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**In the Supreme Court of Pennsylvania**

*Middle District*

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No. 1 May Term, 1974

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PENNSYLVANIA HUMAN RELATIONS  
COMMISSION,

*Appellant*

vs.

CHESTER HOUSING AUTHORITY,

*Appellee*

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**RECORD**

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*Appeal From the Decision of the Commonwealth  
Court of Pennsylvania at No. 506 C.D. 1972  
Modifying the Order of the Pennsylvania Hu-  
man Relations Commission Dated April 24,  
1972 at Docket No. H-1395.*

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SANFORD KAHN

*General Counsel*

Pennsylvania Human Re-  
lations Commission, Ap-  
pellant

100 N. Cameron Street  
Harrisburg, Pennsylvania 17101

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Notice of Public Hearing

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CHAIRMAN  
E. E. SMITH

VICE-CHAIRMAN  
JOSEPH X. YAFFE, ESQ.

SECRETARY  
DR. ROBERT JOHNSON SMITH

EXECUTIVE DIRECTOR  
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COMMONWEALTH OF PENNSYLVANIA  
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100 N. CAMERON STREET - 4TH FLOOR  
HARRISBURG, PENNSYLVANIA 17101  
TEL: (717) 787-4410

COMMISSIONERS

ALVIN E. ECHOLS, JR., ESQ.  
ANDREW B. FREEMAN  
ROBERT W. GODDE  
MS. WILMA SCOTT HEIDE  
JESS M. VICINI

July 13, 1971

Reply to:  
P. O. Box 3145  
Harrisburg, Pa. 17105

Joseph F. Battle, Esq., Chairman  
Chester Housing Authority  
6 West Sixth Street  
Chester, Pennsylvania 19016

RE: Docket No. H-1395, Pennsylvania Human  
Relations Commission vs. Chester Housing  
Authority

Dear Mr. Battle:

Notice is hereby given to you, in accordance with Section 105.02 of the Regulations of the Pennsylvania Human Relations Commission, that a Public Hearing will be held in the above named case on August 5, 1971 at 9:30 A.M. in the Council Chambers Room, Third Floor, Municipal Services Building, 5th and Welsh Streets, Chester, Pennsylvania.

Enclosed is a copy of the Complaint in this case which you may answer in writing within seven (7) days if you so desire. Failure to answer will be deemed as an admission of the allegations thereof.

Please be present with your witnesses at the time and place of the Public Hearing described above. If you do not appear to offer a defense, a Cease and Desist Order may be entered in your absence.

Any inquiry you may have concerning this matter should be directed to Stanton W. Kratzok, Esq., who may be reached in Philadelphia, Pennsylvania at PE 5-6383.

Very truly yours,

*E.E. Smith*  
E.E. Smith  
Chairman

Encl.

Complaint

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN RELATIONS COMMISSION :  
(Complainant)

v.

: DOCKET NO. H-1395

CHESTER HOUSING AUTHORITY :  
(Respondent)

C O M P L A I N T

1. The complainant herein is the Pennsylvania Human Relations Commission, 100 N. Cameron Street, Harrisburg, Pennsylvania, as administrative agency of the Commonwealth of Pennsylvania.

2. The respondent herein is the Chester Housing Authority, Chester, Delaware County, Pennsylvania.

3. The respondent herein has in the past maintained and continues until the present time to maintain housing projects under its supervision, direction and control which are segregated by the race of the tenants therein.

4. Such action by the respondent and the failure to take corrective measures constitute an unlawful discriminatory practice in violation of Section 5(i) of the Act of October 27, 1955, P.L. 744 as amended by the Act of February 28, 1961, P L. 47, known as the Pennsylvania Human Relations Act.

5. Such actions by the respondent effectively aids and abets the continuing segregation of students within the public schools in the City of Chester in violation of Section 5(e) of the Pennsylvania Human Relations Act.

*Homer C. Floyd*  
HOMER C. FLOYD  
Executive Director  
PHRC

Sworn to and subscribed :  
before me this 1st day :  
of May , 19 70 :

*Carolyn D. Henry*  
Notary Public  
My Commission Expires:  
NOTARY PUBLIC  
My Commission Expires February 25, 1974  
Harrisburg, Pa. Dauphin County

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN RELATIONS COMMISSION:  
Complainant

vs.

: DOCKET NO. H-1395

CHESTER HOUSING AUTHORITY  
Respondent

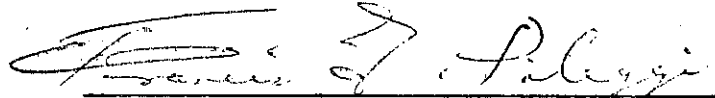
ANSWER TO COMPLAINT

AND NOW, comes Respondent, Chester Housing Authority, by its solicitor, FRANCIS G. PILEGGI, ESQUIRE, and makes an answer to the Complaint filed by the Pennsylvania Human Relations Commission as follows:

1. Admitted.
2. Admitted.
3. Denied. No discrimination is planned or practiced in the implementation of respondent's placement program. Guidelines for placement of tenants have been established by the Federal Department of Housing and Urban Development (HUD) which guidelines have been accepted and at all times followed by respondent.
4. Denied. Respondent is not a "place of public accommodation, resort, or amusement," as defined by Section 4 of the Act of October 27, 1955, P. L. 744 as amended by the Act of Assembly of February 28, 1961, P. L. 47, Section 1; and therefore is not subject to Section 5 (i) of the Human Relations Act, supra.

5. Denied. If, in fact, there is continuing segregation of students in the Chester Schools, Respondent in no way aids or abets in such segregation.

WHEREFORE, Respondent respectfully submits that the Complaint of the Pennsylvania Human Relations Commission be dismissed.



---

FRANCIS G. PILEGGI, ESQUIRE  
Attorney for Chester Housing Authority

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN RELATIONS COMMISSION :

(Complainant) :

-vs-

: DOCKET NO. H-1395

CHESTER HOUSING AUTHORITY :

(Respondent) :

Pennsylvania Human Relations Hearing held at  
Municipal Services Building, Chester, Pennsylvania, on Thursday,  
August 5, 1971, commencing at or about 9:30 o'clock, a.m.,  
before Daniel J. Chianese, Certified Shorthand Reporter.

- - - - -

BEFORE:

Presiding Commissioner:  
JOSEPH K. YAFFE, ESQ.

DR. ROBERT JOHNSON SMITH

ANDREW G. FREEMAN

Joseph M. Corman  
REPORTING SERVICES, INC.  
1010 NATIONAL BUILDING  
JUNIPER AND ARCH STREETS  
PHILADELPHIA, PA. 19107

*6-10-1971*  
*6-11*

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**APPEARANCES:**

**STANTON W. KRATZOK, ESQ.**  
Regional Counsel for  
Pennsylvania Human Relations Commission

**FRANCIS G. PILLEGGI, ESQ.**  
For Chester Housing Authority

1 THE CHAIRMAN: This public hearing  
2 of the Pennsylvania Human Relations Commission will  
3 now come to order.

4 This is the matter before us of  
5 the Pennsylvania Human Relations Commission as  
6 Complainant against the Chester Housing Authority  
7 as Respondent, Docket No. H-1395.

8 This matter has been referred for  
9 hearing by the Pennsylvania Human Relations Commission  
10 after a finding of probable cause and the Commission  
11 has designated as Hearing Examiners myself, Joseph  
12 X. Yaffe, as Chairman of the Hearing Commissioners.

13 On my right, Dr. Robert Johnson  
14 Smith, Commissioner, and on my left, Andrew Freeman,  
15 Commissioner.

16 Pursuant to the provisions of the  
17 Human Relations Law and its regulations, the public  
18 hearing will be conducted by our Assistant General  
19 Counsel, Stanton W. Kratzok.

20 The Chester Housing Authority is  
21 being represented by Francis G. Filleggi, Counsel  
22 Solicitor.

23 Mr. Kratzok, are you ready to  
24 proceed?



1 MR. KRATZOK: I am.

2 Mr. Chairman, as a preliminary  
3 remark, may I state that I am making an offer on  
4 behalf of the Complainant Commission to amend its  
5 complaint in paragraph four which now reads--

6 THE CHAIRMAN: (interposing) Well,  
7 before you get to that, Mr. Kratzok, would you  
8 please proceed with the admissions of the complaint  
9 and answer and then when you get to paragraph four,  
10 you may make such amendment.

11 MR. KRATZOK: Paragraph one and two  
12 of the complaint which merely states the identity  
13 of a Complainant and the address and its characteriza-  
14 tion as an administration agency of the Commonwealth  
15 of Pennsylvania and paragraph two which states the  
16 identity of the Respondent, Chester Housing Authority  
17 and its address, have been admitted by the answer  
18 filed by the Respondent. Nothing else in the Complain-  
19 ant's complaint has been administered and, therefore,  
20 they are at issue.

21 Now, it was discovered, however,  
22 that in paragraph four, inadvertently the draftsman  
23 of the complaint--

24 THE CHAIRMAN: (interposing) Just

1 make your motion, Mr. Kratzok.

2 MR. KRATZOK: --(continuing) Had  
3 referred to a wrong section in the Pennsylvania  
4 Human Relations Acts.

5 THE CHAIRMAN: What section should  
6 it be?

7 MR. KRATZOK: It should be section  
8 5-H1.

9 THE CHAIRMAN: Section 5-H1?

10 MR. KRATZOK: Right.

11 THE CHAIRMAN: Instead of Section  
12 5I?

13 Have you any objection?

14 MR. PILLEGGI: No. We have dis-  
15 cussed this and we agree to the amendment of the  
16 complaint.

17 THE CHAIRMAN: It's admitted and  
18 the complaint is so amended.

19 Proceed.

20 MR. KRATZOK: I call Mr. Wallerstein  
21 to the stand, please.

22 G E R A L D W A L L E R S T E I N,

23 SWORN:

24 THE CHAIRMAN: State your full name

1 and address to the reporter.

2 THE WITNESS: My full name is  
3 Gerald Wallerstein. My address is 256 South 15th  
4 Street, Philadelphia, Pennsylvania.

5 THE CHAIRMAN: By whom are you  
6 employed and in what capacity?

7 THE WITNESS: I am employed as a  
8 field representative for the Pennsylvania Human  
9 Relations Commission.

10 THE CHAIRMAN: Mr. Kratzok, you  
11 may examine.

12 DIRECT EXAMINATION BY MR. KRATZOK:

13 Q As such employee, Mr. Wallerstein, were you assigned  
14 to investigate this particular complaint?

15 A Yes. I was assigned to investigate this complaint.

16 Q As a result of that assignment, what did you do?

17 A I first discussed the complaint with my supervisor,  
18 Mr. Charles Gratman, who is the compliance specialist in our  
19 office and then I--

20 Q (interposing) Did you work under his direct super-  
21 vision throughout the investigation of the case?

22 A Yes, I did.

23 I then proceeded to contact the Respondent, Chester  
24 Housing Authority, by phone and I spoke to Mr. Howard Gallagher,

1  
2 and I made an appointment to see Mr. Gallagher and subsequently  
3 did visit him approximately three or four days later. This was  
4 in June of 1970.

5 During my visit to Mr. Gallagher's office, I prepared  
6 Mr. Gallagher with a photostatic copy of the complaint and asked  
7 him to sign what we call our certification form. He did not  
8 sign the certification, OVE form, at this time, but we did again  
9 discuss the complaint and investigation.

10 I informed Mr. Gallagher that we would want to review  
11 certain recordings of the Chester Housing Authority and he  
12 requested that we put this request in turn, in writing and send  
13 it to him. He promised full cooperation and this was done.

14 We also discussed briefly the occupancy of the various  
15 housing projects under the control of the Chester Housing  
16 Authority.

17 Q Do you know the names of the projects?

18 A Yes.

19 Q Would you name them please?

20 A The Lanckin Village (spelling) L - A - M - O - K - I - N.

21 THE CHAIRMAN: Where is that located?

22 THE WITNESS: I do not know the  
23 exact street address.

24 THE CHAIRMAN: Proceed.

In what area is it located, in what

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town?

THE WITNESS: It is in Chester.

THE CHAIRMAN: All of these are  
in Chester?

THE WITNESS: Yes.

The second one is McCaffery  
(spelling) M - C C - A - F - F - E - R - Y, and  
that is located approximately on West 10th Street  
in the city of Chester.

The third is Ruth Bennett Homes  
(spelling) B - E - N - N - E - T - T.

And the fourth is William Penn  
Village.

Q Do you know approximately how many housing units  
there are in each of these projects?

A Approximately, yes. There are approximately three  
hundred and fifty units in McCaffery. I believe there are two  
hundred and eighty units in William Penn Village and approximately  
three hundred to three hundred and fifty in the remaining two.

Q Together or in each of them?

A No. In each village. In each project.

Q How about in the remaining two?

A Approximately three hundred and fifty apiece.

Q Proceed.

1 A To the best of my recollection, Mr. Gallagher and I  
2 discussed the racial makeup of the tenancy in each of the  
3 projects. And it was observed in the meeting that McCaffery  
4 Village had all white tenancy, and two of the other projects,  
5 the Lamokin Village and Ruth Bennett Homes had all black occupancy.  
6 And William Penn Homes had almost one hundred percent black  
7 occupancy but not quite. There were some whites living there.

8 Q And then what did you do?

9 A I cannot remember the rest of the discussion. I  
10 believe that after discussing the review of the records, I believe--

11 Q (interposing) Did you acquaint Mr. Gallagher with  
12 the charge that the Commission was making?

13 A Yes, I did.

14 Q In substance, what was the nature of that charge?

15 A That the Chester Housing Authority was maintaining  
16 segregated housing facilities for its tenants and I believe there  
17 is another portion of the charges stating that this in turn, was  
18 segregating the schools.

19 Q Maintaining segregation by what factor?

20 A By race.

21 Q What was the further conversation with Mr. Gallagher?

22 A Only to the extent that I believe that I explained  
23 to Mr. Gallagher that the Commission itself had initiated the  
24 complaint rather than an outside complaint and that I believe

1 that the complaint may have been the result of investigative  
2 hearings which took place a few years ago. I said I was not sure  
3 but it seemed to me fairly logical at the time.  
4

5 Q What did you do next in the process of going about  
6 your investigation?

7 A I immediately addressed all questions set forth to  
8 Mr. Gallagher and received a reply from him that as soon as  
9 arrangements could be made to facilitate the presentation of  
10 this information that I could come out and--

11 Q (interposing) What was the purpose of your investi-  
12 gation at this point?

13 A The purpose was either to approve or disapprove the  
14 allegation which had been made by the Commission.

15 Q Did you later get to see those records?

16 A Yes, I did.

17 Q And would you tell the Commission how that came about?

18 A Okay.

19 In conversation with Mr. Gallagher, he informed me  
20 that Mrs. Mann was the director of occupancy for the Housing  
21 Authority and he said that in my next visit that I interview  
22 her and that I again begin reviewing records and I did this  
23 approximately late in June, 1970.

24 Q June, 1970?

A Yes.

Q How did you go about that?

1 A I visited Mrs. Mann, I was introduced to Mrs. Mann  
2 by Mr. Gallagher at which point Mr. Gallagher left and I began  
3 to interview Mrs. Mann.

4 Q What information did you obtain from that source?

5 A I first gave Mrs. Mann some background of the  
6 complaint itself and then began to interview her, concerning  
7 the occupancy and application procedures that a tenant must go  
8 through in order to rent housing from the Chester Housing  
9 Authority.

10 Q And did you learn the nature of that procedure?

11 A Yes, I did.

12 Q And what did you learn?

13 A Mrs. Mann informed me that the procedure is as  
14 follows:

15 An applicant for housing first goes either to the  
16 main office of the Chester Housing Authority or to anyone of  
17 the offices which are located in the projects themselves and  
18 picks up a registration card.

19 The applicant fills out the registration card and  
20 then returns it to one of the officers which he mentioned  
21 previously.

22 The applicant is then called in to the main office  
23 of the Housing Authority and application is filled out with  
24 the applicant answering questions posed by upon the staff of



1 the Housing Authority and one of the staff at the Authority  
2 in turn fills out the application.

3 The application is then placed on a citywide waiting  
4 list according to the size of the unit which the Complainant,--  
5 excuse me, which the applicant requests and these applications  
6 in turn are called according to several other criteria.

7 Q What other various sizes are we talking about?

8 A From one bedroom units up to five bedroom and I  
9 believe there are few six or seven bedroom units in one of the  
10 projects.

11 Q What kind of information is obtained on the applica-  
12 tion?

13 A The application contains the name and present  
14 address of the applicant, the number of people in the family,  
15 the income source of the applicant, the state of repair of the  
16 present housing which the applicant is living in.

17 There is also an applicant number placed on each  
18 application. This is obtained by--

19 Q (interposing) Did you get a list of applicants  
20 in that regard?

21 A We did get some information concerning applicants.  
22 We selected applications randomly from a period beginning sometime  
23 early in 1970 and ending several months later. This was some  
24 of the information that we picked up.

Q And what did you do with this information?

1 A Well, we collated this information back in our  
2 regional office.

3 Q Just a moment. From what source did you get this  
4 information?

5 A There are several sources within the main office  
6 of the Housing Authority from which we received information.

7 First of all, we were provided with a list of all  
8 tenants who moved in through accommodations provided by the  
9 Chester Housing Authority from the beginning of 1970 up until  
10 May of 1971.

11 Q That's a period of--

12 A (interposing) Approximately a year and a half.  
13 We were also given access to the--what I termed the master folder  
14 for each tenant in--presently in the Chester Housing Authority.  
15 The master folder includes the registration part of the applicant.

16 The application of the applicant. Any correspondence  
17 between the Chester Housing Authority and local city or state  
18 or federal agencies.

19 This correspondence being held by the Housing  
20 Authority to verify the information which is on the application.

21 There is a copy of the lease in the master folder  
22 which gives the effective date of the lease and the rent.

23 There are also letters between the tenant and the  
24 Chester Housing Authority. Some other information which we were

1 provided by the Chester Housing Authority was for each tenant  
2 that moved in during 1970, we were given the rent which they  
3 paid, their account number, their application number.  
4

5 We were also, I believe, given their present address  
6 within the Chester Housing Authority project. And we were also  
7 given the date which the unit was vacated to which they moved  
8 in after having applied.

9 Q That is the date when the unit in which they moved  
10 in had previously been vacated?

11 A Had previously been vacated by the previous tenant.

12 Q And the other information given to that?

13 A There is some information which we did get. We  
14 did randomly choose names of tenants that were presently living  
15 in the Housing Authority. We did get a list of transfer  
16 applications, I believe, and--well, that's about what I can  
17 remember at the present time.

18 Q Were you able to get information as to offers made  
19 to applicants, of yours?

20 A I was informed by the different people who were on  
21 the staff at the Chester Housing Authority that if an offer had  
22 been made to an applicant and if such offer had been reviewed  
23 that there will be a notation to this effect somewhere on the  
24 tenant application.

I was told that this is not always the case but that

1 more than not, this would be the situation.

2 Q So when you found some notation, you took note of  
3 it, did you not?

4 A Yes, I did.

5 Q And when you didn't find it?

6 A Then we assumed that there had been no offer,  
7 previous offer, of housing.

8 Q As a result of going through their files, which  
9 you were given permission to do, did you collate the information  
10 that you gained thereby?

11 A Yes, I did.

12 Q And on what did you collate it?

13 A Well, on this paper which you have in front of you  
14 now. These are photostatic copies of the collation which I  
15 gave.

16 (Off the record.)

17 Q Do you have the originals of the papers that I hold  
18 in my hand?

19 A Yes, I do..

20 (Off the record.)

21 MR. KRATZOK: Mr. Chairman, may  
22 I have the panel's permission to introduce photostatic  
23 copies of the originals which the witness has?

24 THE CHAIRMAN: Substitute the

1 photostats for the originals?

2 MR. KRATZOK: I would like to have  
3 these marked and I would prefer them marked as  
4 Complainant's exhibit 1-A, 1-B and so on and so  
5 forth.

6 MR. PILLEGGI: I would like the--  
7 we are reserving the right to object to the accuracy  
8 of any of the information allegedly transferred from  
9 the original records to the exhibits.

10 (At this time, the court reporter  
11 received and marked exhibits as C-1A through C-1I,  
12 for identification.)

13 CONTINUED DIRECT EXAMINATION BY MR. KRATZOK:

14 Q As a result of your investigation into the files,  
15 you obtained information which you testified you have collated  
16 on the exhibits which has just been marked as C-1A to I.

17 Now, will you explain to the Commission as precisely  
18 as you can, in words which will lead the Commission as  
19 Respondent to follow your explanation on these charts, exactly  
20 what you found?

21 A May I give some background on why it was done this  
22 way?

23 Q You may.

24 A In interviewing Mrs. Mann and other members of the

1 staff of the Chester Housing Authority, I had been told that  
2 there were several factors which would influence the choice of  
3 an applicant for any particular unit. These factors included  
4 the number of people in the family, the income and income source  
5 of the applicant, the need of the applicant for housing. There  
6 are such things as priority cases, families who have been burned  
7 out or whose homes are about to be raised for urban renewal  
8 projects, etcetera.

9 What I, and Mr. Gratman attempted to do in collating  
10 this information was to make it possible to compare white and  
11 black applicants in the terms of these different factors which  
12 the Housing Authority must take into account in order to select  
13 applicants.

14 In discussing these factors with the staff of the  
15 Housing Authority, it was their point of view--

16 MR. PILLEGGI: (interposing) At this  
17 point, I would like to formally object on the record  
18 as far as Mr. Wallerstein's quoting what so-called  
19 staff members told him without any specific reference  
20 to them.

21 Now, some of the staff members  
22 we do have here today specifically Mrs. Earline  
23 Mann. Unless he can identify, I say this--  
24

1  
2 MR. KRATZOK: (interposing) I  
3 have no objection to your objections.

4 THE CHAIRMAN: In speaking of  
5 staff members, identify with whom you spoke and if  
6 you can at all, identify the approximate time, that  
7 would be helpful too.

8 Q Let's get down to the charts.

9 A Speaking of the particular situation that I am  
10 speaking of now, Mrs. Mann did inform me that there were  
11 several factors to be taken into consideration.

12 First of all, there are three different rent  
13 schedules which the Housing Authority must follow. There is  
14 the public welfare rent schedule.

15 There is the Housing Authority rent schedule.

16 There is another schedule which states that tenants  
17 must only pay a certain percent of their income for rent. All  
18 these factors, according to Mrs. Mann, tended to influence the  
19 choice of housing for tenants.

20 One other factor which I might mention, which Mrs.  
21 Mann informed me about, is the Housing Authority tries to rent  
22 a unit in the project that has the largest number of vacancies  
23 at any particular time.

24 Also Mrs. Mann informed me that the Housing Authority  
sometimes tried to balance rents. And I mean by that, that if a

1 tenant has rented an apartment and a tenant is going to pay a  
2 rent of twenty-five dollars a month, then Mrs. Mann said that  
3 the Housing Authority would try to rent the next available unit  
4 to someone who would pay appreciably more rent per month. And  
5 she indicated that this is done in order to maintain the  
6 solvency of the Chester Housing Authority.

7 Now, in collating this information, we tried to  
8 equalize all of these factors as much as possible.

9 What we were attempting to do was to find white and  
10 black tenants who were in similar circumstances in terms of  
11 the date for which they applied for housing, the size of the  
12 family, the number of--the size of the units that they were  
13 requesting, their need of housing at the present time.

14 We tried to equate the rent which they would pay,  
15 the income sources which they had and so forth and we felt that  
16 this was a fair method for determining in the situation whether  
17 or not preference was being given to white or black applicants  
18 in the selection of applicants for housing.

19 Q Now, as a result of the compilations which appear  
20 on this chart, could you point out for the Commissioner's  
21 edification, the situations which would illustrate the matter  
22 of selecting particular applicants to a particular unit in a  
23 particular project?

24 MR. PILLEGGI: For the record, at



1 this point, I would like to object to any testimony  
2 that Mr. Wallerstein will give based on the premises  
3 that he has already offered. In other words, he  
4 had said earlier that he felt that he was in a  
5 position to, he used the words "equating all factors  
6 or characteristics," he felt that he would be in a  
7 position to determine if any preference had been  
8 given to either white or black in their application.

9 Now, Mr. Chairman, I will suggest  
10 to you that unless he establishes his knowledge on  
11 what these priorities are, that he would not be in  
12 a position, not be competent to testify whether any  
13 illegal or undue or improper preference was shown  
14 to white or black.

15 Now, perhaps he is aware of and  
16 knowledgeable of the priorities which he has recited,  
17 but unless he could so establish, I submit, Mr.  
18 Chairman, that any testimony he proposes to give  
19 based on his conclusions would make him incompetent  
20 to testify in that area.

21 MR. KRATZOK: What I wish, Mr.  
22 Chairman to elicit from Mr. Wallerstein, the witness,  
23 only those pieces of information which appear on  
24 the charts which are marked as exhibits.

1  
2 MR. PILLEGGI: We would not object  
3 to his introducing into evidence the isolated data  
4 and facts which appear on the charts which he testi-  
5 fied he removed. But we would object to what he  
6 announced earlier was his intention to testify as  
7 to the instances where he felt based on the knowledge  
8 he had of the priority characteristics, that there  
9 had been preferences shown.

10 MR. KRATZOK: I have no objection  
11 to the exclusion of his feelings. I agree that that  
12 is not evidence.

13 MR. PILLEGGI: All right, in addi-  
14 tion, so we'll state our position for the record,  
15 I'm submitting, Mr. Chairman, that Mr. Wallerstein  
16 should only be permitted to testify in those areas  
17 where he has preferences based on the misuse of the  
18 priorities only if he can pre-establish the priorities.

19 THE CHAIRMAN: Isn't there some  
20 attempt going to be made to demonstrate a pattern  
21 or a practice in the matter with respect to the  
22 classification and placement of applicants?

23 MR. KRATZOK: Exactly.

24 THE CHAIRMAN: And is that based  
upon the factual information from an examination of

1 these applications?

2 MR. KRATZOK: It is.

3 MR. FILLEGGI: We would not object  
4 to that single aspect.

5 THE CHAIRMAN: Let the record show  
6 that that is the basis on which we will proceed,  
7 not upon any emotional or personal feelings about  
8 the matter, but rather upon a physical examination  
9 of the applicants as they fell into the pattern and  
10 practice that may have been followed in this case.

11 CONTINUED DIRECT EXAMINATION BY MR. KRATZOK:

12 Q Mr. Wallerstein, can you be referring to the parti-  
13 cular charts, a copy of which the Commissioners have as  
14 Complainant's exhibit C-1A to I, inclusive, illustrated by  
15 particular applicant and the information on this chart, the  
16 practice of the Respondent in renting units in their projects  
17 to applicants.

18 A Yes, I can. Shall I begin to do so?

19 Q Yes.

20 And will you make sure that we are following exactly  
21 what you are addressing yourself to?

22 A Okay.

23 (Off the record.)

24 A The first example which I recall from the information

1 which you have before is that of Alice Ferris (spelling)

2 F - E - R - R - I - S.

3 Q What page is that on?

4 THE CHAIRMAN: Do you have the  
5 original?

6 THE WITNESS: Yes, I do.

7 THE CHAIRMAN: Just refer to the  
8 identification C-1, sub-letter and then the approxi-  
9 mate line.

10 MR. PILLEGGI: That's C-1B, Alice  
11 Ferris.

12 A Mrs. Ferris was white, I say this because she lives--  
13 Mrs. Ferris applied for housing on January 14th, 1970.

14 Q Where is that indicated?

15 A That is indicated as you go along the lines starting  
16 with--at Mrs. Ferris' name under the column headed "Rental  
17 Application Date," you will find the date, 1/14/70.

18 She requested a four bedroom unit on November 15th,  
19 1970, such a unit became available in McCaffery Village and she  
20 signed a lease for that unit effective November 17th, 1970.

21 During the eleven months which she waited for a unit  
22 of this size, six units of the same size became vacant in black  
23 projects.

24 THE CHAIRMAN: That was ten months?

1  
2 THE WITNESS: Excuse me, ten

3 months.

4 Q What are those black projects?

5 A Either William Penn, Lamokin Village or Ruth Bennett  
6 Homes.

7 The records do not show that Mrs. Ferris was offered  
8 any of these units.

9 MR. PILLEGGI: Objection.

10 THE WITNESS: Just a minute. I  
11 didn't finish.

12 A There was no notation of this at all on her applica-  
13 tion.

14 Q Or in the files?

15 A Not that we could find, no.

16 MR. PILLEGGI: My objection, Mr.  
17 Chairman, is that I don't mind his testifying that  
18 there were no notations as to whether she had been  
19 offered any of the units, but earlier the witness  
20 had stated that in his investigation, he presumed  
21 and assumed that where there was no entries, that,  
22 therefore, no offer had been made to the applicant.  
23 Now, I submit, Mr. Chairman, that all of this testi-  
24 mony by way of conclusion based on his assumptions  
and presumptions, would be invalid here and I would

1 object to that testimony on that basis.

2 THE CHAIRMAN: Your objection is  
3 overruled. He has stated there was nothing in the  
4 files or other information to indicate and it is  
5 limited to that.

6 MR. PILLEGGI: I am not objecting  
7 to that limited statement.

8 THE CHAIRMAN: This was his  
9 testimony.

10 MR. PILLEGGI: But based on his  
11 earlier--

12 THE CHAIRMAN: (interposing) That  
13 earlier testimony as we understand it was modified  
14 to be--go off the record.

15 (Off the record.)

16 MR. PILLEGGI: Mr. Chairman, the  
17 reason I specified in bringing your attention to  
18 that, the chart, C-1A and C-1B, the one basis of  
19 which he is now testifying does not designate in  
20 the column no notation and check. He rather puts  
21 in that column no prior rejection noted or rather  
22 rejection "none". In other words, the way he has  
23 collated this and set this up, the natural inference  
24 is, rejections, "none."

1  
2 That there were no rejections  
3 offered or made by the applicant. Now, to the extent  
4 that he is suggesting or testifying by way of this  
5 exhibit or verbally that there were no rejections  
6 offered or made that it offered or paid--that is  
7 offered or paid by the Housing Authority or paid by  
8 the tenant, to that extent, we would strenuously  
9 object.

10 THE CHAIRMAN: Your objection is  
11 overruled. I think the testimony has been very clear  
12 It's been very limited and I think that then it be-  
13 came a matter of answer and that you can do, during  
14 the course of your case, is becoming necessary to  
15 produce any of the specific information to which he  
16 is referring on this collation, then I will have to  
17 have it. But it's limited only to his testimony.

18 Q Were you told by Mrs. Mann that the area of opportuni-  
19 ties of units for rent offered and rejected information on that,  
20 would be found in the files?

21 A In most cases, yes.

22 MR. PILLEGGI: Objection. He said  
23 in most cases, yes. Were you told by Mrs. Mann?

24 THE CHAIRMAN: Just a minute. Let's  
not have any cross examination. If you object to it,

1  
2 object.

3 MR. PILLEGGI: Objection to the  
4 basis--it's unclear, Mr. Chairman, his answer.

5 THE CHAIRMAN: Would you please  
6 clarify what he means by "in most cases."

7 Q What do you mean by in most cases?

8 A I was told by Mrs. Mann that if a unit had been  
9 offered--

10 THE CHAIRMAN: (interposing) Was  
11 this what Mrs. Mann told you in most cases?

12 THE WITNESS: Yes. But not all.

13 THE CHAIRMAN: Are you verbalizing  
14 her statement to you?

15 THE WITNESS: I am approximating  
16 the conversation. But she did not say that in all  
17 cases, this would be so.

18 THE CHAIRMAN: All right. The  
19 objection is overruled.

20 Q Did she indicate that this was the procedure in offer-  
21 ing vacant units to applicants by putting some notation of it  
22 in the file?

23 A I believe so, yes. I do believe that.

24 Q You were talking about the case of Mrs.--

MR. PILLEGGI: (interposing) I would  
object, Mr. Chairman, of what he believes.



1 THE CHAIRMAN: Mr. Pilleggi, I  
2 must inform you that these administrative proceedings  
3 are not operated in accordance with the strict rules  
4 of evidence. We operate under the administrative  
5 law which permits flexibility in the testimony  
6 particularly with respect to relevancy. So long as  
7 the evidence is relevant, we will admit it even if  
8 it's hearsay evidence. I know it's difficult for  
9 some lawyers who practice in courts to grasp that  
10 but I think you will have to understand that we do  
11 allow it and as long as it's relevant, we will admit  
12 it. This will not permit you to take an objection  
13 for the record, but if you want to help expedite,  
14 I would suggest that you enter an objection to a  
15 line of testimony, if you so see it and we will allow  
16 the objection to remain on the record so your rights  
17 will be protected.

18 Q Did Mrs. Mann give you the impression or indicate  
19 to you that all the information about the particular applicant  
20 was contained in that applicant's file?

21 A Yes, she did.

22 Q Now, what about the case of Mrs. Ferris?

23 A Yes.

24 Q Will you go along with that?

1  
2 A Well, I suppose it might be hearsay.

3 THE CHAIRMAN: Don't you worry  
4 about that, you just go on and testify and if the  
5 objection has been made, we will rule on it at that  
6 time.

7 A The evidence in this particular case shows that Mrs.  
8 Ferris, who is white, waited approximately ten months for a unit.  
9 The evidence also shows that during this ten month period,  
10 several comparable sized units became available in black housing  
11 projects run by the Chester Housing Authority but that none of  
12 these available units were offered to Mrs. Ferris.

13 Q Do you have another example?

14 A Yes, we do.

15 Q Which one?

16 A Elizabeth Willis.

17 Q Where is her name contained?

18 A Her name is on the same as Mrs. Ferris. It is above  
19 the third from the top.

20 Q What do the records disclose about Mrs. Willis?

21 A The records disclose that Mrs. Willis, who is white,  
22 applied for housing on January 20th, 1970, requesting a three  
23 bedroom apartment. She signed a lease for a three bedroom apart-  
24 ment on November 12th in McCaffery Village, that was in 1970.  
There were no rejections noted on her application. During the

1 period of time that she waited for a unit, at least four black  
2 families applied for three bedroom units.

