11:33:56

11 (Said item tendered)

12 THE COURT: We will make your written remarks part of
13 the record --

14 MS FRAZIER: Thank you.

11:34:04

15 THE COURT: -- as the transcript is made part of the
16 record, and the objections are part of the record.

17 MS FRAZIER: Thank you, sir.

18 To the Reverend Clergy Present, the Honorable Judge
19 Marvin E. Aspen, U.S. District Court for the Northern District
20 of Illinois, and his diligent staff, exemplary members of the
21 historic Gautreaux legal team, distinguished jurists,
22 illustrious political and governmental leaders, community
23 elders, extended public housing residential family members, and
24 concerned ladies and gentlemen: Good morning, everyone.

11:34:22

02:28:09

25 I greatly appreciate this enormous honor to speak

1 directly to the American people today. I understand that the
2 Chicago Housing Authority, "CHA", and the lawyers representing
3 CHA residents are petitioning the Honorable U.S. District Judge
4 Marvin E. Aspen to approve the settlement agreement, which
5 creates a detailed roadmap for the CHA to complete its legal
6 obligations under the Gautreaux litigation. My first voice
7 perspective will be outlined into three sections:

8 An introduction.

9 Selected summary of the Gautreaux legacy.

10 And personal reflections: Proposed CHA settlement
11 agreement.

12 And thank you for your indulgence.

13 My name is Ruth Mary Fairfax Frazier, and I am the
14 proud daughter of Mr. Robert Michael Fairfax, one of the
15 original plaintiffs in the Gautreaux lawsuit.

16 Currently I am a small business owner, On-Air Radio
17 Broadcast personality; long-time public housing resident, and
18 community activist. Long before the Gautreaux lawsuit was
19 auspiciously filed by the American Civil Liberties Union and
20 other pre-imminent civil rights attorneys on August 9th, 1966,
21 Dorothy Gautreaux, lead plaintiff, along with Doreatha
22 Cranshaw, Odell Jones, Jimmy Jones, Eva Rodgers, James Rodgers,
23 and Robert M. Fairfax, co-plaintiffs, regularly strategized
24 their Gautreaux plans at my childhood residence at the Chicago
25 Housing Authority, Altgeld Gardens-Philip Murray Homes.

1 From 1945 through 1970, we lived at 966 East 133rd
2 Street, across the street from the park, down the street from
3 the public schools. And Mr. Robert "Bob" Michael Fairfax and
4 Mrs. Beatrice "Bea" Ruth Freund Fairfax, my parents, were the
5 quintessential grass root community organizers and urban
6 pioneers whose formidable gravitas helped mentor and capture
7 the hearts and minds of Mrs. Dorothy Gautreaux, the fellow
8 Gautreaux co-plaintiffs, and the ACLU during the initial
9 planning of this landmark civil rights case at my residence.

10 Furthermore, I feel that my parents' strong faith,
11 moral compass, integrity, awareness of their own mortality, and
12 unwavering admiration and trust in the compassionate tenets of
13 our judiciary system were the impetus to help galvanize the
14 historic Gautreaux litigation into fruition.

15 Today, I think my parents would be very proud of the
16 tremendous Human rights strides of the Gautreaux project and
17 the residual public benefits that have emanated from their
18 shared vision.

19 Unequivocally, because of the empathetic assistance of
20 the American courts, in addition to extraordinary legal acumen
21 of the plaintiffs' brilliant attorneys, the Gautreaux legacy
22 will be forever enshrined as an iconic symbol of truth, freedom
23 and justice, a seminal moment in American history, and a
24 consequential model for demonstrating how to non-violently
25 coalesce a movement to help improve the quality of life within

1 the social and cultural fabric constraints of our society.

2 I feel that the Gautreaux legacy is more than just
3 housing. The Gautreaux legacy has produced some of the
4 following ten societal transformative achievements in
5 cooperative partnership with the three branches of our U.S.
6 federal government, they are listed as follows:

7 The Gautreaux decision was America's first public
8 housing desegregation lawsuit, and it was successfully
9 litigated in the United States Supreme Court on behalf of the
10 American people.

11 The Gautreaux decision is one of the longest running
12 federal court cases in U.S. history.

13 The Gautreaux decision changed the immediate context
14 for the building of public housing in Chicago.

15 The Gautreaux decisions created the first mobility
16 scattered site housing programs and private housing management
17 initiatives; as a result, mixed income and dispersal strategies
18 now dominate the federal housing policy, although their focus
19 has shifted.

20 The Gautreaux decision systematically replaced the
21 malignant backroom political dealing, sloth, thievery, and
22 bureaucratic featherbedding practices with the new concept of
23 open government, fairness, accountability, and transparency.

24 The Gautreaux project has become a model for similar
25 programs in 33 metropolitan areas throughout our nation, and

1 has also inspired the National Moving Opportunity, MTO
2 Program. Between 1994 and 1998, the MTO Program has enrolled
3 over 4600 families.

02:42:26

4 The Gautreaux Project is also notable both for being
5 one of the only social programs based on a randomized
6 experimental concept, and is singly the only antipoverty
7 housing program endorsed by the Reagan, Bush, and Clinton
8 Presidential Administrations.

02:42:53

9 The Gautreaux Project has fostered the U.S. Department
10 of Housing and Urban Development, "HUD," mandatory programmatic
11 rule to de-concentrate poverty and promote integration in
12 public housing.

02:43:53

13 The Gautreaux Project helped establish the 1968 Fair
14 Housing Act, and the Gautreaux Project helped establish the
15 1977 Community Reinvestment Act, "CRA", which is designed to
16 encourage financial institutions to help meet the credit needs
17 of borrowers in all segments of our communities, including
18 low and moderate income neighborhoods. I want to thank
19 everyone that's been involved over the years for this
20 happening.

02:44:36

21 My personal reflections on the proposed CHA settlement
22 agreement:

02:44:53

23 In examining the proposed Chicago Housing Authority,
24 "CHA", settlement agreement, in conjunction with CHA's
25 brick-and-mortar accomplishments over the past 50 years, I

1 think that both Bob and Bea Fairfax, my loving parents, would
2 be very pleased with the successful business outcomes of
3 Gautreaux, which, in retrospect, has created a legal vehicle
4 for the full citizenship rights for so many impoverished
5 Americans. Similarly, I am also elated about the future
6 prospects of the CHA's settlement agreement with the caveat of
7 minimal court oversight and the inclusion of a redress of
8 grievance provision to help safeguard the current and future
9 rights of CHA residents.

10 ~~Wow~~ Just think, what started out as a controversial
11 housing mobility experiment, that was responding to a civil
12 rights lawsuit, has become a very integral part of today's
13 overall federal housing policy.

14 Between 1976 and 1998, more than 7,000 families
15 received housing vouchers through Gautreaux, and about half of
16 whom moved to 115 suburbs around the Chicago metropolitan
17 statistical area with the invaluable assistance of culturally
18 competent placement counselors.

19 Suffice to say, investments in affordable housing can
20 help to revitalize neighborhoods. The strategy of mixing
21 incomes to counter residential segregation and concentrated
22 poverty has gained momentum with significant developments in
23 housing law and policies, court decisions, dispersal
24 strategies, and local regulatory practices.

25 To help improve the next generation of housing

1 policies serving the poorest families, including those in
2 public housing and the protected class of the proposed CHA
3 settlement agreement, my seven recommendations are as follows:

02:47:29 4 1, the establishment of more public/private funding
5 partnerships.

6 2, increased housing mobility, counseling, and
7 community outreach.

8 3, human capital development initiatives.

9 4, the use of algorithmic performance-based management
10 frameworks.

02:47:45 11 5, increased trade union apprenticeship opportunity
12 programs for residents on the new CHA building construction
13 housing sites.

14 6, comprehensive adjunct social services to promote
02:48:04 15 the household stability and adaptation by relocated families
16 and to help lessen the burden of uprooting when moving from one
17 cultural paradigm to another.

18 And, 7, I reiterate, minimal court oversight and
19 inclusion of a redress of grievance provision to help safeguard
02:48:34 20 the future rights of all CHA residents.

