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

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AUG 9 1966

DOROTHY GAUTREUX, ODELL JONES, <sup>RODGERS</sup> )  
DOREATHA R. CRENCRAW, EVA JOHNSON, )  
JAMES RODGERS and ROBERT M. FAIRFAX, )

Plaintiffs, )

v. )

THE HOUSING ASSISTANCE ADMINISTRATION )  
A Corporate Agency of the Department )  
of Housing and Urban Development, )

Defendant. )

ELBERT A. WAGNER, JR., Clerk  
United States District Court

CIVIL ACTION

NO. 66 C 1460

4490  
A

23p.

COMPLAINT

COUNT I

1. Jurisdiction of this Court is invoked pursuant to Title 28, U.S.C. §1331. This is an action in equity seeking declaratory relief under Title 28, U.S.C. §§2201 and 2202 and an injunction. The rights sought to be secured in this action are rights guaranteed by the due process clause of the Fifth Amendment to the Constitution of the United States. The matter in controversy exceeds, exclusive of interest and costs, the value of \$10,000.

)

2. This is a proceeding for a declaration that the defendant has assisted in the carrying on and continues to assist in the carrying on of a racially discriminatory public housing system within the City of Chicago, Illinois, for a permanent injunction enjoining the defendant from continuing to assist in the carrying on of the racially discriminatory aspects of such public housing system in the future, and for other appropriate relief.

3. Plaintiffs are all Negro citizens of the United States who presently reside in the City of Chicago, Illinois, and are tenants in "regular family" public housing projects (i.e., projects for persons other than the elderly) operated by the Chicago Housing Authority (the "Authority"), or have filed, on forms provided for by the Authority, written applications for and are eligible to be housed in, and have a right in accordance with Authority Rules to be housed in, such projects.

4. Plaintiffs bring this action pursuant to Rule 23 of the Federal Rules of Civil Procedure on their behalf and on behalf of all other Negro tenants and applicants similarly situated. The members of the class on whose behalf this suit is brought are so numerous that

joinder of all members is impracticable. There are questions of law and fact involved common to the class, the claims of the plaintiffs as representative parties are typical of the claims of the class, and the plaintiffs as representative parties will fairly and adequately protect the interests of the class. The prosecution of separate actions by individual members of the class would create a risk of (A) inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the defendants, and (B) adjudications with respect to individual members of the class which would, as a practical matter, be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests. Defendant has acted, in all respects stated herein, on grounds generally applicable to the class, thereby making appropriate final declaratory and injunctive relief with respect to the class as a whole.

5. Defendant, the Housing Assistance Administration, is a corporate agency and instrumentality of the United States and is a constituent agency of the Department of the Executive Branch of the Government of the United States

known as the Department of Housing and Urban Development, Defendant was formerly known as the Public Housing Administration.

**6.** The Authority is a municipal corporation, organized and existing under the laws of the State of Illinois, with its principal office located in the City of Chicago, Illinois. The public housing facilities in the City of Chicago are under the jurisdiction, management and control of the Authority. Under the laws of the State of Illinois, the Authority has the power and the duty to engage in low-rent housing projects, which activity is declared by such laws to be a governmental function essential to the public interest.

**7.** Under the laws of the State of Illinois the Authority has the power and the duty to select and acquire real property as sites for regular family public housing projects in the City of Chicago, but such sites, when selected by the Authority, may not be acquired by it until the Authority has advised the City Council of the City of Chicago (the "City Council") of the description of the sites proposed to be acquired and the City Council has approved the acquisition thereof by the Authority. The statute of the State of Illinois which requires such approval by the City Council (Ill. Rev. Stats., **Ch. 67 1/2, §9**) was enacted and became effective in 1949.

8. During the period from 1950 to the present, the applicants for and tenants of regular family public housing projects of the Authority have been predominantly Negro. At present, approximately 93% of the applicants for regular family public housing projects whose names appear on the Authority's waiting list **therefor** are Negro, and approximately 90% of the tenants *in such projects* are Negro.

