

**UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF LOUISIANA**

YOLANDA ANDERSON, et al.,)	
)	
)	
Plaintiffs,)	CIVIL ACTION NO. 06-3298
)	
v.)	SECTION "B"
)	JUDGE LEMELLE
ALPHONSO JACKSON, et al.,)	
)	
)	MAGISTRATE 5
Defendants.)	MAG. CHASEZ

DECLARATION OF ROBERT R. ELLIOTT

I, Robert R. Elliott, declare as follows:

1. I reside at 698 Highway 30, Basin, Wyoming 82410.
2. From 1974 to 1977, I served as the General Counsel of the United States Department of Housing and Urban Development by appointment of President Nixon with the consent of the United States Senate.
3. During my tenure as General Counsel of HUD I oversaw the original implementation of the Community Development Block Grant Program, the Section 8 Housing Program, RESPA and other programs. I also was responsible for the legal implementation of the "operating subsidy" of all conventional public housing.
4. In the course of my duties, I settled a "tenant strike" in a large conventional public housing development in Newark, New Jersey and handled many other public housing issues and litigation.
5. In the course of my duties as General Counsel of HUD I handled about 5,000 civil suits, and among them I settled the *Gautreaux* suit after the Supreme Court issued a unanimous decision that the Federal government could be enjoined to relocate into other jurisdictions (in that case from central Chicago into the predominately white Chicago suburbs) minority conventional public housing tenants who had suffered illegal discrimination. The settlement continued to be implemented annually for, to the best of my knowledge about 25 or 30 years. I obtained the

approval of the settlement I negotiated with the Chicago plaintiffs, by Philip Buchen, White House Counsel, on behalf of President Gerald Ford.

6. For several years I served as a member of the Board of Directors of the Federal National Mortgage Association ("Fannie Mae").
7. For many years I was a member of the Board of the National Committee Against Discrimination in Housing.
8. I practiced law in housing-related matters for 35 years.
9. In 1980 I served as the transition liaison for President-elect Ronald Reagan with respect to the thrift and savings and loan industry and its corresponding secondary mortgage market entity, the Federal Home Loan Mortgage Corporation ("Freddie Mac") which two other professionals and I had launched in 1969-1971.
10. Because I have been concerned that valuable housing stock in New Orleans would not be preserved and used, given the critical need for housing there, I traveled to New Orleans from January 14 to 17, 2007 and met with various community leaders and civil rights advocates.
11. I accompanied those who assembled outside the St. Bernard housing development on January 15, 2007 (Martin Luther King Day). The initial assembly and march down the public streets was in the presence of the New Orleans Police and housing authority Police, who were friendly and simply observed. The entire process was peaceful, as were the subsequent hours until I left in early evening after dark.
12. I personally observed that present were several automobiles of the Police of the Housing Authority of New Orleans ("HANO"), as well as Police of New Orleans and National Guards (together the "Police/National Guards"). I spoke to members of all three.
13. I was present from about 11 a.m. until about 7 p.m. I had a rental car and at times drove down all the streets through and surrounding the St. Bernard development to see what was going on everywhere. I witnessed exactly what happened.

14. With respect to everything I observed throughout the day on January 15, 2007:
- a. The Police/National Guard at no time asked anyone not to enter the housing.
 - b. On one occasions a Police officer of HANO in my presence opened a locked gate to allow entry. The locked gate was at a driveway into the northwest quadrant of the four sections that constitute the St. Bernard housing development.
 - c. The St. Bernard development consists of four sections divided by public streets. At 11:30 a.m. I walked the entire perimeter of all four sections and found that there were multiple places where pedestrians could enter. Three HANO Police cars continuously drove all of the public streets in and around the St. Bernard development from at least 11 a.m. to about noon and could plainly see the entry points that I observed. Each section had multiple open places in the fence, and some gates were not locked.
 - d. I personally observed that the Police/National Guards did not lock up the property. To the best of my knowledge, they did nothing at all to close the open entry points, including openings in the chain link fence.
 - e. At no time did any of the Police/National Guards demand that anyone leave the St. Bernard housing development to the best of my knowledge.
 - f. At no time did any of the Police/National Guards pose any objection to the cleaning out of damp and ruined personal belongings from various apartments.
 - g. The tenants and many volunteers cleaned the interiors of some apartments. They unscrewed bolts to remove some window covers for light and ventilation. There was no vandalism. The destroyed personal property of tenants was placed outside the buildings as trash, in piles.
 - h. The Police/National Guards had handcuffs and the like, and could have made arrests if they had chosen to do so. They to my knowledge never made any arrests. To the best of my knowledge, they never made any

attempts to make any arrests, nor did they ever ask any of the tenants and the volunteers helping the tenants to leave.

15. On the next day, Tuesday, January 16, 2007, I returned to St. Bernard for several hours from about 11 am to 2:15 pm. I spoke with many tenants and volunteers. I visited apartments being cleaned out. To my knowledge HANO permitted the tenants on that day to enter the property and be there, and posed no objections to their activity or presence on that day.
16. The tenants were cleaning apartments with volunteers in a very orderly and thoughtful manner, including removal of dirt, mopping, removal of loose floor tiles, removal of damp and damaged or destroyed personal property to the outdoors, opening of windows for ventilation and other cleaning activities. I saw absolutely no illegal activity.
17. I have extensive expertise in the renovation of buildings. I am currently personally carrying out the construction through over a dozen contractors of several million dollars of residential multifamily housing renovations in Washington, D.C.
18. I examined housing units in all of the following four public housing projects: St. Bernard, Lafitte, B.W. Cooper, and C.J. Peete. I found them to be very capable of renovation at far less cost than new construction. I also found them to be capable of being put back in service in a short period of time.
19. The construction using concrete walls in the interior instead of "studs" and drywall means that there is far less renovation required to eliminate mold and create safe, decent and sanitary housing.
20. It is also apparent that due to the strength of construction, the buildings of the four developments withstood the winds of Hurricane Katrina far better than "stick built" homes in the area. Such structures were often structurally wind damaged, and the interiors are much more difficult to reconstruct due to mold behind drywall and under wood floors.
21. It is also apparent that HANO is allowing unnecessary damage to occur to the buildings by leaving them exposed to rain when at very low cost they could be secured pending renovation.

I declare under penalty of perjury, and pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on January 24, 2007



ROBERT R. ELLIOTT