21 I want to thank this gentleman (indicating), his
22 organization, CHA and all of the courts for the work that has
23 been accomplished under Gautreaux.

24 Thank you, all.

11:46:04 25 THE COURT: Thank you very much, Ms. Frazier, not only

1 for your important historical perspectives, but also for
2 reminding us that, in the beginning, as well as having
3 outstanding counsel, Dorothy Gautreaux didn't stand alone.
4 There were other heros and heroines, like your parents, and the
5 other plaintiffs. Thank you for being with us.

11:46:28

6 MS FRAZIER: Thank you, sir.

7 MR POLIKOFF: Next, Your Honor -- and the list is not
8 much longer -- is Gloria Washington, who moved under the
9 Gautreaux Assisted Housing Program that, as Ms. Frazier just
10 said, ran for 22 years.

11:46:50

11 Gloria Washington.

12 MS WASHINGTON: Good afternoon, Judge Aspen. I was
13 hoping I wouldn't be called first, but I was.

14 Anyway, I moved to -- again, my name is Gloria
15 Washington. I started the program in 1985. I moved from
16 Chicago, from the City, Engelwood area. I had two small
17 children. I had just divorced and it was a real struggle. I
18 did not have much family to help me. And then I heard of the
19 lottery of getting into the program of Leadership Council.

11:47:12

20 I got involved. And they said that there was an
21 apartment, something for me in the northwest suburbs of
22 Schaumburg. And I said, "I have no idea of where that's at and
23 what it is." And they said, you know, to integrate, you know,
24 blacks and whites together. And everyone told me, no, I should
25 not go, but life is full of chances and I wanted to -- I wanted

11:47:34

11:47:55

1 a better opportunity for the baby son that I had and a
2 four-year-old daughter that I had. My back was against the
3 wall. Their father helped me as much as possible.

11:48:13

4 I moved to the northwest suburb, Schaumburg, and it's
5 been very successful for me in my life. I furthered my
6 education out there. My daughter ended up doing very well.

11:48:30

7 It was difficult in the beginning because I did not
8 know how to drive. And I had to learn how to drive on my own.
9 Police officers even helped me to take me to get my driver's
10 license to learn -- to start driving.

11:48:49

11 I had so much help from the Schaumburg township.
12 Today my kids are still out there doing very well. My daughter
13 has master's in criminal law. My son got a bachelor's degree,
14 he did very well. And myself, I did very well myself, that was
15 always helpful.

11:49:03

16 I don't know what would've happened if I would've
17 stayed in the Engelwood area, I have no idea, because I did not
18 stay. But I'm glad I did make that step and did that, even
19 though I was very afraid. I was only 27 years old.

11:49:26

20 I got off the program on my own. And after 17 years,
21 something like that, my kids had grew up, I no longer needed
22 it. The most important thing was, I appreciated the program
23 and I respected the program, that's what helped me in life. I
24 didn't take it for granted. I knew I had to work hard for it.
25 It was a privilege and an honor.

1 From there, after I got off, 3 years ago I got back
2 on. I applied for a voucher and I was blessed to receive it.
3 I retired July 31st of 2018. And without this program, I don't
4 have no idea where I would've been.

11:49:50

5 But because of the program, I was blessed, and I did
6 appreciate it. Like I said, if you respect it, it works for
7 you. Thank you, Your Honor.

8 THE COURT: Thank you for your perspective.

9 MS WASHINGTON: You're welcome, sir.

11:50:04

10 MR POLIKOFF: Thank you for coming, Gloria.

11 MS WASHINGTON: No problem.

12 MR POLIKOFF: Is Veronica Clark here?

13 (No response).

14 MR POLIKOFF: Theresa Hollins?

11:50:18

15 Theresa Hollins is an Altgeld Gardens resident. She's
16 our last witness, Your Honor.

17 (Brief pause).

18 MS HOLLINS: Good morning, Your Honor.

19 THE COURT: Good morning.

11:50:31

20 MS HOLLINS: And to your staff also.

21 My name is Theresa Hollins. Come next Thursday, I
22 will be a resident of Altgeld Gardens for 55 years. I have to
23 say, I'm a proud resident also. I raised one -- I gave birth
24 to one child, I've raised eleven. Most of them are successful.
25 My own child actually works for the federal government. I have

11:50:59

1 two grandchildren who I am very proud of. One is completing
2 her second year, Eflinda Smith (phonetic), and the other one
3 just entered his first year of high school.

11:51:18

4 I'm here today to talk about the Early Learning
5 Coalition. But before I start, let me just say that my
6 parents, one was an immigrant from Ireland and the other one
7 was from Mississippi. They were married for 40 years before my
8 dad passed.

11:51:45

9 The one thing my parents taught me and my siblings --
10 -- there is four of us altogether -- is education. They said
11 education was the great equalizer. So from there, what they
12 taught us, I learned that you can't get anywhere without an
13 education. So with that said -- also, my daughter is a
14 graduate of Roosevelt University.

11:52:12

15 THE COURT: Your parents must have been talking to
16 mine because they told me exactly the same thing.

17 (Laughter in the courtroom).

18 MS HOLLINS: Oh, really! Yes, it is.

19 THE COURT: And they were immigrants also.

11:52:25

20 MS HOLLINS: Yes. Thank you.

21 I'm also a proud founding member of the Early Learning
22 Coalition. I'm proud because since our Coalition started
23 6 years ago, we have built an amazing program for the families
24 living here. It's one that supports our very youngest children
25 from birth to age 6, and makes sure they will be on track to

11:52:44

1 succeed by third grade in the classroom and in their
2 relationships with their classmates, teachers, and families.

3 And I have seen this firsthand. And I can actually
4 testify that because of the early learning and because of the
5 efforts put forth by BPI to invest in our children, I've seen a
6 whole lot of success, even in my own family with my grandson.

7 How does the Early Learning Coalition do this? First,
8 it provides the number of free services for babies and young
9 kids, including the Doula/Home Visiting Program, help for
10 families to get their toddlers in pre-k programs, a very
11 special pre-k to kindergarten transition program, and then
12 after-school science enrichment program, which is great. Let
13 me tell you, I went on one of their trips; it's fantastic.
14 These programs have touched the lives of hundreds of Altgeld
15 children and all at no cost to the families.

16 Second, each month the Coalition brings community
17 organizations and residents together to share information and
18 ideas about community needs as the well-being of our youngest
19 kids.

20 I want to make a note that when we meet once a month,
21 the uniqueness of this organization -- or should I say this
22 Coalition -- is that not only do you have the community
23 organization, you have the churches, you have the schools, you
24 have the park district representatives, you have the LAC,
25 residents can come and voice their concerns.

1 One of the biggest concerns recently in the past two
2 years was violence, you know, toward -- it affected our young
3 children, not just those that were born, but also all the way
4 up until 8th grade and into high school.

11:55:02

5 And so the Coalition, in collaboration with the park
6 district, with Metropolitan Family Services, and BPI, they
7 started the summer program. And it's fantastic. It started
8 off with 50 students, now it's up to 100.

11:55:31

9 And the uniqueness of the Coalition is this, nobody is
10 there to stand alone, and that's what I find so unique about
11 it. I can't speak about it without tearing up, because I've
12 seen so many things come together, like never before in my
13 community, where we see a problem and we attack it from all
14 sides until we come up with a solution. Sometimes you have to
15 put it in a parking lot, as they say, and save it for another
16 time.

11:56:02

17 But I would love to see this program all over the City
18 in every CHA development, scattered-site housing should be
19 welcomed inside, even getting maybe different districts,
20 different school districts where the scattered-site housing is.

11:56:27

21 Since the Coalition began, I've seen a dramatic shift
22 in the way our community organizations talk to each other and
23 work together to make sure our kids get what they need to
24 succeed and is making a real difference, it truly is.

11:56:49

25 I can truly say that the Altgeld Learning Coalition

1 has made a very large impact on the children of Altgeld and our
2 entire community. And it has -- and I know I'm only supposed
3 to have five minutes, and BPI knows that I can go on forever.

4 (Laughter in the courtroom).