3 Q You have those noted?

4 A They are in the column which is headed, "Three Bedroom  
5 Units."

6 The information can be collated.

7 Q Will you point to them and call them for us, please?

8 A Okay.

9 Delores Hodges.

10 Q Where does that appear?

11 A That is on the top of the list of the three bedroom  
12 units, the page which is headed, "Three Bedroom Units."

13 Q What is the name again?

14 A Delores Hodges, (spelling) H - O - D - G - E - S.

15 Q That would be C-1-4, the second one down?

16 THE CHAIRMAN: And for what unit,  
17 what was the housing unit?

18 THE WITNESS: Well, she is now living  
19 at the housing unit at 922 Norris Street, which is in  
20 a black project.

21 Q What's the name of that project?

22 A Bennett Homes.

23 Q The next one would be Stinney, that is right below  
24 Delores Hodges.

1 A The application was in July, 1970.

2 THE CHAIRMAN: And for what housing  
3 unit was that?

4 THE WITNESS: 1425 Norris.

5 THE CHAIRMAN: What's the name of  
6 that?

7 THE WITNESS: I believe that's in  
8 the Bennett Homes.

9 Q Elizabeth Gorman, that is approximately six or seven  
10 below, this is what?

11 A 303 Ayars Place.

12 Q That is in what project?

13 A William Penn.

14 THE CHAIRMAN: The application date  
15 on that?

16 THE WITNESS: 7/15/70.

17 THE CHAIRMAN: The vacancy date?

18 THE WITNESS: 5/19/70.

19 Q Did you discuss that information on the other two?

20 A No, I didn't. It is in the columns--

21 THE CHAIRMAN: (interposing) Well,  
22 for the record, would you go back to Delores Hodges,  
23 give us the application date and the vacancy date.

24 THE WITNESS: The application date

1  
2 is 8/17/70. The lease--you want the vacated date  
3 first?

4 THE CHAIRMAN: Yes.

5 THE WITNESS: 6/2/70. The lease  
6 was signed 9/11/70.

7 THE CHAIRMAN: Now, as to Stinney?

8 THE WITNESS: The application is  
9 7/7/70, vacated 9/9/70.

10 Q The lease date?

11 A 10/5/70.

12 Q How about Gorman?

13 A Gorman? Application date 7/15/70, vacated 5/19/70.  
14 Lease date 7/15/70.

15 THE CHAIRMAN: And these three,  
16 Delores Hodges, Stinney and Elizabeth Gorman are  
17 all black?

18 THE WITNESS: Yes.

19 THE CHAIRMAN: Black persons?

20 THE WITNESS: Yes, they are.

21 THE CHAIRMAN: Proceed.

22 Q Now, can you go back to the Ferris case and do the  
23 same thing?

24 A Okay. If you give me a minute, I can.

(Off the record.)

1 A All right. There is a four bedroom unit vacated on  
2 6/30/70.

3 Q Where is that?

4 A That is in 1408 Alexander.

5 Q What page?

6 A The page headed, "Four Bedroom Units."

7 THE CHAIRMAN: You asked him to go  
8 back to Ferris.

9 MR. KRATZOK: Yes.

10 THE CHAIRMAN: Give us the same  
11 information, you haven't done that.

12 Q Give us the same information on Ferris.

13 A Okay.

14 THE CHAIRMAN: You indicated that  
15 Alice Ferris applied on January 14th, 1970.

16 THE WITNESS: That is correct.

17 THE CHAIRMAN: And now proceed  
18 from there.

19 THE WITNESS: Okay. Vacated 11/15/70

20 THE CHAIRMAN: And it was leased  
21 11/17/70?

22 THE WITNESS: Yes.

23 THE CHAIRMAN: Very well. And  
24 that Alice Ferris is white?

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THE WITNESS: Correct.

Q What other units were available during that time?

A A unit at 1408 Alexander.

Q That appears on C-11, and what's the name?

A Samuel Carr.

Q Will you give the date of application, the date of the vacated unit and the date of the lease?

A I do not have the application dates.

THE CHAIRMAN: You testified that three black people who obtained apartments were three bedroom units; is that correct?

THE WITNESS: No, I'm sorry. I believe you're thinking of the Williams example.

THE CHAIRMAN: Yes--no, I'm talking about the Ferris example. Were they all four bedroom?

THE WITNESS: Yes.

THE CHAIRMAN: All four bedroom units?

THE WITNESS: Yes.

THE CHAIRMAN: That's Hodges, Stinney and Gorman?

THE WITNESS: No. That's not the same example.

MR. KRATZOK: The Willis case is

1 considering three bedroom units, Mr. Yaffe.

2 THE CHAIRMAN: Oh, the Willis case,  
3 I'm sorry.

4 MR. KRATZOK: The Ferris case has  
5 to do with four bedroom.

6 THE CHAIRMAN: Very well.

7 THE WITNESS: I do not have the  
8 application dates for most of the people who applied.

9 Q Do you have the vacated unit date and the lease date?

10 A Yes.

11 Q Give me this.

12 A For Samuel Carr, (spelling) C - A - R - R, vacated  
13 6/3/70. Leased 9/10/70.

14 Q And the apartment he rented was it 1408 Alexander  
15 which is in what project?

16 A Bennett.

17 Q And Mr. Carr is what color?

18 A He is black, I believe.

19 THE CHAIRMAN: Please avoid the  
20 use of the phrase, "I believe."

21 THE WITNESS: All right.

22 THE CHAIRMAN: If you know, state  
23 it. If you don't know, don't state it. But don't  
24 indicate that you believe it.



1 MR. PILLEGGI: I would like the  
2 record to show my objection to this entire line of  
3 testimony for this reason:

4 Mr. Wallerstein stated a white  
5 tenant that moved into McCaffery Village and the  
6 date that she applied and the dates that the lease  
7 was signed. He is now proceeding to cite Delores  
8 Hodges and Elizabeth Gorman and Stinney, three black  
9 tenants that applied subsequent to Alice Ferris.  
10 And according to his testimony, if I understand it  
11 correctly, he is saying, in fact, that although this  
12 vacancy developed, although there was a vacancy in  
13 McCaffery, that the black applicants were not offered  
14 McCaffery. Do I understand this to be the gist of  
15 the testimony?

16 THE WITNESS: Yes.

17 MR. PILLEGGI: And this ties in  
18 with my general objection to this line of questioning  
19 brought out earlier. Mr. Wallerstein has not  
20 established his knowledge of the priority factors  
21 which required the occupancy supervisor to offer  
22 to an applicant a unit in the project with the high-  
23 est number of vacancies. And secondly, to offer  
24 to the applicant a unit with the second highest

1 of vacancies, he has also not brought out the fact  
2 concerning why Hodges may have been offered a unit  
3 in the black project with the highest number of  
4 vacancies and why Stinney may have done likewise.  
5 This is a point of general information, not for the  
6 record.

7 THE CHAIRMAN: Put it on the record.

8 MR. PILLEGGI: Delores Hodges was  
9 a burned out tenant, that needed emergency housing  
10 and Stinney was a displaced urban renewal tenant  
11 that needed housing, and under the plan that we were  
12 pledged to operate under at this time, we were  
13 required, and when I say, "we--

14 THE CHAIRMAN: (interposing) Pledged  
15 by whom?

16 MR. PILLEGGI: I say under the--  
17 well, pledged by the Housing Authority. In other  
18 words, we have resolutions in our official minutes  
19 that we agree to abide by and implement so-called  
20 Plan B. I don't want to get into that not necessarily.

21 THE CHAIRMAN: That's all right, I  
22 just want to know what you meant by "pledge."

23 MR. PILLEGGI: The point I am  
24 making is the relevancy of the testimony of Mr.

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Wallerstein that he's presenting it to show that Mrs. Ferris, for example, was given illegal priority or improper priority over Hodges, Stinney or Gorman. The relevancy would be based on the fundamental premises that some priority was abused or misfollowed and unless Mr. Wallerstein is familiar with the priority system, I submit to you that he cannot submit testimony for this purpose.

THE CHAIRMAN: Mr. Pilleggi, I think you have put your finger on the nub of this issue of this case.

MR. PILLEGGI: That's what I hope to do.

THE CHAIRMAN: You have--you have done it very well. The question is whether or not the so-called regulations, resolutions or whatever, of the Housing Authority are in violation of the Pennsylvania Human Relations Law by virtue of the pattern and practice that was carried out pursuant to those regulations and resolutions. Now, this I think is the essence of the case that is presented before us and if they are in violation, notwithstanding those resolutions, it then becomes a question as to whether or not they--those regulations are en-

1 forceable and may be continued to be followed since  
2 they are in violation of the Pennsylvania Human  
3 Relations Law with respect to discrimination in  
4 housing. If it proves otherwise, then of course,  
5 they are not in violation but you have set up on  
6 the one hand the so-called regulations of the  
7 Authority, Housing Authority, and on the other  
8 hand, we have the Human Relations Law and it becomes  
9 a question as to whether there is conflict there.

10 MR. PELLEGGI: My limited purpose,  
11 Mr. Chairman, was to put that in specific issue to  
12 crystalize that--

13 THE CHAIRMAN: (interposing) You  
14 have and you have done it well. And I think we can  
15 now proceed because this is the issue. And the fact  
16 that he is testifying to the black-white relation-  
17 ship is in an effort, has been presented to us by  
18 counsel in the beginning that it requests that  
19 whether or not this, your--the pattern and practice  
20 of Housing Authority, violates the Human Relations  
21 Law--your objection is stated of record to the entire  
22 line. It is overruled and with the understanding  
23 that we are proceeding in that issue; is that  
24 correct, Mr. Kratzok, or do you have further to say

in that respect, with respect to the issue?

MR. KRATZOK: I understand the ruling you're making. I would not like to react to it anymore than that.

THE CHAIRMAN: All right.

Q Mr. Wallerstein, is my recollection correct that in outlining--in your preface to explaining these charts and collations, you testified that you are equating applicants with the same kind, or degree of needs?

A We attempted to do this, yes.

Q I think you were filling out the first comparable--

A (interposing) I was going to ask, if I might--

Q (interposing) Don't ask any questions.

A Okay.

Q Just testify.

A Okay.

Daniels, this is the page headed "Four Bedroom Units,"

C-II also.

The unit was vacated on 7/2/70, the lease was signed on 8/3/70.

Q For what unit?

A 404 Grounsell (spelling) G - R - O - U - N - S - E - L - L -  
L.

THE CHAIRMAN: What is her race?

THE WITNESS: Black.

Q What is the location of that unit, in which project?

A William Penn Homes.

Q Washington, the name appearing below?

A Yes, that's Valsida, the unit was vacated on 7/23/70.

The lease was signed 9/18/70. The address is 409 Pancoast.

Q Which is in which project?

A William Penn.

Q Porter, where does that name appear?

A Right below Washington. Vacated 9/21/70.

Q Lease?

A Lease signed 9/30/70. 404 Grounsell.

Q Which is in what project?

A William Penn.

THE CHAIRMAN: What is Mrs.

Lawton Porter's race?

THE WITNESS: Black.

THE CHAIRMAN: What was Washington's  
race?

THE WITNESS: Black.

Q The next is at the very bottom of this small group,  
Rickett, Gloria.

THE CHAIRMAN: Without asking a  
question in each instance, would you state the name,

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would you give us the race?

THE WITNESS: Black.

Q The unit was vacated when?

A Excuse me, this example of Ricketts does not apply.

THE CHAIRMAN: Strike that from the record.

THE WITNESS: The next one is--  
I do not see anymore.

Q Are there any further examples?

A Yes. Shall I continue?

Q Yes.

We have completed the Ferris example and the Willis example, do you have another example?

A Yes, I do.

Q What is that?

MR. PILLEGGI: Mr. Chairman, I honestly feel that we are going afield. I respectfully request Mr. Wallerstein to restate the purpose that he is giving all the names and days of various black tenants that are moving into the--

MR. KRATZOK: (interposing) I will take issue to the--

THE CHAIRMAN: (interposing) He is merely asking to state the purpose.

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MR. BRATZOK: I think it's in the record by this evidence, Mr. Pilleggi, Complainant is attempting to establish that given similar factors of eligibility that when there were units available in McCaffery Village, which is white, and when blacks were prior in time in their application, they were not presented with an opportunity to rent in McCaffery Village. The reverse of that coin, when there were vacancies for similarly sought units by white applicants, under the same degree of eligibility for need and so forth, and that there were vacancies in the two or three projects which we have termed black projects, the white applicant was not given an opportunity to move into the black project and we have--we are trying to establish that by indicating the date when the particular applicant applied, the date when that particular applicant finally signed an agreement and in which unit, and the time when the units in the black or white became vacant and therefore, eligible for re-lease.

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MR. PILLEGGI: All right, if that continues to be the purpose or that is the modified purpose of the case, Mr. Chairman, I would like the record also clarified on the nature of my objection.



1 Mr. Kratzok stated that given equal factors of  
2 eligibility, then Complaint is attempting to  
3 prove thus and thus.

4 MR. KRATZOK: I would not want you  
5 to pin me down on equal--

6 MR. PILLEGGI: (interposing)  
7 Similar.

8 MR. KRATZOK: Similar or where--as  
9 Mr. Wallerstein, I think explained, there had been  
10 some equating of the factor of the needs so that  
11 there could be comparability, this is where the  
12 comparability factor was made.

13 MR. PILLEGGI: Mr. Chairman, with  
14 that point, I would like the record to show that  
15 my general objection is specifically directed to  
16 this point of the witness, Mr. Wallerstein equating  
17 or drawing judgment or coming to the conclusion that  
18 similar factors of eligibility existed between the  
19 white and black applicants whose name he is here  
20 citing and whose dates of application he is reading  
21 into the record. The objection is directed specifi-  
22 cally to the witness' presuming or exercising judg-  
23 ment in that area or rather than what he simply saw  
24 or collated or copied down on these sheets and to

1 testify to that. We would like the record to show--

2  
3 THE CHAIRMAN: (interposing) Let  
4 the record show the objection.

5 The objection is overruled. The  
6 Commission is at liberty on its own to examine the  
7 factors that are involved after there has been  
8 testimony to it. The objection is preliminary be-  
9 cause we don't have those factors and the records  
10 yet, so that until such time as they are in the  
11 record, we are concerned with the factual materials  
12 being produced now and then we equate them after  
13 there has been testimony with respect to these  
14 factors.

15 Q What is your next example?

16 A My next example is that of Charles Rockwell.

17 Q Where does it appear?

18 A On the list of the two bedroom units, the first page.

19 THE CHAIRMAN: "Go off the record."

20 We'll take a recess for five  
21 minutes.

22 (At this time, a recess was taken.)

23 CONTINUED DIRECT EXAMINATION BY MR. KRATZOK:

24 Q I think you were in the process of testifying as to  
25 certain examples of renting of units in the projects. You have

1 given Mrs. Ferris and Mrs. Willis, is there another example?

2 A Yes.

3 Q What is that?

4 A Charles Rockwell.

5 Q And his name appears on which chart of the exhibit?

6 A Page C-1F, the third from the top.

7 Q What is that?

8 A Charles Rockwell.

9 Q And his name appears on which chart of the exhibit?

10 A Page C-1F, the third from the top.

11 Q Will you give us the details of that example?

12 A Yes.

13 Mr. Rockwell is white, he applied for a two bedroom  
14 unit on January 12th, 1971. The reason given was that he did  
15 not find any housing. He signed a lease which became effective  
16 on April 30th, 1971 for a unit in the McCaffery Village. The  
17 comparable example is that of Victoria Oliver, whose name will  
18 be found a few spaces below Mr. Rockwell's on page C-1F.

19 Q What race is Mrs. Oliver?

20 A Black.

21 Q What final unit was given to Mr. Rockwell?

22 A Mr. Rockwell rented unit 1207 Ganster.

23 Q And that is in what project?

24 A McCaffery Village.

Mrs. Oliver who is black, did not apply for housing until March 17th, 1971. She also applied for a two bedroom unit on March 18th, 1971.

THE CHAIRMAN: Just a minute, you said three bedroom with Mr. Rockwell.

THE WITNESS: Two bedroom.

THE CHAIRMAN: Let the record show that Mr. Rockwell is in the two bedroom unit. Continue.

A All right.

On March 18th, 1971, a two bedroom unit became available in a black project. The address is 926 Stoval Street.

THE CHAIRMAN: What project is that?

THE WITNESS: Bennett, Ruth Bennett Homes.

Mrs. Oliver who has applied two months after Mr. Rockwell signed a lease for this unit on April 5th, 1971, three weeks before he signed a similar lease for a unit in the McCaffery Village.

Q You said he signed a lease or was it Mrs. Oliver?

A Mr. Oliver signed a lease for a two bedroom unit in a black project of William Penn Homes.

THE CHAIRMAN: Bennett Homes.

THE WITNESS: Excuse me, Bennett.

1  
2 On April 5th, 1971, Mr. Rockwell  
3 applied two months before Mrs. Oliver, did not sign  
4 a lease for a unit until April 30th, 1971.

5 THE CHAIRMAN: Doesn't that--is  
6 that the date that it became vacant, April 16th,  
7 71 for Mr. Rockwell?

8 THE WITNESS: Excuse me, that is  
9 correct.

10 MR. KRATZOK: That's the date,  
11 Mr. Chairman, when Mr. Rockwell's unit had become  
12 vacated.

13 THE WITNESS: That's correct.

14 THE CHAIRMAN: That's correct. The  
15 unit that Mr. Rockwell ultimately moved into. That's  
16 right.

17 MR. PILLEGGI: Mr. Chairman, for  
18 the record, I think that Mr. Wallerstein's own chart  
19 shows that the unit that Charles Rockwell took wasn't  
20 vacated until April 16th, 1971.

21 THE CHAIRMAN: That's the question  
22 I just asked.

23 MR. PILLEGGI: Now, it would have  
24 been physically impossible for Victoria Oliver, who  
applied March 17th, 1971, and whose unit was vacated

1 March 18th, 1971, and who signed the lease April  
2 5th, 1971, to have been offered the unit at McCaffery  
3 which was not vacated until after she applied her  
4 unit was vacated, even after the date when Victoria  
5 Oliver signed the lease.

6 THE WITNESS: You reversed it.

7 Q Will you clarify it for the record?

8 A What we are saying is that Mr. Rockwell was never  
9 offered the unit which Mrs. Oliver was offered even though he  
10 applied two months previously to her and even though the unit  
11 which she had moved into became vacant.

12 THE CHAIRMAN: In other words, when  
13 Mr. Rockwell had made an application on January 12th,  
14 and was awaiting a two bedroom unit on March 18th,  
15 the unit, the two bedroom unit became available in  
16 Bennett, an all black housing facility and that the  
17 statement has been testified to that this unit was  
18 not offered to Mr. Rockwell.

19 MR. PILLEGGI: In effect, he is  
20 saying that a black vacant unit was not offered to  
21 a white applicant, is this what you're saying, and  
22 you're basing that on the fact that no notation to  
23 the effect appeared on any of the records which you  
24 inspected.

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THE CHAIRMAN: Let's not have any cross examination at this time.

MR. KRATZOK: I would object to the statement of counsel.

THE CHAIRMAN: The basis has been established initially and I think it is--I'm certain we're proceeding on that basis unless he testifies to the contrary, that he is basing his testimony upon the examination of the documents and the information forwarded to him by various members of the Housing Authority's staff.

MR. PILLEGGI: Inasfar as this set of applicants to which he is testifying at this time, Mr. Chairman, which quickly again I would like the record to show that his conclusions based on a non-appearance of any entry in the records are not legal evidence.

THE CHAIRMAN: Mr. Pilleggi, you have stated your objection to the entire line and it has been offered but let the objection be continued rather than making it individually otherwise we won't complete the hearing proceeding.

THE WITNESS: My next example is Charles Huck (spelling) H - U - C - K, on C-1F.

1 Q What race is Mr. Huck?

2 A He's white. Mr. Huck applied for a two bedroom  
3 unit on February 8th, 1971. His need of housing was listed  
4 as substandard housing.

5 Q Where does his name appear?

6 A His names appears in the first--at the very top  
7 of the list.

8 Q C-1F?

9  
10 THE CHAIRMAN: The same page that  
11 we were looking at for Rockwell.

12 A On May 21st, 1971, in McCaffery Village, a two  
13 bedroom unit became available and Mr. Huck signed a lease for  
14 the unit, effective June 8th, 1971.

15 THE CHAIRMAN: When did he apply?

16 THE WITNESS: He applied on February  
17 8th, 1971.

18 THE CHAIRMAN: Proceed.

19 Q With what application are you comparing Mr. Huck?

20 A I am comparing it to Brenda Bradley who will be  
21 number four on C-1F, on the list.

22 Q What is her race?

23 A She is black. She did not apply for housing until  
24 April 12th, 1971.

Now, during the period of time that Mr. Huck waited



1 for a vacancy, a two bedroom unit became available on a black  
2 project on 5/11/71. The address of the two bedroom unit is  
3 1118 West Norris Street.

4 Q And it was leased to him when?

5 A It was leased to Brenda Bradley on 6/9/71.

6 Q And Norris Street is located in what project?

7 A Bennett Homes.

8 Q And where is Mr. Huck?

9 A Mr. Huck now lives in McCaffery Village.

10 Q The address?

11 THE CHAIRMAN: At the time this  
12 was the lease assigned to him in McCaffery Village?

13 THE WITNESS: That is correct.

14 THE CHAIRMAN: Proceed.

15 Q His address was 1002 Hardwick Street?

16 A What this examples shows is that Mr. Huck, while  
17 waiting four months, approximately three months for a new unit  
18 to become vacant, during this period of time, a two bedroom  
19 unit became available in a black project, but this was not  
20 offered to Mr. Huck, instead it was offered to Mrs. Bradley  
21 who applied subsequent to Mr. Huck's application.

22 MR. PILLEGGI: Mr. Chairman, with-  
23 out belaboring the record, for the record, we will  
24 object to his conclusion as to what the example shows.

1 MR. KRATZOK: There is no conclusion  
2 offered.

3 THE CHAIRMAN: Just a minute. The  
4 objection is overruled, proceed.

5 THE WITNESS: My next example is  
6 that of Larrie Ellis, this is page C-1H.

7 Q Where on that page?

8 A The eighth from the bottom. Larrie (spelling)  
9 L - A - R - R - I - E, Ellis. Mrs. Ellis is black. She  
10 applied for a three bedroom unit on August 24th, 1970. On  
11 January 11th, 1971, a three bedroom unit became vacant in a  
12 black project. The address being 1119 Morris, that is the  
13 Bennett Homes.

14 Mrs. Ellis signed a lease on February 1st, 1971 for  
15 this two bedroom unit--three bedroom unit, excuse me. During  
16 the time that Mrs. Ellis waited for an available unit, Eleanor  
17 Hayes who was white, and who found--the third from the bottom  
18 on page C-1H, also with a family of five, did not apply for  
19 housing until November 3rd, 1970, approximately two months  
20 and some weeks after Mrs. Ellis applied.

21 On December 4th, 1970, a three bedroom unit became  
22 vacant at McCaffery Village, the address being 2800 West 13th  
23 Street. There was no evidence that this unit was ever offered  
24 to Mrs. Ellis instead Mrs. Hayes signed a lease effective 12/18/70.

1 Q Is there another example?

2 A There is one more if you will give me a minute.

3 Q The example is that of Edward Hirst.

4 A On page C-1H, is--it is right above Mrs. Ellis'  
5 name. Hirst is white, he applied for a three bedroom unit on  
6 March 10th, 1970. He gave us no reason--his reason for needing  
7 a house is that he was living with his family at the time.  
8

9 On October 30th, 1970, a three bedroom unit became  
10 available at McCaffery Village. Mr. Hirst signed a lease for  
11 this unit effective November 17th, 1970.

12 Q And moved where?

13 A To 1110 Booth Street which is McCaffery Village.

14 Q During the approximately seven months that Mr. Hirst  
15 waited for a unit, at least a three bedroom unit became vacant  
16 in the black projects, there was no evidence that these units  
17 were ever offered to Mr. Hirst?

18 A At least four black families who applied later  
19 than Mr. Hirst moved into some of these units and I will give  
20 you their names.

21 Q Can you cite them?

22 A Yes. Delores Hodges is one.

23 Q Where does that appear?

24 A That is the top name on the list.

Q On C-1H?

1 A Yes.

2  
3 MR. PILLEGGI: Will you repeat  
4 that please?

5 MR. KRATZOK: Delores Hodges.

6 Q What race is she?

7 A She is black.

8 THE CHAIRMAN: When did she apply?

9 THE WITNESS: She applied on 8/17/70.

10 THE CHAIRMAN: Proceed.

11 THE WITNESS: She signed a lease

12 9/11/70.

13 THE CHAIRMAN: When was that vacated?

14 THE WITNESS: June 2nd, 1970.

15 Q She moved where?

16 A She moved to 922 Norris Street.

17 Q Which is what project?

18 A Bennett.

19 Q Stinney, just below the name of Hodges--

20 MR. PILLEGGI: (interposing) We  
21 went through that.

22 THE WITNESS: I'm using it in another  
23 context.

24 Her application is 7/7/70.

THE CHAIRMAN: Race?

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THE WITNESS: Black.

THE CHAIRMAN: Proceed.

THE WITNESS: The unit was vacated September 9th, 1970, the lease signed 10/5/70, 1425 Norris Street.

Q  
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Which is in what project?

Bennett.

THE CHAIRMAN: Which project?

THE WITNESS: Bennett.

THE CHAIRMAN: (Addressing Mrs. Earline Mann.)

u

Mrs. Mann, this may be a little unusual, we solicited your help from this matter, are you going to testify in this matter?

MRS. MANN: Yes.

THE CHAIRMAN: May I put you under oath at this time?

MRS. MANN: Yes.

(At this time, Mrs. Earline Mann was sworn.)

THE CHAIRMAN: Would you state your full name?

THE WITNESS: Earline Mann.

THE CHAIRMAN: And your address?

1  
2 THE WITNESS: 442 Yarnel Street,  
3 Chester, Pennsylvania.

4 THE CHAIRMAN: And your position?

5 THE WITNESS: Occupancy supervisor  
6 for the Chester Housing Authority.

7 THE CHAIRMAN: Thank you, Mrs. Mann.

8 Now, we're requesting, as Mr.  
9 Wallerstein furnishes these addresses that you be  
10 helpful to the Commission with furnishing us with  
11 the names of the various housing units in the Chester  
12 Housing Authority and that the information that you  
13 have been furnishing heretofore, has been pursuant  
14 to the oath that you have just taken; is that correct?

15 THE WITNESS: That's correct.

16 THE CHAIRMAN: Thank you very much.

17 Proceed.

18 CONTINUING TESTIMONY OF MR. WALLERSTEIN.

19 THE WITNESS: Okay. Boyland,

20 (spelling) B - O - Y - L - A - N - D.

21 Q Where does his name appear?

22 A This is also on page C-1H, the sixth from the bottom.

23 And now giving names of people who have applied later than Mr.  
24 Hirst.

He applied on 4/22/70.

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THE CHAIRMAN: Race?

THE WITNESS: Black.

THE CHAIRMAN: That's Juanita?  
Proceed.

THE WITNESS: The unit was vacated  
3/16/70. These were signed 6/1/70.

Q For which address?

A 312 Guardside.

Q Which project?

MRS. MANN: William Penn.

THE WITNESS: William Penn.

Gorman, Elizabeth, black, number  
12, if you look at the numbers that run down on the  
left side.

THE CHAIRMAN: On C-1H?

Race?

THE WITNESS: Black.

Application date 7/25/70, vacated  
5/19/70. Lease signed 7/25/70, address, 303  
(spelling) A - Y - A - R - S.

MRS. MANN: William Penn Homes.

THE WITNESS: William Penn Homes.

Those are the examples that I have.

THE CHAIRMAN: Are you going to

1  
2 furnish testimony with the racial composition of  
3 each of these?

4 MR. KRATZOK: Yes.

5 THE CHAIRMAN: Proceed.

6 Q From the information which you have compiled from  
7 the records furnished to you by the Chester Housing Authority,  
8 and the examples which you have cited, were you able to draw  
9 any conclusions within the information and the examples you  
10 furnished?

11 A Yes.

12 MR. PILLEGGI: Objection for the  
13 record.

14 Q What were they?

15 A THE CHAIRMAN: Overruled.

16 Q Proceed.  
17 What were your figures rather than conclusions?  
18 I amend my question in terms of the Chairman's  
19 suggestion.

20 What were your findings?

21 THE CHAIRMAN: With respect to the  
22 racial composition of the applicants being assigned  
23 housing in these--in these housing facilities in  
24 the Chester Housing Authority?

25 THE WITNESS: Our findings were first



1 of all, that all black applicants were being assigned  
2 to black housing projects and white applicants were  
3 being assigned to McCaffery Village only.

4 Our second finding was that white  
5 applicants were not being offered available vacant  
6 units in black projects but were being allowed to  
7 wait for McCaffery Village and then being able to  
8 sign a lease.

9 Our third thing was that black  
10 applicants were often being given a chance to move  
11 into black projects with a very short period of  
12 waiting time even though they had applied for housing  
13 at a later date than white applicants.

14 MR. KRATZOK: Cross examine.

15 CROSS EXAMINATION BY MR. PILLEGGI:

16 Q Mr. Wallerstein, you stated that in your findings  
17 you found that black applicants were permitted to move in black  
18 projects even sooner than white applicants who had applied at an  
19 earlier date; is that correct?

20 A Yes.

21 Q Do you know why?

22 A Okay.

23 THE CHAIRMAN: Do you know?

24 THE WITNESS: I believe I do, yes.

1 THE CHAIRMAN: Proceed.

2 Q Will you state why, for the record, based on your  
3 investigation rather than what you believe?

4 MR. KRATZOK: No. No. I object.

5 You ask the question, let him answer it.

6 THE CHAIRMAN: He is answering it.

7 He said based upon his investigation.

8 Q I don't want him to base his answer on his belief.

9 THE CHAIRMAN: Let him answer  
10 your question, then if there is an answer, you can  
11 take it--

12 MR. PILLEGGI: (interposing) I  
13 believe that this is what I--

14 THE CHAIRMAN: (interposing) This  
15 is a habitual thing and I ask you that you try to--

16 THE WITNESS: (interposing) May I  
17 ask Mr. Pilleggi a question?

18 THE CHAIRMAN: You may ask the  
19 Chairman of this panel.

20 May I ask you too, Mr. Pilleggi,  
21 to rephrase the question.

22 MR. PILLEGGI: (Addressing the  
23 court reporter.)

24 Would you repeat the question, Mr.

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Stenographer?

(At this time, the court reporter read back the last question by Mr. Pilleggi.)

A I would like to change my answer to, no, I do not know why.

THE CHAIRMAN: You do not know?

THE WITNESS: I can only look at the evidence I collected--I cannot give reasons which may be those of the staff of the Housing Authority rather than my own.

MR. PILLEGGI: I accept that, Mr. Chairman.

Q Mr. Wallerstein, are you personally familiar, based on your investigation with the order of priorities in which different applicants are given first place or second place, whatever the case may be?

A I believe I am.

THE CHAIRMAN: Would you please avoid the use of the words, "I believe."

MR. KRATZOK: This "I believe" is in connection with the--

(Off the record.)

THE CHAIRMAN: We will understand that when he says "I believe," he is stating a fact

1 rather than something he is guessing or that something  
2 is objective.

3 Proceed.

4 Q You said you do not know the factors, would you please  
5 state the factors that are the basis for priorities in the Chester  
6 Housing Authority assignment policies?

7 A Burn outs are one factor. This means people who were  
8 burned out of the housing that they are presently living in.

9 Q I would like to clarify my question. I don't think  
10 that I have got my question out clearly.

11 Now, when I say, if you know, would you please state  
12 the factors that are the basis for priorities in the assignment  
13 of vacant units one, two, three, four, by that I mean, what is  
14 the highest priority?

15 MR. KRATZOK: Mr. Pilleggi, I object.

16 THE CHAIRMAN: Would you state your  
17 objection to the Chairman?

18 MR. KRATZOK: I am objecting to the  
19 fact that he did not wait for the first answer to be  
20 answered.

21 THE CHAIRMAN: I understand that you  
22 have withdrawn the first question. You're rephrasing  
23 it and the second question is one you want answered;  
24 is that correct?

1  
2 MR. PILLEGGI: Yes.

3 THE CHAIRMAN: Now, you state then  
4 in order of what--

5 MR. PILLEGGI: (interposing) I don't  
6 care which order he states the criteria as long as  
7 he states for example, a person with a broken arm--

8 THE CHAIRMAN: (interposing) You're  
9 asking if he knows what the criteria are?

10 Proceed.

11 Q With reference to their priority.

12 A Persons who were burned out of his home and has no  
13 available housing, a person or persons living in the area which  
14 is being raised to provide for building of the Chester Ferry  
15 Bridge.

16 Q Excuse me, Mr. Wallerstein, are you suggesting that  
17 all of these are in top priority?

18 THE CHAIRMAN: Do you have an  
19 objection?

20 MR. KRATZOK: I object to the  
21 question. Again the witness was answering the  
22 counsel's question and in the course of the answer,  
23 he was interrupted by a further objection--

24 MR. PILLEGGI: (interposing) I didn't  
object, he objected to the answer.

1 THE CHAIRMAN: Mr. Pilleggi, I think  
2 what he is saying is that in the initial question  
3 you just asked for the factors and then you have  
4 refined your answer by asking him to state it in  
5 order of priority which is concerned, which is the  
6 question. Do you want him to state the criteria  
7 or do you want him to state these criteria in order  
8 of priority?

9 MR. PILLEGGI: I asked the witness  
10 if he was aware of, if he knew the criteria on which  
11 the Authority were assigned, he said yes.

12 I then asked him to state the  
13 criteria with reference to the assignments. He began  
14 to do so.

15 I asked another question because I  
16 did not think his answer was responsive to my ques-  
17 tion. He was bunching a group of criteria without  
18 reference to how they bore on priority.

19 THE CHAIRMAN: Well then, Mr.  
20 Kratzok's objection is sustained and he will first  
21 answer your initial question and then go to your  
22 second portion of the question. I mean the mere fact  
23 that you are dissatisfied with the answer and the  
24 way it's being given would have to be subsequently

1 followed by another question. So would you state the  
2 criteria.

3 THE WITNESS: People being burned  
4 out of their present housing, people living in the  
5 area near the construction of the Chester Ferry Bridge,  
6 because these homes are being raised. People living  
7 in the substandard housing as determined by an  
8 inspection made by appropriate city agency. That's  
9 all.

10 THE CHAIRMAN: They're the only  
11 three that you are aware of?

12 THE WITNESS: That I am aware of,  
13 yes.

14 CONTINUED CROSS EXAMINATION BY MR. PILLEGGI:

15 Q Mr. Wallerstein, in coming to the third of your  
16 conclusions to which you testified, the black applicants are  
17 assigned and permitted to move into black projects more quickly  
18 than white applicants who had applied at a later date, I believe  
19 that was the third conclusion. You based that conclusion on your  
20 knowledge of the criteria as you have stated them; is that correct?

21 A Yes. And on the information which we gained from  
22 examining the files of Chester Housing Authority.

23 Q Now, these criteria one, two, three, to which you  
24 testified, were these your findings based on your investigation,

1 or did you ask formally of Mrs. Mann, a copy of her criteria?