9. With respect to residence the City of Chicago is, and continuously since 1950 has been, highly segregated along racial lines. At the time of the filing of this Complaint, Negroes numbering approximately 1,000,000 persons constituted over 25% of the total population of Chicago. At such time over 85% of all Negroes living in Chicago resided in neighborhoods the racial composition of which was all Negro or substantially all Negro (hereinafter "Negro neighborhoods").' During the entire period from 1950 to the present, over 75% of all Negroes living in Chicago resided in Negro neighborhoods. Such Negro neighborhoods were and are predominantly large and contiguous, and not small and scattered, and they constitute compact, segregated areas of Negro residence the bulk of which is known as the Negro Ghetto.

10. **Such** large **scale** residential segregation of **Negroes** within the Negro Ghetto in Chicago has had and will continue to have highly detrimental effects upon **Negroes** living therein, including the following:

- (a) Physical isolation from and lack of social contact with the larger predominantly white community within which the Negro Ghetto is located generate, among Negro residents thereof, feelings of inferiority as to their status in the community that affect their hearts and minds in a way unlikely ever to be undone. The separation of the races is usually interpreted as denoting the inferiority of the Negro group, and the sense of inferiority thus imparted to residents of the Negro Ghetto detrimentally affects their motivation and their ability to become useful members of the society at large, and has a tendency to retard their educational, social and political development. Such feelings of inferiority and other detrimental effects have been and are produced by the Negro Ghetto in Chicago.

- (b) **Physical isolation** from and lack of social contact with the larger predominantly white community within which the Negro Ghetto is located results, and has resulted in Chicago, in a pervasive life pattern of pathology marked by ignorance, fear, racial misunderstanding, broken homes, illegitimacy, delinquency, drug addiction, hatred and violence, all of which cripples and destroys great numbers of persons living within the Negro Ghetto.
- (c) Segregation in education invariably occurs where Negroes are residentially segregated and such educational segregation has occurred in Chicago and has followed the geographic pattern of the residential segregation hereinabove referred to. At the time of the filing of this Complaint approximately 90% of the Negroes attending elementary schools and approximately 70% of the Negroes attending high schools in Chicago attended segregated Negro schools -- i.e., schools which were all Negro or substantially all Negro. Such educational segregation is harmful to children attending such schools,

generates feelings of inferiority as to their status in the community that affects their hearts and minds in a way unlikely ever to be undone, results in inferior education for such children, and detrimentally affects their motivations and their ability to become **useful adult** members of the society at large.

- (d) As is stated in Executive Order No. 11063 of the President of the United States, "discriminatory policies and practices result in segregated patterns of housing and necessarily produce other forms of discrimination and segregation which deprive many Americans of equal opportunity in the exercise of their inalienable rights to life, liberty and the pursuit of happiness." The *Negro* Ghetto in Chicago is one such segregated pattern, has produced and continues *now* to produce such other forms of discrimination and segregation and has caused and continues now to cause such deprivation of opportunity to the residents thereof.

11. Since 1950 and prior to April 7, 1965, numerous sites were selected by the Authority, approved by the City Council, and acquired by the Authority for the purpose of erecting regular family public housing projects thereon. Following such acquisition the Authority erected regular family public housing projects on such sites consisting of hundreds of dwelling units and housing thousands of tenants, and the Authority presently maintains and operates the same.

12. Substantially all of said numerous sites selected for regular family public housing projects by the Authority and approved by the City Council since 1950 and prior to April 7, 1965, were in neighborhoods which were at the time of such selection, and are now, Negro neighborhoods, and were and are within the areas known as the Negro Ghetto.

13. Prior to April 7, 1965, the Authority selected and on or shortly prior to April 7, 1965, the City Council approved sites for the following described proposed new regular family public housing projects:

1. Project 2-12, Washtenaw & 12th Place, 201 dwelling units.
2. Project 2-2'7, Adams and Wood Avenues, 105 dwelling units.
3. Project 2-28, Six Scattered Sites, 241 dwelling units.