11:57:09

5 MS HOLLINS: I've a staunch advocate for this
6 Coalition because I've seen firsthand that it works, and I just
7 can't say enough about it.

11:57:29

8 But I would like to thank you, Judge Aspen, and the
9 court, and the audience, for this chance and this opportunity
10 to speak on behalf of the Coalition, and my prayer is that it
11 continues forever. Thank you.

12 THE COURT: Thank you for your perspectives.

13 MR POLIKOFF: Your Honor, I understand that Veronica
14 Clark has arrived and she will be our last witness.

11:57:47

15 THE COURT: Thank you.

16 MR POLIKOFF: Also to talk about the Altgeld Gardens
17 Coalition.

18 Veronica Clark.

11:58:04

19 MS CLARK: Good morning. My name is Veronica Clark,
20 and I'm the CEO of TCA Health, a federally qualified community
21 health center located in the Altgeld-Riverdale community. We
22 serve persons living in and around the Altgeld community for
23 nearly 50 years.

11:58:30

24 I've been with TCA Health for over 15 years and have
25 had the opportunity to work in partnership with the

1 Altgeld-Riverdale Early Learning Coalition and its broad-based
2 community programs since its inception for 6 years now.

11:58:53

3 The Altgeld-Riverdale Early Learning Coalition has met
4 faithfully every month. I know this because my staff and I go
5 to the meetings. It's a form where community members and
6 service providers discuss important needs of the community and
7 help its very youngest children from birth to age 6 develop and
8 thrive.

11:59:13

9 As a result of the Coalition's work with the support
10 of both BPI and CHA today Altgeld-Riverdale families and their
11 young children have a variety of special programs to take
12 advantage of, and our previous speaker mentioned them. These
13 programs are the Doula Birth Counseling Services, Family
14 Support Social Workers, Pre-k Enrollment Assistance, a Science
15 Enrichment Program, and a Special Pre-k to Kindergarten
16 Transitions Program, in all the community schools and childcare
17 centers. And most important of all, all of these programs are
18 provided at no cost to residents thanks to BPI and CHA

11:59:37

19 The Altgeld-Riverdale Early Learning Program has made
20 a wonderful contribution to the community and its young
21 families. I am so proud that with the Court's approval it is
22 going to be expanded to other deserving CHA families in the
23 future.

11:59:59

24 Thank you so much for this time.

12:00:16

25 THE COURT: Thank you for being with us.

1 MS CLARK: Thanks.

2 MR POLIKOFF: Thank you, Your Honor. That concludes
3 our presentation.

12:00:31

4 THE COURT: All right. We will now hear from those
5 objectors who have previously indicated to the Court that they
6 wish to speak. We will call them by name. If we miss somebody
7 who has in their written objections asked to speak, please let
8 us know. All the objections, whether or not there's been a
9 request to address the Court, will be made part of this record.

12:01:04

10 Ms. Clerk.

11 THE CLERK: James Vlahakis.

12 MR VLAHAKIS: Hello, Your Honor. James Vlahakis,
13 V, as in Victor, -l-a-h-a-k-i-s, on behalf of two objectors,
14 Notre Dame Affordable Housing, Inc., and Charlene M Marsh.

12:01:24

15 We filed our objections out of an abundance of
16 caution. I have reviewed the settlement agreement. I have
17 reviewed the papers.

12:01:40

18 I had a nice discussion with Mr. Johnson, who was kind
19 enough to pick up the phone and call me despite all the various
20 deadlines and other things that he had to do. Based on his
21 representation, we are asking leave of Court to withdraw our
22 objection, which would be docket entry 803 and 804.

23 THE COURT: It would be a great pleasure to do so.
24 Thank you for coming in.

12:01:57

25 MR VLAHAKIS: If I may make one brief comment As a

1 lawyer, I want to commend my fellow lawyers for what they've
2 done. I remember -- I'm from Michigan, and from a small
3 college town. And I remember traveling with my parents coming
4 off the tollway and seeing the housing projects. And as a
5 young kid, it didn't look right to me. I remember asking my
6 dad "Why are those housing units there? Why does it look like
7 that? What's going on?" He would explain it to me, and he told
8 me. And eventually I came here for law school, went to Loyola,
9 lived a few blocks away from Cabrini-Green, that's all I could
10 afford at the time, and I could still see those high-rises
11 there that still didn't seem right to me.

12 But it's amazing that over all this time, from a time
13 period before I was even born when this was, to see something
14 like this happening. I think this is what many lawyers think
15 that they want to do when they start off to be lawyers in law
16 school and they worry about the money and things like that.

17 So the fact that so many people put so much effort
18 into this, and it was just nice for me to sit here and listen
19 to the other people who have been affected by this impact to
20 the Gautreaux family. It's just something that's kind of great
21 that I don't think a lot of us really stop to do. It's a
22 special breed of lawyers that do what they do, so I think they
23 should be, you know, extraordinarily commended for what they've
24 done. And just seeing, you know, somebody who grew up and who
25 is where he is now, it's just amazing this has been done.

1 So I'm just sort of proud to have been able to contact
2 the attorneys, figure out what's going on, see how my clients
3 are impacted by this, and intend to help my client with what
4 she needs to do.

5 But, again, I just want to appreciate the time you're
6 giving me, but I think everybody deserves, you know, not that
7 we can applaud these people, just a big round of applause for
8 what they've done.

9 THE COURT: Thank you.

12:03:35

10 MR VLAHAKIS: Thank you, Your Honor.

11 THE COURT: Go ahead.

12 THE CLERK: Jacqueline Page.

13 MS PAGE: Good morning.

14 THE COURT: Good morning.

12:04:01

15 MS PAGE: My name is Jacqueline Page and I am a CHA
16 voucher holder. I would like to say, first, that I had no idea
17 that the problems that we face would be drawn on for 52 years.
18 I think the age-old plight of "father knows best" and "do as I
19 say and not as I do" has been followed in this case.

12:04:39

20 We have sat in the corner and been quiet while our
21 great white savior decides our fate for 52 years. We're like
22 pigs who are dressed in pearls and lipsticks, but are still led
23 to the slaughterhouse. In no way does discrimination, in my
24 opinion, change for the African-Americans.

12:05:13

25 Business professionals are being enriched. While I

1 thank Mr. Polikoff for bringing forth the class members who
2 have, in his opinion, benefited, I would also say that he
3 should've mentioned the business professionals who have
4 benefited from this judgment, these rulings of this Court.

12:05:45

5 Organizations and companies like Wholesome Habitat,
6 and, of course, the organization that has the master plan for
7 most of the development, Brinshore. These organizations give
8 monies to BPI and they have been enriched, and he should've
9 brought them here, because they benefited greatly from a lot of
10 these rulings.

12:06:18

11 When do charities and monies get enriched and not the
12 people, I say that what is happening here is indicative of what
13 is happening in our nations. When a physician sees his
14 patient, the first thing he says is, "Tell me where it hurts."
15 You can't heal an individual if you don't ask where it hurts.
16 I don't believe that the African-Americans in public housing
17 have been consulted enough.

12:06:43

18 I did not know anything about this lawsuit until five
19 years ago and this lawsuit is 52 years old. I believe that the
20 plaintiff counsel doesn't know enough about our issues to
21 address them. And I believe that many of the people who were
22 given or allowed into the room aren't given enough information
23 to make informed decisions, and I believe that they are making
24 blind consent without enough information.

12:07:10

12:07:35

25 And as a former resident of public housing, I believe

1 that I am a member of the class. I believe that the class,
2 first of all, should be more clearly laid out for people. I
3 don't believe that due process was followed here. I believe
4 that the plaintiff counsel has given ineffective counsel to the
5 class. I believe that policies that the counsel helped to
6 establish were discriminatory and adversely affected black
7 voucher holders in a debilitating way.

8 Due process requires absent class members receive
9 adequate notice in order for their rights to be not compromised
10 through settlement. This notice was inadequate. And the
11 applicants of the class were not directed -- at least not all
12 of the applicants were directed as to how they should address
13 this class in a reasonable manner. I know I wasn't. I heard
14 it through hearsay. And if I am not a class member as a former
15 housing resident, then it should be noted and said so, because
16 the class says, from what I understood, that --

17 THE COURT: May I interrupt you for one minute? I'd
18 like you to take one minute to conclude because there are many,
19 many people in the room who would also like to state their
20 objections as well.