2 A Mrs. Mann relayed to me in an oral conversation that  
3 these criteria were used by the Housing Authority to determine  
4 eligibility.

5 Q Now, if you know, among the criteria which you  
6 stated, do you know if any one of them is more important than  
7 the other or whether they're all in the same category as far  
8 as establishing the--

9 THE CHAIRMAN: (interposing) More  
10 important with respect to what?

11 MR. PILLEGGI: With respect to each  
12 other.

13 THE CHAIRMAN: With respect to  
14 each other? With the respect to the assignment of  
15 housing facilities?

16 Q In the assigning of Housing Authority, do you know  
17 which of the three take priority?

18 A Burned out and the area around the Chester Ferry  
19 take preference.

20 Q And you indicated earlier this is what Mrs. Mann  
21 told you orally?

22 A Yes.

23 Q Is that correct?

24 A Yes.



1 Q Now, Mr. Wallerstein, you have stated earlier that  
2 your findings with references to this exhibit which was introduced  
3 into evidence, in which you have introduced a column that says,  
4 "Reject," as the heading, would you please elaborate on how you  
5 made those entries based on what information?

6 A All right. I examined what I will determine for  
7 the present, the master folder, for as many of the people on this  
8 list as I could possibly find the folder for. The folder included  
9 the application or applications of the person now living in a  
10 unit run by the Chester Housing Authority. I had been informed  
11 by Mrs. Mann that if there had been an offer and a rejection of  
12 said offer by the tenant, that this would be noted on the appli-  
13 cation itself. If I did not find such notation on the application,  
14 then I indicated in a column labelled, "Rejection," that there  
15 had been no rejection.

16 If I did not find a notation, then I indicated so  
17 in there.

18 Q In other words, what you're saying, when you write,  
19 "None," in the column under rejection, it does not indicate  
20 that an offer was made to the applicant and the applicant said  
21 "No, I don't want that project."

22 You are saying for the record that that column  
23 represents that you found nothing by way of a notation in the  
24 file as to whether the Authority had offered them a unit?

1 A That is correct.

2 Q Now, based on your investigation, how many files,  
3 if you recollect, did you find notations that a unit had been  
4 offered to?

5 A Very few. I would say three or four.

6 Q And how many times did you inspect?

7 A Approximately over one hundred total folders and  
8 about two hundred pieces of information from different folders.

9 Q So what you are saying in effect, that approximately  
10 two hundred files that you went through, you only found a  
11 notation on three or four; is that correct?

12 A That's correct.

13 Q And again clarifying your testimony, you are saying  
14 that in those files which had no notations, you wrote the word,  
15 "none," on this exhibit to imply that there was no notation?

16 A Yes.

17 Q Did you have any other evidence?

18 MR. KRATZOK: Excuse me.

19 THE CHAIRMAN: Do you have an  
20 objection?

21 MR. KRATZOK: I object.

22 THE CHAIRMAN: To what?

23 MR. KRATZOK: I will take it up  
24 in redirect.

THE CHAIRMAN: Proceed.

1  
2 Q Now, there are many, many entries or spaces here  
3 in this exhibit which you prepared in which you did not make any  
4 entries at all under the title heading of "Rejection," why is  
5 that?

6 A May I explain?

7 Q Yes.

8 A Okay. The names that are on this list were obtained  
9 from a list given to us by Mrs. Mann. The list which she gave  
10 us included the names of six tenants who had moved into housing  
11 run by the Authority within the past year. It also included  
12 the address of the tenant, the rent which they were paying,  
13 the date that their unit had been vacated and the tenant's  
14 account number.

15 Now, to obtain the rest of the information which  
16 is on the sheet we had to take the account number of the tenant  
17 and go to where the Housing Authority keeps the master folder  
18 and then we had to look for the master folder corresponding  
19 to the account number, pull it out and then obtain the rest of  
20 the information. If we could not find a master folder for the  
21 name, then many spaces in the column will be blank and the  
22 rejection would be one of them because we could not find the  
23 application for that particular person.

24 Q So you are saying that all of the vacancies that you

1 left are instances where you could not find the folder?  
2

3 A That is correct.

4 Q Wasn't it intended on the marking to indicate--to  
5 indicate with a marking under the "Rejection" column?

6 A I beg your pardon?

7 Q Was it your intention to leave a space there which  
8 was to indicate--

9 THE CHAIRMAN: (interposing) He  
10 testified because it was not found.

11 A Since we were marking every complete one, it would,  
12 you know, it would mean to someone reading it that if there were  
13 no markings, that the information was not there.

14 Q Mr. Wallerstein, do you have any additional evidence,  
15 as a result of your investigation, that the various tenants  
16 whose names you cited here today, were not offered any other  
17 available units other than the omission of any notation in their  
18 file?

19 A Yes. I interviewed several of the tenants.

20 Q Did you interview whose name you cited here today,  
21 all of them?

22 A Yes--not all of them, but several of them.

23 Q How many of them?

24 A Approximately seven out of the nine or ten names that  
are in the examples.

Q Did you interview them alone?

A Yes, I did.

Q When you say "seven out of ten," you cited approximately three white tenants, did you include the three white tenants in your interview?

A Yes, I did.

Q All of them?

A I can tell you exactly who.

Huck and Hirst and also Alice Ferris.

Q Mr. Wallerstein, are you familiar with the criteria of one being a veteran as affecting his priority in assignments of units, residential units?

A No, I'm not.

Q Are you familiar with the criteria of one being a displaced person as affecting the priority scheduling in the assigning of units?

A Yes, I am.

Q And in mentioning the criteria in answer to my question, you omitted that or were you referring to those formerly living in the Chester Ferry Bridge, apparently the Chester Bridge Port Bridge?

A I intended to place persons coming from that area.

Q Are you familiar with the criteria of being elderly as affecting the priority in assignment of residential units?

1 A No, I'm not.

2 Q Are you familiar with the criteria notes of a  
3 veteran's family in an assignment of residential units?

4 A No, I'm not.

5 (Off the record.)

6 Q Mr. Wallerstein, pursuant to your investigation, did  
7 you become familiar with the plans of occupancy presently in  
8 effect in the Chester Housing Authority?

9 A Are you referring to Plan B, the HUD Plan?

10 Q Yes.

11 A I have read the plan, yes.

12 Q Are you familiar with the present policy pursuant  
13 to Plan B based on your investigation?

14 A Familiar only to the extent that I have read the  
15 plan a few times.

16 Q Were you familiar for example, based on your investi-  
17 gation, were you familiar with the first step that the Housing  
18 Authority must take in responding to any applicant, black or  
19 white?

20 A I'm not sure I understand what you mean.

21 Q For example, based on your inspection of Plan B,  
22 you said you were familiar with it generally?

23 A I have read it a few times.

24 Q Do you know anything about it to the extent that you

1 could implement any portion of it?

2 A I know that it must be in compliance with, I believe,  
3 Title 7--excuse me, Title 7 of the 1964 Civil Rights Act and  
4 I know--

5 THE CHAIRMAN: (interposing) Which  
6 title?

7 THE WITNESS: Title 7.

8 Q Six.

9 A I know that it gives each person two chances of  
10 rejecting offers of housing and upon rejection of the third  
11 offer,--

12 Q (interposing) Excuse me.

13 A I know that the plan gives each applicant the  
14 opportunity to reject two offers of housing, and upon rejection  
15 of a third offer, the applicant is dropped to the bottom of the  
16 waiting list. And I knew also that the plan attempts to send  
17 applicants to the particular project which has the highest  
18 number of vacancies at the given time.

19 Q Based on your knowledge of the plan, is the offer  
20 to the applicant for two projects, referring to any two projects  
21 or specific two projects?

22 A To any two projects.

23 THE CHAIRMAN: A project is defined  
24 as what?

MR. PILLEGGI: Any one of the four basic locations that were cited earlier here in testimony. That would be William Penn would be interchangeably referred to as a project. And we have Bennett and Lamokin, for HUD purposes, are cited as one location. That is a technical term, since they're geographically close, and we have McCaffery.

Q Based on your knowledge of the plan, Mr. Wallerstein, in the event that the applicant declines any of the two projects offered to them, what is the next priority or requirement of the Housing Authority?

THE CHAIRMAN: Just a minute. Go off the record.

(Off the record.)

THE WITNESS: Did you mean two units?

Q The project units.

MR. PILLEGGI: (Addressing the court reporter.)

Read back the last question.

(At this time, the court reporter read back the last question.)

A The Housing Authority is not to do anything until another offer is made. The Housing Authority will make another



1 offer when another unit becomes available.

2 Q In other words, you are stating, if I understand  
3 you correctly, that after the Housing Authority, based on the  
4 priority which you mentioned, have made its offer to applicants,  
5 it has no further duty to house the applicant at that point,  
6 is that what you're saying?

7 A No. Are you referring to what the Housing Authority  
8 must do with the vacant units if one person turns it down?

9 Q I am referring to your knowledge of the criteria  
10 for priority in the occupancy policy of the Chester Housing  
11 Authority in assigning black and white tenants.

12 A I know that the plan states only that if the  
13 applicant refuses an offer then the Housing Authority may make  
14 another offer to him. It does not say anything about what's  
15 done with the particular unit, as far as another applicant  
16 coming in.

17 Q Based on your investigation extending over a period  
18 of approximately how many months, did you say, since June of  
19 1970, was your initial contact; is that correct?

20 A Yes.

21 Q Did you become familiar with the number of vacancies  
22 that existed in the various units from month to month? By  
23 "units," I mean project units.

24 A No.

Q You did not?

A No.

Q Are you familiar with any revision in the first part of the occupancy policy that requires the Housing Authority to offer to an applicant the two project units with the highest number of vacancies first?

A Yes, I am.

Q You are?

A Yes.

Q And during the course of your investigation, you did not determine which units, project units, had the highest number of vacancies?

A No, I did not.

Q You testified earlier that, while a vacancy existed in McCaffery, or while a vacancy--McCaffery which is predominantly for all white, and while a vacancy existed in predominantly all black projects, that there was no record of an offer to a black applicant in the McCaffery project and that a white tenant eventually took that residential unit; is that correct?

A Yes.

Q You say you're familiar with the program of plan B wherein the Housing Authority has to offer the applicant the number, the project units with the two highest vacancies; is that correct?

1 A That's correct.

2 Q And yet you said you were never aware, during your  
3 investigation, reaching back to July, 1970, as to which units  
4 had the highest number of vacancies?

5 A I was told only by Mrs. Mann-- excuse me, by Mr.  
6 Gallagher, the terms of the applicants for housing, that the  
7 greater number of applicants were black. I was not told any-  
8 thing specifically about the number of vacancies in the units  
9 with the projects themselves.

10 MR. PILLEGGI: (Addressing the court  
11 reporter.)

12 Would you read back the last ques-  
13 tion and answer?

14 (At this time, the court reporter  
15 read back the last question and answer.)

16 MR. PILLEGGI: I don't want to leave  
17 this into evidence. This is the original.

18 THE CHAIRMAN: That's all right. I  
19 will have it marked R-1.

20 (At this time, the court reporter  
21 received and marked an exhibit as R-1, for  
22 identification.)

23 Q Mr. Wallerstein, I show you a book of original entries  
24 showing the projects, sub-classified into one bedroom, two bedroom,

three bedroom, four bedroom units and so forth, and the dates they were vacated during the period of your investigation. Do you recognize the book?

A Yes. I have seen sections of it. I am sure that I have not seen the whole book.

Q Would you be able to determine from that book that you inspected the number of vacancies during the period in the various projects units?

A From June of 1970 until--excuse me, from January 1st, 1971 up to May 31st.

Q You have been able to determine from that book that you have seen earlier and have reviewed the number of vacancies on a given project?

A We did not but the information is there.

THE CHAIRMAN: Would you identify for us, Mr. Pilleggi, what R-1 purports to represent?

MR. PILLEGGI: It purports to represent an offer of proof that Mr. Wallerstein--

THE CHAIRMAN: (interposing) No. No. No. Just what the document purports to represent, not what it--

MR. PELLEGGI: (interposing) It is a sub-classification of projects. Again sub-classified into the number of bedroom units available

during a given period and the date vacated. The date rented. The date of the lease. It's similar to the chart, to the one prepared by Mr. Wallerstein excepting with reference to the information--

(Off the record.)

Q Is this a document maintained by the Chester Housing Authority?

A No, it's not a formal document.

MR. KRATZOK: I am being deprived of an opportunity to object to its admission.

THE CHAIRMAN: It's not being offered.

I wanted to know the source of it and what it represents.

MR. PILLEGGI: That's all it represents. It's a working group of sheets that the staff uses in corroboration of the principal records which I wanted the record to show that Mr. Wallerstein had an opportunity to inspect during the course of his investigation.

THE CHAIRMAN: Did you ask him that question, whether it had been offered to him?

MR. PILLEGGI: Yes, I did.

He stated for the record--

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THE CHAIRMAN: (interposing) Did you inspect it?

THE WITNESS: Yes.

MR. KRATZOK: My recollection is that you said you saw a number of sheets but not the complete Respondent's exhibit R-1.

Q Could you have determined the number of vacancies from the information in the booklet which you inspected?

MR. KRATZOK: Excuse me. That's not the objection raised. The form in which you asked the question cannot respond to my objection. My recollection was that the witness testified that when you showed him the exhibit that he said he saw some parts of it.

(Off the record.)

Q You saw some part of it; is that correct?

A Yes.

Q Were you familiar with the type of information in this booklet?

A Yes. With the parts of the booklet that I saw, I am familiar with it.

Q Did you only look at the front page or did you leaf through it?

A It was not presented to me in this form. It was

1  
2 presented to me only with special pages, the pages being those  
3 tenants who had moved in the beginning of January, 1971. I  
4 did not see the whole book.

5 THE CHAIRMAN: Approximately how  
6 many pages are in R-1?

7 MR. PILLEGGI: I'm not going to  
8 belabor this, it's a limited point, Mr. Chairman.

9 Q Did you have the opportunity in the course of your  
10 investigation to determine the number of vacancies in each  
11 project that you noted?

12 A The information given--

13 Q (interposing) Answer my question.

14 MR. KRATZOK: He is.

15 A I am.

16 Information given in this book will enable you to  
17 determine the total amount of vacancies that had been vacant  
18 in a project over a period of time. I do not think that you  
19 could determine the amount of vacancies at any given point from  
20 that booklet.

21 Q Did you ever ask Mrs. Mann for this information  
22 in the course of the investigation?

23 A No.

24 Q Did you think it was important for the purposes of  
the investigation you were conducting to determine the number of

1 vacancies, the highest number of vacancies in the project at a  
2 given time?

3 A No.

4 Q You did state earlier that you were familiar with  
5 the occupancy policy which requires the Housing Authority to--

6 A (interposing) I stated that I had read the plan B  
7 a few times.

8 Q You were not sufficiently familiar to know that the  
9 principal occupancy I just stated; is that correct?

10 A Not at the beginning of the investigation, no.

11 Q Are you saying you knew later?

12 A At a later day, yes.

13 Q Prior to this hearing?

14 A Yes.

15 Q Did you make any attempt at that time to get data  
16 on the project units with the highest number of vacancies during  
17 the period in which you testified this morning?

18 A Only to the extent that--

19 Q (interposing) Yes or no.

20 A Yes.

21 THE CHAIRMAN: Now, you may elaborate.

22 A Yes, to the extent that in collating the information  
23 I had gotten from the record, which I reviewed, there seemed to be  
24 more vacancies occurring in the Black units than in McCaffery.



1 Q Mr. Wallerstein, you did get the information which  
2 entitled you to know the highest number of vacancies during the  
3 period which you testified?

4 A No.

5 Q I wish you to give me simple and direct answers.  
6 My basic question is:

7 Did you obtain, prior to this hearing, data or  
8 information which permitted you to determine or to know the  
9 highest number of vacancies in two community projects during  
10 the period by which you testified this morning?

11 A No, I did not.

12 Q You did not?

13 A No.

14 Q In examples which I gave in groups, in which you  
15 cited a tenant that moved into McCaffery Village and then proceeded  
16 to cite two or three other tenants that moved to predominantly  
17 black communities, you offered them, as I recollect, for the  
18 purposes of indicating that the Housing Authority did not offer  
19 the blacks an opportunity to go into the white vacancy or the  
20 white an opportunity to go into black vacancies; is that correct?

21 A Those were the findings.

22 Q But while so testifying you did admit at a later time  
23 that you were not even familiar with which project unit had the  
24 highest number of vacancies during this period?

1 A That is correct.

2 Q So could you really be in a position to state as  
3 to which project units, if any, should have been offered inasfar  
4 as black applicants were concerned or inasfar as white applicants  
5 were concerned?

6 A I beg your pardon?

7 You'll have to repeat that.

8 Q My point is:

9 Since you stated you were not familiar during the  
10 period of your testimony from say January 1st, 1970 to the  
11 present, with which project units had the highest number of  
12 vacancies, you stated you were not familiar with that.

13 A Yes.

14 Q And you stated you were familiar with the occupancy  
15 program which required the Housing Authority to offer an applicant  
16 the two highest, the two projects with the highest vacancies.  
17 Did you state that?

18 THE CHAIRMAN: He stated he was  
19 familiar with plan B. He said he only knew it--

20 MR. PILLEGGI: (interposing) This is  
21 plan B.

22 THE CHAIRMAN: That raises the ques-  
23 tion whether this was the policy followed by the  
24 Chester Housing Authority. There is no testimony to

1  
2 that and that's why you're getting hung up on the  
3 question. The answer is he only knew about it from  
4 examining plan B of HUD. If you will introduce  
5 testimony--this was the policy, that's your testi-  
6 mony.

7 THE CHAIRMAN: I want his position  
8 stated on the record.

9 (Off the record.)

10 THE CHAIRMAN: I think the testi-  
11 mony is on the record. I think it's clear. He has  
12 read plan B.

13 MR. PILLEGGI: I asked him if he  
14 is familiar with plan B to know that the applicant  
15 must be offered two project units and he said,  
16 "Yes."

17 THE CHAIRMAN: That's correct.

18 MR. PILLEGGI: That's all I am  
19 saying, if he knew that, this is the question that  
20 I am asking now.

21 Q If you were familiar that in accordance with plan B  
22 the applicant must be offered the two project units with the  
23 highest number of vacancies and my further question is, Mr.  
24 Chairman and you stated earlier that certain applicants or  
present tenants, both black and white, were not offered certain

1 projects during the certain period of time, how could you  
2 have come to a conclusion that you did not know which project  
3 would have been offered to them as having the highest number of  
4 vacancies.

5 THE CHAIRMAN: Which should have  
6 been offered to them under plan B.

7 Q Were you able come to this conclusion? How were  
8 you able to come to this conclusion without the knowledge as  
9 to which project had the highest number of vacancies? Do you  
10 understand my question?

11 A No, I don't really. Not knowing what I know about  
12 the racial makeup of the--

13 MR. KRATZOK: (interposing) Mr.  
14 Chairman, I object to the question and to its form,  
15 to its content, because I think most of it is  
16 argumentative. It's not pursuing cross examination  
17 with the scope of direct examination.

18 THE CHAIRMAN: I will sustain the  
19 objection.

20 MR. FILLEGGI: This is to test his  
21 credibility, Mr. Chairman, and I think it's very  
22 legitimate on cross examination, to test his credibi-  
23 lity. He, in fact, testified that certain applicants,  
24 both black and white, were not offered by the Housing

1 Authority certain project units. He then testified  
2 that he knew from his surveillance of plan B that  
3 they were required to offer two project units which  
4 had the highest vacancies.

5 THE CHAIRMAN: We're aware of that  
6 and that is the issue and I don't think you ought to  
7 belabor it. I think he said he is aware of plan B  
8 requirements and that we conclude that this runs  
9 contrary to Pennsylvania Human Relations Law. So  
10 that's the issue and let's not belabor it. I think  
11 that he testified to everything factually that he  
12 has been asked and if you want to ask him anything  
13 further, fine. I think it's become then a matter  
14 of argument based upon his familiarity that he is  
15 familiar with plan B.

16 (Off the record.)

17 MR. PILLEGGI: These are your  
18 legitimate conclusions, they're not my conclusions.

19 (Off the record.)

20 THE CHAIRMAN: All right, we will  
21 proceed.

22 CONTINUED CROSS EXAMINATION BY MR. PILLEGGI:

23 Q Mr. Wallerstein, you testified as to one Lawton  
24 Porter, Dorothy Stinney and a Mr. Washington, based on your

1 investigation, did you notice any criteria involving these  
2 applicants that would have ever given them a priority status?

3 A Those are the people whose folders we could not  
4 find.

5 MR. KRATZOK: For purposes of  
6 expediting this, Mr. Yaffe, may I suggest to counsel  
7 that if he is referring to names already referred  
8 to which are on the chart, that he would make it  
9 easier for all of us to pinpoint it, including the  
10 witness.

11 THE CHAIRMAN: Thank you.

12 Would you repeat the question?

13 Q The question is:

14 You stated that during the course of your testimony  
15 that Lawton Porter, Dorothy Stinney and Mr. Washington, were  
16 given units in a predominantly black project while there was a  
17 vacancy in McCaffery Village; is that correct?

18 A May I ask what page you're referring to?

19 THE CHAIRMAN: C-11, that appears  
20 on the exhibit marked C-11, those names.

21 The question is:

22 Did you examine those files?

23 THE WITNESS: No. I got these  
24 names from the document which was shown but not

1 presented in evidence.

2 THE CHAIRMAN: The R-1 document?

3 THE WITNESS: Yes, the R-1 document.

4 THE CHAIRMAN: From pages of the  
5 R-1 document?

6 THE WITNESS: From pages of the  
7 R-1 document.

8 (Off the record.)

9 Q Mr. Wallerstein, you say you interviewed various  
10 tenants and among the tenants which you interviewed was Dorothy--

11 MR. KRATZOK: (interposing) Excuse  
12 me, I think there is a question still on the record  
13 that has to be withdrawn or answered.

14 THE CHAIRMAN: No, it was answered.  
15 The question was answered. He said he didn't see them.  
16 He got the information from the page--in the group  
17 marked R-1. That's the end of that. Proceed.

18 Q Now, in the matter of Stinney, which on your chart  
19 C-1H, you insert "Burned out."

20 A That is correct.

21 Q That's an incorrect entry on your sheet submitted  
22 in evidence?

23 A No. You are reading from--

24 Q (interposing) Stinney is displaced?

1 A That is correct.

2 Q That's the third one?

3 A Yes.

4 Q You also show there under the rejection column nine,  
5 22 Harris Street; is that correct?

6 A Yes.

7 Q Are you saying that you got all of this information  
8 which you inserted, the rent factor and so forth, without going  
9 to Stinney's file?

10 A No. I did review Stinney's file.

11 Q You want to correct your earlier answer?

12 A Yes.

13 Q And you want the record to show that you really did  
14 see Stinney's file but thought you--mistakenly thought you had  
15 not?

16 A Yes.

17 THE CHAIRMAN: Which names had  
18 you given him?

19 Dorothy Stinney, Lawton Porter  
20 and Valaida Washington.

21 THE WITNESS: Can you tell me  
22 what page they're on?

23 THE CHAIRMAN: I have Stinney  
24 as C-1H, the third line.



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A Concerning Lawton Porter.

Q You answered that.

THE CHAIRMAN: He is correcting that. Let the record show a--

THE WITNESS: (interposing) I did not see those two. I did see the file on Stinney.

Q Let me direct my question to Stinney, do you know the criteria of priority insofar as the Stinney applicant was concerned?

A Displacement.

Q Displaced?

A Yes.

Q And you testified earlier you thought that that was among the top priority for applicants?

A Yes. That's correct.

Q Did you know how many vacancies were in McCaffery Village at the time that Stinney applied for a unit, a residential unit?

A No, I did not.

Q But didn't you testify earlier that Stinney was in a group that had not been offered a unit in a white project?

A Yes.

Q On what basis did you have that Stinney had not been ordered a unit in a white project, if you did not know if there

1 were any vacancies in a white project?

2 THE WITNESS: I think we're getting  
3 off on something on what had not been testified.

4 MR. FILLEGGI: This is on  
5 credibility.

6 MR. KRATZOK: I have no objection  
7 to the question.

8 THE CHAIRMAN: Proceed.

9 A Well, 922 Norris is a black area. There was no--

10 MR. KRATZOK: (interposing) 922?

11 I have 1425.

12 A I'm talking about the rejection--

13 MR. KRATZOK: I'm sorry.

14 Q But you stated in your testimony that Stinney was  
15 one of the three who had not been offered a unit in the predomi-  
16 nantly or all white project unit; is that correct?

17 A Yes.

18 Q And are you also stating that you do not know  
19 whether there were any vacancies in the all white unit at the  
20 time that Stinney applied?

21 A I'm sorry, I don't think I understand what you mean.

22 Q Are you stating or did you state that you were un-  
23 aware if there were any vacancies in the all white project unit  
24 at the time that Stinney applied?

1  
2 A Well, I was aware that the persons who did receive  
3 that vacant unit in McCaffery Village has waited during a certain  
4 period of time and during this time--

5 Q (interposing) I'm sorry, you're not answering the  
6 question.

7 I'm saying that if you are aware if there were any  
8 vacancies in the all white projects at the time that Stinney  
9 applied?

10 A No, I am not aware.

11 Q Were you aware, and then you can explain it, yes or  
12 no, were you aware?

13 A No.

14 Q You were not aware?

15 THE CHAIRMAN: Do you want to  
16 explain it now?

17 A I don't think I understand what--

18 THE CHAIRMAN: (interposing) The  
19 question is simple. At the time that Stinney applied,  
20 were you aware that there were vacancies between the  
21 time that Stinney applied and Stinney received  
22 housing, were you aware that there were any vacancies  
23 in the all white projects, McCaffery?

24 Q Your preliminary answer was no, I will accept that  
answer.

1 THE CHAIRMAN: Do you want to  
2 explain or is that the end of it?

3 THE WITNESS: That's the end.

4 Q You stated in your earlier testimony, Mr. Wallerstein,  
5 that the Housing Authority was presumably guilty of misconduct  
6 in not offering to Stinney--

7 MR. KRATZOK: (interposing) No,  
8 there has never been any testimony--

9 Q (interposing) Let mesay this, in your testimony  
10 you stated that the Housing Authority did not offer to Stinney  
11 a unit in the all white project, McCaffery, at the time that  
12 they applied; is that correct?

13 A No. I stated the opposite. But the person who got  
14 the unit in McCaffery Village was not offered any of the vacancies  
15 in the black units.

16 Q If your findings that you stated at the conclusion  
17 of your direct testimony, your number two finding was that the  
18 black applicant was not, based on your investigation, were not  
19 offered units in the all white project and the all white were  
20 not being offered units in the all black, this is what you stated  
21 in the second finding.

22 A You understand that it works both ways?

23 Q That's what I am saying. It works both ways, the  
24 black should have been--

1 A (interposing) And that the, you know, the different  
2 examples illustrate different portions of the findings. If you  
3 take all six examples, they do not illustrate one of the findings.  
4 One may illustrate the finding one way and the other may  
5 illustrate it in the opposite way.

6 Q You did mention Stinney in your testimony in  
7 mentioning a white resident of McCaffery, you mentioned Stinney  
8 in a sense that she had not been offered the McCaffery Village  
9 unit at the time of her application. Do you recall that in  
10 your testimony?

11 A No, I do not. I recall my mentioning it in the  
12 reverse connection.

13 THE CHAIRMAN: Namely, what?

14 THE WITNESS: Namely, that the  
15 white applicant was one who had not been offered a  
16 unit which became available in a black project which  
17 Stinney had to accept.

18 Q You're saying that that is the only sense in which  
19 you offered that; is that correct?

20 A To my recollection, yes.

21 Q And do you recall in what sense you offered Lawton  
22 Porter, Valaida Washington, who are both black?

23 A It may have been in the same example. I think we  
24 would have to go back.

Q Let me ask you this question, Mr. Wallerstein:  
Would you have been able to determine, based on your investigation, if there was ever any white unit in McCaffery which unit could have been offered to a black applicant from January 1st, 1970 to the present?

A Can you repeat that please?

MR. PILLEGGI: (Addressing the court reporter.)

Could you please repeat that question?

(At this time, the court reporter read back the last question.)

MR. KRATZOK: I object to the question on the ground that it is repetitious.

MR. PILLEGGI: This is on credibility.

THE CHAIRMAN: The objection is overruled. Do you understand the question now?

THE WITNESS: The answer is, yes.

Q "Yes," you are able to determine?

A Yes. The example of Larrie Ellis bears that out.

Q Based on your investigation, did you ever come to the knowledge of any other vacancy in McCaffery Village other than the three instances in which you cite?

1 A Yes. To the extent that the information is in the  
2 charts but it is not for that I collated specifically to back up  
3 a complaint.

4 Q You are saying, "Yes," and that information can be  
5 found in the charts?

6 A The question that you are asking could be answered  
7 with the information that I have, but I have not specifically  
8 pooled that information with the intent to--

9 Q (interposing) So your answer is, "Yes," based on  
10 your investigation, you did determine additional vacancies in  
11 McCaffery that could have been offered to black applicants?

12 A I say yes, but--

13 THE CHAIRMAN: (interposing) The  
14 answer is yes, that you did.

15 A But the record would have to be reviewed.

16 Q Did you know if Dorothy Stinney was a displaced  
17 person?

18 THE CHAIRMAN: What page is that?

19 THE WITNESS: C-1H. According to  
20 the application, in Mrs. Stinney's folder, the answer  
21 is yes.

22 Q You knew that?

23 A Yes.

24 Q Did you know Lawton Porter--

THE CHAIRMAN: (interposing) His

name appears on C-II.

Q (continuing) --Was a serviceman insofar as this priority criteria was concerned?

A No, I did not.

Q And do you know that Valaida Washington was a displaced person insofar as her criteria was concerned?

A No.

Q And finally, did you know that Annie Daniels was a displaced person?

THE CHAIRMAN: Where does that appear?

MR. PILLEGGI: C-II.

A No, I did not.

Q So your testimony was basically made without that knowledge of their particular family conditions?

A Yes.

MR. PILLEGGI: No further questions, Mr. Chairman.

REDIRECT EXAMINATION BY MR. KRATZOK:

Q Mr. Wallerstein, I refer you again to this chart, where did you get the information?

THE CHAIRMAN: Marked C-1 sub-letters A to I, inclusively. Proceed.



1 Q Where did you get the information?

2 A The sources are firstly the document, R-1, and  
3 secondly, the master folders which were in the possession at the  
4 Chester Housing Authority.

5 Q Did you have document R-1 offered to you as it was  
6 presented, as it was presented today?

7 A A portion of it that was offered, not the total  
8 document.

9 Q What portion of it, can you recall?

10 A The rest of the tenants who moved in from January  
11 1st, 1971--that is incorrect, the list of tenants who moved in  
12 from June of 1970 to May of 1971.

13 Q From what source did you derive knowledge as to the  
14 criteria for priority in renting project units to applicants?

15 A From Mrs. Mann.

16 Q Do you recall the conversation in which you asked  
17 or which you received that information from Mrs. Mann?

18 A Yes, I do.

19 Q What was it?

20 A This conversation took place in June of 1970.

21 Q What did you say to her and what did she say to you?

22 A I asked Mrs. Mann about the priority of the rentals.  
23 Mrs. Mann indicated to me orally that at that time, people who  
24 were burned out or displaced were the highest on the list, and

she also indicated that the area where the Chester Bridge Port Ferry was being built was in the process of being raised, and those people would be given priority.

Q How about substandard housing, was that mentioned as a criteria?

A Later.

Q When later?

A September 1970.

Q Under what circumstances?

A Under another conversation with Mrs. Mann.

Q The first time--did you ask Mrs. Mann what were the criteria?

A Yes.

Q And the only criteria she gave you was as you just testified?

A They're the only ones I have.

Q Two criteria?

A Yes.

Q And the third, substandard criteria came later?

A Yes.

Q Were there other criteria which you learned about?

A There were criteria which did not concern the need for housing but which concerned policies of the Housing Authority.

1 Q Such as?

2 A Such as the fact that the Housing Authority tried  
3 to maintain a scale of rental payment and would, therefore, if  
4 the situation came up, they had to rent to someone who was  
5 only going to pay a very minimal rent that they would then try  
6 to rent the next unit who was going to try to pay a higher rent,  
7 in order to maintain solvency of the housing.

8 Q How about the criteria mentioned in cross examination  
9 by Mr. Pilleggi, the veterans, veteran's families, elderly, was  
10 that ever discussed between you and Mrs. Mann in your conversa-  
11 tion with her?

12 A No, it was not.

13 Q Did you ever ask her whether she had given you all  
14 of the criteria that were used?

15 A No, I did not.

16 Q But you did ask her for the criteria?

17 A Yes.

18 Q And that was her answer?

19 A Yes.

20 Q On the charts to which we have previously referred  
21 one column is marked rejection, as you have already testified,  
22 and notations are made in those columns, in that column. What  
23 was the explanation of your use of the word, "rejections" as  
24 the column heading there?

1 A If upon examining the application of a tenant, I  
2 found a notation on the applicant's application indicating that  
3 a rejection, that an offer had been made, I noted it in the  
4 rejection column. If I found no such notation, I wrote numbers  
5 in the rejection column.

6 Q This is rejection of what offer?

7 A Of an offer for housing made by the Chester Housing  
8 Authority.

9 Q To the applicant?

10 A To the applicant.

11 Q And where you have put the word, "none," in that  
12 column, that indicates what?

13 A That I found no such notation of any offer and  
14 refusal in the record.

15 Q And had you discussed this with Mrs. Mann in your  
16 conversations with her?

17 A Yes, I had.

18 Q Did any of that conversation relate to this parti-  
19 cular piece of information about the rejections and the opportu-  
20 nities offered to rent?

21 A Yes, they did.

22 Q What was that conversation?

23 A That if an applicant had refused an offer made by  
24 the Chester Housing Authority, then a refusal would, in most

1 cases, be noted on the application.

2 Q And in most cases where no offer had been made,  
3 there would be, therefore, no indication of that in the file;  
4 is that correct?

5 A That was not mentioned. That was an assumption on  
6 my part. There was no further mention of it. The only thing  
7 that was said, if there had been a rejection, then it would,  
8 in most cases, be noted on the application.

9 THE CHAIRMAN: Mr. Kratzok, excuse  
10 me. This is repetitious.

11 Q Is it clear in your mind, Mr. Wallerstein, or was  
12 there any expression from Mrs. Mann that a rejection implied  
13 an offer?