4. Project 2-32; 43rd and Princeton,  
444 dwelling units.

In addition, prior to April 7, 1965 the Authority selected Project 2-33, Pershing Road and Cottage Grove Avenue, for expansion, involving the construction of 606 additional dwelling units at or adjacent to the site of such project. Said proposed projects and the proposed expansion of Project 2-33 are hereinafter collectively referred to as the "Five Proposed Projects." Each of the sites for the Five Proposed Projects is in a neighborhood which was at the time of selection and is now a Negro neighborhood, and was and is within the areas known as the Negro Ghetto.

14. The Five Proposed Projects are large scale public housing projects **designed** and intended to provide in the aggregate approximately 1,600 new dwelling units for the housing of thousands of public housing tenants as follows:

2- 15 story buildings	1 - 13 story building
1 - 1	
4 - 6 14 story story building buildings	22 1 .. 10 3 story story building buildings
5- 7 story buildings	1 - 2 . <b>story</b> building

Construction Of the **Five** Proposed Projects has not yet begun.

15. In 1966 the Authority selected and submitted to the City Council for approval twelve additional sites for twelve proposed additional regular family public housing

projects, designed and intended to provide in the aggregate approximately 1,300 dwelling units for the housing of **thousands** of public housing tenants, Eleven of the sites for said twelve proposed projects (hereinafter collectively referred to as the "Twelve Proposed Projects") are located in the Woodlawn, **Oakwood, Lawndale** and East Garfield Park areas of Chicago, and the twelfth site is located at 118th Street and Wood Avenue. On or about July 11, **1966**, the City Council approved 11 of such sites. Each of the sites *for* the Twelve Proposed Projects is in a neighborhood which was at the time of selection and is now a Negro neighborhood, and was and is within the areas known as the Negro Ghetto.

16. Since **1950** substantially all of the sites selected by the Authority for regular family public housing projects have been *in* Negro neighborhoods and within the areas known as the Negro Ghetto because the Authority has deliberately chosen sites for such projects which would avoid the placement of Negro families in white neighborhoods. After **1949** the Authority sold and did not build regular family public housing projects upon sites previously acquired by it in white neighborhoods, because the Authority deliberately determined not to submit any sites for **City Council** approval of regular family public housing projects which would

result in the placement of Negro families in white neighborhoods.

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

18. The effect of the selection of sites by the Authority in Negro neighborhoods upon Negro applicants for and tenants of regular family public housing projects has been and continues to be that:

(a) Such applicants and tenants, if they choose to live in Authority% public housing facilities at all, have been and are forced to reside within the Negro Ghetto in the City of Chicago, and have been and are denied the opportunity to reside in public housing facilities in white neighborhoods ;

(b) Existing patterns of Negro residential and school segregation in the City of Chicago have been and are continued and strengthened and the detrimental effects and evil consequences of such segregation, all as alleged in Paragraph 10 hereof, are enlarged

and imposed upon such applicants and tenants;  
and

(c) The impact of such detrimental effects and evil consequences, as alleged in paragraph 10 hereof, upon such applicants and tenants, is the greater because, by reason of the site selection policies hereinabove described, such impact appears to have the force and sanction of law.

19. By reason of the facts hereinabove alleged, construction of the Five Proposed Projects and of the Twelve Proposed Projects on the sites selected therefor, and perpetuation-thereby of Authority's racially discriminatory public housing system, (a) will force plaintiffs and the class they represent to live exclusively in Negro neighborhoods within the Negro Ghetto if they choose to live in Authority's public housing facilities at all, (b) will preclude plaintiffs and the class they represent from having the opportunity to reside in public housing facilities in white neighborhoods, and (c) will continue and strengthen existing patterns of residential and school segregation in the City of Chicago and impose the evil consequences thereof, all as alleged in paragraph 10 hereof, upon plaintiffs and the class they represent.