21 MS PAGE: "As well"? Okay, then. All right, then.

22 I would like to say that in an effort to de-establish
23 discrimination in public housing, residents of the BPI class
24 were discriminated against. African-American participants in
25 the Housing Choice Voucher Program had their rights violated

1 and equal protection under the rights of the Fourteenth
2 Amendment of the constitution were not followed.

3 BPI assisted in instituting policies that created
4 quotas on where certain people could live in neighborhoods.
12:09:55 5 The creation of opportunities policy prohibits voucher holders
6 from living in areas of their choosing in economically thriving
7 neighborhoods, and I believe that the voucher holders were
8 prohibited from enjoying free and equal opportunities.

9 BPI assisted in the policies that adversely affected
12:10:20 10 us, and I believe that this should be addressed in this
11 settlement.

12 And the original plaintiff lawsuit stated that
13 African-Americans who lived in public housing or were
14 applicants for public housing were its class members. So as I
12:10:39 15 lived in public housing, I believe that I was a class member,
16 and yet, I was not given status as a class. I believe that
17 some of the policies that were created created subclasses, and
18 once those subclasses were created, they should've been
19 consulted about this settlement, and I believe that because
12:11:02 20 they weren't, this settlement should be amended.

21 Thank you.

22 THE COURT: Thank you.

23 THE CLERK: Evangel Yhwhnewbn.

24 THE COURT: I'm going to ask all the objectors, please
12:11:17 25 speak for five minutes because I want all of you to have an

1 opportunity to speak before we conclude these proceedings.

2 MR YHWHNEWBN Good morning, Your Honor. I'm not
3 really -- I didn't classify myself as --

4 THE COURT: Would you state your name, please.

12:11:34

5 MR YHWHNEWBN Evangel Yhwhnewbn, like hallelujah.

6 I didn't classify myself as an objector. I just had
7 some concerns that I thought the settlement, as it stands,
8 should be amended or denied in its state because it's
9 incomplete. But I wasn't clear about what was said earlier.

12:12:09

10 Is this the final settlement or is it going to be continued
11 until another date?

12 THE COURT: We're going to settle the lawsuit today,
13 but the settlement will not be final for several years.

14 EVANGEL YHWHNEWBN Oh, okay.

12:12:28

15 THE COURT: All the conditions of the settlement will
16 have to be made.

17 EVANGEL YHWHNEWBN All right. Well, I'm concerned
18 that discrimination based on race will resurface as immigration
19 discrimination through the unspecified powers of the class
20 counsel that are beyond the scope of the settlement as it
21 stands today if the sanctuary settlers who have broken the laws
22 of entry based on privilege have priority as homeless families
23 over those citizens who are homeless and have been evicted from
24 the viaducts living in our City.

12:13:28

25 Another thing that I'm concerned about is the Early

1 Learning Initiative. I think somebody, in part, addressed
2 that, because they said it would be expanded to include other
3 sites, so that takes care of that part of it. But I was
4 wondering, will the people that are teaching this early
5 learning be from outside the residents in housing, will they
6 come from a different race, or will the ones that are most
7 impacted, especially the ones impacted in this lawsuit, the
8 African-Americans, or indigenous native black Americans be part
9 of the community partners? And who is appropriate? And what
10 is "appropriate" needs to be a little more defined.

11 Also --

12 THE COURT: You have a minute to conclude.

13 MR. YHWHNEN: Yes. Also, the language. If the
14 sanctuary settlers are given English as a language, will the
15 other students be given Spanish as a language?

16 And also, I was concerned about the Social Security.
17 If you have to, according to federal rules, have a Social
18 Security Card or produce one in a specified time and you don't
19 have that, are you still, under the law, qualified to be a
20 resident in public housing? I think that should be addressed
21 also.

22 THE COURT: Thank you. I understand your concerns,
23 all of which are legitimate concerns, but cannot be addressed
24 by this lawsuit, but we will consider them. Thank you very
25 much.

1 MR YHWHNEABN Thank you.

2 THE CLERK: Paul Pearson.

3 (No response).

4 THE CLERK: Is Mr. Paul Pearson in the room?

12:15:49

5 MR PEARSON: Yes.

6 (Brief pause)

7 MR PEARSON: Good morning, Your Honor.

8 THE COURT: Good morning.

9 MR PEARSON: If it please the Court. I'd like to

12:16:14

10 address my opposition to the settlement agreement as it is
11 written.

12 Before I begin my assertions, I would like to again
13 pay homage to the Gautreaux family, to BPI, for the diligent
14 work and efforts over the past 52 years that they have engaged
15 in.

12:16:43

16 I also would like to thank CHA for trying to implement
17 or institute effective policy to remedy the racial
18 discrimination brought forth by Gautreaux.

19 And we'd also like to acknowledge Dr. Martin Luther
20 King, Jr., whose birthday was two days ago, who actually was
21 somewhat inspirational to Ms. Gautreaux and her pleadings
22 before both the state and the federal courts based on housing
23 discrimination that he brought to the City of Chicago in which
24 some of you may recall.

12:17:06

12:17:30

25 Again, my name is Paul Pearson, P-e-a-r-s-o-n. I grew

1 up in Chicago Housing Authority, Washington Park Homes, not too
2 far from the University of Chicago where as a young person I
3 had aspirations of one day being accepted into such a
4 prestigious institution.

12:17:59

5 The reality is that that would not happen. I dropped
6 out of King High School, which is no more than a mile away from
7 the University of Chicago and a half a block away from the
8 housing project that I was subjugated to live in for 18 years,
9 despite the fact that my mother insistently tried and tried and
10 tried to find safe affordable housing outside of the Washington
11 Park Homes in which we grew up.

12:18:24

12 With that being said, my objection is plain and
13 simple. At this point in time, we are in the midst of an
14 effective government shutdown. We have courts, such as this
15 one, that will be closed, civil courts, federal courts will be
16 closed in the very near future based upon a lack of funding,
17 criminal courts and the federal will remain open.

12:18:52

18 How does that affect this settlement agreement? That
19 affects this settlement agreement because it will not give time
20 for the Court to actually consider whether or not the
21 proposals, the settlement agreement made by Corporation
22 Counsel --

12:19:12

23 THE COURT: Let me answer that question very quickly.

24 MR PEARSON: Yes, sir.

12:19:25

25 THE COURT: In the unlikely event that there is a

1 problem and the courts are closed, I'm still a judge, and the
2 lawyers can find me, and the closing of this court will not
3 affect the implementation of the settlement agreement.

12:19:49

4 MR PEARSON Thank you for your assurance, Your
5 Honor.

6 THE COURT: You got about a minute to conclude if you
7 have anything more to say.

12:19:59

8 MR PEARSON Yes, sir. I would like to also address
9 the fact that the City of Chicago right now, as you may be very
10 well cognizant of, is in the process of choosing new
11 leadership. That means that we may actually, in fact in the
12 very near term, February or possibly in April, have a new Chief
13 Corporation Counsel -- I'm sorry, Chief Executive Officer of
14 the City of Chicago municipality who may, in fact, also change
15 leadership of CHA and along with that the policies that are
16 being instituted by such changes.

12:20:19

17 With that being said, while the BPI proposal may on
18 the surface address some of the concerns of discrimination, it
19 still may not align with future aspects of Chicago Housing
20 Authority.

12:20:45

21 I'll be succinct and brief on this last point of
22 contention in which we would like to again take this proposal
23 from BPI back to community members that it is affecting
24 adversely.

12:21:01

25 When this lawsuit was initially brought to the state

1 and federal courts, the term "Negro" was utilized specifically
2 to say that racial discrimination was desperately impacting
3 those communities. We would like to take this out-lie provided
4 by BPI back to those marginalized communities to further
5 address or refine some of the requests that we would like for
6 our municipality or Corporation Counsel to address in an
7 affirmative way so that we have an inclusive and more
8 responsible plan of action going forward, one that is not
9 limited.