14 THE CHAIRMAN: That's a double  
15 question.

16 MR. PILLEGGI: Objection. That's  
17 a conclusion of law.

18 Q Withdraw the question.

19 THE CHAIRMAN: Withdraw the question.

20 MR. KRATZOK: That's all.

21 RECROSS EXAMINATION BY MR. PILLEGGI:

22 Q In your conversations with Mrs. Mann on this matter  
23 of a notation in the file for those applicants who had been  
24 offered another unit, during the course of your testimony, you

1  
2 gave two or three perhaps slightly varying phraseologies. Have  
3 you said that her conclusion in refusing it would be noted in  
4 most cases?

5 A Yes.

6 Q Are you familiar with how many cases you cited in  
7 your exhibits here in which you wrote the word, "none," in  
8 the rejection column?

9 A Yes.

10 Q How many?

11 A The majority of those that we sampled.

12 Q The majority?

13 A Yes.

14 Q Now, you examined almost two hundred records based  
15 on your earlier testimony; is that correct?

16 A You must understand that when I say two hundred, I  
17 mean that we got approximately two hundred names from R-1 of  
18 the master files. We were able to find over one hundred but  
19 were not able to find the total amount.

20 Q In other words, in the master files that you had  
21 there were only about one hundred, you're saying?

22 A One hundred to one hundred and twenty, I would say.

23 Q And I think you testified earlier that out of that  
24 one hundred or one hundred and twenty, you found about three or  
four notations?

1 A Correct.

2 Q Do you recall specifically what the notations said?

3 A No, I don't recall specifically.

4 Q Generally, do you recall?

5 A The annotation saying refusal or rejection and an  
6 address and in some cases, a date for the rejection.

7 Q So in the three or four cases out of one hundred  
8 and twenty you found this; right?

9 A Yes.

10 Q How long have you been an investigator, Mr. Waller-  
11 stein?

12 A Over two years.

13 Q Based on your experience and investigation, would  
14 you say that entries in three or four cases indicated a practice  
15 of bookkeeping of making entries out of three out of one hundred  
16 and twenty?

17 A If they indicated where refusals were made, they  
18 were noted. And where they were not made, they were noted at  
19 the time.

20 Q This is your personal--

21 THE CHAIRMAN: (interposing) As you  
22 stated in cross examination, that you interviewed  
23 by last name, Ferris, Huck and Hirst, they're all  
24 white?

1  
2 THE WITNESS: Right, to my  
3 recollection.

4 THE CHAIRMAN: That is correct?

5 THE WITNESS: That is correct. I  
6 may be wrong about one, but I did interview three  
7 whites and approximately four blacks.

8 THE CHAIRMAN: Do you remember the  
9 names of the all white tenants?

10 THE WITNESS: Ferris, I am certain  
11 of. If you give me a minute, I will find out.

12 THE CHAIRMAN: Take your time.

13 (Off the record.)

14 THE WITNESS: Do you want me to give  
15 you the names of all those I interviewed and also  
16 the race?

17 MR. PILLEGGI: Only for the  
18 record. I don't object to his giving the names, but  
19 I want the record to clearly show that I am objecting  
20 to all of the answers given to--

21 THE CHAIRMAN: (interposing) I  
22 haven't asked a question.

23 MR. PILLEGGI: You did it earlier.

24 THE CHAIRMAN: When the question is  
asked, then you'll object.



1 THE WITNESS: Larrie Ellis; Mrs.  
2 Larry Ellis, she was interviewed.

3 THE CHAIRMAN: The race?

4 THE WITNESS: Black.

5 Eleanor Hayes was interviewed,  
6 she is white.

7 Brenda Bradley was interviewed,  
8 she is black.

9 Hirst was interviewed, he is white.

10 Ferris was interviewed, she is  
11 white.

12 And there was one more--excuse me,  
13 one second. Victoria Oliver was interviewed, she is  
14 black.

15 THE CHAIRMAN: Do you have the  
16 dates of when you interviewed all of these people?

17 THE WITNESS: Approximately--they  
18 were all interviewed on the same day.

19 THE CHAIRMAN: Approximately when  
20 was that?

21 THE WITNESS: July, the week of  
22 July, say the 20th or 21st.

23 THE CHAIRMAN: Of this year,  
24 1971?

THE WITNESS: Yes.

THE CHAIRMAN: Now, you interviewed-- drawing your attention specifically to Hayes, what was told to you with respect to the application and the placement of that applicant in the particular Housing Authority unit in which that party was placed?

MR. PILLEGGI: Objection to anything she told him in that interview.

THE CHAIRMAN: Why?

MR. PILLEGGI: It's hearsay.

THE CHAIRMAN: Your objection is overruled. Hearsay is admissible.

MR. PILLEGGI: It is?

THE CHAIRMAN: Your objection is sustained.

MR. PILLEGGI: I'm saying it's illegal.

THE CHAIRMAN: On what basis?

MR. PILLEGGI: Illegal, I think it's incompetent evidence.

THE CHAIRMAN: All right.

MR. PILLEGGI: It's hearsay.

THE CHAIRMAN: Your objection is overruled.

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MR. KRATZOK: May I point out something as attorney presenting the case for the prosecution, that in cross examination, Mr. Pilleggi had opened up the scope of the direct examination by asking the witness as to whether he interviewed--

THE CHAIRMAN: (interposing) That wasn't the basis of the--

MR. KRATZOK: (interposing) Second of all--

THE CHAIRMAN: (interposing) That wasn't the basis of the objection. He only objected because it was hearsay.

MR. KRATZOK: Hearsay? It should be pointed out--it's admissible and it is the waiving of the--

THE CHAIRMAN: (interposing) Do you remember the question?

THE WITNESS: You asked me what Mrs. Hayes told me in the interview.

THE CHAIRMAN: That's right, with respect to the issue that I have stated.

THE WITNESS: All right, I asked Mrs. Hayes if she received the housing of her choice and she said, yes, she had asked for McCaffery and

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got it. I asked her how long did she have to wait, she said about a month. I asked her if she rejected any units before this one and she said, no, this is the first one she accepted. I also asked her if she wished to live in a different project than the one she was living in and she said no, she was satisfied, which she was.

THE CHAIRMAN: Now, Hirst, the same question with respect to Hirst.

Hirst is what?

THE WITNESS: He is white.

THE CHAIRMAN: Proceed.

THE WITNESS: I asked him if he was satisfied with the present housing and he said yes. And I asked him if he received the housing of his choice, he said he did not receive the unit that he wanted but he did want McCaffery Village. He indicated that he had to wait approximately a year for housing and he also indicated that he had received an offer in William Penn Village. He indicated that this offer was not made in the sense that he was asked if he wanted to live there. He indicated that he was told about it and during the conversation that he had with the Housing Authority person that

1 he spoke to, after he was told about it, he indicated  
2 that there was silence more or less, but nothing else  
3 was said.

4 MR. FILLEGSI: Objection to the  
5 witness' personal emotion and inferences. I think he  
6 is getting into the area where he is now interpreting  
7 hearsay.

8 THE CHAIRMAN: Anything that is  
9 said with respect to his own reaction to it is  
10 properly objectionable but the other information  
11 is admissible.

12 With respect to Ferris, just state  
13 the nature of the conversation.

14 THE WITNESS: She indicated that  
15 she was satisfied with the housing.

16 THE CHAIRMAN: What race?

17 THE WITNESS: White.

18 That she received the housing of  
19 her choice, that she probably had to wait several  
20 months for a unit that is livable and that she did  
21 not reject any other unit before accepting the one  
22 at McCaffery.

23 THE CHAIRMAN: Did she say any  
24 other ones had been offered?

2 THE WITNESS: She said she did not  
3 reject any other units.

4 THE CHAIRMAN: Ellis, who is black.

5 THE WITNESS: Mrs. Ellis indicated  
6 that she had to wait a year for her unit, that she  
7 did not reject any other unit, but she asked to be  
8 placed in either Lamokin or Bennett but there was  
9 other conversations--it's not relevant.

10 THE CHAIRMAN: Bradley who is  
11 black.

12 THE WITNESS: She said she received  
13 the housing of her choice. She had to wait approxi-  
14 mately two and a half months for the unit. The unit  
15 she is living in now was the first one that was  
16 offered to her and that she would not move if she  
17 was given the opportunity.

18 THE CHAIRMAN: Oliver, who is  
19 black.

20 THE WITNESS: Mrs. Oliver said  
21 that she did not receive the housing of her choice.  
22 She had wanted to live in Lamokin Village. I would  
23 have to ask Mrs. Mann where the address is. She is  
24 living now in Bennett Homes. She indicated that she  
did not reject any other units before accepting the

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one in--

MR. FILLEGGI: (interposing) Mr. Chairman, I have an objection to that last point in that the witness, I submit Mr. Chairman, is contradicting as far as the physical facts are concerned. He is saying that Oliver who is black received no opportunity to reject any unit and in the same general statement, he is saying she didn't get the housing of her choice, she wanted Lamokin but was given Bennett because Lamokin was not available.

THE WITNESS: That does not mean that she refused an offer. The question I asked Mrs. Oliver was did you reject any other unit before accepting this one and she answered, "No."

THE CHAIRMAN: I think the record can speak for itself.

MR. KRATZOK: She was offered Lamokin units?

THE WITNESS: No.

MR. KRATZOK: She was told none were available?

THE WITNESS: I do not know.

MR. KRATZOK: In your interview,

1 she didn't indicate why she didn't get into Lamokin?

2 THE WITNESS: No.

3 MR. KRATZOK: In your interview,  
4 did you indicate whether Lamokin was discussed, her  
5 first choice?

6 THE WITNESS: No. She only told me  
7 that she had asked for Lamokin Village.

8 THE CHAIRMAN: I think that exhausts  
9 the list. Thank you.

10 (Off the record.)

11 MR. PILLEGGI: Before he is dis-  
12 missed, may I ask one question concerning one of the  
13 tenants and this was a tenant by the name of Larrie  
14 Ellis, who is black?

15 THE CHAIRMAN: Yes.

16 MR. PILLEGGI: You stated, Mr.  
17 Wallerstein, that she indicated that she wanted only  
18 Lamokin or Bennett; is that correct?

19 THE WITNESS: She told me during  
20 the interview that she had asked for Lamokin or  
21 Bennett.

22 MR. PILLEGGI: Is that right?

23 THE WITNESS: Yes.

24 MR. PILLEGGI: Did she say that she



1 wasn't interested in any other housing project?

2 THE WITNESS: Well, I did ask her--

3 THE CHAIRMAN: (Interposing) Did  
4 she say that?

5 THE WITNESS: No.

6 THE CHAIRMAN: The answer is, "no."

7 MR. PILLEGGI: But she did say that  
8 she wanted only Lamokin or Bennett?

9 THE CHAIRMAN: He answered that,  
10 "yes."

11 MR. PILLEGGI: Did you also say  
12 concerning Mr. and Mrs. Ellis that she was not  
13 normally offered any other projects?

14 THE WITNESS: Mrs. Ellis said that  
15 she was offered either Lamokin or Bennett but not  
16 McCaffery Village.

17 MR. PILLEGGI: Did you list in your  
18 summary or collation, as you call it, Mrs. Ellis as  
19 one of the tenants who had no opportunity to reject?

20 THE WITNESS: I would have to check  
21 the record.

22 CONTINUED RE-CROSS EXAMINATION BY MR. PILLEGGI:

23 Q I think you just stated that a few moments ago?

24 A Yes.

1  
2 Q If she was offered William Penn or Bennett, you  
3 mentioned one other project and she didn't get them, then you are  
4 in effect, saying that she was offered other projects; is that  
5 correct?

6 A No. You're talking about an offer in terms of--

7 Q (interposing) A residential unit, was she offered  
8 a unit in one of those three projects that you mentioned?

9 A No.

10 Q Would you clarify that?

11 You just said a few moments ago, "Yes." She was  
12 offered three excepting Lamokin.

13 A No. That isn't what I said.

14 Q Clarify your answer.

15 A Mrs. Ellis, in her conversation with me, during the  
16 interview which we had, said to me, I want to put quotes around  
17 this.

18 Q May I ask you--

19 A (interposing) Because I wrote it down.

20 Q You're quoting her?

21 A Yes. I'm quoting her. "They asked you which you  
22 would rather go to, Lamokin or Bennett, but they don't ask you  
23 about McCaffery Village."

24 Q So what you're saying, you're introducing her, or  
you're mentioning her notes to show that she hadn't been offered

1 any other units but only to show that she had not been offered  
2 McCaffery Village; is that correct?

3 A She had not been offered any other units.

4 Q I wish you to clarify your answer.

5 THE CHAIRMAN: You mean in connection  
6 with his--let's clarify what you're asking.

7 Are you questioning him with respect  
8 to his initial testimony or the answer in response  
9 to my questions?

10 MR. PILLEGGI: The answers in  
11 response to your questions, Mr. Chairman.

12 THE WITNESS: I only asked what  
13 did they say--

14 (Off the record.)

15 MR. PILLEGGI: He volunteered to  
16 say that she wanted the Lamokin or Bennett only  
17 and in my asking him to clarify that, he has said  
18 she was offered Lamokin and Bennett.

19 THE WITNESS: I did not say that.

20 MR. PILLEGGI: Excuse me. Penn  
21 and Bennett and one other project.

22 THE WITNESS: I did not say that.

23 MR. PILLEGGI: May I ask the  
24 reporter to read that back unless--which was she

1 offered?

2 THE WITNESS: I am reporting only  
3 what she said to the extent that she said in dis-  
4 cussing the Housing Authority in general, they asked  
5 you where you would rather go, Penn, Lamokin or  
6 Bennett, but they did not ask you about McCaffery  
7 Village.

8 THE CHAIRMAN: But in your answer  
9 to my question as to what she said with respect to  
10 availability, with respect to her questions on this  
11 certain location--

12 THE WITNESS: (interposing) Lamokin  
13 or Bennett she asked for.

14 THE CHAIRMAN: She inquired for  
15 Lamokin or Bennett?

16 THE WITNESS: That is correct.

17 MR. PILLEGGI: But Mr. Chairmen,  
18 we're having a little play on words here. This is  
19 about the third time I'm saying, and I think the  
20 record will bear me out, that this particular woman  
21 was offered three projects which she liked to live  
22 in, Penn, Lamokin or Bennett and she was not  
23 offered McCaffery and the witness is--

24 THE WITNESS: (interposing) That is

1 what she said.

2 MR. PILLEGGI: That's what I am  
3 asking you, if that's what she said in your inter-  
4 view with you; is that correct?

5 THE WITNESS: Yes.

6 THE CHAIRMAN: Just a minute. If  
7 you don't--

8 THE WITNESS: (interposing) If you  
9 rephrase the question a little better--

10 THE CHAIRMAN: (interposing) Just  
11 a minute. If you don't understand the question,  
12 say you don't understand. I think the confusion here  
13 is that she made an observation to him with respect  
14 to the--what is told to her, what is said generally.  
15 She made the observation and he quoted her but  
16 with respect to his specific questions, he testified  
17 that she had only been offered a choice of two--

18 THE WITNESS: (interposing) Three.

19 THE CHAIRMAN: Two or three.

20 THE WITNESS: She asked for Lamokin  
21 or Bennett and what was offered to her--she was  
22 asked whether she would like to live in Penn, Lamokin  
23 or Bennett, but she was not asked whether she would  
24 like to live in McCaffery Village.

1 CONTINUED RECROSS EXAMINATION BY MR. PILLEGGI:

2 Q Now, based on what she told you in her interview,  
3 is this one of the cases to which you testified no other offer  
4 had been made to her?

5 A Yes, it is.

6 Q Is that how you interpret this type of factual  
7 situation, is your testimony based on this interpretation?

8 A Yes. May I explain further?

9 THE CHAIRMAN: Yes.

10 A I do not consider it an offer that someone has asked  
11 merely whether they would like to live in Penn, Lamokin or  
12 Bennett. An offer is an offer of a specific unit which is  
13 either accepted or rejected. And the second point is that you  
14 are asking the questions now about interviews which I held with  
15 Mrs. Ellis approximately three weeks ago. But you are using  
16 a basis for this, the information we collated from the records  
17 which--the information is there on the record. It does not  
18 necessarily have to compare with what Mrs. Ellis told me.

19 MR. PILLEGGI: In other words,  
20 your testimony has been based on the fact that if  
21 one of the tenants you interviewed said they were  
22 offered residence in Penn project, Lamokin project,  
23 or Bennett project, but did not go to the next step  
24 and the situation is where Housing Authority offered

1 a specific unit, you are defining that in your  
2 testimony as no offer being made?

3 THE WITNESS: Insofar as--yes.

4 MR. PILLEGGI: Insofar as the  
5 relevancy of the tenants living with one of the--

6 THE WITNESS: (interposing) You  
7 must remember.

8 MR. PILLEGGI: Answer yes or no.  
9 Is it your testimony--

10 THE CHAIRMAN: We can't hear you.

11 THE WITNESS: You must remember  
12 that I did not interview these people until after  
13 the records were collated. The testimony that I  
14 gave before was based on the records.

15 CONTINUED RECROSS EXAMINATION BY MR. PILLEGGI:

16 Q I am directing my question to the basic questions  
17 that the Chairman of the Commission asked you, do you want me  
18 to repeat the question?

19 Was your testimony today based on a situation where  
20 a tenant in this specific case, Mrs. Ellis, was offered  
21 generally the project of William Penn, Lanekin Village and  
22 Ruth Bennett, and eventually took Lanekin, would you classify  
23 that interview as a situation--was your testimony based on your  
24 interpretation--

1 A (interposing) I do not consider that an offer,  
2 no.

3 Q Would you require the offer to be in writing, I mean  
4 based on your general experience from this investigation?

5 A No. But I would require it to be noted on the  
6 application if it were told to me that such offer would be  
7 noted.

8 Q Was your testimony based on your findings whereas  
9 a tenant said I'm only interested living in Lenokin, is your  
10 testimony based on the fact that you feel the occupancy  
11 supervisor should nevertheless have offered her Bennett or  
12 Penn or McCaffery or other projects, if they were available?

13 A If the occupancy supervisor tells me that in most  
14 cases where an offer was made and rejected without being noted  
15 on the application--

16 Q (interposing) You're not being responsive.

17 THE CHAIRMAN: Would you read the  
18 question back?

19 (At this time, the court reporter  
20 read back the last question.)

21 Q Where the applicant advises the occupancy department  
22 that they're only interested in living in Lenokin, are you saying--  
23 was your testimony based on the fact or belief, whatever you call  
24 it, that the occupancy director should nevertheless proceed to



1 offer than three or four other vacancies in other projects?

2 A Yes. If she is following the criteria which was  
3 stated before.

4 Q You're saying that she should go through that for-  
5 mality, is that what you're saying?

6 A Yes.

7 Q In the case of Ellis, did you know how many  
8 vacancies there were in McCaffery which you claim she was not  
9 offered McCaffery at the time of her application?

10 A Only the one we used in the example.

11 Q You know of one?

12 A Yes.

13 MR. KRATZOK: What do you consider  
14 Mr. Wallerstein, a clear offer of an opportunity to  
15 rent in the project?

16 THE WITNESS: When the Authority  
17 says to the person, we have a vacancy at such and  
18 such an address, would you like to accept this  
19 vacancy.

20 MR. FILLEGGI: In other words, when  
21 there is a particular vacant unit available?

22 THE WITNESS: Yes.

23 MR. KRATZOK: You heard counsel  
24 for Respondent characterize some procedure as formality

1  
2 in respect to the priority of the procedure of  
3 renting, would you characterize it as a formality?

4 THE WITNESS: It doesn't seem to  
5 be a formality, and the Housing Authority is  
6 presenting--

7 (Off the record.)

8 MR. KRATZOK: In other words,  
9 did they tell you, the people that you talked to at  
10 the Housing Authority, Mrs. Mann, specifically say  
11 that there was a procedure which the Authority follows  
12 for renting?

13 THE WITNESS: Yes.

14 MR. KRATZOK: And in those terms,  
15 that is the formality, the procedure that they  
16 followed?

17 THE WITNESS: Yes.

18 MR. KRATZOK: Is that correct?

19 THE WITNESS: Yes.

20 MR. KRATZOK: No further questions.

21 THE CHAIRMAN: We will recess until  
22 two o'clock.

23 Let the record show, Mr. Wallerstein,  
24 are you leaving?

THE WITNESS: Yes.

1  
2 THE CHAIRMAN: Mr. Wallerstein is  
3 leaving and will not be available.

4 I presume that you have completed  
5 your cross examination; is that correct?

6 And that you do not wish to  
7 intend to recall him as a witness?

8 MR. PILLEGGI: That's right.

9 (At this time, a luncheon recess  
10 was taken.)

11 (At this time, the hearing came  
12 to order.)

13 THE CHAIRMAN: This hearing will  
14 now come to order.

15 Mr. Kratzok, will you call your  
16 next witness?

17 MR. KRATZOK: Mr. Charles Gratman  
18 please take the stand.

19 C H A R L E S G R A T M A N,

20 SWORN:

21 DIRECT EXAMINATION BY MR. KRATZOK:

22 Q State your full name and address.

23 A Charles Gratman, 6231 Trotter Street, Philadelphia.

24 Q By whom are you employed and in what capacity?

A Compliance specialist for the Pennsylvania Human

1 Relations Commission.

2 Q How long have you been in that capacity?

3 A As a compliance specialist for a year and a half,  
4 and with the Commission, for a little better than four years.

5 (Off the record.)

6 MR. KRATZOK: Would you please  
7 mark this exhibit as C-2?

8 (At this time, the court reporter  
9 received and marked a document as C-2, for  
10 identification.)

11 MR. FILLEGGI: Excuse me, for the  
12 record, Mr. Chairman, I admitted--I gave my consent  
13 to the admission of that item into evidence.

14 THE CHAIRMAN: It's not been in  
15 evidence, it's just marked for identification.

16 MR. FILLEGGI: Will he be reading  
17 from it?

18 MR. KRATZOK: He will.

19 Q You have, in your hand, as exhibit C-2, what is  
20 that?

21 A C-2 is a Housing Survey that was performed by the  
22 Human Relations Commission for every public housing authority  
23 within the Commonwealth of Pennsylvania. C-2 relates specifi-  
24 cally to the Chester Housing Authority.

1 Q And was that survey, the Chester Housing Authority,  
2 made by you?

3 A Yes, it was. In the summer of 1969.

4 Q (Off the record.)

5 Q And under whose authority did you make it?

6 A It was made at the request of the Housing Director,  
7 Michael Cozzens of the--

8 Q (interposing) How did you go about making that  
9 survey?

10 A I arranged an appointment with Mr. Gallagher.

11 Q Who is he?

12 A Executive Director of the Chester Housing Authority.

13 And met with him in his office, I explained that a follow-up  
14 survey was being made in regard to this Housing Authority.

15 Q In Chester?

16 A Yes. And asked his cooperation in completing the  
17 form. He agreed to do so and subsequent to presenting the  
18 form, all the questions on the five pages were answered.

19 Q By him?

20 A By a member of his staff.

21 Q Now, I'm particularly using this exhibit, Mr. Gratman,  
22 for the purpose of getting on the record the racial population of  
23 the projects in the Chester Housing unit. Do they appear on a  
24 page of that exhibit?

1 A On page three which is part two.

2 Q And will you testify as to what appears on there?

3 A Well, it relates specifically to the four projects  
4 and it gives the racial composition of the tenants at that time,  
5 which would have been the summer of sixty-nine.

6 Q And what was that racial composition?

7 A Project by project, it breaks down to Lamokin Village  
8 which is identified as PA-7-1, of three hundred and fifty units,  
9 three hundred and forty-six are occupied by Negroes with a  
10 balance not being occupied by anyone.

11 Q Next project.

12 A That project will be William Penn, identified as  
13 PA-7-2.

14 Q What are those identification numbers?

15 A These are Authority numbers. Of three hundred units,  
16 two hundred and fifty-seven are occupied by Negroes, twenty by  
17 whites and three not being occupied by anyone.

18 Q The next project?

19 A The third project will be McCaffery Village, identified  
20 as PA-7-3. Of three hundred and fifty units, three hundred and  
21 forty-seven are occupied by whites with the remaining three  
22 unoccupied. The final project at this time was the Ruth Bennett  
23 Homes, identified as PA-7-5 and of the three hundred and ninety  
24 units, three hundred and eighty-five are occupied by Negroes,

1 with the remaining five being unoccupied.

2 Q Do you know whether that racial composition is still  
3 maintained today?

4 A Yes.

5 If not to the exact figures, to the racial breakdown  
6 as to each project, yes.

7 MR. KRATZOK: You may cross examine.

8 MR. FILLEGGI: No questions.

9 THE CHAIRMAN: Thank you.

10 Let the record show that this is  
11 a survey form in the nature of questions that are  
12 asked and responses and the relevant pages, page  
13 three, part two, except as to the information  
14 with respect to the Chester Housing Authority which  
15 is the unit, the Authority that responded to this  
16 questionnaire.

17 Your next witness.

18 MR. KRATZOK: Mr. Cousins.

19 W I L L I A M M. C O U S I N S ,

20 sworn:

21 THE CHAIRMAN: Would you state  
22 your full name for the record?

23 THE WITNESS: William M. Cousins,  
24 316 Carpenter Lane, Philadelphia.

1 DIRECT EXAMINATION BY MR. KRATZOK:

2 Q Would you spell your last name?

3 A (Spelling) C - O - U - S - I - N - S.

4 Q By whom are you employed and in what capacity?

5 A I'm employed by the Department of Housing and Urban  
6 Development as Director of Assisted Programs in the Equal  
7 Opportunity Division.

8 Q Mr. Cousins, are you familiar and if you are--

9 THE CHAIRMAN: (interposing) What  
10 regional office?

11 THE WITNESS: The Philadelphia  
12 Regional Office.

13 THE CHAIRMAN: What does that  
14 encompass? Does that include Chester?

15 THE WITNESS: Yes, it does.

16 THE CHAIRMAN: All right. Proceed.

17 Q Are you familiar, Mr. Cousins, and if you are,  
18 will you explain the relationship between the Governmental  
19 Agency for which you work and the Chester Housing Authority?

20 A In general terms, I say general terms because by  
21 involvement in the program--but in general terms, HUD's relation-  
22 ship with the Housing Authority of Chester is a contractual  
23 relationship--it is a subsidy kind of arrangement that essentially,  
24 and I think we have other people here who may testify to more



1 specific terms of the relationship between the HUD and the  
2 Department of Housing, Urban Development.

3 Q Are you familiar with what policies HUD has with,  
4 in conjunction with its relationship with the various housing  
5 authorities in terms of non-discrimination policies?

6 A Yes.

7 Q What are they?

8 A The basic policy relates to Title 6 of the Housing  
9 Act of 1964.

10 Q And how does that relate?

11 A In terms of the issues here today, this relates to  
12 the tenant's selection and assignment policy. I can refer to  
13 this Plan A and Plan B.

14 Q What are those plans generally speaking?

15 A Actually, there is no such thing as a Plan A and  
16 B. What has been referred to as Plan A and B are two segments  
17 of the Housing Manual which has been exerted for the purposes  
18 of simplicity.

19 Q What is the Housing Manual?

20 A It's the regular--it's the operation of the relation-  
21 ship between the Department and the Housing Authority, is that  
22 it does business.

23 Q And somepart of it deals with non-discrimination  
24 policy or the renting policy?

1 A Well, the section that has to do with the selection  
2 and assignment of tenant, the selection of the Housing Manual,  
3 actually chapter nine, section one, appendix eight, deals with  
4 the tenant selection and assignment criteria as housing authorities  
5 are required to adopt. Plan A is a portion of that plan. B is  
6 another portion of that section of the Housing Manual.

7 Q Can you, in general terms, characterize Plan A and  
8 then Plan B in general terms?

9 A Perhaps I better say that the whole tenant selection  
10 assignment plan or criteria policy is based on this portion of  
11 it, the equal opportunity or racial portion of it, is based on  
12 Title Six, of the Civil Rights Act of 1964 and it's an  
13 implementation of that title. It's effect or title attempt is  
14 to eliminate the factor of discrimination.

15 Q Discrimination of what?

16 A Race, religion or national origin. Plan A in a  
17 general term indicates, says that there are two possibili-  
18 ties of selection of an assignment plan. One we have termed  
19 Plan A for simplicity purposes. The other Plan B, each housing  
20 authority was required after the promulgation of this policy,  
21 in about February of 1967, to select either of those two, if  
22 not those two a plan that would be approved by the Department.

23 Q Both were designed to effect integrating in the  
24 projects?

1 A Both were defined to effect not discrimination.  
2 Plan A essentially--well, let me say before that that there are  
3 a number of parts to the code of the tenant selection on assign-  
4 ment policy. The first part is that the housing authority set  
5 up a community wide listing of applicants. Community wide is  
6 very important where applications are accepted on a date and  
7 time basis. And the listing is kept on the basis of standard  
8 priorities for housing authorities. And these priorities--you  
9 heard some testimony of this before.

10 Q What are they?

11 A I will give you the general areas that they come  
12 in. Displaced persons, elderly persons--I am giving you them  
13 in the order of their priority. Displaced persons, elderly  
14 persons, veterans, housing need and all others. Preferences  
15 may be given to, and they will fit in the priorities schedule--  
16 the persons, residents in the community as well as persons,  
17 residents outside of the community and an overall thing of  
18 priority is given to emergency cases, through acts of God or  
19 no fault of their own are without housing today and must be  
20 housed.

21 Q Which way are they designed to militate because of  
22 discrimination?

23 A These priorities have nothing to do with race.  
24 These are a series of statutory recommendations, in some cases,

1 requirements--the veteran's preferences is one of those. Dis-  
2 placed person is another one of those that has nothing to do  
3 with race. These are the parts of the standard things of  
4 priorities that housing authorities operate under, but the  
5 listings are set up, community wide listing has to be maintained  
6 by the authority on the occasion based on these priorities. So  
7 the listing can have various categories to it and the categories,  
8 the primary aspect of the categories may relate to the bedroom  
9 size. What the plan A and plan B requires is that offers be  
10 made, plan A requires that an offer be made to a person, if a  
11 person, an applicant rejects this, he goes to the bottom of the  
12 list and this plan A is generally urged on an authority to have  
13 very few developments.

14 Plan B can give you up to three offers and the offers  
15 are made on the basis of locations rather than projects. Now  
16 let me explain where the locations are. They may coincide with  
17 the project but in many communities that have one or more projects,  
18 within the same geographical proximity. Essentially they're in  
19 the same neighborhood. It is called a location for offering  
20 purposes. In the case of Chester, I think you have these two  
21 projects that are called one location. You have Lamokin Village  
22 and Ruth Bennett Homes which is one location.

23 Q You consider that as one location?

24 A Right. Getting to plan B, authorities are required

1 to make its initial offer to the applicant at the top of the  
2 list and whatever the bedroom size category is, on the basis  
3 of the largest number of vacancies in that specific--and in a  
4 particular location. The first offer is made on those basis.  
5 If that offer is rejected, then the offer is made for the loca-  
6 tion having the second largest number of vacancies and so on  
7 down the line for a total of three vacancies before the applicant  
8 goes to the bottom of the list.

9 Q Has the Chester Housing Authority adopted either  
10 of these plans?

11 A Chester Housing Authority adopted, with our  
12 conference, Plan B or the multiple offer of the tenant assign-  
13 ment policy.

14 (Off the record.)

15 MR. KRATZOK: (Addressing the court  
16 reporter.)

17 Mark that C-3.

18 (At this time, the court reporter  
19 received and marked a document as exhibit C-3, for  
20 identification.)

21 Q Mr. Cousins, you have in your hand Complainant's  
22 exhibit C-3, what is that?

23 A That's a copy of our excerpt from the low-rent  
24 housing manual, including the plan for multiple offers and we

1 have designated that that is Plan B.

2 Q And this is the plan to which you have been referring  
3 to on your previous testimony?

4 A Yes.

5 Q As the plan that was adopted by the Chester Housing?  
6

7 A Yes.

8 THE CHAIRMAN: That's on page two  
9 of C-3?

10 THE WITNESS: No. The whole of  
11 both pages is Plan B.

12 (Off the record.)

13 Q Do you have knowledge as to how Plan B is being  
14 carried out as to Chester Housing Authority?

15 A At this point, no.

16 MR. KRATZOK: Cross examine.

17 MR. PILLEGGI: No questions.

18 THE CHAIRMAN: I have some questions.

19 How long did you say you had been  
20 with HUD?

21 THE WITNESS: About three--six and  
22 a half years.

23 THE CHAIRMAN: Are you acquainted  
24 with the Pennsylvania Human Relations Act?

THE WITNESS: Yes, I am.

1  
2 THE CHAIRMAN: With respect to the  
3 assignment of tenant by a public housing authority,  
4 are housing, public housing authorities, required  
5 to comply with the provisions of the Pennsylvania  
6 Human Relations Act in order to come into compliance  
7 under Title 6 and the regulations and requirements  
8 of HUD?

9 THE WITNESS: Housing authorities  
10 are required to comply with all state requirements  
11 and laws, statutes and laws. This is not necessarily  
12 an aspect of Title 6. It is a requirement of the--  
13 it's a requirement of HUD in terms of dealing with  
14 housing authorities.

15 THE CHAIRMAN: Now, would you then,  
16 from your answer, tell us whether in your experience  
17 and knowledge of the law, of the regulations and the  
18 requirements of HUD, as to whether Pennsylvania,  
19 those public housing authorities located in the  
20 State of Pennsylvania, would be required similarly  
21 to require with the Pennsylvania Human Relations  
22 Act with regard to the--

23 THE WITNESS: (interposing) Yes.  
24 That's a statute of Pennsylvania and housing authori-  
ties would be required to comply.

1 THE CHAIRMAN: That is all.

2 MR. PILLEGGI: I have one question  
3 along the line you raised.

4 CROSS EXAMINATION BY MR. PILLEGGI:

5 Q Mr. Cousins, did you state that the priorities in-  
6 volving displaced persons, elderly persons, veterans, those  
7 in need, residents in the community as distinguished from those  
8 residents outside of the community and--did you state that this  
9 order of priorities is superimposed on the local authority so  
10 to speak by the Federal law and statute?

11 A No. I said no.

12 Q Would you please clarify then the source of that  
13 order of priority?

14 A I don't feel quite qualified to testify concisely  
15 on this. It is my understanding that the priorities are now  
16 not part of legislative requirements and that they are urged  
17 upon the authorities to adopt but I think, as I indicated  
18 before, we have people who can talk, speak more specifically  
19 of the requirements.