20. The Authority has applied to the defendant for, has received from the defendant, and has employed Federal financial assistance in the construction of and otherwise in support of the numerous regular family public housing projects referred to in paragraph 11 hereof. The Authority has applied to the defendant for, either has received or shortly **will** receive from the defendant, and will continue thereafter to receive Federal financial assistance for the proposed construction of and otherwise in support of the Five Proposed Projects. Annual contributions contracts pursuant to which such assistance in the future will be provided have been executed by or on behalf of the Authority and the defendant in connection with each of the Five Proposed Projects. The Authority has applied to the defendant for and has received assurance that it will receive Federal financial assistance for the proposed construction of and otherwise in support of the Twelve Proposed **Projects**. The Authority proposes to use such assistance in the construction of and otherwise in support of the Five Proposed Projects and the Twelve Proposed Projects.

21. ~~By~~ reason of the facts hereinabove alleged the rights of plaintiffs and the class they represent under

the due process clause of the Fifth Amendment to the Constitution of the United States have been and will continue to be violated, and plaintiffs and the **class** they represent have suffered and will continue to suffer irreparable injury. Plaintiffs and the class they represent have no adequate remedy at law to redress the grievances herein set forth.

**WHEREFORE**, plaintiffs pray:

(1) That after a full hearing this Court declare that the Authority has been and is carrying on a racially discriminatory public housing system within the City of Chicago, Illinois, that such **system is** in violation of the rights of plaintiffs and the class they represent under the due process clause of the Fifth Amendment to the Constitution of the United States, and that plaintiffs and the class they represent have the right under said Amendment to end the employment of Federal financial assistance in connection with and in support of the racially discriminatory aspects thereof;

(2) That after a full hearing this Court permanently enjoin the defendant from making available to the Authority any Federal financial assistance to be used in connection with or **in** support of the racially discriminatory

aspects of the public housing system within the City of Chicago, or for the construction or otherwise in support of the Five ~~Proposed~~ Projects or the Twelve Proposed Projects on any sites which have been selected in a racially discriminatory manner or which will have the effect of continuing and strengthening existing patterns of *Negro* residential and school segregation in the City of Chicago; and

(3) That **plaintiffs** and the class they represent be given such other and further relief as the Court may deem just and equitable,

#### COUNT II

1. Jurisdiction of this Court is invoked pursuant to Title 28, U.S.C. §§1331 and 1343(4). This is an action in equity seeking declaratory relief under Title 28, U.S.C. §§2201 and 2202 and an injunction. The rights sought to be secured in this action are rights secured by an Act of Congress providing for equal rights and for the protection of civil rights, to-wit, Title 42, U.S.C. §2000d (Section 601 of Title VI of the Civil Rights Act of 1964). The matter in controversy exceeds, exclusive of interest and costs, the value of \$10,000.

2. This is a proceeding for a declaration that the defendant has assisted in the carrying on and continues to assist in the carrying on of a racially discriminatory public housing system **within** the City of Chicago, Illinois, in violation of Title 42, U.S.C. §2000d, for a permanent injunction enjoining the defendant from continuing to assist in the carrying on of the racially discriminatory aspects Of such public housing system in the future, and for other appropriate relief.

**3-** 20. The allegations of paragraphs **3** through 20 of Count I of this Complaint'are incorporated herein by reference as paragraphs **3** through 20 of this **Count** II.

21. By reason of the facts hereinabove alleged the rights of plaintiffs and the class they represent, under Title 42, U.S.C. §2000d, have been and will continue to be violated, and plaintiffs and the class they represent have suffered and will continue to suffer irreparable injury. Plaintiffs and the class they represent have no adequate remedy at law to redress the **grievances** herein set forth.