10 And last, but not least, if, in fact, this case has
11 been in the courts for 52 years, why, why would the case be
12 removed, settled outside of court --

13 THE COURT: Stay here for the end of the proceedings
14 and I'll answer that question.

15 MR. PEARSON: Thank you so much, Judge Aspen.

16 THE COURT: Thank you.

17 MR. PEARSON: With that being said, I do again
18 forcefully and strongly object to any settlement agreement that
19 removes any part of this discrimination suit from the courts.
20 Thank you again.

21 THE COURT: Okay. Let me just say to those in the
22 room, or assure those in the room, that the settlement
23 agreement is binding upon this administration of the CHA and
24 all administrations. The change of an election official or an
25 appointment in city government does not take away from any of

1 the obligations.

2 Call the next witness.

3 THE CLERK: Juan DeRosa.

4 MR DE ROSA: Good afternoon, Your Honor.

12:23:11

5 THE COURT: Good afternoon.

6 MR DE ROSA: I'll make this quick so to give a chance
7 for the others to speak to you.

8 Again, my name is Juan DeRosa. I'm a Housing choice
9 Voucher member and I'm a member of the Housing Choice Voucher
10 Working Group with the Chicago area Fair Housing Alliance. We
11 are working with advocates, CHA and other state holders to
12 address issues impacting voucher holders.

12:23:28

13 I am low income, I have a disability, and I am here to
14 object to the terms of this settlement as I believe more people
15 like myself would have if they were aware that this hearing was
16 taking place.

12:23:45

17 I object because I do not want Housing Choice Vouchers
18 included in the settlement. BPI wants to have the right to
19 change to the voucher program, by BPI cannot and does not
20 represent voucher holders. We are not their clients. I was
21 never notified by CHA or BPI of my rights or -- or of the
22 policies they expect to implement when they want to speak for
23 us, and that's not fair, Your Honor.

12:23:59

24 As a voucher holder, I want to be part of creating
25 change to the program based on my own experiences having to use

12:24:16

1 a voucher. BPI does not have my experiences. They don't know
2 what housing Choice Voucher holders go through, and I've gone
3 through a lot.

12:24:30

4 I had to move from the mobility area on the north side
5 to South Shore to use my voucher and almost ended up homeless
6 in trying to use my vouchers. We voucher holders are the
7 experts on what the holders have to go through, not BPI. If
8 there are reforms that should be made, we know what those
9 problems are based on our experiences.

12:24:50

10 We want to be included in working the solutions to
11 problems like:

12 1, how long does it take CHA to approve a unit? I
13 applied for months.

14 2, discrimination.

12:25:03

15 3, how many of us lacked funds necessary to move?

16 I object to the settlement because it does not, has
17 not included those impacted voucher holders or CHA renters, and
18 that's not fair either, Your Honor.

19 Thank you very much, sir.

12:25:16

20 THE COURT: Thank you.

21 THE CLERK: Laura Martin.

22 MS DELGADO: Good afternoon, Your Honor. Laura had
23 to leave. With your permission, I can read her statement or
24 submit it to the Court.

12:25:38

25 THE COURT: Sure.

1 MS DELGADO Good morning. My name is Sara Delgado:
2 "Good morning or afternoon. My name is Laura
3 Martin. And I am an HCV participant, as well as
4 a member of the Housing choice Voucher Working
5 Group with the Chicago Area Fair Housing
6 Alliance, a group that has collaborated with the
7 CHA since 2016 to make changes that improve the
8 HCV program for participants.

9 I am opposing this motion today because the
10 proposed settlement would give BPI new power to
11 make changes regarding the CHA's Housing choice
12 Voucher Program without any notice or input from
13 HCV participants like myself, or groups such as
14 the HCV Working Group that work to elevate the
15 voices of HCV participants.

16 The section of the settlement that allows BPI
17 to make changes to the administration of the
18 rental process, unit inspections, lease
19 provisions, and administration of the HCV
20 Program -- including but not limited to --
21 payment standards, targeted vouchers, and
22 funding availability and adequacy should be
23 removed.

24 I also suggest that changes proposed by BPI go
25 to the HCV Working Groups so that there is some

1 accountability to HCV participants.

2 Also, HCV participants did not get any notice
3 of the proposed settlement. We have not been
4 given an opportunity to object despite being
12:26:56 5 impacted by the terms of the settlement.

6 Thank you. "

7 THE COURT: Thank you.

8 THE CLERK: Francine Washington.

9 (Brief pause).

12:27:17 10 MR WASHINGTON: Good afternoon. My name is Francine
11 Washington. I am a public housing resident. And my objection
12 is Gautreaux just getting involved with Section 8.

13 I've been involved with Gautreaux for 44 years. I
14 started off young and I don't see what's benefited. The
12:27:38 15 Gautreaux -- the Gautreaux decision was to build housing in
16 opportunity areas. And I left -- I was running here to get
17 here and I left the paperwork in the bathroom on the
18 countertop.

19 Every housing that was built since 1966, '68 went
12:27:53 20 through the courts, through you, Judge Aspen. The paperwork
21 shows every housing that was built since '68 was built in black
22 and brown areas, not white communities or white areas. I lived
23 on the other side of 35th Street. I couldn't go to the side of
24 my lot, nor did they build any housing in Bridgeport just -- in
12:27:58 25 Bridgeport a half a block away from me

1 And I appreciate the family here, Gautreaux, what it
2 did for them, but if I'm going to move, I want to move on. The
3 last Gautreaux descendent moved out of Robert Taylor in 2006,
4 the person working for me on the foodservice program.

12:28:28

5 And we talking about the opportunity areas started in
6 '84, that was an old Sears building that was headed up by Kale
7 Williams, Aurie Pennick was their attorney. I worked with
8 them. They helped refine that program. I was there every day
9 with Gail Williams and Orr Repenik (phonetic), and I helped
10 steer a lot of residents to them so they can move to
11 opportunity areas.

12 You could define opportunity areas of mobility all you
13 want. One thing about public housing, you have a destination,
14 you have a place that's edged in stone. When it comes to CHA
15 vouchers, you have a choice, and so, therefore, your
16 opportunity may not be my opportunity.

17 And the people going to say they're going to be
18 involved in the voucher program, that they should only give
19 advise. It's like in the past, every time they have problems
20 with CHA, they ran to you, Judge Aspen, and you okay whatever
21 they want. This is advisement. It should be spelled out
22 exactly what those terms mean, because right now you're saying
23 one thing to the attorneys up there and they're saying
24 something else.

25 And as to the daycare, the daycare was always at

1 Altgeld Gardens. They was always there. We took the
2 opportunity areas of mixed income, we had daycares in all our
3 communities. We got the mixed income, we did this. They're
4 really concerned about public housing? This land been doing
5 them for 20 years. You'd think they would fold CHA hands and
6 build housing; instead, they want to build a shopping centers,
7 shopping malls, they want to build commercial.

8 And Judy worked during the plan for transformation.
9 Just think about it, when you was there, we had two daycares,
10 one of them housed 160 infants, okay, preschool kids, that was
11 at 10 West 35th Street; and then at 3544 another daycare and
12 that was 90 kids; then 3818 were after school program. Now we
13 have nice new housing. And we also had a park district with
14 two lots which would let all of our residents attend. Now we
15 have nothing.

16 We building houses for commercial space. We have kids
17 that can't even walk to school. We built a new community and
18 no BPI, no one else, they're opportunity areas, your
19 opportunity and my opportunity. My opportunity is, I can walk
20 my kid down the street to school. We have 3- and 4-year olds
21 that have to be bused to school or driven by their families
22 every day. That means they have to get up early in the morning
23 to go to school, only long bus rides come by later in the
24 evening. When do they have time to play? We don't have a park
25 district, which is part of playing. When, do they decide to

1 build a park? What are kids going to do? Where are they going
2 to go? Then there is park district, you have to walk a mile or
3 get to bus that's too dangerous to walk.

4 So when I get up in the morning to get my child to
5 school, every day I have to pay car fare to get my kids to
6 school. They're going to two or three different schools, so
7 how am I supposed to work?