20 Q Here today?

21 A Yes.

22 MR. PILLEGGI: Nothing further.

23 THE CHAIRMAN: You did say Lamokin  
24 and Bennett were considered a single location of HUD?



1  
2 THE WITNESS: For the purposes of  
3 Plan A or Plan B and that is because they are in  
4 physical position or fairly close to one another  
5 and are in the same neighborhood, racial neighbor-  
6 hood or the like.

7 THE CHAIRMAN: Well, in your direct  
8 testimony, you stated that the criteria priorities  
9 were statutory.

10 THE WITNESS: Some were statutory.

11 MR. PILLEGGI: Before he is dis-  
12 missed, I have one more question.

13 Mr. Cousins, are you familiar with  
14 the bookkeeping procedures kept by HUD to the local  
15 authorities in the taking of their applications and  
16 what have you?

17 THE WITNESS: Yes. In a general  
18 sense, I have.

19 MR. PILLEGGI: Now, are you familiar  
20 with, as to whether they should or should not record  
21 the race of the applicant?

22 THE WITNESS: Yes. Race of the  
23 applicant from a Federal point of view should be  
24 recorded.

CONTINUED CROSS EXAMINATION BY MR. PILLEGGI:

1 Q Are you familiar with the Human Relations Act on  
2 that same point?

3 A Yes. I went through this. I was at one time a part  
4 of the Human Relations Commission. As I understand, the  
5 Commission did not--well, prohibit it, the recording of race on  
6 applications. The basis of this was the racial decision could  
7 be made in the application or the process. They did not prohibit  
8 the recording of a race of tenant in the residence.

9 Q But on that single point, based on your knowledge,  
10 would you say there is a direct conflict between the provisions  
11 of the Human Relations Act that required no mention of race in  
12 the personal file of the particular applicant and the Federal  
13 act which requires an identification by race?

14 A There can be.

15 THE CHAIRMAN: Are you finished?

16 MR. PILLEGGI: One more question,  
17 Mr. Chairman. I have witnessed myself--we have  
18 subpoenaed, and I'm going to ask Mr. Cousins concerning  
19 certain correspondence that was sent to the local  
20 housing authority involving Plan B--

21 THE CHAIRMAN: (interposing) Just a  
22 minute. If it is part of your proof and part of your  
23 case, then it's not cross examination.

24 MR. PILLEGGI: May I recall him at

1 a later date?

2 THE CHAIRMAN: Yes, sir. Did you  
3 hear the testimony of Mr. Gratman with respect to  
4 the racial composition of the public housing  
5 authority units in Chester?

6 THE WITNESS: Yes.

7 THE CHAIRMAN: With regard to those  
8 racial compositions, are you able to state from your  
9 knowledge, information and your capacity as director  
10 of this program, in HUD, as to what this would  
11 commensurate with respect to the pattern and  
12 practice of the Chester Housing Authority.

13 THE WITNESS: Yes.

14 THE CHAIRMAN: Would you state it?

15 THE WITNESS: Let me first say that  
16 the pattern that was followed by the racial distri-  
17 bution of the Chester Housing Authority--Mr. Gratman's  
18 testimony, was present when the current tenant and  
19 selection program was promulgated and adopted by  
20 the Housing Authority and incurred by HUD. This  
21 pattern has not changed in any significant way to  
22 the current period.

23 THE CHAIRMAN: What does it  
24 demonstrate with respect to the--

1  
2 MR. PILLEGGI: (interposing) I  
3 object.

4 THE CHAIRMAN: (continuing) --With  
5 respect to the pattern and practice of placement on  
6 the basis of race?

7 MR. PILLEGGI: Mr. Chairman, just  
8 for the record, I would like to note that the witness  
9 has stated that he does not have knowledge whatsoever  
10 as to whether the plan designed to avoid discrimination  
11 has been carried out in this case so far. Now, you  
12 are asking him a conclusion which would be based on  
13 that knowledge.

14 THE CHAIRMAN: You may object. I  
15 will overrule your objection. You may answer the  
16 question.

17 THE WITNESS: In terms of the  
18 reasons for promulgation, the tenant selection  
19 assignment plan which was to, in fact, bring about  
20 a condition of equal opportunity and availability  
21 irrespective of race, religion or national origin,  
22 the housing unit; in all authorities, I can say that  
23 the--since the situation has not changed in Chester,  
24 that apparently the goals of that tenant selection  
and assignment plan have not been made.

1 THE CHAIRMAN: And with respect to  
2 its compliance with the Pennsylvania Human Relations  
3 Act, do you have an observation to make with respect  
4 to the racial composition as has been testified to  
5 by Mr. Grotman?

6 THE WITNESS: Yes. It is my under-  
7 standing that the Pennsylvania Human Relations Act  
8 regards segregation as such per se, as a violation  
9 of the Act.

10 MR. PILLEGGI: By race?

11 THE WITNESS: Segregation by race,  
12 no matter what brings it about, HUD policies do not  
13 address themselves to that condition.

14 THE CHAIRMAN: Very well.

15 MR. PILLEGGI: Mr. Chairman, I  
16 would like the record to show my objection to the  
17 last question on the basis that Mr. Cousins was asked  
18 if the numbers as far as the racial imbalance, which  
19 I find in this particular instance, would institute  
20 a violation of the provision of the Human Relations  
21 Act. I submit to you, Mr. Chairman, that unless  
22 he qualified as being familiar with the Human  
23 Relations Act or as an attorney, he would not be  
24 competent on that.

1 THE CHAIRMAN: You want him  
2 qualified, is that it?

3 Would you state the basis of your  
4 familiarity with the Pennsylvania Human Relations  
5 Act as to how long you dealt with it, in what capa-  
6 city and over what period of time?

7 THE WITNESS: Yes. I was director  
8 of housing for the Human Relations Commission of  
9 Pennsylvania for a period of September of 61 to  
10 June of 65. And prior to that time--

11 THE CHAIRMAN: (interposing) How  
12 long were you in with the Pennsylvania Human Rela-  
13 tions Commission?

14 THE WITNESS: Prior to that time, I  
15 was not with the Human Relations Commission, with  
16 the city Human Relations--

17 THE CHAIRMAN: (interposing) Of  
18 Philadelphia?

19 THE WITNESS: Yes.

20 THE CHAIRMAN: For how long a  
21 period, have you been--

22 THE WITNESS: (interposing) Approxi-  
23 mately six years.

24 THE CHAIRMAN: And in your capacity

1 as director of housing for the Pennsylvania Human  
2 Relations Commission, was it your--what were your  
3 responsibilities in dealing with the housing  
4 discrimination provisions of the Pennsylvania Human  
5 Relations Act?

6 THE WITNESS: Basically my duties  
7 were to conduct a program designed to bring about a  
8 condition in Pennsylvania of non-discrimination in  
9 virtually all houses and this involved compliance,  
10 education and the commission of activities in the  
11 area of housing.

12 MR. PILLEGGI: I will accept his  
13 qualifications on that basis. I have one question.

14 To your knowledge, is there any  
15 Federal regulation or HUD regulation that requires  
16 the local authorities to record the specific offers  
17 to tenants and their replies thereto in the tenant  
18 portfolio in the implementation of Plan A or B?

19 THE WITNESS: Whether there is a  
20 regulation or not, I am not absolutely certain. It  
21 is my understanding that this is a requirement of the  
22 management offers of HUD, that these offers be noted  
23 in the record of any applicant. It is a meaning of  
24 evaluation, the compliance of the housing authority to

1 a selection and assignment plan as such would be a  
2 bookkeeping practice that can support this kind of  
3 thing.

4 MR. PILLEGGI: You're saying  
5 basically, to your knowledge, it is not a specific  
6 regulation, to your knowledge, to your understanding,  
7 it is a regulation of management offers?

8 THE WITNESS: I said requirement,  
9 and I mean administrative requirement.

10 MR. PILLEGGI: Have you personally  
11 had an opportunity to observe such, when you say,  
12 administrative requirement, are you suggesting that  
13 this could have been oral or written notification  
14 to all local authorities in the Commonwealth?

15 THE WITNESS: It could have been  
16 either way.

17 MR. PILLEGGI: You don't know;  
18 is that right?

19 THE WITNESS: I'm not sure.

20 MR. PILLEGGI: No further questions.

21 (Off the record.)

22 H O W A R D T. S M I T H,

23 SWORN:

24 THE CHAIRMAN: State your full name



1 and address

2 THE WITNESS: Howard T. Smith, 4105  
3 West 9th, Chester.

4 THE CHAIRMAN: By whom are you  
5 employed and in what capacity?

6 THE WITNESS: City of Chester School  
7 District, as assistant superintendent of schools.  
8

9 DIRECT EXAMINATION BY MR. KRATZOK:

10 Q By what means, Mr. Smith, are you here testifying?

11 A I was served a subpoena yesterday.

12 Q By the Commissioner?

13 A By the Commission.

14 Q Are you familiar with the regulations of the four  
15 housing projects in Chester?

16 A Yes, I am.

17 Q And your title again is what? In the school district?

18 A Assistant superintendent.

19 Q Are you familiar with the location of the various  
20 elementary schools?

21 A Yes, I am.

22 Q Are you familiar with the matter in which pupils  
23 get to particular schools?

24 A Yes, I am.

Q And from what sources they come?

1 A Yes.

2 Q Do you have knowledge that the Complainant here,  
3 the Pennsylvania Human Relations Commission, has issued a final  
4 order to the Chester School District to desegregate the school  
5 system?

6 A Yes. As I understand it, it was affirmed by the  
7 Pennsylvania Supreme Court, October, 1957.

8 Q As a result of that, are you carrying out that order?

9 A Yes, we are.

10 Q To the school system in the school system?

11 A Yes.

12 Q As far as you know--

13 A (interposing) We began in 1963, what we call our  
14 middle school plan, we have eleven elementary schools at the  
15 time, we took three of the elementary schools and called them  
16 middle schools and housed in each three, namely the Lincoln,  
17 the Washington and the Stretzer School, kindergarten plus grades  
18 five and six, the remaining elementary schools we housed  
19 kindergartens plus grades one through four. That was the first  
20 part of the compliance. Last year, we went into the junior  
21 high schools, we have four junior high schools, we took two  
22 junior high schools from the western end of the town namely  
23 Balaski and Douglas and combined them into a group of schools.  
24 We had twenty-two, we took the group on the eastern end of the

1 schools, namely Cherwalder and Smithley, and on the western  
2 end of the city, we have the Douglas Junior High School. All  
3 of the seventeen grade students on that end of town.

4 On the eastern end of the town, we did the same  
5 thing with the Cherwalder and the Smithley. The Cherwalder  
6 presently has all the two students from those two schools plus  
7 the original eighth graders and then the Smithley has the  
8 eighth graders and the ninth graders. This September we hope  
9 to terminate by going into your K-140, by your K-140 Plan.  
10 We have relocated a number of our attendance boundaries in  
11 order to do this this coming September with the opening of  
12 Columbus School.

13 Q Dewey Mann is an elementary school located where?

14 A Third Street.

15 Q What is the race composition of that school?

16 A Last year with the--we also placed in that building  
17 the special education students, with the special education  
18 students placed in that building, last year, we have a composi-  
19 tion of ninety-three point o eight blacks, six point nine two  
20 white.

21 Q And of the special students category, you refer to,  
22 do you have a breakdown on that?

23 A No, I don't. This would be the total of the school.

24 Q Of the other elementary schools I mentioned, Washing-

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ton--

A (interposing) The Washington has grades five through--  
five and six along with the kindergarten students in that area.

Q What is the racial composition--

A (interposing) As of the time of my statistical  
report, black, 83.93; white, 16.--

Q (interposing) Where is that located?

A Seventh and Central Avenue.

Q In order to carry out the Human Relations Commission  
official order to desegregate the Chester School System, what  
authorities have you employed?

A I have a map that shows--I have along with other  
people relocated a number of boundaries for the schools in this  
area.

Q And then you have changed boundaries, that's one  
way?

A Yes.

Q Are there other methods you have used?

A Well, along with the boundaries, we will be bussing  
a number of students.

Q Do you now bus them?

A Yes, we do.

Q How many students are bussed in Chester?

A It's hard to give you the exact total at this time.

1  
2 I would hesitate to guess without checking how many were bussed  
3 last year. I would have to go back and check the number of  
4 busses and count it up.

5 Q Could you approximate?

6 A I guess about seven or eight hundred, something  
7 like that.

8 Q That's from grades one through eight. Now, the  
9 senior high schools were also bussing because--I think we can  
10 confine the testimony to the elementary schools.

11 A Wait. Let me go back and check.

12 Q You wish to restate your answer on that?

13 A Yes.

14 Q Go ahead.

15 A Figure on an average of six onto a bus, running  
16 about twenty something busses, that is what we have in the  
17 elementary program. It may be twelve hundred.

18 THE CHAIRMAN: Twelve hundred in  
19 the elementary program as distinguished from your  
20 prior answer?

21 THE WITNESS: Yes.

22 Q Can you tell us whether in your opinion, if there  
23 were achieved a greater degree of racial integration in the  
24 four projects that this would cut down the number?

THE CHAIRMAN: Four housing projects.

1 Q In the four housing projects with which we are  
2 concerned today, would that, in your opinion, to your knowledge,  
3 cut down the number of pupils requiring bussing?  
4

5 A Yes. If I may qualify it this way:

6 If there had been originally, we would have re-  
7 designed our program. We wouldn't have had the same type of  
8 program. So subsequently, yes. It would have been cut down.  
9 Our program was designed as we're presently instituted, if  
10 there had been a different ratio, the program would have been  
11 different.

12 Q So that I think you were here, Mr. Smith, when  
13 there was testimony as to the present racial composition of  
14 the four projects?

15 A Yes.

16 Q If I'm not incorrect, so that two are all black,  
17 one is all white, and the third is over ninety some odd percent  
18 black?

19 A Yes.

20 Q If the two projects which are all black become more  
21 integrated so that more whites would be tenants, what effect  
22 would that have on the necessity to bus pupils to elementary  
23 schools which they must attend?

24 A It would reduce the number of busses.

THE CHAIRMAN: Substantially?

1 THE WITNESS: Yes. I would have to  
2 qualify it this way.

3 It would reduce them in this way  
4 because of the way we have realigned our schools.  
5 We have taken away from certain areas schools that  
6 ordinarily would house the students. If you take the  
7 Washington area, originally Washington would have had  
8 student grades two through six. Now everything in  
9 that building, grades five and six, we would have  
10 to, in order to do this, we would have to go back and  
11 put grades one through six, because regardless of  
12 the students that would be living in the Lamokin  
13 project, they would be bussed someplaces because of  
14 the--

15 Q (interposing) Would it have had a different effect  
16 on your setting of school boundaries if you had found different  
17 racial compositions in the particular housing projects?

18 THE CHAIRMAN: When you say  
19 "different," what do you mean, favorable or unfavor-  
20 able?

21 MR. KRATZOK: I mean a different  
22 proportion of one race and more of the other race  
23 represented.

24 THE WITNESS: Yes.

(Off the record.)

1  
2  
3 Q In your opinion, or to your knowledge, Mr. Smith,  
4 if there were a different combination in proportion of races  
5 in these four projects, would it lead to financial economy in  
6 the bussing now necessitated by conforming to the Commission's  
7 desegregation school thing?

8 A Yes.

9 Q Do you have an opinion as to how much?

10 A No, I don't.

11 MR. PELLEGGI: I would object to  
12 this line of questioning not only the opinion, but  
13 the scope of the questioning as it relates to the  
14 monetary savings of the school district.

15 THE CHAIRMAN: He said he didn't  
16 know.

17 MR. PELLEGGI: Okay.

18 MR. KRATZOK: Strike the question.

19 I withdraw the question.

20 THE CHAIRMAN: I don't want the  
21 question struck.

22 MR. KRATZOK: Okay.

23 THE CHAIRMAN: I won't allow the  
24 question to be struck.

(Off the record.)



CROSS EXAMINATION BY MR. PILLEGGI:

Q Mr. Smith, you were asked if a rearrangement had been made of the racial population in the housing communities.

THE CHAIRMAN: Public housing, you're talking about the public housing.

MR. PILLEGGI: Yes.

Q (continuing) --Would reduce, substantially reduce the amount of bussing that was the question, what was your reply to that?

A My reply was, yes.

Q It would substantially reduce?

A Yes.

Q Mr. Smith, if you know, would you give us an approximate idea of the number of students coming in the public housing communities in the Chester School System?

A A little over three thousand, I would imagine. I imagine approximately three thousand students in the projects but of this three thousand, I guess close to twenty-seven, twenty-eight hundred, other than what was calculated.

Q And you stated earlier, for the record, you have no idea of how many students are being bussed; is that correct?

A Not exactly. I would have to check the bus schedules. If I had sufficient time, we could have gotten sufficient information. I would have it somewhere where I could check the bus

1 system and the number of students assigned. As I said, I was  
2 called yesterday.

3 (Off the record.)

4 MR. PILLEGGI: No further questions.

5 THE CHAIRMAN: Could we agree,  
6 counsel, that if Mr. Smith does obtain those  
7 statistics, that they be furnished and become part  
8 of the record with respect to the stations, if any,  
9 in the operation of the busses if there were racial  
10 balance?

11 MR. PILLEGGI: I would agree ex-  
12 cepting I think that the answer that he may determine  
13 would not be really relevant for this reason:

14 We would first have to agree what  
15 the ideal racial balance is, in each and every one  
16 of the housing communities. Then that would be our  
17 basic premise. We couldn't come to the second  
18 conclusion as to how much bussing would be saved  
19 unless we first agreed as to what is the ideal  
20 racial balance in each and every public housing  
21 community.

22 MR. KRAJZOK: May I reply in this  
23 way, that the formula for the racial balance ought  
24 to reflect the proportion between the races in the

1 city of Chester.

2  
3 MR. PILLEGGI: But I remind Mr.  
4 Kratzok that the proportions between the races and  
5 the city of Chester are not the same proportions  
6 with which Mr. Smith is working for the proportions  
7 of the school population within the schools. There  
8 is a tremendous disparity.

9 MR. KRATZOK: Let me ask that--

10 THE CHAIRMAN: (interposing) My  
11 question has been answered and that was the purpose  
12 of the interrogatories.

13 MR. PILLEGGI: I don't think it  
14 would be objectively accurate.

15 THE CHAIRMAN: I understand what  
16 you are stating and I think there would have to be  
17 more testimony on, in the record, before Mr. Smith  
18 could go to the source to obtain that information.  
19 Do you propose to offer any evidence, Mr. Kratzok,  
20 as to what, in accordance with the Pennsylvania  
21 Human Relations Commission guidelines, and the law  
22 and the racial balance in the public housing projects  
23 should be?

24 MR. KRATZOK: I would ask that of  
the present witness.

1  
2 THE CHAIRMAN: He would not know  
3 that.

4 MR. KRATZOK: In the housing project--

5 THE CHAIRMAN: (interposing) I  
6 thought you meant the school--the housing project.

7 MR. KRATZOK: I do wish to ask the  
8 following questions:

9 Mr. Smith, you know the racial  
10 composition of the City of Chester?

11 THE WITNESS: Not according to the  
12 last census. I'm not familiar with the last ones,  
13 we have gotten conflicting figures.

14 MR. PILLEGGI: He said he didn't  
15 know.

16 THE CHAIRMAN: He said not according  
17 to the last census.

18 MR. KRATZOK: According to the one  
19 before, do you know that?

20 THE WITNESS: No.

21 THE CHAIRMAN: I don't think Mr.  
22 Smith came prepared to answer those questions.

23 MR. KRATZOK: Do you have any  
24 knowledge as to the racial composition in the present  
school system?

1 THE WITNESS: Certainly. According  
2 to the last statistics that I compiled, black was  
3 74.98; white, 25.02.

4 MR. KRATZOK: When were they  
5 compiled?

6 THE WITNESS: October of 1970.

7 MR. KRATZOK: No further questions.

8 (Off the record.)

9 THE CHAIRMAN: Your next witness.

10 MR. KRATZOK: I have no further  
11 witnesses.

12 MR. FILLEGGI: May we have a  
13 recess?

14 THE CHAIRMAN: We will recess for  
15 five minutes.

16 (At this time, a five minutes recess  
17 was taken.)

18 THE CHAIRMAN: This hearing will please  
19 come to order.

20 R O M E O D e V I R G I L I Z,  
21 having been duly sworn, testified as follows:

22 THE CHAIRMAN: State your name and  
23 address for the Reporter.

24 THE WITNESS: Romeo DeVirgiliz.

1 DIRECT EXAMINATION BY MR. FILLEGGI:

2 Q By whom are you employed?

3 A The Department of HUD, The Philadelphia Regional  
4 Office.

5 Q Mr. DeVirgiliz, are you generally familiar with  
6 the plan A and plan B to which Mr. Cousins referred?

7 A Yes.

8 Q I would like to have this letter identified as R-2.

9 (At this time, the court reporter  
10 received and marked a document as R-2, for  
11 identification.)

12 THE CHAIRMAN: If you want to insert  
13 this before Mr. DeVirgiliz--this would be a statement  
14 by Mr. Kratzek.

15 MR. KRATZOK: Mr. Chairman, at this  
16 point in the case, I move for the admission of the  
17 following exhibits, Complainant C-1A to I, inclusive,  
18 C-2, which I will note for the record has been  
19 indicated previously as being admitted as showing  
20 the purpose of the racial population on page three,  
21 I think it was.

22 MR. FILLEGGI: Only for that purpose,  
23 and other statistics and data on the report were not  
24 admitted.

1  
2 MR. KRATZOK: Were not offered.

3 THE CHAIRMAN: It's only being  
4 offered with respect to the racial composition as  
5 indicated on page three.

6 If there is no objection, they're  
7 admitted into evidence.

8 (At this time, the court reporter  
9 received and marked C-1A to I, inclusive and C-2,  
10 into evidence.)

11 Q Mr. DeVirgiliz, I show you Respondent's exhibit R-2,  
12 are you familiar with this letter addressed by HUD to the  
13 Chester Housing Authority bearing date of June 11th, 1968?

14 Would you browse through it before answering it?

15 A I recognize it.

16 Q Mr. DeVirgiliz, so that it will appear directly in  
17 the main record, would you please read the first paragraph?

18 A "Your request to continue to use your present plan  
19 of selection of applicants and assignment of dwelling units is  
20 hereby denied."

21 Q Do you know what the reference was in the "hereby  
22 denied," to which plan was it referring? Incidentally--

23 MR. KRATZOK: (interposing) May I  
24 ask counsel to ask his question unless his witness  
replied.

1 A I'm not sure because we issued--I was going to say  
2 several hundred, but quite a number of this very type letter. I  
3 believe that the Chester Housing Authority at the time was using  
4 a so-called plan of selection that allowed an applicant to choose  
5 or list the locations of the projects that they most desired  
6 in either border, either one project, two projects or more,  
7 if any. That was denied to the Chester Housing Authority to  
8 continue the use of such plan.

9 Q And what was offered to the Housing Authority in  
10 lieu of the former plan which they had had prior to 1968 in  
11 which they offered the applicant a choice of which particular  
12 housing community he preferred to live in?

13 A What was offered in this letter?

14 Q Yes. What options were--

15 A (interposing) The options are either Plan A or  
16 Plan B which are referred to previously in the testimony.

17 Q Was there a deadline given to the Chester Housing  
18 Authority by HUD after denial of the existing plan which  
19 Chester Housing had been using?

20 A Yes. The Authority was given ninety days upon  
21 receipt of this letter to adopt the existing plan or rather  
22 the plans required.

23 Q A or B?

24 A A or B.



1 Q And the local Authority's adoption of one of those  
2 two plans was to be evidenced in what manner, do you know?

3 A In the form of a board resolution and form number  
4 3037, HUD Form 53037-A.

5 Q And did the board so comply within the ninety day  
6 period and accept one of the two option plans that had been  
7 offered to them?

8 A May I refer to the notes, sir?

9 Q I have no objection.

10 MR. KRATZOK: I have an objection.

11 Let him answer the question first.

12 THE CHAIRMAN: Do you know without  
13 referring to your notes?

14 THE WITNESS: Well, I could give  
15 a general date. Yes, sir. They did adopt it, I  
16 don't know if it was exactly within the ninety day  
17 period.

18 Q But substantially, they complied with the deadline  
19 set by HUD?

20 A Yes.

21 Q Yes?

22 A Yes.

23 Q To your knowledge, has the Chester Housing Authority  
24 been following the plan which they adopted, that Plan B?

1 THE CHAIRMAN: Just a minute.

2 Before you answer the question, there is no testimony  
3 from him that--I mean if you're going to introduce  
4 that testimony, I think you ought to ask him the  
5 question as to which plan was adopted. You haven't  
6 answered that question.

7 MR. PILLEGGI: I think he referred  
8 to, as was earlier testified--

9 (Off the record.)

10 Q Based on your personal knowledge, which of the two  
11 option plans offered to the Housing Authority eventually was  
12 adopted?

13 A Plan B.

14 Q Plan B?

15 A Yes.

16 Q And to your knowledge, was that plan ever rescinded  
17 between June 1968 and the present date?

18 Did they ever change it?

19 A No.

20 Q And to your knowledge, according to the records,  
21 of HUD, are they still operating under that plan which was  
22 adopted in 1968?

23 A Yes. That's correct.

24 MR. PILLEGGI: I have no further

1 questions.

2 CROSS EXAMINATION BY MR. KRATZOK:

3 Q You answered that Chester Housing Authority still  
4 operated under Plan B?

5 A Yes.

6 Q And when you say "operating", you mean subject to  
7 that plan?

8 A That's right.

9 Q You don't know how they are scattering out that plan,  
10 do you?

11 A The only thing that we can--

12 Q (interposing) Would you answer it first?

13 A Do you want me to say yes or no?

14 THE CHAIRMAN: Yes. And then  
15 explain. Do you know whether they're--

16 THE WITNESS (interposing) Yes,  
17 I would say--

18 THE CHAIRMAN: (interposing) Whether  
19 they're carrying out this plan?

20 THE WITNESS: Yes. However, we can  
21 only determine through an order that was performed,  
22 I don't have the exact date, it was approximately  
23 1969 or the beginning of 1970, I'm not sure of the  
24 exact dates. This was in connection with a moderni-

1 zation program that one of our other offices performed  
2 at the local housing authority. Now, unless it  
3 meant that we did not do what we consider a full  
4 occupancy--however, there were certain checks and  
5 counter-checks that were performed but they were  
6 only--we did not have sufficient time and staff to  
7 perform for us.

Q Have you ever made any surveys to see how the  
non-discrimination features are carried out in practice by the  
Chester Housing Authority?

A No. Other than in that respect, in the one instance  
that I mentioned, no.

Q Why was the first plan under which the Housing  
Authority operated, rejected by HUD?

A There were--at the time, there were certain standards  
that were set up by HUD and I don't remember them exactly. But  
I will try to give them to you generally. If the Authority had  
one project that was not substantially desegregated and by that  
"substantially," I mean five or ten percent. However, that was  
one of the conditions and--

Q (interposing) Desegregated, you mean by race?

A Yes. And there were other conditions also that the  
Authority at the time did not meet according to HUD, that would  
allow them to continue that freedom of choice method.

1 Q You indicated that they would have to give up the  
2 old plan and you provide a choice of two other plans?

3 A That's right.

4 Q As a result, they took Plan B?

5 A Yes.

6 Q The purpose of Plan B was what primarily?

7 A The purpose of Plan B was to allow families to be  
8 admitted without discrimination, without discrimination against  
9 them for any intents and purposes or what's the other word I'm  
10 thinking of--equal opportunity. It was afforded every family  
11 equal opportunity.

12 THE CHAIRMAN: On what factors?

13 THE WITNESS: Being housed.

14 THE CHAIRMAN: It was non-  
15 discrimination because of what?

16 THE WITNESS: I'm sorry. It was  
17 because of race, color, creed or national origin  
18 and also to afford every family, every applicant an  
19 equal opportunity to be admitted.

20 Q Had that plan been carried out as far as you know?

21 A So far as I know, it has.

22 Q You were here this morning, Mr. DeVirgiliz?

23 A Yes.

24 Q You heard the testimony as to the racial composition

174a

1 of each of the four housing projects involved in this case,  
2 did you not?

3 A I don't remember exactly, but I do remember approxi-  
4 mately.

5 C Do you recall that two were indicated as having  
6 all black, one all white, the four over ninety percent black,  
7 the balance of that white?

8 A Right.

9 Q Would you say that from this point of view and  
10 yours, in your capacity in HUD, that Plan B was being carried  
11 out--

12 A (interposing) I couldn't say that it wasn't.  
13 I couldn't say that it was. The intent was to afford equal  
14 opportunity.

15 Q And was it also to insure integrated housing in  
16 Chester units?

17 A No, sir. Not to my knowledge.

18 Q It was to insure that an applicant should not be  
19 discriminated against because of their race?

20 A Correct.

21 Q Do you have any opinion as to why?

22 THE CHAIRMAN: Mr. Kratzok, there  
23 is no testimony in the record about this and I have  
24 to caution you as I cautioned Mr. Filleggi, that if

1 you want to recall this witness for direct testimony  
2 you may, but we are now going into direct testimony.

3 MR. KRATZOK: I understand your  
4 point.

5 THE CHAIRMAN: I understand what  
6 you're trying to drive at.

7 MR. KRATZOK: I am trying to keep  
8 this in the scope of direct examination.

9 THE CHAIRMAN: You have exceeded  
10 the--

11 MR. KRATZOK: (interposing) Then I  
12 withdraw the last question although if I may say so,  
13 Mr. Chairman, the question elicited in regard to  
14 Plan B by Mr. Pilleggi on direct examination and  
15 got from the witness the purpose of that plan. And  
16 my questions--at least I am intending to raise those  
17 questions to see whether that purpose was carried  
18 out and to the extent, I think I am keeping within  
19 the scope of cross examination.

20 THE CHAIRMAN: They said they did  
21 not do a full occupancy on it and this is why he is  
22 not prepared to testify.

23 MR. PILLEGGI: I did not--

24 THE CHAIRMAN: (interposing) We

1 don't need arguments.

2 MR. PILLEGGI: Are you finished  
3 Mr. Kratzok? Wait a second.

4 (Off the record.)

5 MR. KRATZOK: My recollection is,  
6 I may be wrong, and correct me if I am wrong, Mr.  
7 DeVirgiliz, that in direct testimony, you said that  
8 there was the rejection of the former tenant's  
9 selection plan because it did not have certain  
10 percentage of racial composition; is that correct?

11 THE WITNESS: Right.

12 MR. PILLEGGI: He didn't say that.

13 THE CHAIRMAN: He said yes, there  
14 were a certain percentage of races were not in,  
15 you didn't finish the sentence.

16 THE WITNESS: At the time, in order  
17 for HUD to prove the use of their existing plan of  
18 selection and assignment of tenants, there were  
19 certain criteria that had to be met with respect to  
20 the racial compositions of its projects and also  
21 other vacancy factors, among other things, one of  
22 them was a percentage of race and I don't remember  
23 exact percentage, but the Authority at that time did  
24 not come up to these standards. So, therefore, we



1  
2 were not allowed to continue under that plan.

3 MR. KRATZOK: So, therefore, a new  
4 plan was initiated and adopted, Plan B?

5 THE WITNESS: Right.

6 (Off the record.)

7 MR. PILLEGGI: I think that, that  
8 his exhibit speaks for itself from the racial  
9 composition, the present racial composition.

10 MR. KRATZOK: Which one?

11 MR. PILLEGGI: Your last exhibit,  
12 I think it was.

13 THE CHAIRMAN: Do you have any  
14 further questions?

15 MR. PILLEGGI: Yes, I have a ques-  
16 tion.

17 Mr. DeVirgiliz, you said that the  
18 purpose of Plan B was not to guarantee integration,  
19 but to prohibit discrimination on the basis of racial  
20 color, creed and national origin; is that correct?

21 THE WITNESS: Yes.

22 MR. PILLEGGI: So that the  
23 distinction you make based on your knowledge and  
24 experience as an official of HUD in the management  
provision--are all the plans devised by HUD, are they

1 all successful in bringing about the racial--

2 MR. KRATZOK: (Interposing) I object.

3 (Off the record.)

4 MR. KRATZOK: Note my objection.

5 THE WITNESS: The statistics that  
6 we now have available, no, they're not achieving  
7 the purposes that they were intended.

8 MR. PILLEGGI: They are not  
9 achieving the objective that they were initially  
10 intended to achieve?

11 THE WITNESS: Right.

12 MR. PILLEGGI: Based on your  
13 knowledge and experience, is it conceivable or  
14 possible that a local authority can be substantially  
15 complying with Plan B or Plan A and in other words,  
16 not get ideal racial integration in the public  
17 housing units?

18 THE WITNESS: I would say, yes.

19 MR. PILLEGGI: No further questions.

20 (Off the record.)

21 E A R L I N E M A N N, sworn:

22 THE CHAIRMAN: Mrs. Mann, would  
23 you give us your name?

24 THE WITNESS: Earline Mann.

1  
2 DIRECT EXAMINATION BY MR. PILLEGGI:

3 Q Mrs. Mann, would you give us your full occupation  
4 and your residence?

5 A I live at 442 Yarnel Street, Chester, Pennsylvania,  
6 and I am occupancy supervisor for the Chester Housing Authority.

7 Q And how long have you been in that capacity?

8 A As supervisor?

9 Q Yes.

10 A About ten, twelve years.

11 Q Ten or twelve years? Would you please tell the  
12 Board what your prior connection, if any, with the local housing  
13 authority, may have been?

14 A Tenant selector.

15 Q Tenant selector?

16 A Yes.

17 Q And may I go back just a little further, Mrs. Mann  
18 and say, did you have any connection with the Housing Authority  
19 other than an employee status?

20 A Prior to starting to work in the Housing Authority,  
21 I was a resident in Lamokin Village.

22 Q How long were you a resident there?

23 A About five or six years.

24 Q Five or six years?

A Yes.

1 Q Now, you have heard Mr. DeVirgiliis testify as to  
2 certain events that occurred in 1968 concerning correspondence  
3 from HUD, did you not hear him testify?

4 A Yes.

5 Q And without taking the time to go into that in  
6 detail again, is what he said, to your knowledge, substantially  
7 true concerning the rejection of the prior plan that had been  
8 used by the local Authority?

9 A Yes.

10 Q And the options extended to the Authority to adopt  
11 Plan A or B?

12 A Yes.

13 Q And was there a deadline given to the local Authority  
14 to adopt Plan A or B?

15 A Ninety days.

16 Q And did the Authority act in adopting Plan A or B?

17 A Yes.

18 Q Which plan was adopted?

19 A Plan B.

20 Q Now, have you been administering, in the capacity  
21 of occupancy supervisor, Plan B since its option?

22 A Yes.

23 Q Did you, based on your knowledge at that time, think  
24 that Plan B would mitigate or improve the racial integration in

1 the various public housing projects in the City?