WHEREFORE, Plaintiffs pray:

(1) That after a full hearing this Court declare that the Authority has been and is carrying on a racially

discriminatory public housing system within the City of Chicago, Illinois, that such system **is** in violation of the rights of plaintiffs and the class they represent under Title 42, U.S.C. **§2000d**, and that plaintiffs and the class they represent have the right under said Title 42, U.S.C. **§2000d** to end the employment of Federal financial assistance in connection with and in support of the racially discriminatory aspects thereof;

(2) That after a full hearing this Court permanently enjoin the defendant from making available to the Authority any Federal financial assistance to be used in connection with or in support of the racially discriminatory aspects of the Authority's public housing system within the City of Chicago, or for the construction or otherwise in support of the Five Proposed Projects or the Twelve Proposed Projects on any sites which have been selected in a racially discriminatory manner or which will have the effect of continuing and strengthening existing patterns of Negro residential and school segregation in the City of Chicago; and

(3) That plaintiffs and the class they represent be given such other and further relief as the Court may deem just and equitable.

COUNT III

1 - 15. The allegations of paragraphs 1 through 15 Of Count I of this Complaint are incorporated herein by reference as paragraphs 1 through 15 of this Count III.

16. Since 1950 substantially all of the sites selected by the Authority for regular family public housing projects have been in Negro neighborhoods and within the areas known as the Negro Ghetto. After 1940 the Authority sold and did not build regular family public housing projects upon sites previously acquired by it in white neighborhoods.

17. Each of the sites-for the Five Proposed Projects and for the Twelve Proposed Projects is in a Negro neighborhood, and within the areas known as the Negro Ghetto.

18 - 21. The allegations of paragraphs 18 through 21 of Count I of this Complaint are incorporated herein by reference as paragraphs 18 through 21 of Count III.

WHEREFORE, plaintiffs pray:

(1) That after a full hearing this Court declare that the Authority has been and is carrying on a racially discriminatory public housing system within the City of Chicago, Illinois, that such system is in violation of the rights of plaintiffs and the class they represent under the due process

clause of the Fifth Amendment to the Constitution of the United States, and that plaintiffs and the class they represent have the right under said Amendment to end the employment of Federal financial **assistance in** connection with and in support of the racially discriminatory aspects thereof;

(2) That after a full hearing this **Court** permanently enjoin the defendant from making available to the Authority any Federal financial assistance to be used in connection with or in support of the racially discriminatory aspects of the Authority's public housing system within the City of Chicago, or for the construction or otherwise in support of the Five Proposed Projects or the Twelve Proposed Projects **on** any sites which will have the effect of continuing and strengthening existing patterns of Negro residential and school segregation in the City of Chicago; and

(3) That plaintiffs and the class they represent be given such other and further relief as the Court may deem just and equitable.

#### COUNT IV

1 - 2. The allegations of **paragraphs** 1 and 2 of Count **II** of this Complaint are incorporated herein by reference as paragraphs 1 and 2 of this Count IV.

3 - 15. The allegations of paragraphs 3 through 15 of Count I of this Complaint are incorporated herein by reference as paragraphs 3 through 15 of this Count IV.

16 - 17. The allegations of paragraphs 16 and 17 of Count III of this Complaint are incorporated herein by reference as paragraphs 16 and 17 of this Count IV.

18 - 21. The allegations of paragraphs 18 through 21 of Count II of this Complaint are incorporated herein by reference as paragraphs 18 through 21 of this Count IV.

WHEREFORE, plaintiffs pray:

(1) That after a full hearing this Court declare that the Authority has been and is carrying on a racially discriminatory public housing system within the City of Chicago, Illinois, that such system is in violation of the rights of plaintiffs and the class they represent under Title 42, U.S.C. §2000d, and that plaintiffs and the class they represent have the right under said Title 42, U.S.C. §2000d to end the employment of Federal financial assistance in connection with and in support of the racially discriminatory aspects -thereof;

(2) That after a full hearing this Court permanently enjoin the defendant from making available to the Authority

any Federal Financial assistance to be used in connection with or **in** support of the racially discriminatory aspects of the Authority's public housing system within the City of Chicago, or for the construction or otherwise in support Of the Mve Proposed Projects or the Twelve Proposed Projects on any sites which **will** have the effect of continuing and strengthening existing patterns of Negro residential and school segregation in the City of Chicago; and

(3) That **plaintiffs** and the class they represent be given such other and further relief as the Court may deem just and equitable.

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