8 If they care about us, their opportunity is not our
9 opportunity. They never build a white community, only black
10 and brown, so what are they going to do for Section 8? You
11 can't -- it can't be your opportunity and everybody's
12 opportunity. Might do grocery stores? Don't look like none of
13 us at public housing missed any meals, so what's the problem?
14 I don't agree with it.

12:31:33

15 I don't think they -- like they say, if they just
16 going to advise, they should advise. If they don't do it, I'm
17 going to take you into court, I got to file a motion.

18 And on that, they need to stop -- I had two working
19 groups with them yesterday. I have four working groups with
20 them a month. A young lady came to me every month. Three
21 meetings with me. All she said was her name. They're taking
22 up space. Never made any objections, never had opinion. They
23 don't need to be in our our working group meetings. For what?
24 They ain't doing nothin' for us but taking up space and getting
25 a paycheck.

12:32:07

1 For years we have been in servitude and so public
2 housing is 95 percent African-American, 95 percent female. I
3 think they're breaking us all these years, that's my opinion.

12:32:20

4 THE COURT: Okay. You want to take a minute to
5 conclude, please.

12:32:35

6 MR WASHINGTON: And I'm talking about reality.
7 Everywhere they build public housing since '68, I could take
8 you to the exact address and locations. I'm not talkin' about
9 what somebody told me, I checked it out for myself. I have it
10 black and white, dates, times, and everything. If you like --
11 I wish I hadn't left it back. I'm just telling, I'm so mad.

12 THE COURT: Thank you.

12:32:48

13 MR WASHINGTON: So, no, I don't think should be
14 saying they advise, it should be spelled out, black and white,
15 bold letters. It ain't nothin' personal, it's business. I've
16 been there a long time and I know what I know, not from what
17 somebody told me or reading in a book. If read in the book
18 what somebody told it to me, then I had to go check it out for
19 myself.

12:33:02

20 THE COURT: Thank you. Thank you very much.

21 All right. We have heard from all the objectors who
22 have asked to be heard. We're going to take a short recess,
23 15 minutes. Give you some time to get -- give you a chance to
24 have a cup of coffee and we'll begin in 15 minutes.

12:33:33

25 MR JOHNSON: Did you want Mr. Jones to speak before

1 or after the recess?

2 THE COURT: After.

3 MR JOHNSON After. Yes.

4 THE CLERK: All rise. The Court stands in recess.

12:33:49

5 SECURITY OFFICER: All rise.

6 (Recess.)

7 THE CLERK: All rise. This Court resumes in session.

8 Please be seated.

12:52:59

9 THE COURT: I misspoke, there is one additional
10 objector who wishes to speak.

11 THE CLERK: Laura Donaldson.

12 (Brief pause)

12:53:48

13 MS DONALDSON My name is Laura Donaldson. I've been
14 a resident of CHA housing since 2016. And I wanted to say that
15 I did not know about this hearing until someone that I --
16 someone told me about it. And I don't appreciate that because
17 how are we to speak on the issues if we don't know about the
18 hearing or have not met with the attorneys?

12:54:12

19 I did not know, like I said, about this until someone
20 else informed me. I hadn't gotten a notice about it. I hadn't
21 been informed that I have a right to say whether or not I agree
22 with what's going on, or anything.

12:54:37

23 And I want to also say that there should be nothing
24 about us without us. How we to know what's going on if we're
25 not informed, not told what's going on, or anything? I've

1 never met the attorneys for BPI and they're speaking for me,
2 but they don't know who I am. How are they supposed to -- how
3 are they doing that without knowing their clients? I don't
4 appreciate it. And I adamantly, vehemently object to the
5 proceedings. I'm sorry, but I do, because they're speaking for
6 me but they don't know who I am, and I don't appreciate it, and
7 I'm just angry about it.

8 THE COURT: Thank you very much, ma'am

9 MS. DONALDSON: Thank you.

10 THE COURT: All right. We have heard a series of
11 objections, all of which I will consider. I have responded, in
12 part, to some of the people who have spoken. I've also read
13 the written objections where there has been no speaker.

14 I'm going to give at this time Mr. Jones an
15 opportunity to respond to some of the objections and then
16 Mr. Polikoff will have a chance to respond as well.

17 MR. JONES: Good afternoon, Your Honor.

18 THE COURT: Thank you, Mr. Jones.

19 MR. JONES: My name is Eugene E. Jones, Jr., and I'm
20 so humbled and honored to be here.

21 This is a day of celebration. It's also a historic
22 day. And I'm just elated to meet the Gautreaux family, and
23 also Ms. Frazier, she gave me a strategic plan based on her
24 seven recommendations. And so this has been a great
25 opportunity for us. Just appreciate being here.

1 Some of the things that were brought up in opposition
2 was not having enough notice. We noticed this, as we had
3 agreed to with the Court, and so forth. We put it all in major
4 newspapers. We also have it on our website. And so we know
12:57:12 5 that that information was out there to our resident population,
6 as a whole.

7 One of the biggest issues is Section 8 about
8 inclusion, about concerns, being included in some of the
9 decisions that CHA is making. We still have a working group
12:57:29 10 based on HOV, Housing Choice Voucher residents, who provide
11 recommendations to CHA. We also have a Board of Commissioners
12 meeting, and we also have other different avenues in which
13 residents can voice their opinion.

14 BPI is only making recommendations, as anyone else in
12:57:46 15 the public, about our Mobility Program and only on Mobility
16 Program.

17 I wanted to say that I will be here for a while as a
18 CEO of the Chicago Housing Authority, I'm very proud. I had a
19 4-minute and 59-second speech, Judge, but I'm not going to do
12:58:04 20 that.

21 (Laughter in the courtroom)

22 THE COURT: All right.

23 MR JONES: I don't want to beat this horse to death.
24 I just think all the testimony, all the positive things, and so
12:58:11 25 forth, I resonate, and I say the same thing, I agree. I think

1 this is a great partnership with BPI and CHA, our attorneys, my
2 staff, my Board of Commissioners, and also our general
3 population of our residents. It is just an honor to be here
4 and to support this settlement agreement.

12:58:28

5 Thank you, Your Honor.

6 THE COURT: Thank you.

7 MR JOHNSON: Might I just get up for one second,

8 Judge --

9 THE COURT: Yes.

12:58:36

10 MR JOHNSON -- before Alex finishes it?

11 THE COURT: Yes.

12 MR JOHNSON: There's two sort of technical points.

13 THE COURT: Do whatever you want, Mr. Johnson.

14 MR JOHNSON: 1, just so you're clear about the

12:58:46

15 proposed order that we have tendered to you, which we both hope
16 you will embrace.

17 THE COURT: Uh-huh.

18 MR JOHNSON: If you were to approve that, then the
19 way this is going to work is, since objections were filed,

12:59:01

20 potentially there is an appeal, so there's 30 days --

21 THE COURT: Yes, a 30-day period.

22 MR JOHNSON: So if Your Honor were to sign it, and if
23 there is no appeal, 30 days hence the settlement would go into
24 effect. On that date, the '69 judgment order is vacated and
25 the case is dismissed. Then the settlement agreement is the

12:59:15

1 only thing that can be litigated. And at the very end of that,
2 there's a final dismissal with prejudice, that's the way the
3 Seventh Circuit said they want this to go.

12:59:33

4 The other thing with respect to notice, Your Honor
5 previously did one of these hearings, 1980. And we just direct
6 Your Honor to the Seventh Circuit's decision at 690 Fed.2d 616,
7 1982, where they approved your fairness hearing and approved
8 the notice that is essentially identical to the notice that we
9 provided here.

12:59:51

10 So with that, I'll turn it over to Mr. Polikoff.

11 MR POLIKOFF: With Your Honor's leave, just a couple
12 of final remarks. The objections I'd like particularly to
13 address are five in number, and you didn't hear them verbally
14 but you said you've read them all.

01:00:10

15 THE COURT: Yes.

16 MR POLIKOFF: I'm referring to the ones -- they were
17 delivered to us by the Shriver Center, and it was on a long
18 sheet of paper, five numbered objections. And it's those that
19 are pretty articulate, and I'd like to briefly address each
20 one.