2 A At the time, I didn't particularly know.

3 Q You didn't know?

4 A No, not at that time, no.

5 Q Did you have any particular dealings about the Plan  
6 that had been in existence at the Housing Authority?

7 MR. KRATZOK: I would object. I  
8 object.

9 MR. PILEGGI: I think it's going  
10 to be relevant, and if I may make an offer of proof--

11 THE CHAIRMAN: (interposing) That's  
12 not the question. That's not a--he's objecting to  
13 the same reason when Mr. Wallerstein testified--suppose  
14 you rephrase it.

15 MR. PILEGGI: I will rephrase it.

16 Q What were the results of the implementation of the  
17 prior occupancy plan before Plan B was--

18 A (interposing) As far as I was concerned?

19 Q Yes.

20 A Exactly what is resulting now.

21 Q About the same as is now? Now, would you briefly  
22 state in your capacity, as occupancy supervisor, just how this  
23 Plan B worked?

24 A The tenant that has the highest priority, the next

1 eligible tenant is offered a unit at the project that has the  
2 highest number of vacancies. If he turns down the first offer,  
3 he is given a second offer. If he turns down the second, there  
4 is a third. If he turns that down, he goes to the bottom of the  
5 waiting list.

6 Q Now, in this list that you referred to, do you have  
7 any subdivisions in the list? Is there one just single essential  
8 master list?

9 A According to priority.

10 Q Priority?

11 A Yes.

12 Q And what are the priorities?

13 A Displaced families, elderly families, veterans,  
14 servicemen and other families.

15 Q You have heard Mr. Wallerstein testify earlier this  
16 morning as to what his concept of priority, criteria were, and  
17 he testified further that he obtained these criteria from you.

18 A He did ask me that question, I answered it just  
19 like I answered yours.

20 Q In other words, you answered the question he addressed  
21 you exactly as you've answered mine?

22 A Yes.

23 Q Did you hear him say in his criteria references that  
24 burned out families have a certain priority and those under the

1 Chester Bridge---

2 A (interposing) That was not my terminology.

3 Q That was not your terminology?

4 But basically, did it represent the order of  
5 priority that you had given it?

6 A Starting at displaced families and elderly, I would  
7 say basically it would.

8 Q Now, what are the present vacancies, if you know,  
9 in the various projects?

10 A At Lamokin Village, I believe there are two. And  
11 at William Penn, I believe there are seven. And at Bennett, I  
12 believe there are six. At McCaffery, there are nine--I'm not  
13 quite sure.

14 Q Mrs. Mann, under Plan B which two offers of a unit  
15 from which projects are required to make the offer to an  
16 applicant, who is next on the priority list?

17 A Well, if the total number of the vacancies between  
18 Bennett and Lamokin which continue as one site, are higher,  
19 than the two other projects, site one is offered. If the  
20 vacancies are offered in William Penn, that's two.

21 Q And the operation of the four locations, which unit  
22 generally represents the two projects with the highest number  
23 of vacancies?

24 A William Penn Homes. William Penn Homes usually has

1 the highest.

2 Q Which is the next highest?

3 A Site one, which would be Bennett and Lemokin.

4 Q Generally speaking, in the operation of the four  
5 projects, those two projects have the highest number of vacancies?  
6 Is that correct?

7 A Yes.

8 Q And in the implementation of Plan B, are they the  
9 two projects which you most frequently offer to the person  
10 next to the priority list?

11 A Yes.

12 Q Based on your experience, which vacancy and which  
13 unit has the highest number of vacancies, are there frequently  
14 any high number of vacancies in the McCaffrey Village, the so-  
15 called all white project?

16 A No.

17 Q So that in the implementing Plan B, would you have  
18 much occasion to offer to the average applicant a unit in  
19 McCaffrey?

20 A No.

21 Q Now, even if there was a unit vacant in McCaffrey,  
22 would you offer as Mr. Wellerstein testified earlier this morning,  
23 that unit to the next black who is at the top of the list  
24 automatically?



1 A No. I would offer it to the family that actually  
2 in this case, would have the lowest priority because the higher  
3 priority must be offered units.

4 Q It's conceivable you had a vacancy in McCaffery  
5 Village, the so-called all white project, you had a higher  
6 vacancy in William Penn and Bennett, and the implementation  
7 of Plan B, you would not be required, nor did you offer the  
8 McCaffery unit to them; is that correct?

9 A That's correct.

10 Q Now, further, how did the number of bedrooms which  
11 a particular applicant was seeking bear on this matter of  
12 priority?

13 A The same. Families are selected according to  
14 priority, according to bedroom size.

15 Q Now, you have heard mentioned an Alice Ferris,  
16 I believe who was looking for a four bedroom unit in McCaffery  
17 Village; is that correct?

18 A Yes.

19 Q If you had had three black applicants at the top of  
20 the list, who were not seeking four bedroom units, would you  
21 have offered the McCaffery Village unit to them?

22 A No.

23 Q For two reasons or for one?

24 A Well, I would have to offer the projects that had the

1 highest number of vacancies.

2 Q Why?

3 A Because it's Plan B.

4 Q Plan B?

5 A Yes.

6 MR. KRATZOK: What name is this?

7 THE CHAIRMAN: Ferris.

8 Q Now, earlier this morning you heard Mr. Wallerstein  
9 testify and recite a list of approximately seven or eight black  
10 tenants who are presently in black units; is that correct?

11 A Yes.

12 Q And Mr. Wallerstein you heard testify was unaware  
13 that some of them were servicemen and some of them were displaced.  
14 He said he was unaware of these particular characteristics,  
15 did you hear him testify?

16 A Yes.

17 Q If you had black applicants in this category who  
18 had applied after a white applicant, would that move them up  
19 to the top of the list?

20 A Yes.

21 Q And when they did so move up to the top of the list,  
22 which offers would you make for them for housing according to  
23 Plan B?

24 A The projects or the community that had the highest

1 number of vacancies.

2 Q So it is conceivable that you may have had one  
3 vacancy in McCaffery at that point and if William Penn and  
4 Bennett were running according to average, you would have two  
5 highest number of vacancies in William Penn?

6 A Yes.

7 Q And how would you house them?

8 A I would house the displaced families first, the  
9 serviceman and then other families.

10 Q And which project would you offer them?

11 A The projects that had the highest number of  
12 vacancies first.

13 Q Which in Chester would be the two?

14 A William Penn--

15 MR. KRATZOK: (interposing) I  
16 object.

17 THE CHAIRMAN: Overruled.

18 Q Now, during your tenure as occupancy supervisor,  
19 what has the largest number of blacks that have occupied  
20 McCaffery Village been, the so-called all white community?

21 A Approximately eighteen all at one time, at a  
22 given time.

23 Q If you know, based on your knowledge, would you tell  
24 the Board why the eighteen either moved out or no longer live

1 there--

2 A (interposing) Children was the biggest factor,  
3 I believe. There was one particular incident where a man was  
4 a lineman for Bell Telephone Company and he felt uncomfortable  
5 going to McCaffery Village.

6 MR. KRATZOK: I object to this.

7 MR. PILLIGOI: Why?

8 MR. KRATZOK: Hearsay. She's  
9 talking about someone else's feelings.

10 THE CHAIRMAN: Just a minute. Let  
11 her finish.

12 A Because he objected to living in an all white area  
13 with the exception of the project and he felt that when he got  
14 on this bus, he felt that everyone knew he was black or he  
15 lived in McCaffery Village.

16 THE CHAIRMAN: Your objection?

17 MR. KRATZOK: My objection is that  
18 it is hearsay. I note that the Commission accepts  
19 hearsay but I would ask that this kind of hearsay  
20 goes beyond that, talking about someone else's  
21 feelings and then changed to what he said to her.

22 THE CHAIRMAN: He told you this?

23 THE WITNESS: Yes.

24 THE CHAIRMAN: Overruled.

(Off the record.)

1  
2  
3 Q Mrs. Mann, during your career or tenure as occupancy  
4 supervisor, do you recall the time when the so-called William  
5 Penn Homes which is now almost one hundred percent black, I  
6 think that the statistics showed eighteen white families, when  
7 that had a higher percentage of whites?

8 A That was during the time I was in residency at  
9 Lamokin Village and just prior to my starting to work for the  
10 Housing Authority that black families had been screened from  
11 two black projects, Lamokin and Bennett and moved into William  
12 Penn and McCaffery Village.

13 Q What year was that about, Mrs. Mann?

14 A Fifty-six, fifty-five.

15 Q And if you know, would you tell the Board about  
16 what the percentage of William Penn was at that time of white  
17 to black?

18 A I don't really know what the percentage was.

19 Q Approximately?

20 A The only thing I know is, it resulted in a high  
21 number of vacancies. I don't know the white to black percentage.  
22 I didn't work in that capacity and I didn't work in that area.

23 Q And when you first came into the job as occupancy  
24 supervisor, do you recollect the racial breakdown in the William  
Penn projects?

1 A There were more white families.

2 Q Would you estimate, based on your knowledge, --  
3 in that capacity, I believe there are two hundred and eighty,  
4 according to the statistics, two hundred and eighty-seven.

5 A (Pause.)

6 THE CHAIRMAN: Would you be guessing?

7 THE WITNESS: Yes, because I don't  
8 know.

9 Q I don't want you to guess.

10 Are there fewer whites now in the William Penn  
11 project than there were, based on your personal knowledge,  
12 ten years ago?

13 A Yes.

14 Q Do you recall the time when the William Penn projects,  
15 if you know, was all white or over ninety-five percent white?

16 A No. Only as a resident of Lanokin, I knew there  
17 was a white project because there were two white projects and  
18 two black projects.

19 Q And at that time, what year was that?

20 A Fifty-four, fifty-five, fifty-six.

21 Q And at that time, William Penn was referred to as  
22 the white project?

23 A Yes.

24 Q If you know, do you know why the racial percentage

1 has shifted in the William Penn from almost all white to almost  
2 all black?

3 A Yes. I think, or I would say that the--as the  
4 black families moved in, there was mass move outs, number one  
5 by white families, then the general area of William Penn not  
6 only the project itself, the general area sort of became run  
7 down and it got a reputation. The buildings, we rent, as opposed  
8 to the other three projects, are not as physically desirable  
9 and subsequently the white families having some place to run to,  
10 as opposed to black families that don't really have much housing  
11 available in the City of Chester, other than public housing,  
12 had to stay so that it gradually became a turnover.

13 THE CHAIRMAN: And you're talking  
14 about that period 1954 to 1956?

15 THE WITNESS: This would be when  
16 I started with the Housing Authority.

17 Q Since that time, has the number of white families  
18 in the William Penn steadily dwindled or has it shown an increase  
19 so to speak?

20 A No.

21 Q Even since the implementation of Plan B?

22 A No, no increase.

23 Q When you presently get white applicants and offer  
24 them William Penn, what are your usual results?

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1 A When I offered them William Penn and Lamokin, they  
2 flatly refuse.

3 THE CHAIRMAN: Why?

4 THE WITNESS: They will not live  
5 in the black areas.

6 THE CHAIRMAN: They tell you this?

7 THE WITNESS: Yes. And more white  
8 families have walked out and without even making an  
9 application before they check to see how their name  
10 would come up on our waiting list as to what project  
11 they would be assigned to.

12 Q Are you saying that they, in effect, don't even wait  
13 to see which of the three projects?

14 A No, not if they think there is the slightest chance  
15 that they have to go to a black area.

16 Q Now, you have testified that the number of vacancies  
17 in McCaffery, is relatively low?

18 A Yes.

19 Q And for that reason you seldom offer it to an  
20 applicant among the highest two projects with the highest number  
21 of vacancies?

22 Have you offered--have circumstances arisen where  
23 you have offered the McCaffery Village project to a black  
24 applicant?



1 A Yes.

2 Q And what has been your result? Give the Board an  
3 example, if you will.

4 A Well, they have turned it down prior to, I think—  
5 this is new black movement. Where blacks have become proud  
6 and aware of themselves as people. They don't want to live in  
7 the white areas. We are getting the reverse thing. It's  
8 impossible for me to assign black families to come up in the  
9 white area.

10 THE CHAIRMAN: How many have you  
11 offered to black families?

12 THE WITNESS: I don't know the  
13 exact number.

14 How many offers to black families?

15 THE CHAIRMAN: Yes. How many?

16 THE WITNESS: Very low.

17 THE CHAIRMAN: Approximately how  
18 many would you say, less than five?

19 THE WITNESS: I would say more than  
20 five.

21 Q Over what period of time?

22 THE CHAIRMAN: Well, what period  
23 of time are we speaking of?

24 THE WITNESS: Over the last two years.

1 THE CHAIRMAN: Over the last two  
2 years, how many have you offered?

3 THE WITNESS: I would say as many  
4 as fifty.

5 THE CHAIRMAN: Do you have a record  
6 of that?

7 THE WITNESS: No.

8 THE CHAIRMAN: Aren't you required  
9 to keep a record of it?

10 THE WITNESS: No, we're not.

11 Q Now, Mrs. Mann, based on Mr. Wallerstein's testimony  
12 of this morning, I stated that he spoke to you and asked you  
13 concerning the notations of offers that are made to either black  
14 or white tenants and their reporting in the original portfolio.  
15 Did you hear his reply that you were supposed to have given him?

16 A I didn't--he didn't ask me that question. He stated  
17 first that he talked to a member of my staff. This may have  
18 been done, but this question was absolutely not asked by Mr.  
19 Wallerstein.

20 Q You heard him state in his testimony that he  
21 specifically asked you that question?

22 A Yes.

23 Q And you heard him further state that if there was a  
24 rejection, it was usually noted in the portfolio and if there

1 was no question, there was nothing noted?

2 A Yes.

3 MR. KRATZOK: She has told him  
4 that.

5 Q What did you reply?

6 A He didn't ask me a question.

7 Q He didn't ask you the question at all?

8 A No, he did not.

9 Q Then if he didn't ask you the question at all,  
10 are you testifying that you certainly did not give him an answer?

11 MR. KRATZOK: This is the question  
12 I would object to.

13 THE CHAIRMAN: Sustained. It's  
14 leading.

15 MR. PILLEGGI: I won't go further  
16 on that.

17 Q Now, Mrs. Mann, insofar as your common bookkeeping  
18 practice is concerned, do you regularly, as part of your  
19 bookkeeping, make a notation in each and every portfolio where  
20 there are offers made to the applicant of units--would you say  
21 it's done in the majority of instances or usually not done at  
22 all?

23 A No, usually it wouldn't be done at all. When offers  
24 are made, as a general rule, the offers are made all in the same

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1 day. So that the family that refuses the first one would have  
2 the same size available in the next project, you know, that  
3 they asked for and they're just housed.

4 Q You're saying insofar as the standard operating  
5 procedure is concerned, in matters of applicant's applications,  
6 you do not make any notations in the individual portfolio?

7 A No.

8 Q Does it indicate where there is no notation in the  
9 portfolio, that no offer was made to the applicant in accordance  
10 to Plan B?

11 A No.

12 THE CHAIRMAN: Mr. Pilleggi, can  
13 we take a recess for the Reporter?

14 (At this time, a five minute recess  
15 was taken.)

16 THE CHAIRMAN: The hearing will  
17 come to order.

18 CONTINUED DIRECT EXAMINATION BY MR. PILLEGGI:

19 Q Mrs. Mann, since Plan B was implemented in November  
20 of 1968, has this Plan B been used as modified by the priorities  
21 of elderly in the operation of the new Chester Towers?

22 A Yes.

23 Q And what has been your success, if any, in applying  
24 this plan in the new Chester Towers during the last two years?

1 A Well, in the last months since the Towers were turned  
2 over to us, we have about fifty-fifty percent occupancy.

3 Q When you say fifty-fifty, with reference to race,  
4 is that what you're referring to?

5 A Yes.

6 Q And how many, if you know, approximately how many  
7 units have been leased out and how many are vacant?

8 A There were eighty-six leased out. I don't know the  
9 number of vacancies.

10 Q Let me ask you this question:

11 Do you recall the total capacity of both of the  
12 Towers?

13 A Three hundred for both the Towers, only one has been  
14 turned over to us.

15 Q One has been turned over to us?

16 A Yes.

17 Q So we have approximately one hundred and fifty units  
18 in one?

19 THE CHAIRMAN: This is the first  
20 time, or the second time this has been mentioned.  
21 Would you get some description of it, this unit,  
22 how it is physically set up, whether there is separate  
23 Towers or one high rise or what it is.

24 MR. PILLEGGI: I can elaborate on

1 that.

2 THE CHAIRMAN: Let her do it.

3 Q Would you describe for the record and to the  
4 Commission, the physical characteristics of this complex called  
5 the Chester Towers?

6 A Yes. There are two high rise buildings. One building  
7 has thirteen floors, I believe, and one has twelve. They're  
8 made up, efficiency, one bedroom units. Efficiency being for  
9 the single elderly and one bedroom as being for the elderly  
10 couple.

11 THE CHAIRMAN: Is it all designed  
12 for elderly?

13 THE WITNESS: Yes. Elderly only.

14 THE CHAIRMAN: This is what is known  
15 as an FHA section 36 project?

16 THE WITNESS: That I don't know.

17 MR. FILLEGGI: All right, continue.

18 THE CHAIRMAN: Or a 221D-3?

19 THE WITNESS: No.

20 MR. COUSINS: It's an elderly  
21 public house.

22 THE CHAIRMAN: Thank you.

23 Continue.

24 THE WITNESS: Well, that's the most

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I can tell you about the two buildings.

Q And about how many units in each building, if you know, an equal number?

A No. There's not an equal number. But there are three hundred units altogether in both. One building has an extra bedroom, plus a few more in the other building, I think that's building number one. I think there is one hundred and fifty-four in one building--

THE CHAIRMAN: (interposing) How are the black and whites placed in these buildings. How are these physically now occupied, these buildings?

THE WITNESS: The number on each floor?

THE CHAIRMAN: In building one?

THE WITNESS: Approximately five percent, is that what you mean?

THE CHAIRMAN: I'm just trying to find out the racial composition in each building.

THE WITNESS: Fifty percent in building number two. Number one hasn't been turned over to us yet, we're not renting number one yet.

Q How are your applications, Mrs. Mann and your priorities inasfar as filling the other approximately sixty units

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1 in building number one insofar as racial composition, would  
2 you answer that please?

3 A I don't understand the question.

4 Q Do you have a waiting list to move into the Towers,  
5 the Chester Towers?

6 A Yes.

7 Q And the waiting list that you have, have you observed  
8 or studied the racial composition of the next say eighty  
9 applicants that are eligible?

10 A Yes. There are still black and white families  
11 eligible, but at this stage now, there are more white waiting.

12 Q There are more white waiting now than blacks?

13 A Yes.

14 Q How are you handling applicants that are already  
15 living in black projects who qualify and want to move to the  
16 Towers?

17 A They were given first priority to move to the Towers.

18 Q Is that another priority superimposed on the other  
19 priorities you mentioned?

20 A That was given by a decision of the Board that our  
21 family--

22 Q (interposing) This was a decision of the Board?

23 A Yes. Our tenants got the first--in other words,  
24 our tenants went in there first.



1 Q This is producing some vacancies back in the other  
2 communities; is that correct?

3 A Not to a great extent with the exception of William  
4 Penn where more elderlys move.

5 Q Are you getting a large number of move outs to the  
6 Towers from the so-called all white McCaffery Village?

7 A No.

8 Q You're not?

9 A No.

10 Q They're pretty much staying there?

11 A Yes.

12 Q Based on your knowledge and experience in working  
13 with prior plans and Plan B, do you think that Plan B can achieve  
14 the racial balance that it was intended to do by HUD at the time  
15 it was forwarded?

16 A At this point, I have to say no because we have  
17 black applicants, approximately three or four to one with higher  
18 priorities than white applicants because of the Bridge and the  
19 other areas and because of whites refusing to move into the  
20 black areas.

21 Q And there's nothing in the Plan as presently  
22 constituted and I want you to answer this question--

23 THE CHAIRMAN: (interposing) Don't  
24 answer that question because that's leading.

1  
2 MR. KRATZOK: Shall I object to

3 it?

4 MR. FILLEGGI: I will rephrase it.

5 Q Is there anything in Plan B as presently constituted  
6 which authorizes you as the occupancy supervisor to evict black  
7 tenants for purposes of improving the racial makeup and trans-  
8 ferring them to white projects and ejecting the white tenants  
9 and transferring them to black projects?

10 A No.

11 Q Do you know of any plan, based on your familiarity  
12 with the circumstances in the City of Chester housing patterns  
13 and other relevant factors that would improve the predominantly  
14 black projects and bring them closer to a larger racial ratio?

15 A No, other than a one choice over with no turn downs.  
16 In other words, directing tenants rather than giving them a  
17 second or third choice or as Plan A would state, deciding if  
18 their objections are on the basis of race, religion or national  
19 origin. The Housing Authority, I think, would and could only  
20 do this by saying to any family, you have to move into the unit  
21 that you're assigned. If you don't want that unit, you don't  
22 get any.

23 Q In other words, to assign units to applicants?

24 A That's the only way I can say that it can be  
accomplished.

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MR. PILLEGGI: No further

questions.

CROSS EXAMINATION BY MR. KEATZOK:

Q Did you testify that there was no rule or regulation order by HUD that you were to keep records of offers of units to applicants?

A Not to my knowledge. I have no written records and I don't remember any verbal record.

(Off the record.)

Q I refer you to C-1A, which is the first page, down to the name of applicants, about two-thirds down, Margaret Sigola, do you see that? There's a break in the page and then there's a third name after the break, have you found it?

A Yes.

Q She was applying for what type of unit?

A For what unit size?

Q Yes.

A It looks like a two bedroom.

Q And what was the date of her application?

A What is that--

Q (interposing) February 11th, 1971?

A Yes.

Q And what was the date that unit was rented from Mrs. Sigola?

1 A 2/18/71.

2 Q February 18th, 1971?

3 A Yes.

4 Q And what was the date when this particular unit  
5 became vacant?

6 A 1/30/71.

7 Q January 30th, 1971?

8 A Yes.

9 Q Is there an indication that Mrs. Sigola had any  
10 particular needs?

11 MR. PILLEGGI: I object. She  
12 couldn't answer that from the top of her head.  
13 There's four hundred columns.

14 THE CHAIRMAN: That objection is  
15 improper. If she doesn't know, she'll so state.  
16 But it's an objection that leads to--the objection  
17 is overruled. If she doesn't know, she'll so state.

18 THE WITNESS: I don't know what  
19 SSH means.

20 Q It stands for S, substandard housing.

21 Will you keep those in mind and would you turn to  
22 C-1F, of this exhibit, C-1F, on top it says two bedroom. And  
23 would you go down the list of names, down to an Adele Lewis,  
24 about two-thirds of the way down, and would you indicate what

1 kind of accommodations she received?

2 A It's not on here. That's the family size. That  
3 says four in the family.

4 Q I think the top of this exhibit shows two bedrooms,  
5 does it not?

6 A Yes.

7 Q What was the date of her rental application?

8 A 2/22/71.

9 Q I think I may be incorrect. On application 8, would  
10 it be February 16th, 1971?

11 A I'm sorry, 2/15/71.

12 Q And what was the date that the unit was rented to  
13 her?

14 A 2/22/71.

15 Q And what particular unit was rented to her?

16 A 1360 West Marsh Drive.

17 Q And that is the black project?

18 A Yes, Bennett.

19 Q Is there any showing at all on this chart of any  
20 particular need that she had?

21 A It says, "burned out."

22 Q Will you go back to exhibit C-1A for Mrs. Sigola.

23 A Yes.

24 Q What unit was eventually rented to her?

1 A 1200 Pulaski.

2 Q Which is in which project?

3 A The white project.

4 Q Mrs. Sigola is white?

5 A Yes.

6 Q Now, why wasn't it, this particular unit at 1200  
7 Pulaski which was vacant on January 30th, 1971, offered to Mrs.  
8 Lewis whose need was urgent because of the fire?

9 A I don't know.

10 Q Mrs. Lewis had applied on February 16th, presumably  
11 because she had undergone a fire situation?

12 A Yes.

13 Q She got a unit in a black project on February 22nd?

14 A Yes.

15 Q That's a six day wait. The same time Mrs. Sigola  
16 whose rental application was February 11th, this white unit was  
17 rented to her, a white woman on February 18th, where Mrs.  
18 Lewis' need, I gather from what you have been saying was a  
19 greater priority because fire is given that kind of emphasis  
20 in your renting applications. Why was it not Mrs. Lewis, the  
21 black woman, offered this apartment in McCaffery which is a  
22 white project?

23 A I don't know, other than the apartment at 1200  
24 Pulaski may not have been ready for occupancy at the time.

1 Q But it was rented to Mrs. Sigola, was it not, the  
2 white woman on February 18th, 1971? So, therefore, I don't wish  
3 to argue with you, so apparently it was rented to Mrs. Sigola  
4 on February 18th, at least on February 18th, it was rented for  
5 occupancy and possession but Mrs. Lewis didn't get into her  
6 apartment at 1316 West Marsh until February 22nd which was  
7 after the time, that was--  
8

9 MR. PILLEGGI: (interposing) Unless  
10 I can be provided with a copy of these details, I  
11 have no basis on which to object. I don't want to  
12 ask to--go off the record.

13 (Off the record.)

14 Q Now, I direct your attention next to--what was the  
15 answer to the last question?

16 A I don't know.

17 Q She didn't know.

18 THE CHAIRMAN: Okay, proceed.

19 Q I direct your attention next, Mrs. Mann, to exhibit  
20 C-1A once more, to the page of Barbara Hickey. I think that  
21 is the last name on the page. This has to do with the McCaffery  
22 Village this particular thing, and this is in connection with  
23 an application for a two bedroom; is that correct?

24 A Yes.

Q What was the date when Mrs. Hickey applied?

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1 A No date.

2 Q What was the date when this unit became vacant prior  
3 to Mrs. Hickey's occupancy?

4 A 6/19/70.

5 Q And what was the date when Mrs. Hickey took  
6 possession of that?

7 A 7/7/70.

8 Q Mrs. Hickey is white?

9 A Yes.

10 Q I direct your attention to C-1C--C-1E, I'm sorry,  
11 C-1E and to the name of--it's C-1C, C-1C.

12 MR. PILLEGGI: Mr. Chairman, I  
13 don't have a copy of C-1C.

14 MR. KRATZOK: This one is entitled  
15 the two bedroom.

16 Q The name next to the last line is Nickens, Althea.

17 A Yes.

18 Q And this is in connection also with a two bedroom  
19 unit, is it not?

20 A Yes.

21 Q And what was the date of her application?

22 A 6/30/70.

23 Q June 30th, 1970?

24 A Yes.



1 Q And Mrs. Nickens is black?

2 A Yes.

3 Q And what was the date when the particular unit which  
4 she finally occupied was taken?

5 A 6/19/70.

6 Q And what was the date it was rented to her?

7 A 7/1/70.

8 Q And it was where?

9 A At William Penn.

10 Q Which is a black project?

11 A Yes.

12 Q Will you go back to C-1A, to Barbara Hickey's  
13 annotations, that's the last one.

14 A Yes.

15 Q She eventually was given occupancy at what unit?

16 A 1306 Pulaski.

17 Q Which is in what project?

18 A McCaffery Village.

19 Q It is a white project?

20 A Yes.

21 Q And the date that this became, that unit became  
22 vacant was what?

23 A 6/19/70.

24 Q And at the same time, the date when Mrs. Nickens

210a

1 had applied was June 30th, 1970, when Mrs. Nickens' application  
2 was in, that is June 30th, 1970, I gather that the particular  
3 apartment at 1306 Pulaski was vacant beginning on June 19th,  
4 1970?

5 A Yes.

6 Q Mrs. Nickens also had a particular need situation,  
7 did she not?

8 A Yes.

9 Q What was that need?

10 A Burned out.

11 Q My question is:

12 Why, or was this, and if there wasn't, why not,  
13 an offer of this particular apartment at 1306 Pulaski, given to  
14 Mrs. Nickens?

15 A I would assume that at that time William Penn had  
16 the highest number of vacancies.

17 Q But you don't know?

18 A I don't know. I would have to check my records.

19 Q Do you know the vacancy rate in each project in  
20 February of 1970?

21 A Not offhand, no.

22 THE CHAIRMAN: Do you have any  
23 records here that would indicate that?

24 (Off the record.)

1 A That was February, 1970?

2 Q Yes.

3 THE CHAIRMAN: Let the record show  
4 that the witness is examining the document, R-1.

5 THE WITNESS: Yes, I have it here.

6 Q What does it show?

7 A That the William Penn had the highest number of  
8 vacancies.

9 THE CHAIRMAN: How many vacancies  
10 were there in William Penn?

11 THE WITNESS: Sixteen.

12 Q And in that case, why wasn't an offer of William  
13 Penn not given to Mrs. Hickey who is white or to Mrs. Sigola  
14 who was white?

15 A I don't know that it was.

16 Q But you don't know that it was?

17 A Not particularly.

18 Q Mrs. Mann, the purpose of Plan B was primarily to  
19 do what?

20 A To increase the racial balance in the four communi-  
21 ties.

22 Q And you are saying that you are carrying out Plan B?

23 A To the best of my ability.

24 Q In your opinion, and you think the carrying out of

1 Plan B, as you feel it was carried out, was defecting its purpose?

2 A Do I feel that it was defecting its purpose?

3 MR. PILLEGGI: I object.

4 Q Do you have an opinion as to whether it was?

5 A In my opinion, it doesn't.

6 Q It does not?

7 A No.

8 Q You have the vacancy right, for February 1970?

9 A Yes. Lemokin Village one, William Fann--

10 THE CHAIRMAN: (interposing) Louder,  
11 repeat that.

12 THE WITNESS: McCaffery one, Ruth  
13 Bennett, one, two, and then--

14 Q (interposing) As I gather from what you read, there  
15 were more vacancies in the black projects at that time than there  
16 were in the white projects?

17 A Yes.

18 Q Mrs. Sigola who was white, who you referred to  
19 before, and who eventually got 1200 Pulaski project, white,  
20 why was she not given the opportunity to rent in the black  
21 project?

22 A I don't know that she wasn't.

23 Q You don't know that she wasn't?

24 A No, not particularly.

1 Q There is no indication in your records that she  
2 was given that opportunity?

3 A No.

4 MR. KNATZOK: That's all.

5 MR. PILLEGGI: No further questions.

6 (Off the record.)

7 THE CHAIRMAN: Your next witness.

8 MR. PILLEGGI: Mrs. Dorothy

9 Williams, please.

10 D O R O T H Y W I L L I A M S,

11 sworn:

12 THE CHAIRMAN: Will you state your  
13 name and address?

14 THE WITNESS: Dorothy Williams,  
15 1343 West Seventh Street, Chester, Pennsylvania.

16 DIRECT EXAMINATION BY MR. PILLEGGI:

17 Q Mrs. Williams, will you please tell us what your  
18 occupation is and your connection with the Chester Housing  
19 Authority?

20 A Housing manager.

21 Q And will you please tell us for how many years you  
22 have been involved in that capacity, in any of the projects?

23 A How many years I have worked with housing?

24 Q Yes.

1 A Nineteen.

2 Q Nineteen years?

3 A Yes.

4 Q And during those nineteen years, would you please  
5 tell us how many of those years you have served as manager?

6 A Six years.

7 Q And during those six years, would you please tell  
8 the Board if you have been manager of more than one project?

9 A Yes.

10 Q And would you name the projects, please?

11 A The Lamokin Village and William Penn.

12 Q Based on your experience as a manager, do any of the  
13 applicants ever approach you who are interested in occupying  
14 a particular unit, residential unit?

15 A Only if we have registration cards.

16 Q Registration cards?

17 A Yes.

18 Q Do they ever approach you for those cards?

19 A Yes.

20 Q And based on your experience as a manager in these  
21 past six years, in the projects that you mentioned, have you  
22 ever observed any evidence or experienced any discrimination  
23 based on race--

24 MR. KHATZOK: (interposing) I object

1 to that.

2 MR. PILLEGGI: On what basis?

3 MR. KRATZOK: It has no relevancy  
4 to this case.

5 MR. PILLEGGI: This is the whole  
6 heart of this hearing, the racial discrimination.  
7 She is my witness.

8 MR. KRATZOK: You asked her whether  
9 she has ever had any based on racial discrimination  
10 as to herself.

11 MR. PILLEGGI: Had any experience  
12 in her managing of the two projects to which she  
13 testified.

14 A No.

15 Q Your answer is--

16 A (interposing) No.

17 Q No, you have not?

18 A No.

19 MR. PILLEGGI: No further questions.

20 THE CHAIRMAN: You managed Lamokin  
21 and William Penn?

22 THE WITNESS: Yes.

23 THE CHAIRMAN: With relationship  
24 to McCaffery, what is the physical condition of

1 William Penn, better, worse?

2 THE WITNESS: About the same. Well,  
3 I couldn't say now. Let me explain, 1964 I was  
4 the manager of the Lamokin Village then I went over  
5 to William Penn for one year only. During the time  
6 I was at the William Penn, the place was okayed, be-  
7 cause we--the grounds and everything was newly  
8 renovated and now I'm back again to Lamokin Village.  
9 The question you just asked I couldn't say.

10 THE CHAIRMAN: Are you familiar  
11 with the physical condition of McCaffery?

12 THE WITNESS Not now.

13 THE CHAIRMAN: No?

14 THE WITNESS: No.

15 THE CHAIRMAN: All right.

16 Mrs. Williams, do you have any  
17 white tenants on Lamokin Village?

18 THE WITNESS: No.

19 THE CHAIRMAN: Mrs. Williams,  
20 have you ever, since you have been manager?

21 THE WITNESS: No.

22 THE CHAIRMAN: What are your  
23 duties as manager?

24 What are some of your duties?



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THE WITNESS: Do you understand that we have a department that handles all the applicants, usually with residents coming to me, they are previously assigned a unit then I collect rent.

THE CHAIRMAN: You're the collector of rents?

THE WITNESS: That's right.

THE CHAIRMAN: That's your capacity?

THE WITNESS: Yes.

THE CHAIRMAN: And that's about what you do as manager, right?

THE WITNESS: Right.

THE CHAIRMAN: That's all.

You're excused. Thank you.

Next witness.

MR. PILLEGGI: Arthur Norris, is he here?

(No response.)

(Off the record.)

J A M E S T A Y L O R, sworns

THE CHAIRMAN: Would you state your name and address?

THE WITNESS: James B. Taylor,

921 Logan Street in Chester.

THE CHAIRMAN: And what is your employment? What is your employment in the nature of your employer?

THE WITNESS: I'm the manager of the Ruth Bennett Housing project.