01:00:26

21 THE COURT: Yes.

22 MR POLIKOFF: I'm referring to a piece of paper that
23 looks like this, Your Honor, (indicating).

24 THE COURT: I'm looking.

01:00:38

25 MR POLIKOFF: Single spaced and it runs two pages,

1 and then it has a number of signatures. I think about 30;
2 35 -- 30 to 35 --

3 THE COURT: Bear with me

4 MR POLIKOFF: -- apparently the class members. It's
5 signed out of those five objections.

6 (Brief pause)

7 THE COURT: Yes. And as I suspected, they're on the
8 bottom of my pile. Thank you.

9 MR POLIKOFF: So you've found those objections, Your
10 Honor?

11 THE COURT: Yes.

12 MR POLIKOFF: Well, now I've lost something. If you
13 give me half a second here, I'll find it.

14 (Brief pause).

15 MR POLIKOFF: Okay. Found it. Apologies for that,
16 Your Honor.

17 The first objection of the five has to do with the
18 notice period. You've just heard Tom Johnson --

19 THE COURT: What number is that?

20 MR POLIKOFF: Pardon me?

21 THE COURT: The number?

22 MR POLIKOFF: The notice period was too short.

23 THE COURT: Okay. I got it.

24 MR POLIKOFF: As Your Honor knows, you would've liked
25 the longer period, but we felt that, on balance, with the very

1 substantial newspaper publication, massive delivery of notice
2 to tens of thousands of class members that CHA accomplished,
3 that the notice period was sufficient. We have the Seventh
4 Circuit precedent where essentially the same period that Tom
5 Johnson just referred to.

01:02:25

6 Ironically, I'd like to say that the Shriver Center,
7 by preparing these carefully formulated objections within the
8 time period, has demonstrated the sufficiency of the notice
9 period.

01:02:38

10 The second objection has to do with class
11 representation. And here I'd like to point out that in 1998,
12 the Federal Rules of Civil Procedure were updated with the
13 addition of Subsection G on class counsel. " And the rule states
14 that class counsel's duty must fairly and adequately represent
15 the interest of the class; that's what we're supposed to do as
16 lawyers.

01:03:08

17 On the Advisory Committee's notes to those amendments,
18 Your Honor, Professor Rubenstein, the author of Newberg on
19 class actions, says the following, and I'm quoting from
20 pages 430 to 431:

01:03:27

21 "Class counsel is now the paramount
22 representative of the class, not the class
23 representatives."

24 And that's a view that the Seventh Circuit has
25 explicitly acknowledged in a case of Dechert v. Cadle,

01:03:44

1 333 F.3d 801:

2 "In the usual class action, the named plaintiff
3 is a nominal party, and the real party is the
4 lawyer for the class."

01:04:02

5 The new rule, Your Honor -- new back in 1998. Now
6 20 years old -- is really aimed at responding to the fiction --
7 we all know it to be a fiction -- the conventional pretense
8 that the class representatives monitor class counsel.
9 Professor Newberg says:

01:04:23

10 "Rule 23(g) shifts this counsel-monitoring
11 function from the class representatives to the
12 court."

01:04:42

13 So in the Professor's view -- and he's an authority
14 on this -- it's in the Court's court, so to speak, right now to
15 monitor the performance of class counsel. It's ultimately the
16 responsibility of the Court to see that counsel fairly and
17 adequately represent the class.

01:05:04

18 And I want to say that, of course, in this case, you
19 personally had a long, long time to do that monitoring job, and
20 it's ultimately going to be your decision as to whether we have
21 responsibly performed or not.

01:05:25

22 I want to add by way of a kind of a footnote, that
23 even before the rule was changed in 1998, a number of scholars
24 noted that class representatives had little role to play --
25 even before the change in the rules -- in the remedial phase of

1 class litigation. And we, of course, have long been in the
2 remedial phase, since 1969, actually. And I'm quoting now from
3 an article discussing these questions. It's in 14 Yale and
4 Policy Review at page 99, the quotes from page 168:

01:05:41 5 "Rule 23 does not require specific input on
6 follow-up remedial developments."

7 The bottom line, Your Honor, is that the class
8 representation aspect of this case comports entirely with the
9 new rule -- new in 1998 -- placing the responsibility for
01:06:17 10 monitoring our performance as lawyers on the Court rather than
11 on class representatives.

12 The third objection on the five is that we shouldn't
13 have the right to engage with CHA on possible improvements in
14 the Mobility Program, and a number of people have spoken to
01:06:36 15 that as well.

16 It really passes understanding, Your Honor, why
17 Gautreaux class members seeking, above all, desegregation
18 should not be applauding an opportunity to build more
19 desegregation in the Mobility Program.

01:06:52 20 The basic reason advanced in support of this -- I'd
21 like to call it incomprehensible objection -- is that should
22 the Court enter orders affecting voucher family's rights
23 without giving them notice, the objection says that would raise
24 due process concerns. Yes, it would. And for that very
01:07:12 25 reason, that scenario is unlikely ever to unfold, in this court

1 at least.

2 Moreover, in the unlikely event that such orders were
3 entered, not being class members and therefore not being bound
4 by any such orders, the HCV families would be perfectly free to
5 take appropriate action to protect their interest.

01:07:32

6 The fourth penultimate objection is that class counsel
7 shouldn't be paid for their Altgeld Early Learning Coalition
8 work. This is really a mean-spirited objection, I think,
9 because the Altgeld project is a terrific one, as you've heard.
10 Everybody should be applauding efforts to help the young kids
11 who most need it.

01:07:53

12 In fact, however, my employer, BPI, which manages the
13 project, has never been paid for its Altgeld work, nor, of
14 course, have class counsel. And we have never asked to be paid
15 for that work, and we never intend to ask to be paid for that
16 work. So that objection -- I'd like to repeat -- I think it's
17 a mean-spirited objection, because why shouldn't we be paid if
18 we wanted to be paid, but we have not.

01:08:12

19 BIP's gift -- that's what it is -- to the Altgeld
20 community is the Altgeld Learning Coalition. And, in fact, BPI
21 has paid considerable sums out-of-pocket to help that project
22 along in many ways.

01:08:34

23 The fifth and final objection is that class counsel
24 should not be paid for attending working group meetings. In
25 fact, Your Honor, attending these meetings where much of the

01:08:56

1 major planning for the mixed income developments is aired and
2 discussed, is an important way for counsel to keep informed
3 about CHA plans and about resident and community views.

01:09:17 4 Why class members should object to their own class
5 counsel being paid by the defendant, CHA, for monitoring in
6 this fashion, a CHA activity that is central to Gautreaux
7 concerns, is incomprehensible to me

01:09:37 8 Those, Your Honor, are our reactions to the five
9 objections. I'd like to note that although we believe them to
10 be quite without merit, in a class of tens of thousands of
11 persons views of all sorts are likely to be found.

12 Thank you.

13 THE COURT: Thank you.

01:10:07 14 Well, let me add also that some of the objections do
15 not relate to issues in this lawsuit, and I do not belittle
16 some of these issues that are not relevant to this lawsuit in
17 terms of their merit.

01:10:52 18 Gautreaux was never meant to be a cure-all to all the
19 City's housing problems. Nor do the limits of the complaint
20 take on the responsibility of discrimination that existed in
21 the City of Chicago, racial discrimination, and still exists in
22 the City of Chicago.

01:11:22 23 There are other lawsuits, there are other
24 administrative agencies in the City. There are other pro bono
25 lawyers and pro bono organizations who are dealing with these

1 issues. So, in effect, what the Court can do, and what the
2 lawyers are asking the Court to do, is to approve a settlement
3 of a very narrow issue, an important issue, an historic issue,
4 as we've heard from the families of the class representatives;
5 I think that, in itself, is a very novel courtroom procedure.
6 How many cases in a hearing, such as this, that is decades old,
7 will have the historical perspective of the representatives and
8 family of the class representatives who were the original
9 plaintiffs in this case.

10 This case has been a struggle, a struggle of
11 conscience for the City, the racial relations in the City,
12 politics in the City, the conscience of the City. It's been
13 very unique. And those of us who are old enough -- and some of
14 you have stated your credentials as being old enough -- can
15 remember Chicago 1966 and can compare it to Chicago today.

16 There have been a lot of changes, good changes and bad
17 changes, but certainly the Gautreaux case has, in my view, made
18 the City a better and fairer place for all of its citizens to
19 reside in, and has been a model elsewhere in this country as
20 well.

21 That's no small feat. So we can look back at 1966 in
22 a very nostalgic way and see that it sure was a lot better. I
23 mean, it was calmer, life was simpler, but 2019, the City is a
24 lot better because of the Gautreaux case.

25 I've told the lawyers on another occasion that when

1 the case was filed in 1966, I didn't realize that I was
2 witnessing the birth of the oldest lawsuit in the City of
3 Chicago. And I haven't checked the dockets of all the district
4 courts in the country, I don't know if it's oldest in the
5 country, but certainly the oldest in the City of Chicago.

01:15:50

6 The original U.S. assignment went to the United States
7 District Court Judge Richard Austin. And I happened to be
8 sitting in his chambers on another matter when the case was
9 filed that day. So I wasn't there in the delivery room, but I
10 would call it the recovery room after the case was filed.

01:16:19

11 (Laughter in the courtroom).

12 THE COURT: The consent decree was entered in 1969
13 with great hopes, and I imagine optimism, by the parties on
14 both sides. The idea was a good one, but the implementation
15 really never got off the ground.

01:17:00

16 There were times when the CHA was aggressive in its
17 obligations and times when it was not. And I'm not talking
18 about this particular administration or anyone in this room.
19 There were times when the federal government was supportive and
20 times when it was not.

01:17:41

21 And so Gautreaux kind of limped around after the
22 consent decree, taking baby steps when it should have been
23 taking adult leaps and bounds.

24 In 1976, Judge Austin had left the bench and it was
25 reassigned to Judge John Powers Crowley who retired in 1981,

01:18:14

1 and the case was reassigned to me when Mr. Bebley was still in
2 CHA housing and Mr. Polikoff had a full head of darker-colored
3 hair.

4 (Laughter in the courtroom).

01:18:52 5 THE COURT: I might say that his hair went gray, my
6 hair went shortly thereafter.

7 (Laughter in the courtroom).

8 THE COURT: It moved, but it was still limping along
9 when Mr. Polikoff filed a motion in 1987 to appoint a Receiver
01:19:35 10 because the governmental authorities were not moving in the
11 manner that, in his view, they should be moving to implement a
12 consent decree.

13 I was very concerned about this motion for several
14 reasons, perhaps I've never even articulated it to the lawyers:

01:20:09 15 No. 1, I have a municipal lawyer background with the
16 City of Chicago in my youthful legal days. And I strongly
17 believed, and I believe to this day, in local law deciding
18 local problems and local officials handling local problems. I
19 think we're getting to that, finally, with the settlement
01:21:02 20 agreement, assuming its final implementation.

21 I also have another concern, that the Receivership --
22 not a political appointment -- that it not be put in the hands
23 of an individual or a company that anyone could say is a plum,
24 because there were all kinds of fruit, including plums, passed
01:21:54 25 out to the connected folks in those days -- I'm not going to

1 comment about the present.

2 And I was also concerned that we would have a Receiver
3 who would, in a very professional and calm way, try to bring
4 both sides together and with a common purpose of accomplish
5 what Gautreaux was meant to accomplish.

01:22:27

6 So I decided that I didn't want to make an appointment
7 on a clean slate. Instead, I asked Edward Marciniak, a
8 professor at Loyola University, to head a small committee that
9 would give me three names of Receivers that they would
10 recommend after a search and interviewing on their part.

01:23:16

11 And they did. And I knew none of them personally,
12 didn't know about them personally, and interviewed them. And I
13 had the good fortune to choose Dan Levin and Habitat as the
14 Receiver. And Dan Levin personally monitored the project, and
15 reported at least every other month, dropped by the courtroom,
16 to keep me advised as to what was going on; extremely helpful.

01:23:58

17 When Dan decided to retire from not his ownership of
18 Habitat but from some of the executive responsibilities, he
19 brought in a young woman who I did not know. And she came and
20 did the reporting and had the appropriate title, I don't know
21 if it was president or vice president.

01:24:46

22 And she came for several years and did that until
23 Valerie Jarrett had to leave Habitat to work on the Obama
24 presidential campaign. When she finished that job, she didn't
25 go back to Habitat. They found another job for her in

01:25:16

1 Washington. So a little footnote in the story of the Gautreaux
2 case. Valerie Jarrett worked on the Gautreaux case before she
3 started working on the world's problems in Washington, D.C.

01:26:13

4 There came a time -- and we talked about it in the
5 late '90s probably for the first time, and talked about it
6 periodically -- when I came back to my old refrain that this
7 was a proper and a perfect case for the federal government to
8 get involved with and for a Receivership to be appointed, but
9 it was an exception to the proper model for municipal
10 administration.

01:26:51

11 And there should be a time when we determine that the
12 Receivership should end because the parties at this point were
13 working together on a common purpose. Sure, there were
14 occasional differences that sometimes would be brought before
15 me on a motion, either for direction or to directly decide an
16 issue. And we did it, but it never was done with rancor, and
17 things kept moving. But the seed was planted, that some day
18 it's time for the City to take the reins again.

01:27:20

19 And that day finally came in 2010 when the
20 Receivership was dissolved. I think Habitat stayed on and did
21 some work for CHA in the project, but its role was over.

01:27:59

22 But that wasn't the end game. My end game always was
23 to preside over a proceeding like this when we vacated the
24 consent decree signed in 1969, almost 40 years ago.

01:28:58

25 So today is a historic day as well. And I will be

1 issuing my order in due course, but I want to close my remarks
2 by telling everyone in this room how grateful I am for your
3 contributions, starting with the Gautreaux family and families
4 of the other representative plaintiffs. What a wonderful
5 legacy you have for your families, and I appreciate so much
6 seeing you in the flesh today.

7 Mr. Johnson has been in this case for a while, a long
8 while, and he's seen how it's evolved. He's done a magnificent
9 job for several administrations. I appreciate Mr. Bebley and
10 Mr. Jones for their cooperation, which has been similar to the
11 recent cooperation of the CHA. It tackled the job
12 enthusiastically and with great professionalism.

13 I cannot think of any pro bono case or effort that I
14 know of -- it may be out there but I don't know about it --
15 that has been that stellar and impactful as the work that's
16 done by Ms. Brown and her predecessors, and others, and other
17 volunteer lawyers in BPI over the years.

18 Any comments by objectors, silly objections that
19 "every person in the CHA housing has never met an attorney,"
20 they should be happy that you've never met them and you should
21 be happy that you just didn't have to pay the bills.

22 And, finally, Mr. Polikoff, who makes me not the
23 senior statesman in this whole ordeal. Can you imagine a
24 lawyer having his name on a case that was filed in 1966. And
25 not his name on this case, not an appearance that was filed,

1 but who has been working on this case -- I won't say every day
2 in his life because I know he's got another life and hopefully
3 a few more cases -- but I can't imagine a week has gone by
4 without his involvement in some aspect of this case, and he was
5 properly recognized by our court last year for those efforts.

01:33:33

6 Were it not for the BPI, and were it not for
7 Mr. Polikoff in particular, hopefully we would've gotten to
8 where we are today, but maybe not as quickly, if you can say
9 that about a case that's lingered this long. It wouldn't have
10 been done as quickly, it wouldn't have been done as
11 efficiently, and it wouldn't have been done as fairly.

01:34:09

12 So I'm grateful to everyone in the room. There's a
13 motion before me I'm going to take it under advisement. And
14 thank you for spending part of the morning and afternoon with
15 us.

01:34:32

16 THE CLERK: All rise. This Court is adjourned.

17
18 (Which concluded the proceedings had on this
19 date in the above entitled cause.)

20
21 * * * * *

22 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE
23 RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER

24
25 /s/ Blanca I. Lara

February 4, 2019