THE CHAIRMAN: Of the Chester Housing Authority?

THE WITNESS: Yes.

DIRECT EXAMINATION BY MR. PILLICCI:

Q In your capacity as manager of the Ruth Bennett project in the Chester Housing Authority, do you ever receive any inquiries from applicants for residential units?

A Yes. In the past ninety days, I have received approximately thirty-five applications that I usually assist the applicants with myself in an effort to ease the load on the occupancy.

Q Do they indicate to you the type of units that they need, like two, three, four bedroom and their preference or choice insofar as which community they prefer to live in?

A Well, it's mandatory that they should indicate the type of units so that I may advise them as to whether or not there is availability and they do indicate to me the location which they like to make.

1 Q Do you work closely in the occupancy department in  
2 helping to find units for them?

3 A Yes.

4 Q Based on your knowledge and experience in helping  
5 to find units for these applicants, have you ever observed any  
6 discrimination based on the racial factor in the assignment  
7 of these units?

8 A No, I have not.

9 MR. PILLEGGI: No further ques-  
10 tions.

11 CROSS EXAMINATION BY MR. KRATZOK:

12 Q Are there any non-white--are there any white living  
13 in the projects which you manage, Mr. Taylor?

14 A No.

15 Q When was the last time there was a white in Lamokin  
16 Village, to your knowledge?

17 MR. PILLEGGI: Objection.

18 MR. KRATZOK: I'm sorry, Ruth  
19 Bennett.

20 Q How many whites are there in the Ruth Bennett  
21 projects, the unit which you manage?

22 A There is none.

23 Q And to your knowledge, when is the last time there  
24 was a white occupant at the unit of the Ruth Bennett project?

A To my knowledge, there has never been a white

1  
2 occupant in the Ruth Bennett. There may be some there that  
3 appear to be white, but to my knowledge, they're not.

4 Q I understand what you're saying.

5 THE CHAIRMAN: We don't.

6 Will you explain that?

7 (off the record.)

8  
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11 THE CHAIRMAN: In what respect?

12 THE WITNESS: In complexion. But  
13 to my knowledge, I can say to you there are definitely--

14 Q (interposing) Do you know to which race they are  
15 part of, white or black?

16 MR. PILEGGI: I object.

17 MR. KRATZOK: I am asking him if  
18 he knows.

19 MR. PILEGGI: If they are uncertain,  
20 the person themselves--

21 THE WITNESS: (interposing) No,  
22 I do not.

23 Q I will ask you again, are there any white occupants  
24 renting in the Ruth Bennett Homes now, to your knowledge?

A No.

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MR. PILLEGGI: In your capacity as manager, are you more than just a mere rent collector?

THE WITNESS: Yes.

MR. KRAEZEK: I object to that.

MR. PILLEGGI: On what basis?

THE CHAIRMAN: There's nothing in cross examination on it.

THE WITNESS: Should I answer the question?

MR. PILLEGGI: Yes.

THE CHAIRMAN: All right, I will allow it.

MR. PILLEGGI: In your capacity as general manager, and in your working with the applications, do you think that you are more than a mere rent collector?

THE CHAIRMAN: That's objectionable. What are your duties as a manager of Ruth Bennett?

MR. PILLEGGI: I'm not interested in that. As far as it is other than his dealing with the applicants, if it's my question, Mr. Chairman--

THE CHAIRMAN: (Interposing) All

1 right, I will allow you to ask the question.

2 THE WITNESS: What is your question  
3 now?

4 MR. PILLEGGI: Do you do more than  
5 collect rents as a manager?

6 THE WITNESS: Yes.

7 MR. PILLEGGI: No further questions.

8 THE CHAIRMAN: What else do you do?

9 THE WITNESS: If I may answer your  
10 question, HUD has made myself and the other managers  
11 in the Chester Housing Authority more of a father  
12 and the mother to a tenant than a rent collector.  
13 Our duties are varied. We co-ordinate with occupancy  
14 in respect to rent collections and in respect to  
15 re-evaluation of the account. We answer their  
16 complaints. We say we're sorry for them when the  
17 houses are broken into. We lean toward tenant  
18 counsel which takes up ninety percent of our time,  
19 this is just an idea of some of the duties we have  
20 as managers.

21 THE CHAIRMAN: Are you familiar  
22 with the physical condition of the other housing  
23 units in Chester?

24 THE WITNESS: Yes. That's the

1  
2 Board of Commissioners. Before I accepted this  
3 position as manager, I was allowed to travel at my  
4 own discretion throughout the other communities and  
5 to communicate with managers.

6 THE CHAIRMAN: I am speaking of  
7 the Chester units.

8 THE WITNESS: That's what I am  
9 referring to.

10 THE CHAIRMAN: And how do you  
11 relate the condition of the Bennett housing unit  
12 with respect to the others?

13 THE WITNESS: I feel that every  
14 manager should be quite proud of the community that  
15 he has. I feel that Mrs. Williams' community, the  
16 Lamokin Village is perhaps the best outline and the  
17 best configured at the point, and that Ruth Bennett  
18 ranks second and that McCaffery and then William  
19 Penn in that order. I consider because of the  
20 modernization program, we at the Bennett are running  
21 neck and neck with Lamokin and that McCaffery and  
22 Penn are far behind us in modernization.

23 THE CHAIRMAN: No further  
24 questions.

MR. PILLEGGI: No questions.

1 THE CHAIRMAN: You're excused,  
2 thank you.

3 (Off the record.)

4 J O H N D R I G G I N S, sworn:

5 DIRECT EXAMINATION BY MR. FILLEGGI:

6 Q State your name and address.

7 A John Francis Driggins. 59 Summit Road, Malvern,  
8 Pennsylvania.

9 Q By whom are you employed and in what capacity?

10 A Chester School District, Principal of Christopher  
11 Columbus Elementary School.

12 Q How long have you been a principal, Mr. Driggins?

13 A Going on five years now.

14 Q What is your present assignment with the Chester  
15 School District?

16 A I am principal of the new Christopher Columbus  
17 School.

18 Q In connection with your new assignment, and based  
19 on meetings with staff and what have you, are you familiar with  
20 the racial composition of the new schools scheduled to open in  
21 September?

22 A Yes, I am.

23 Q And can you tell the Board what it is scheduled to be?

24 A In September, based on the enrollment as I have



1  
2 projected for September of 71, black, ninety-three percent,  
3 white, seven percent.

4 Q Black, ninety-three and white, seven?

5 A Yes.

6 Q Mr. Driggins, will any of the school population  
7 in the new school that you're going to principal be bussed to  
8 the school?

9 A Yes.

10 Q Have you any general idea about how many?

11 A I would say about one hundred, one hundred--all the  
12 special ed busses, all special ed students will be bussed.  
13 That's twenty-two plus--

14 Q (interposing) May I ask, if you know, of the students  
15 who are going to be bussed, what is their racial composition,  
16 approximately, if you know?

17 A I would say in the special ed student, would have  
18 to multiply at about fifty, fifty, the others would be black,  
19 that is being bussed.

20 Q So you are saying most black students are being bussed  
21 to the new Christopher Columbus?

22 A Yes.

23 Q Mr. Driggins, are you familiar with the general racial  
24 makeup of the four projects, William Penn and--

A (interposing) I think I am familiar as any other

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1 average citizen. I worked on the census.

2 Q You did work on the school census?

3 A Yes. I was in charge of that and I grew up in  
4 Chester.

5 Q Mr. Driggins, are you familiar with the racial  
6 composition in the one to the fourth grade, the five and the  
7 sixth grade? In Chester, in the Chester school system?

8 A You have to understand that my position is a mobile  
9 level, a school level, I wouldn't be familiar with--

10 Q (interposing) I'm aware of that. Are you familiar  
11 with the bussing program presently being utilized to attempt to  
12 improve the racial balance of the school population?

13 A Yes.

14 Q Based on your knowledge and information, do you think  
15 the bus program is helping to improve the racial balance in  
16 the school population?

17 A I think the bussing program is the only reason we  
18 do have the balance we do have of any race.

19 Q Would you repeat that?

20 THE CHAIRMAN: Would you repeat

21 that?

22 A If it weren't for bussing, we wouldn't have the  
23 integration we do have.

24 Q This is basically the bussing we do have that is

1 giving us the degree of integration that we do have?

2 A Yes.

3 Q If you know, based on your information and belief,  
4 is the bussing program making adjustments so to speak in the  
5 predominantly white neighborhood and drawing from them and in  
6 the predominantly black neighborhood drawing from them to  
7 populate the schools?

8 A To achieve integration, yes, because you're bussing  
9 students from William Penn, from Washington School to Lincoln  
10 which are black. You're also bussing--you're bussing students,  
11 black students from the William Penn project to the William Penn  
12 School. You bus half of them, the district was interested in  
13 trying to achieve more integration this year so they changed  
14 boundaries to bus all of the William Penn project which is  
15 basically a black unit, all the students in the elementary  
16 age, one to four in the William Penn project will be bussed to  
17 William Penn elementary school regardless. If you change tenants  
18 around, they still all go to--if white tenants were to move  
19 into William Penn projects, they also would be going to the  
20 same school. In other words, the bus would achieve the same  
21 purpose.

22 Q Are you familiar with the fifth and sixth grades  
23 arrangements whereby students are drawn across normal school  
24 boundaries in the fifth and sixth grades for--

1 A (interposing) I should be. I helped implement  
2 that program.

3 Q That program, does it make very much difference,  
4 the racial composition in various projects throughout the city?

5 THE CHAIRMAN: Various housing  
6 projects?

7 A It would make a difference.

8 Q It would?

9 A It would. Even with bussing. The reason I say that  
10 because it--if the public housing situation has been as it is,  
11 bussing from certain points would have occurred at this parti-  
12 cular point. They may have occurred from some other place to  
13 achieve the same goal.

14 (Off the record.)

15  
16 (Whereupon, the hearing was concluded.)  
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PENNSYLVANIA HUMAN  
RELATIONS COMMISSION,  
Complainant

VS

DOCKET NO. H-1395

CHESTER HOUSING  
AUTHORITY,  
Respondent

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
COMMISSION'S DECISION and FINAL ORDER

FINDINGS OF FACT

1. Complainant herein is the Pennsylvania Human Relations Commission, an administrative agency of the Commonwealth of Pennsylvania.
2. Respondent herein is the Chester Housing Authority, a public housing authority of the Commonwealth of Pennsylvania.
3. Respondent is in charge of and administers the following public housing projects in Chester, Delaware County, Pennsylvania, and the tenant selection and assignment procedures thereof:
  - Lamokin Village, containing 350 units
  - McCaffery Village, containing 350 units
  - Ruth L. Bennett Homes, containing 390 units
  - William Penn Village, containing 300 units
4. In the Summer of 1969 the racial composition of the aforesaid projects were as follows:

## Findings and Conclusions

|                       |             |            |
|-----------------------|-------------|------------|
| Lamokin Village       | 346 Negroes | 0 whites   |
| McCaffery Village     | 0 Negroes   | 347 whites |
| Ruth L. Bennett Homes | 385 Negroes | 0 whites   |
| William Penn Village  | 257 Negroes | 20 whites  |

5. At the time of the public hearing herein the racial composition of the aforesaid projects were maintained as above set forth.

6. Although the same type of housing accommodations was sought by both Negro and white applicants, Negro applicants whose applications were prior in time to applications of white applicants were not afforded an opportunity to rent available accommodations of the type sought in McCaffery Village but were, instead, offered accommodations in Lamokin Village, William Penn Village and Ruth L. Bennett Homes, to wit:

A. One Larrie Ellis, a Negro female, who applied on August, 1970 for a 3-bedroom unit and on February 1, 1971 was leased a unit in Ruth L. Bennett Homes (1119 Norris) which had been vacated on January 11, 1971. During the period from August 24, 1970 to February 11, 1971, a 3-bedroom unit in McCaffery Village (2800 W. 13th Street) which is totally white, was vacated on December 4, 1970 and was rented on December 18, 1970 to one Eleanor Hayes, a white female, even though she applied on November 3, 1970, a date later than when the aforesaid Larrie Ellis applied.

7. Although the same type of housing accommodations was sought by both Negro and white applicants, white applicants whose applications were prior in time to applications of Negro applicants were not afforded an opportunity to rent available accommodations in Lamokin Village, William Penn Village and Ruth L. Bennett Homes but were,

instead, offered accommodations in McCaffery village, to wit:

A. One Alice Ferris, a white female, applied on January 14, 1970 for a 4-bedroom unit and on November 17, 1970 was leased a unit in totally-white McCaffery Village (1010 McCaffery) which had been vacated on November 15, 1970. During the period from January 14, 1970 to November 17, 1970, 4-bedroom units were vacated in projects which were totally-Negro or substantially Negro. All were rented to Negro tenants, to wit:

1. To one Samuel Carr, a Negro male, who was leased a unit in Ruth L. Bennett Homes (1408 Alexander) on September 10, 1970 which had been vacated on June 30, 1970.

2. To one Annie Daniels, a Negro female, who was leased a unit in William Penn Village (404 Grounsell) on August 31, 1970 which had been vacated on July 2, 1970.

3. To one Valaida Washington, a Negro female, who was leased a unit in William Penn Village (409 Pancoast) on September 18, 1970 which had been vacated on July 23, 1970.

4. To one Lawton Porter, a Negro female, who was leased a unit in William Penn Village (404 Grounsell) on September 30, 1970 which had been vacated on September 21, 1970.

B. One Elizabeth Willis, a white female, applied on January 20, 1970 for a 3-bedroom unit and on November 12, 1970 was leased a unit in totally-white McCaffery Village (1200 McCaffery) which had been vacated on October 30, 1970.

One Hirst, a white male, applied for a 3-bedroom unit on March 10, 1970 and on November 17, 1970 was leased a unit in McCaffery Village (1110 Booth Street) which had been vacated on October 30, 1970.

During the period from January 20, 1970 to November 12, 1970 (in the case of the aforesaid Willis) and from March 10, 1970 to November 17, 1970 (in the case of the aforesaid Hirst) the following Negroes were placed in 3-bedroom units in a totally-Negro project, to wit:

1. One Delores Hodges, a Negro female, who applied on August 17, 1970, was leased a unit in Ruth L. Bennett Homes (922 Norris) on September 11, 1970 which had been vacated on June 2, 1970.

2. One Stinney, who is Negro <sup>and</sup> / who applied on July 7, 1970, was leased a unit in Ruth L. Bennett Homes (1425 Norris) on October 10, 1970 which had been vacated on September 9, 1970.

3. One Elizabeth Gorman, a Negro female, who applied on July 15, 1970, was leased a unit in Ruth L. Bennett Homes (303 Ayars Place) on that same day and which unit had been vacated on May 15, 1970.

4. One Juanita Boyland, a Negro female, who applied on April 22, 1970, was leased a unit in William Penn Village (312 Gartside) on June 1, 1970 which had been vacated on March 16, 1970.

C. One Charles Huck, a white male, applied on February 8, 1971 for a 2-bedroom unit and on June 8, 1971 was leased a unit in totally-white McCaffery Village (1002 Hardwick) which had been vacated on May 21, 1971. In the period from February 8, 1971 to June 8, 1971 a 2-bedroom unit in totally-Negro Ruth L. Bennett Homes (1118 W. Norris) had been vacated on May 11, 1971 and was leased on June 9, 1971 to one Brenda Bradley, a Negro female, who applied on April 12, 1971, more than two months after the date of the aforesaid Huck's application.



D. One Charles Rothwell, a white male, applied for a 2-bedroom unit on January 12, 1971 and on April 30, 1971 was leased a unit in totally-white McCaffery Village (1207 Ganster) when on March 18, 1971 such a unit had become vacant in totally-Negro Ruth L. Bennett Homes (926 Stovall) and which, on April 5, 1971, was leased to Victoria Oliver, a Negro female, who had applied on March 17, 1971, over two months after the date of Rothwell's application.

8. Although burned-out families were to be accorded priority, Respondent, disregarding such priority, placed white applicants in a totally-white project and Negro applicants in a totally-Negro or substantially Negro project, to wit:

A. One Adele Lewis, a Negro female, applied on February 16, 1971 for a 2-bedroom unit and was granted a burned-out priority. She was leased a unit in totally-Negro Ruth L. Bennett Homes (1316 W. Norris) on February 22, 1971 when, on February 18, 1971, such a unit in totally-white McCaffery Village (1200 Pulaski), vacant since January 30, 1971, was leased to one Sigola, a white female, who had applied on February 11, 1971, notwithstanding that the aforesaid Sigola did not have the aforesaid Lewis's priority.

B. One Althea Nickens, a Negro female, applied on June 30, 1970 for a 2-bedroom unit and was granted a burned-out priority. She was leased a unit in substantially-Negro William Penn Village (404 Ayars) on July 1, 1970 when, on July 7, 1970, such a unit in totally-white McCaffery Village (1306 Pulaski), vacant since June 19, 1970, was leased to one Barbara Hickey, a white female, who had no priority.

9. As a result of the aforesaid practices the racial compositions of Respondent's aforesaid public housing projects were and are

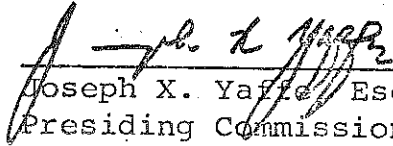
segregated by the race of the tenants thereof.


10. The maintaining of the aforesaid practices by Respondent has increased the racial segregation of the public schools of the City of Chester. Of 3,000 students in the four Chester Public Housing units, approximately 2,700 to 2,800 attend Chester Public Schools. If the aforesaid four Public Housing units were racially-balanced, the Chester School District plan for racially-balancing its Public Schools would have been redesigned so as to reduce the need and cost of busing Chester School District students.

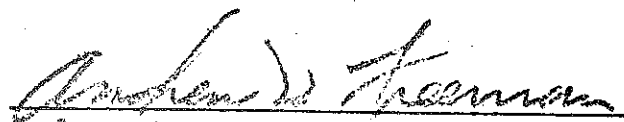
CONCLUSIONS OF LAW

1. At all times herein mentioned Respondent, an Authority of the Commonwealth of Pennsylvania, maintained and continues to maintain the public housing projects, as aforesaid, in Chester, Delaware County, Pa., under its supervision, direction and control.
  2. At all times herein mentioned Complainant had and still has jurisdiction over the subject matter of these proceedings and over Respondent.
  3. Because of its tenant selection and assignment procedures Respondent has maintained and continues to maintain public housing projects under its supervision, direction and control that are segregated by the race of the tenants thereof, an unlawful discriminatory practice in violation of Section 5 (h) (1) of the Act of October 27, 1955 P.L. 744, as amended, known as the Pennsylvania Human Relations Act.
  4. Such aforesaid unlawful discriminatory practice by Respondent aids and abets racial segregation in the public schools of the City of Chester and is an unlawful discriminatory practice in violation of Section 5 (e) of the aforesaid Act.
  5. The Complaint, as amended in the public hearing herein, was properly made and executed in accordance with Section 9 of the Pennsylvania Human Relations Act.
- IT IS, therefore, recommended that the Commission enter an Order against Respondent requiring it to cease and desist

from employing its present tenant selection and assignment procedures and to take affirmative action to eliminate its unlawful discriminatory practices.

  
Joseph X. Yaffe Esq.,  
Presiding Commissioner

  
Dr. Robert Johnson Smith,  
Hearing Commissioner

  
Andrew G. Freeman,  
Hearing Commissioner

COMMISSION'S DECISION

AND NOW, the 24th day of April, 1972, upon the recommendation of the Hearing Commissioners and upon all the evidence at the public hearing of this case and in consideration of the Findings of Fact and Conclusions of Law, the Pennsylvania Human Relations Commission, by unanimous decision, finds and determines that Respondent Chester Housing Authority has engaged in discriminatory practices in violation of Section 5 (h) (1) and 5 (e) of the Pennsylvania Human Relations Act of October 27, 1955 P.L. 744, as amended, in that by the use of its tenant selection and assignment procedures it has maintained the public housing projects under its supervision, direction and control as segregated by the race of the tenants thereof and, further, aids and abets the continuing segregation of the students of the public schools of the City of Chester, Delaware County, Pennsylvania.

## COMMONWEALTH OF PENNSYLVANIA

## PENNSYLVANIA HUMAN RELATIONS COMMISSION

PENNSYLVANIA HUMAN  
RELATIONS COMMISSION,  
Complainant

:

:

DOCKET NO. H-1395

VS

:

:

CHESTER HOUSING  
AUTHORITY,  
Respondent

:

FINAL ORDER

AND NOW, this 24th day of April, 1972, upon consideration of the foregoing Findings of Fact, Conclusions of Law, Commission's Decision and pursuant to Section 9 of the Pennsylvania Human Relations Act it is hereby

## O R D E R E D :

That Respondent Chester Housing Authority, its agents, servants, employees and each of their respective successors:

1. Shall cease and desist from employing its present tenant selection and assignment procedures.
2. Shall cease and desist from renting housing accommodations in McCaffery Village to white tenant families until the racial composition of said project reflects the ratio of Negro to white tenant families in all public housing projects under Respondent's supervision, direction and control.

3. Shall cease and desist from renting housing accommodations in Lamokin Village, William Penn Village and Ruth L. Bennett Homes to Negro tenant families until the racial composition of each of said projects reflects the ratio of white to Negro tenant families in all public housing projects under Respondent's supervision, direction and control.

4. Shall develop and submit to the Pennsylvania Human Relations Commission (at its Regional Office, Room 101, State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania) for its approval, within 60 days of the effective date of this Order, an affirmative action program designed to achieve in Respondent's public housing projects the racial composition as set forth in Paragraphs 2 and 3 above, and upon obtaining said approval, forthwith to effectuate said program. Said plan shall include, but not be limited to, preoccupancy and post-occupancy counseling and the establishment of tenant councils.

5. Shall, in writing, inform all applicants and all present tenants of this Final Order and the content thereof.

6. Shall, beginning with the effective date of this Order, submit written offers to rent accommodations in its public housing projects to all applicants and require all replies thereto to be in writing, maintaining a permanent record of such offers and replies in its files.

7. Shall, from the effective date of this Order, utilize the services of the intergroup specialist of the Equal Opportunity Staff of the U. S. Department of Housing and Urban Development and the consultative services of the Pennsylvania Human Relations Commission.

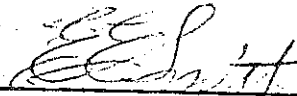
8. Shall report to the Pennsylvania Human Relations Commission, at its Regional Office as above set forth, beginning one month from the effective date of this Order, and monthly thereafter until such time as the racial composition in each project, as set forth in items 2 and 3 above, is achieved. Such report to contain information regarding the racial composition of each of its housing projects, as well as a list of all applicants, transfers, assignment and re-assignments of all units in all said projects under its supervision, direction and control by racial identification and reflecting the ratio of Negro and white tenant families as set forth in Paragraphs 2 and 3 above, family size and size of unit requested and assigned, list of vacancies in each project and, thereafter, shall for a further period of two years, make such reports quarter-annually.

9. Shall, within 90 days of the effective date of this Order, establish objective written standards for the approval of applicants and assignment of units, copies of said standards to be submitted to the Pennsylvania Human Relations Commission (as above set forth) for its approval.

10. Shall meet with the Chester School District for discussion and drafting of a plan for a priority selection system for the placement of tenants with school-age children in Respondent's housing projects which placement will facilitate the desegregation of the schools of Chester School District and which shall be made to the Pennsylvania Human Relations Commission (as approval set forth), within 180 days of the effective date of this Order, for its approval, whereupon same shall be forthwith effectuated.

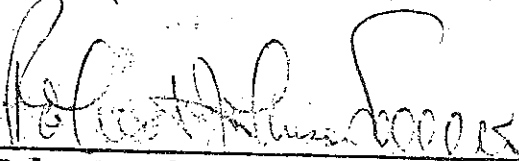


PENNSYLVANIA HUMAN RELATIONS COMMISSION



E.E. Smith, Chairman

ATTEST:



Robert Johnson Smith  
Secretary

## IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PENNSYLVANIA HUMAN :  
 RELATIONS COMMISSION, :  
                     Complainant :

vs. : Docket No. H - 1395

CHESTER HOUSING AUTHORITY, :  
                     Respondent-Appellant :

RESPONDENT'S EXCEPTIONS TO  
 THE FINDINGS OF FACT, CONCLUSIONS  
 OF LAW, DECISION AND FINAL  
 ORDER OF THE PENNSYLVANIA  
HUMAN RELATIONS COMMISSION

COMES NOW, Chester Housing Authority, herein called  
 "Respondent", and respectfully submits its exceptions to the Findings of  
 Fact, Conclusions of Law, Decision and Final Order entered by the Human  
 Relations Commission, herein called "Commission", in the above-styled docket.

The Commission lists ten Findings of Fact, some of  
 which contain sub-paragraphs. The Findings to which Respondent excepts  
 follow. The number following each exception is the number assigned by  
 the Commission to its Finding of Fact.

I. FINDINGS OF FACT TO WHICH RESPONDENT EXCEPTS

a. Respondent excepts to the Commission's statement  
 that the racial composition the Chester's four public housing projects were  
 maintained on an exclusively racial basis ( 4 & 5).

- b. Respondent excepts to the Commission's finding that although the same type of housing accommodations was sought by both Negro and White applicants, Negro applicants whose applications were prior in time to applications of White applicants were not afforded an opportunity to rent available accommodations of the type sought in McCaffery Village but were, instead, offered accommodations in Lamokin Village, William Penn Village and Ruth L. Bennett Homes ( 6 & 6 A ).
- c. Respondent excepts to the Commission's finding that although the same type of housing accommodations were sought by both Negro and White applicants, White applicants whose applications were prior in time to applications of Negro applicants were not afforded an opportunity to rent available accommodations in Lamokin Village, William Penn Village and Ruth L. Bennett Homes but were, instead, offered accommodations in McCaffery Village ( 7, 7 A., 7 A. 1, 2, 3 & 4 ) ( 7 B., 7 B. 1, 2, 3 & 4 ) ( 7 C. ) ( 7 D. ).
- d. Respondent excepts to the Commission's finding that although burned-out families were to be accorded priority, Respondent, disregarding such priority, placed White applicants in a totally-white project and Negro applicants in a totally-Negro or substantially Negro project. ( 8 , 8 A, B )
- e. Respondent excepts to the Commission's finding that as a result of the aforesaid practices the racial composition of Respondent's aforesaid public housing projects were and are segregated by the race of the tenants thereof ( 9 ).
- f. Respondent excepts to the Commission's finding that the maintaining of the aforesaid practices by Respondent has increased the racial segregation of the public schools of the City of Chester. (10)

II. CONCLUSIONS OF LAW TO WHICH RESPONDENT EXCEPTS

a. Respondent excepts to the Commission's conclusion that because of its tenant selection and assignment procedures Respondent has maintained and continues to maintain public housing projects under its supervision, direction and control that are segregated by the race of the tenants thereof, an unlawful discriminatory practice in violation of Section 5 (h) (1) of the Act of October 27, 1955 P. L. 744, as amended, known as the Pennsylvania Human Relations Act.

b. Respondent excepts to the Commission's conclusion that such aforesaid unlawful discriminatory practice by Respondent aids and abets racial segregation in the public schools of the City of Chester and is an unlawful discriminatory practice in violation of Section 5 (e) of the aforesaid Act.

III. EXCEPTION TO COMMISSION'S DECISION

The Commission erred in finding and determining that Respondent has engaged in discriminatory practices in violation of Section 5 (h) (1) and 5 (e) of the Pennsylvania Human Relations Act of October 27, 1955 P. L. 744, as amended, in that by the use of its tenant selection and assignment procedures it has maintained the public housing projects under its supervision, direction and control as segregated by the race of the tenants thereof and, further, aids and abets the continuing segregation of the students of the public schools of the City of Chester, Delaware County, Pennsylvania.

IV. EXCEPTIONS TO COMMISSION'S FINAL ORDER

The Commission erred in ordering Respondent to:

1. Cease and desist from employing its present tenant selection and assignment procedures.
2. Cease and desist from renting housing accommodations in McCaffery Village to white tenant families until the racial composition of said project reflects the ratio of Negro to white tenant families in all public housing projects under Respondent's supervision, direction and control.
3. Cease and desist from renting housing accommodations in Lamokin Village, William Penn Village and Ruth L. Bennett Homes to Negro tenant families until the racial composition of each of said projects reflects the ratio of white to Negro tenant families in all public housing projects under Respondent's supervision, direction and control.
4. Develop and submit to the Pennsylvania Human Relations Commission (at its Regional Office, Room 101, State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania) for its approval, within 60 days of the effective date of this Order, an affirmative action program designed to achieve in Respondent's public housing projects the racial composition as set forth in Paragraphs 2 and 3 above, and upon obtaining said approval, forthwith to effectuate said program. Said plan shall include, but not be limited to, preoccupancy and postoccupancy counseling and the establishment of tenant councils.
5. Inform all applicants and all present tenants of this Final Order.
6. Submit written offers to accommodations in its

public housing projects to all applicants and require all replies thereto to be in writing, maintaining a permanent record of such offers and replies in its files.

7. Report to the Pennsylvania Human Relations Commission, at its regional Office as above set forth, beginning one month from the effective date of this Order, and monthly thereafter until such time as the racial composition in each project, as set forth in items 2 and 3 above, is achieved. Such report to contain information regarding the racial composition of each of its housing projects, as well as a list of all applicants, transfers, assignment and re-assignments of all units in all said projects under its supervision, direction and control by racial identification and reflecting the ratio of Negro and white tenant families as set forth in Paragraphs 2 and 3 above, family size and size of unit requested and assigned, list of vacancies in each project and, thereafter, shall for a further period of two years, make such reports quarterly.

8. Establish objective written standards for the approval of applicants and assignment of units, copies of said standards to be submitted to the Pennsylvania Human Relations Commission (as above set forth) for its approval.

9. Meet with the Chester School District for discussion and drafting of a plan for a priority selection system for the placement of tenants with school-age children in Respondent's housing projects which placement will facilitate the desegregation of the schools of Chester School District and which shall be made to the Pennsylvania Human

Relations Commission (as approval set forth), within 180 days of the effective date of this Order, for its approval, whereupon same shall be forthwith effectuated.

V. SUMMARY EXCEPTION

Respondent reserves the right to submit additional exceptions to any other findings, conclusions, decision or order and to include the same in its brief.

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Attorney for Respondent-Appellant





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**In the Commonwealth Court  
of Pennsylvania**

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No. 506 C.D. 1972

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PENNSYLVANIA HUMAN RELATIONS  
COMMISSION,

*Appellee*

v.

CHESTER HOUSING AUTHORITY,

*Appellant*

---

**BRIEF OF APPELLEE**

---

*Appeal From an Order of the Pennsylvania Human  
Relations Commission at Docket No. H-1395.*

---

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*Counter-Statement of Questions Involved* 1

I. COUNTER-STATEMENT OF QUESTIONS  
INVOLVED

- A. Does Appellee have jurisdiction over Appellant and the subject matter herein?
- B. Does the evidence herein substantially support Appellee's findings of fact and conclusions of law?
- C. Is Appellee's final order proper and enforceable?

## II. COUNTER-HISTORY OF THE CASE

To reflect the history of this case accurately there must be noted that, in accordance with the procedure of the Pennsylvania Human Relations Act, Appellee, after the filing of the complaint herein, made prompt investigation of its allegations. That investigation involved meetings with significant members of Appellant, in-depth probing of its files and interviews with its tenants. As a result, a determination was made that probable cause existed for crediting the allegations of the complaint. Appellee then attempted to eliminate the unlawful discriminatory practice by conferring with and attempting to conciliate and persuade Appellant. When this failed public hearing was ordered.

At the public hearing Appellee presented, through its witnesses and by document, a mass of evidence exhaustively collected (and collated) from Appellant's files and results of interviews in the course of investigation with Appellant's manager, personnel and tenants.

## III. ARGUMENT

### A. APPELLEE HAS JURISDICTION OVER APPELLANT AND THE SUBJECT MATTER HEREIN

Appellant is a "person" as defined by the Pennsylvania Human Relations Act.

"Section 4. *Definitions*. . . .

(a) The term 'person' . . . also includes . . . the Commonwealth of Pennsylvania and all political subdivisions, *authorities* [emphasis supplied] . . . thereof."

(Act of Oct. 27, 1955, P. L. 744, as amended; 43 P.S. Sec. 954 (a).)

Section 5 of the Act declares it to be an unlawful discriminatory practice

" . . .

(h) For any person to:

(1) refuse to . . . lease . . . or otherwise to deny or withhold commercial housing from any person because of the race, color . . . of any prospective . . . occupant or user of such commercial housing. . . ."

(Sup. cit., Sec. 955 (h) (1).)

The term "commercial housing" is defined in Section 4 (j) as meaning:

"... housing accommodations held or offered for . . . rent (2) by the owner himself. . . ."  
(Sup. cit., at Sec. 954 (j).)

At no time in any of the prior proceedings in this case has the jurisdiction of Appellee over Appellant or over the subject matter herein been challenged; it is being raised anew in Appellant's brief before this Court. However, even if this challenge is not improper or unseasonable, it is urged that it is unpersuasive and without merit.

The Act expressly identifies Appellant as within its jurisdiction.

Is the subject matter involved herein, that is, segregation by race in federally-assisted public housing program, within the compass of the Pennsylvania Human Relations Act?

The Pennsylvania Legislature has clearly and loudly proclaimed what it had in mind when it entered the field of eliminating racial discrimination in housing. Consequently, as part of its findings grounding its legislation and declaring its policy, enacted, in Section 2 of the Act, that:

"(a) The practice or policy of discrimination against individuals or groups by reason of their race, color . . . is a matter of concern to the Commonwealth. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the Commonwealth, and undermines the foundations of

a free democratic state. *The denial of equal housing opportunities* [emphasis supplied], because of such discrimination . . . intensifies group conflicts, . . . thereby threatening the peace, health, safety and general welfare of the Commonwealth and its inhabitants."

(Sup. cit. at Sec. 952 (a).)

and

"(b) It is hereby declared to be the public policy of this Commonwealth . . . to safeguard (the) right . . . to secure commercial housing regardless of race, color. . . ."

(Sup. cit. at Sec. 952 (b).)

and further declares:

"(c) This Act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare, prosperity, health and peace of the people of the Commonwealth of Pennsylvania."

(Sup. cit. at Sec. 952 (c).)

Section 3 emphasizes how significant this area is to the legislative branch in the following language:

"Section 3. *Right to Freedom From Discrimination . . . in Housing* . . .

The opportunity for an individual . . . to obtain . . . commercial housing without discrimination because of race, color . . . (is) hereby recognized as and declared to be (a) civil right(s) which shall be enforceable as set forth in this act. . . ."

(Sup. cit. at 43 P.S. Sec. 953).

In characterizing how important this act is held by the legislature, Section 12 contains a further guideline as to how it is to be treated in terms of its enforcement and when any meaning therein might be clouded or where other laws would clash with its provisions:

“(a) The provisions of this act shall be construed liberally for the accomplishment of the purposes thereof, and any law inconsistent with any provisions hereof shall not apply.”  
(Sup. cit. at 43 P.S. Sec. 962 (a) .)

A reading and understanding of the above pertinent provisions leads to the inescapable conclusion that the Legislature has clearly authorized jurisdiction over the person and over the subject matter herein and that the Pennsylvania Housing Authorities Law (Act of May 28, 1957, 35 P.S. Sec. 1541 et seq.) cannot stand (even if, arguendo, it is inconsistent) against the carrying out of the anti-discrimination purposes of the Pennsylvania Human Relations Act as applied to the subject matter in this case.

The charge is made that Appellee has preempted provisions of Federal and State statutes in this field by its action herein. If by preemption is implied as, colloquially, a “take-over” or dealing with something with which it has no business to deal, the answer is clear: there is no preemption here. Appellee is not to interfere with the providing of decent, safe and sanitary dwellings for families of low income; it wishes them provided in a racially nondiscriminatory context.

Further, the action of Appellee is, indeed, consistent with Federal law. The Civil Rights Acts of 1964 (P. L. 88-352; 78 Stat. 241), and 1968 (P. L. 90-284; 82 Stat. 75) and Executive Order No. 11063 (November 24, 1962; 27 F.R. 11527) all prohibit discrimination in connection with federally-assisted housing. Appellant is engaged as owner and operator of such federally-assisted housing.

Pertinent to this matter, the U. S. Department of Housing and Urban Development has drafted a series of regulations designed to effectuate Title VI of the Civil Rights Act of 1964, as follows:

“(a) *General.* No person in the United States shall, on the ground of race, color . . . be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any project to which this Part 1 applies.

(b) *Specific Discrimination Actions Prohibited.* (1) A recipient under any program or activity to which this Part 1 applies, may not, directly or through contractual or other arrangements, on the grounds of race, color . . .

(i) deny a person any house . . . or other benefits (ii) provide any housing . . . or other benefits to a person which are different, or are provided in a different manner from those provided to others under the program or activity.

(iii) subject a person to segregation or separate treatment in any matter related to his receipt of housing.

(iv) restrict a person in any way in access to such housing. . . .”

(24 C.F.R., A Part 1, Sec. 1.4)

That the Federal Government has recognized the jurisdiction of the State in this matter is made clear by the reference in the Civil Rights Act of 1968 which declares that when there is substantial equivalency of the state law to the federal law in the field of delineated discrimination, the Federal Government will defer action on Complaints arising in the locale to that state.

(Sup. cit. at Sec. 8101(c) .)

Such recognition by way of deferral is further reason for bolstering Appellee's contention that its jurisdiction over the subject matter herein is proper and unchallengeable.

It is not enough for Appellant to carry out its duties in conformity to its federal relationship and under that aegis. It must also do so in compliance with the laws of Pennsylvania as administered and enforced by this Commonwealth's chosen agency in the field of racial discrimination in housing in accordance with the Pennsylvania Human Relations Act.

Although nothing in the record is supportive, Appellant asks for judicial recognition that Appellee is not composed of experts on public housing, sociology or civil rights. This request is totally devoid of merit. In point of fact, Appellee (the Commission and its staff) is the expert in those fields as they are involved in questions of discrimination arising as here, from racial factors. Appellee is the selected expert of

the Commonwealth of Pennsylvania in this area of deep legislative concern and the Commonwealth's hand-picked instrument to eliminate the evils flowing from such discrimination.

As to whether Appellee has power of remedy in this case, the Human Relations Act unambiguously grants that power when an unlawful discriminatory practice has been proven to have been engaged in by a party subject to the act. Such party is to be ordered to cease and desist from such practice and Appellee, by Section 9, is

“ . . . to take such affirmative action . . . as in the judgment of the Commission (as) will effectuate the purposes of this Act. . . .”

(Sup. cit. at Sec. 959) .

#### B. SUBSTANTIAL EVIDENCE SUPPORTS APPELLEE'S FINDINGS OF FACT AND CONCLUSIONS OF LAW

Appellee's case was based substantially on testimony of its investigator who, in the course of his investigation, gathered data from Appellant's own records. That testimony disclosed Appellant's failure to integrate its housing accommodations. The uncontrovertible demographic racial composition in Appellant's projects consists of two which are all-Negro, one which is all white and a fourth, now substantially all (but, predictably, soon to be totally) Negro.

Evidence demonstrated Appellant's failure to offer Negroes accommodations in the so-called white project or whites accommodations in the so-called Negro projects. For this Appellee's investigator relied on Appellant's own records and entered and compiled data concerning offers of accommodations to applicants as he found them in these records. Testimony was adduced from the Director of Assisted Programs of the Equal Opportunity Division of the U. S. Department of Housing and Urban Development that, under a management requirement of HUD, offers of accommodations to applicants were to be noted in Applicant's records (N.T. p. 145).

In point of fact, when such notations were made Appellee's investigator duly and carefully recorded them in his compilation. When no such notations were found, that situation was also duly recorded and the investigator testified that he concluded, from the absence of notation, that no offer had been made to that applicant—a wholly warranted and reasonable conclusion.

Appellant infers that it was bound to give priority of accommodation to persons with priority needs and that it was Appellant's clinging to this obligation which made for, or added to, racial imbalance in its projects. Yet, in specific instances illustrating a situation where the applicant qualified because of a need—priority, testimony was adduced showing that Appellant paid no attention to the need criterion but caused a Negro applicant with such need to wait for an opening in a Negro project when, during that wait, the white project had a suitable vacancy. Appellant

also implies that the so-called Negro projects might have had vacancy rates at the time justifying the moving of the Negro applicant there. Appellant's witness's speculation (and it was only that) was laid to rest, it is urged, by her answers confessing ignorance of the reason for such assignment despite the priority criterion and vacancy rate. Nevertheless, Negroes ended up in Negro projects; whites in the white project (N.T. pp. 200-207).

From the above evidence, Appellee properly found and concluded that certain facts existed, certain discriminatory acts were done and law violated.

It is not necessary that the proscribed acts be express and overt because to require such a burden would eviscerate Appellee's mission and the mandate of the statute under which it acts.

The Courts have recognized that racial discrimination is peculiarly difficult to prove as Judge Bordon, of the Superior Court of Connecticut, indicated:

“Racial prejudice or discrimination is intangible and elusive and can be established only through inference. It is not a packaged item which carries a label describing its contents, which may be exposed to public view by analysis. It is essentially subjective in character, with its roots and symptoms buried within the recesses of heart and mind. One who indulges in discrimination does not shout it from the housetops. He does not make a public announcement expressly stating his attitudes or objections. In fact, he conceals his true feelings by publicly announcing contrary views. All too



frequently persons publicly announce abhorrence of racial prejudice while privately practicing it. For this reason, in this type of proceeding, greater latitude is accorded a tribunal to draw inferences from words or deeds than in cases where overt acts need to be established."

*(International Brotherhood vs. Comm. on Civil Rights, 18 Conn. Supp. 125, at p. 130.)*

Appellant urges that Appellee's inferential conclusion from its own data, kept imprecisely, is unwarranted and of little probative value in demonstrating that Appellant was properly making tenant assignments.

In *Banks vs. Perk*, Chief Judge Battisti stated that in:

"Any action or inaction [emphasis supplied] overt, subtle or concealed which perpetuates or reasonably could perpetuate discrimination, especially in public housing [emphasis supplied], cannot be tolerated."

(U.S.D.C. of Ohio (E.D.), decided May 2, 1972, and reported in E.O.H., Vol. 1, Sec. 13, 536, at pp. 13, 611.)

It is denied that the presiding chairman of the hearing panel in this matter was, or indicated by his conduct herein that he was biased. To conclude because the chairman personally interrogated a witness that such conduct was biased and improper is to ignore that an important function of the hearing commission is to evoke all relevant information to aid in its recommendation to the full commission.

### C. APPELLEE'S FINAL ORDER IS PROPER AND ENFORCEABLE

Although Appellant might have been operating under tenant selection and assignment procedures authorized by HUD (and evidence herein has previously shown that it was not), it is urged that conforming to such procedures does not absolve Appellant from its duty to refrain from engaging in acts of racial discrimination under the Pennsylvania Human Relations Act. If the purpose of HUD procedures was to eliminate discrimination, it failed of that purpose. This was the testimony out of the mouth of the HUD official, qualified as an expert on this point (N.T. p. 141). The very authority behind which Appellant hides to justify its present procedures raises no objection to the adoption of policies which will truly minimize racial discrimination—the very purpose of that authority's insisting on a policy in that regard in the first place.

Appellant misconceives the thrust of Appellee's final order by unnecessarily reducing it to an absurdity. A reasonable reading and rendering of the full final order indicates a view other than Appellant's strained interpretation. There is no intention to force retention of vacant apartments nor is there any intention to deprive qualified applicants of any race of housing accommodations in the projects.

Paragraphs 2 and 3 of the final order spell out and prohibit the consequences flowing out of its Paragraph 1 proscribing the tenant selection and assignment procedures that led to the illegal discriminatory practice in this case.

The significantly operative section of the order is contained in its Paragraph 4 that mandates Appellant to develop and submit a plan to achieve racial balance in its projects. The language in Paragraph 4 is clearly cast in terms inviting Appellant's proposals which, obviously, will be concerned with the means, manner and method of achieving the required racial composition as well as a concern for the economic viability of its operation. The pre- and post-occupancy counseling to be provided in such plan is relevant to indicate a sensitivity to Appellant's expressed fear that tenant's choices will lead to resegregation.

Appellee, in line with its attitude of pliancy and sensitivity, directed Appellant's use by it of other agencies' consultative services—of those agencies endowed with the precise expertise in solution of Appellant's problem.

Although not in the record, it may be noted that HUD has, since the date of this case, directed all housing authorities in the Commonwealth to implement plans ending racial discrimination in public housing and it has made available funds for voluntary transfers possibly arising from such implementation.

The relative difficulty (as Appellant deems it) of complying with Paragraph 6 of Appellee's final order is no excuse for not performing thereunder or for rejecting it. HUD requires offers to be made and replies obtained. There is no doubt that Appellant did not so conform in the past as disclosed by the evidence herein. In this regard, in the least, Appellant's activity can be characterized as slipshod, inef-

ficient; at worse, a way to conceal its discrimination. Paragraph 6 requires a conformation to HUD procedures: an orderly, written system of offers and rejections to be maintained. This is certainly a reasonable prescription for the ill of the present arbitrary, hit-and-miss non-system. How else will a monitoring of Appellant's procedures be possible? How else can there be a measurement of whether Appellant is employing nondiscriminatory priority-sensitive tenant selection and assignment procedures?

Paragraph 10 of the order is a reasonable requirement in response to the finding by Appellee that Appellant's acts of discrimination add to another ill prescribed by the Human Relations Act: racial segregation in the public schools in the City where Appellant's projects are located. The finding from which this portion of the order emanated is based on knowledgeable testimony that a better racial balance in the projects would mitigate the racial imbalance in the public schools and, in addition, lessen the resort to busing. The order calls for Appellant's meeting with the local school district and the drafting of a plan that would dovetail with efforts to achieve school desegregation. There is no evidence whatsoever in the record that such a plan could not be interrelated with the other criteria to which Appellant must conform.

Appellee, indeed, has neither desired nor intended to slow down efforts to remedy acute housing shortages for low income families. Though this is not to say that such expression may imply sanction to segregation, intentionally and deliberate or unintentionally and unplanned. Appellee must exercise its legislative

mandate, albeit in connection with national housing policy, to see to it that such policy—salutary that it may be—is executed by Appellant without violating the law of the Commonwealth of Pennsylvania in regard to racial discrimination. Is there any doubt that HUD, under whose aegis Appellant functions and by whom it is funded, would sanction any other course?

It is urged that Appellee's final order, in general, is within Appellee's power as expressed in Section 9 of the Act and that, specifically, all portions of that order, in Appellee's judgment, effectuate the purpose of the Act in this context: to eliminate discrimination in Appellant's housing projects.

#### IV. CONCLUSION

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Appellant's public housing projects are now segregated by race. Along with the purpose to provide decent, safe, sanitary housing for low income families, the law must not sanction (nor does it) the setting up of racial housing enclaves. Appellant may not stand idly by, taking refuge behind its patron's alleged procedures (to which, in any event, it did not conform) or behind implied or expressed desires of members of one race to live segregated from members of another. Appellee, in execution of its proper role in the Commonwealth of Pennsylvania, must take those measures which will eliminate Appellant's practice and pattern in tenant selection and assignment in its projects.

Appellee, based on proper and substantial evidence at the public hearing, found that Appellant's practices amounted to unlawful acts of discrimination and, by its final order, selected proper means and methods to effectuate the elimination of such discriminatory practices.

Therefore, it is urged that Your Honorable Court should dismiss Appellant's exceptions and uphold Appellee's findings of fact, conclusions of law and final order.

Respectfully submitted,

STANTON W. KRATZOK

*Counsel for Pennsylvania Human Relations Commission*

J. SHANE CREAMER

*Attorney General*

*Attorneys for Appellee*

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**In the Supreme Court of the  
United States**

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October Term, 1974  
No. 74-

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CHESTER HOUSING AUTHORITY,  
*Petitioner*

v.

PENNSYLVANIA HUMAN RELATIONS  
COMMISSION,  
*Respondent*

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**BRIEF IN OPPOSITION TO PETITION FOR A  
WRIT OF CERTIORARI TO THE SUPREME  
COURT OF PENNSYLVANIA**

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SANFORD KAHN,  
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Pennsylvania Human Relations  
Commission,  
100 North Cameron Street,  
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STATUTE:

Pennsylvania Human Relations Act:

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QUESTIONS PRESENTED

I. Where the state agency which enforces the state law prohibiting housing discrimination has found after a hearing that the projects of a public housing authority are virtually totally segregated by race and has found that the authority employs tenant assignment practices which require such segregation, may the agency enter an order requiring the authority to take affirmative action designed to cause the desegregation of the projects by achieving in each of the four housing projects the same racial composition that exists throughout all the authority's projects? *(Answered in the affirmative by the Supreme Court of Pennsylvania.)*

II. Does the order of the Pennsylvania Human Relations Commission violate or conflict with the housing policy of the United States? *(Answered in the negative by the Supreme Court of Pennsylvania.)*

STATEMENT OF THE CASE

Respondent, Pennsylvania Human Relations Commission ("The Commission") is the agency established under the Pennsylvania Human Relations Act to enforce the provisions of the Act against, inter alia, discrimination in housing because of race. 42 P.S. §951 et seq.

On May 1, 1970, the Commission initiated a complaint against the Petitioner ("CHA") charging it with maintaining housing projects "which are segregated by the race of the tenants therein".

The Commission conducted an investigation and determined that there was probable cause to credit the allegation of the complaint. The Commission endeavored to eliminate the unlawful discriminatory practices complained of by conciliation, but this endeavor failed. Thereupon, the Commission conducted a public hearing on this complaint on August 5, 1971.

The Commission established that the racial composition of CHA's four projects was as follows:

|                          | <i>White Tenants</i> | <i>Black Tenants</i> |
|--------------------------|----------------------|----------------------|
| Lamokin Village          | 0                    | 346                  |
| McCaffery Village        | 347                  | 0                    |
| Ruth L. Bennett<br>Homes | 0                    | 385                  |
| William Penn Village     | 20                   | 257                  |
|                          | (A. 6)               |                      |

At the hearing, the Commission established, from a random sample of tenants, seventeen incidents of racial discrimination on the part of CHA in the leasing of apartments, each showing that when a Black prospective tenant applied he would be denied housing until a vacancy arose in a "Black" project even though one existed in the "White" project, or that conversely a White prospective tenant would be kept waiting until a vacancy arose in the "White" project (A. 3).

CHA's primary defense at the hearing was that it followed and was bound by the tenant selection procedure of the Department of Housing and Urban Development.

William Cousins, Director of Assisted Programs in the Equal Opportunity Division in the Philadelphia Regional Office of H.U.D., testified that housing authorities are required to comply with all State laws, including the Pennsylvania Human Relations Act (143a of Record below). He testified that the purpose of the Tenant Selection Plan was to bring about a policy of nondiscrimination and that the goals of the plan had not been met in Chester (148a below).

The Commonwealth Court found that CHA did not adhere to the H.U.D. plan (A. 32). The Supreme Court of Pennsylvania reiterated the Commonwealth Court's position on this point while noting that since CHA had not appealed from the Commonwealth Court decision on this point it was bound by it (A. 18).

On April 24, 1972, the Commission issued its decision, finding that CHA had maintained the projects

as segregated by race and had by this practice aided and abetted segregation of the students of the public schools of the City of Chester, in violation of Section 5(h) (1) and 5(e) of the Pennsylvania Human Relations Act. Accompanying the decision was the Commission's final order, consisting of ten (10) provisions (A. 45-47), which ordered CHA to cease and desist from employing its present tenant assignment procedure and to take specified affirmative action which in the judgment of the Commission would effectuate the purposes of the Pennsylvania Human Relations Act.

CHA appealed to the Commonwealth Court which found that the Commission's Findings of Fact Nos. 9 and 10 were not supported by substantial evidence and thus struck down those provisions of the final order "implementing a far-reaching desegregation plan," not because those provisions of the order were "unenforceable" but because they were "unwarranted because of the absence of evidence to support the Order" (A. 35).

On September 4, 1973, the Supreme Court of Pennsylvania granted the Commission's petition for allowance of appeal. On October 16, 1974, the Supreme Court filed its decision reinstating those portions of the Commission's order stricken by the Commonwealth Court and affirmed that Court's order as so modified.

On November 25, 1974, CHA filed a petition for leave to file a petition for rehearing and for an extension of time therefor. The grounds raised in its petition were essentially those contained in its petition

for writ of certiorari to this Court. The Commission filed an answer in opposition to the petition for rehearing to which it attached a copy of a letter of December 2, 1974 which it had received from William Hall, Regional Counsel. A copy is attached hereto as Exhibit A. In the letter, Mr. Hall reminded CHA that when the Commission first issued its order H.U.D. had advised CHA to revise its tenant assignment policy so as to conform with the Commission order. Mr. Hall renewed that advice and suggested that CHA comply with the Commission order forthwith.

Attached hereto as Exhibit B is a letter from Mr. Hall of January 13, 1975 replying to a letter from the previous counsel of CHA. This letter reiterates H.U.D.'s position that the Commission order is consonant with the housing policy of the United States. Attached hereto as Exhibit C is the memorandum from H.U.D. Assistant Secretary for Equal Opportunity, Gloria E. A. Toote, which Mr. Hall attached to his letter, in which Secretary Toote approved a consent order with provisions comparable to those to which CHA now objects.



## ARGUMENT

### I. The Commission May Enter an Order Requiring a Segregated Housing Authority To Take Affirmative Action To Desegregate Its Projects

The housing projects of CHA are indisputably segregated by race and, although the Pennsylvania Supreme Court rested its decision on the existence of de facto segregation, the record is clear and is contradicted that CHA employed tenant assignment practices so as to deliberately and rigidly maintain de facto segregation. Even without this additional flagrant factor of deliberate segregation, it is well established in law that a public housing authority may not even utilize practices which will have the effect of creating or perpetuating segregation. See *Shannon v. United States Department of Housing and Urban Development*, 456 F. 2d 809 (3rd Cir. 1970), and *Otero v. New York Housing Authority*, 484 F. 2d 1122 (2d Cir. 1973).

Not only are such practices unlawful and thus enjoined, but a public housing authority has a constitutional (as well as statutory) duty to act affirmatively to integrate its projects and to "erase the effects of past discrimination." *Otero v. New York Housing Authority*, supra.

In *Pennsylvania Human Relations Commission v. Chester School District*, 427 Pa. 157, 233 A. 2d 290

(1967), the Pennsylvania Supreme Court held that the Pennsylvania Human Relations Act reached the problem of de facto school segregation and upheld an extensive Commission order designed to desegregate the public schools.

In its opinion in the instant case, the Pennsylvania Supreme Court noted that:

"In Chester School District, we reasoned that racial imbalance triggered the Commission's authority under the Human Relations Act to order affirmative action because to hold otherwise would ignore 'completely the Legislative conclusion that racial segregation in public schools, whatever its source threatens the peace, health, safety and general welfare of the Commonwealth and its inhabitants.' 427 Pa. at 170, 233 A. 2d at 297. Today we reach a similar conclusion with respect to racial imbalance in housing covered by the Act." (A. 9)

Having recognized the Commission authority and duty to order affirmative action to achieve desegregation, the Court below turned to the specific provisions of the Commission's final order here under attack and reiterated its holding in *Balsbaugh v. Rowland*, 447 Pa. 423, 290 A. 2d 85 (1972) that "racial consciousness is appropriate in fashioning a remedy once unlawful discrimination has been found to exist" (A. 22).

"Just as the race of students must be considered in determining whether a constitutional violation has occurred, so also must race be considered in formulating a remedy." *Id.* at 437-

38, 290 A. 2d at 93. (*North Carolina Board of Education v. Swann*, 408 U.S. 43, 46, 91 S. Ct. 1284, 1286 (1971)).

The Court below also quoted from *Louisiana v. United States*, 380 U.S. 145, 85 S. Ct. 817 (1965):

"We bear in mind that the Court has not merely the power but the duty to render a decree which will so far as possible eliminate the discriminatory effects of the past as well as bar like discrimination in the future." *Id.* at 154, 85 S. Ct. at 822.

In the light of the foregoing legal framework, the Court below applied the test it set forth in *Pennsylvania Human Relations Commission v. Alto Reste Park Cemetery Association*, 453 Pa. 124, 134, 306 A. 2d 881, 887 (1973) (adopting standard enunciated in *Fibreboard Paper Products Corp. v. NLRB*, 379 U.S. 203, 216, 85 S. Ct. 398, 406-07 (1965)), in reviewing Commission final orders—"whether the Commission's Final Order is a patent attempt to achieve ends other than those that can fairly be said to effectuate the policies of the Human Relations Act"—and found that the provisions of the order under attack were not such an attempt.

Section 9 of the Pennsylvania Human Relations Act empowers the Commission to enter a remedial order after a finding of unlawful discrimination:

If, upon all the evidence at the hearing, the Commission shall find that a respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this act, the Commission shall state its findings of fact, and

shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such discriminatory practice and to take such affirmative action including but not limited to hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, or selling or leasing specified commercial housing upon such equal terms and conditions and with such equal facilities, services and privileges or lending money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of commercial housing, upon such equal terms and conditions to any person discriminated against or all persons as, in the judgment of the Commission, will effectuate the purposes of this act, and including a requirement for report of the manner of compliance.

The Commission considered the result of CHA's unlawful discriminatory practices—a virtually, totally segregated public housing authority and a similarly segregated public school system—and all the attendant evils that were the consequences of such segregation—and concluded that the appropriate remedy would be to order CHA to adopt the one tenant assignment procedure which without requiring the involuntary transfer of current tenants would most expeditiously achieve optimum desegregation of the projects.

The Court below specifically rejected CHA's argument now being raised anew that paragraphs two

(2) and three (3) of the Commission's final order unconstitutionally discriminated against Blacks.

Because the Commission's Final Order seeks to make the racial composition in each housing project correspond to the ratio of Whites to Blacks for all projects administered by the authority, it does not appear that either Blacks or Whites as groups will be favored or disadvantaged in their quest for public housing, to any greater extent than they are presently. (A. 21)

In saying this, the Court below may have recognized the irony in the CHA, which followed a long-time policy of refusing housing accommodations to eligible public housing tenants because of their race, requiring Black applicants to wait for vacancies in "Black" projects, now complaining of the possible short-term consequences for Blacks of the Commission Order designed to expeditiously undo the effects of the unlawful policy. The underlying values encompassed in the Commission Order are well articulated by the Court in *Otero v. New York Housing Authority*, 484 F. 2d 1122 (2d Cir. 1975). In that case, the former site tenants who were mostly non-White were denied apartments in a new public housing project because the 171 apartments had been committed to others who were mostly White. The non-Whites who were denied housing sued the New York Housing Authority and H.U.D., which defended on the ground that to grant priority to the former site occupants would violate its constitutional and statutory duty to prevent racial imbalance in the project and the surrounding community. The *Otero* Court said:

"An additional source of the affirmative duty to integrate is found in the 1968 Fair Housing Act. . . . Judge Lasker [the Trial Judge] recognized these mandates. However, he further concluded that because the primary intention of the Act's sponsors was to benefit minority groups, the affirmative duty to integrate public housing should not be given effect where it would deprive such groups of available and desirable housing. We disagree. Such a rule of thumb gives too little weight to Congress' desire to prevent desegregated housing patterns and the ills which attend them. To allow housing officials to make decisions having the long-range effect of increasing or maintaining racially segregated housing patterns merely because minority groups will gain an immediate benefit would render such persons willing, and perhaps unwitting, partners in the trend toward ghettoization of our urban centers. . . . The affirmative duty to consider the impact of publicly-assisted housing programs on racial concentration and to act affirmatively to promote the policy of fair integrated housing is not to be put aside whenever racial minorities are willing to accept segregated housing. The purpose of racial integration is to benefit the community as a whole, not just certain of its members." *Id.* 1133, 1134.

Many court decisions, of course, have had the short-term effect of denying needed housing to Blacks when such housing would have adversely impacted upon integration. See e.g. *Shannon v. United States Department of Housing and Urban Develop-*

*ment*, 436 F. 2d 809 (3rd Cir. 1970), and *Gautreaux v. Romney*, 448 F. 2d 731 (7th Cir. 1971).

Having indicated the above policy and legal considerations for its final order, the Commission calls the Court's attention to paragraph 4 of its final order which reads:

"Shall develop and submit to the Pennsylvania Human Relations Commission (at its Regional Office, Room 101, State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania) for its approval, within 60 days of the effective date of this Order, an affirmative action program designed to achieve in Respondent's public housing projects the racial composition as set forth in Paragraphs 2 and 3 above, and upon obtaining said approval, forthwith to effectuate said program. Said plan shall include, but not be limited to preoccupancy and post-occupancy counseling and the establishment of tenants' councils."

It is the clear intent of this provision, and the Commission so states, that the provisions of Paragraphs 2 and 3 are not inflexible and that the Paragraph 4 contemplates and the Commission would favorably consider a comprehensive plan from CHA which while making every good faith effort to achieve desegregation as expeditiously as possible, would take account of emergency needs of applicants and would minimize to every extent possible vacancies.

## II. The Final Order of the Commission Is Consistent With and in Furtherance of the Housing Policy of the United States

The Department of Housing and Urban Development, the agency of the Executive Branch with prime responsibility to implement the housing policy of the United States, has consistently supported the Commission's final order and advised CHA to comply with it. (See attached exhibits A, B, and C.)

And Federal Courts have consistently held that the housing policy of the United States imposes an affirmative duty on all public agencies to actively promote integration in carrying on their activities. See e.g. *Otero v. New York Housing Authority*, supra, at 1134, and *Shannon v. United States Department of Housing and Urban Development*, supra, where the Third Circuit held that where H.U.D. approved a change to a plan which contemplated rental dwellings with rent supplement assistance and without an inquiry into the effect of the change on the type of housing or the racial concentration in the renewal area or the city as a whole, it was not in compliance with the 1949 Housing Act or the 1964 and 1968 Civil Rights Acts. At 821.

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 CONCLUSION

For all the foregoing reasons, Respondent Pennsylvania Human Relations Commission respectfully submits that this Court should deny this petition for a writ of certiorari to review the decision of the Supreme Court of Pennsylvania.

Respectfully submitted,

SANFORD KAHN

*General Counsel*

Pennsylvania Human Relations Commission  
 100 North Cameron Street  
 Harrisburg, Penna. 17101

ROY YAFFE

*Assistant General Counsel*

Philadelphia Regional Office

Room 711—State Office Building

1400 Spring Garden Street  
 Philadelphia, Penna. 19130

*Attorneys for Respondent*

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 EXHIBIT A

305

DEC 2 1974

Mr. Ernest Trosino  
 Executive Director  
 Chester Housing Authority  
 Six West Sixth Street  
 Chester, Pennsylvania 19016

Dear Mr. Trosino:

Subject: Petition for Reargument before the Supreme Court of Pennsylvania in the case of *Pennsylvania Human Relations Commission v. The Chester Housing Authority*, No. 41 January Term, 1974

I call to your attention the provisions of HUD Handbook 1530.2A, Chapter 1, Section 5.o. at page 3, copy attached, which prohibits the appeal from an adverse judgment without the prior concurrence of the Department. Although this procedure has not been followed in this case, this office has secured a copy of the Petition for Reargument and reviewed it. As a result of our review and inasmuch as the Supreme Court of Pennsylvania has upheld the Pennsylvania Human Relations Commission Final Order, we do not and cannot concur in your filing of the Petition for Reargument and the reasons stated in support thereof.

I have discussed this matter with Wagner D. Jackson, Assistant Regional Administrator for Equal Op-

portunity who concurs with our decision with regard to the Petition for Reargument. In addition, he reminded me of his letter to your Authority dated February 8, 1972, copy attached, which advised your Authority to revise your present HUD approved Tenant Selection and Assignment Policy and submit for HUD approval a new Tenant Selection and Assignment Policy consistent with the Commission's Order. We renew that advice and suggest that compliance with the advice given in the February 8, 1972 letter be made forthwith.

Sincerely,

(Sgd) William F. Hall, Jr.

William F. Hall, Jr.  
Regional Counsel  
Attachments—2

EXHIBIT B

JAN 15 1975

DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT  
REGIONAL OFFICE

Curtis Building, Sixth and Walnut Streets  
Philadelphia, Pennsylvania 19106

January 13, 1975

Region III

In reply refer to: 3 GE

Francis G. Peleggi, Esquire  
Peleggi and Desmond  
115 E. Fifth Street  
Chester, Pennsylvania 19013

Dear Mr. Peleggi:

Subject: *Pennsylvania Human Relations Commission v. Chester Housing Authority*, Supreme Court of Pennsylvania, No. 41 January Term, 1974

This letter responds to your letter dated November 29, 1974 in which you request my comment on the Pennsylvania Supreme Court decision in the above-cited case.

The Department's position in regard to this case has remained consistent since prior to the Final Order of the Pennsylvania Human Relations Commission of April 24, 1972. That position has been and remains one of full support of the letter and spirit of that order as recently upheld by the Pennsylvania Supreme Court.

While the Board's expression of concern in regard to the large waiting list of Black public housing applicants is understandable, a tenant selection procedure consonant with the Supreme Court Order need not run counter to any policies regarding the housing of applicant-families. The Department has approved and supported Tenant Selection and Assignment procedures which responded to similar orders of the Pennsylvania Human Relations Commission, most recently in the City of McKeesport. Enclosed is a copy of a memorandum from HUD Assistant Secretary for Equal Opportunity, Gloria E. A. Toote, to that effect.

If Chester Towers is the model of integration that you suggest it is, it would seem to me appropriate that you bring that matter to the attention of the Commission. Consideration of the Chester Towers situation would not have influenced our decision not to support the filing of a Petition for Reargument or justified a shift in Department policy from one of support for the Commission's order.

Sincerely,  
(Sgd) William F. Hall, Jr.

William F. Hall, Jr.  
Regional Counsel  
Enclosure

cc:  
Homer C. Floyd, Executive Director  
Pennsylvania Human Relations Commission  
Harold Cramer, Esquire

## EXHIBIT C

## Date:

In reply refer to:

To: Theodore R. Robb, Regional Administrator, Region III, 3S

Attention: Wagner D. Jackson, Assistant Regional Administrator for Equal Opportunity, 3E

From: Gloria E. A. Toote, Equal Opportunity, E  
Subject: Request for Approval of Revised Mercer County and McKeesport, Pennsylvania, Housing Authorities—Tenant Selection and Assignment Plans

By memorandum, the Assistant Regional Administrator for Equal Opportunity (Region III), requested our approval of a Consent Agreement dated August 27, 1973, between the Mercer County Housing Authority and the Pennsylvania State Human Relations Commission as a revised Tenant Selection and Assignment Plan. By memorandum of January 23, 1974, the Assistant Regional Administrator for Equal Opportunity requested our approval of the Housing Authority of the City of McKeesport's request for an exception to their HUD-approved Tenant Selection and Assignment Plan to comply with the provisions of the Consent Agreement between the McKeesport LHA and the Pennsylvania Commission, dated January 30, 1971 (as amended June 26, 1972).

The Consent Agreements, signed by the Mercer County Housing Authority and McKeesport Housing

Authority with the Pennsylvania Human Relations Commission, contain certain stipulations and agreements which, as implemented, require material modification of the LHAs' HUD-approved Tenant Selection and Assignment procedures. The LHAs must assign new black applicants to predominantly white projects until the projects achieve an approved standard of integration. The LHAs must assign new majority tenants to predominantly minority projects until the projects achieve an approved standard of integration. Lateral transfers of existing tenants are allowed so long as such transfers are in accordance with this standard. Costs and expenses for lateral transfers shall be paid by the LHAs. The LHAs must adopt HUD Tenant Selection Plan A (one choice) until such time as the tenancy in all projects reaches the approved standard of integration.

We have reviewed the Consent Agreements which, in effect, establish Tenant Selection and Assignment Plans in substitution for the HUD-approved Plans. In accordance with Section 1.4(b)(2)(iii) of the Title VI regulations which provides that the responsible Department official is authorized to prescribe and promulgate plans, exceptions, procedures and requirements of eligible applicants and tenants and the May 13, 1971, Delegation of Authority relating to the carrying out of the requirements of Title VI, we hereby approve the Tenant Selection Plans of the McKeesport and Mercer County LHAs as modified by the Consent Agreements herein above described.

The LHAs should be informed that costs and expenses incurred during the process of lateral trans-

fer of tenants in accordance with the Consent Decrees may be borne by them and shall be considered approved operating expenses by the Department. Such expenses have been sanctioned in the past with respect to the Harrisburg, Johnstown and Chester Housing Authorities. In this regard, it is important to note that the Department is limited in its payments of operating subsidies to LHAs to amounts determined pursuant to a formula which does not include the capacity for increasing subsidy payments resulting from this kind of expense.

The results of the revised Plans should be carefully monitored by the Regional Office of Equal Opportunity to determine if these Plans are insuring compliance with the requirements of Title VI or if alternative or additional methods of selection and assignment are necessary to insure compliance with Title VI.

Gloria E. A. Toote  
Assistant Secretary