

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

PROTECT OUR PARKS, INC., *et al.*

Plaintiffs,

v.

PETE BUTTIGIEG, SECRETARY OF THE U.S.
DEPARTMENT OF TRANSPORTATION, *et al.*

Defendants.

No. 1:21-CV-02006

Judge John Robert Blakey

**BRIEF OF *AMICI CURIAE* CIVIC GROUPS IN OPPOSITION TO
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

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INTEREST OF THE *AMICI CURIAE*¹

Amici curiae Civic Groups are three long-standing and leading Chicago organizations in their respective non-profit fields: the Civic Committee of the Commercial Club of Chicago (“Civic Committee”) is one of the city’s foremost non-profits focused on the business community; the Chicago Urban League (“Urban League”) is among the city’s preeminent non-profits focused on its Black residents; and the Chicago Community Trust (“Community Trust”) (together, “Civic Groups”) is one of the city’s foremost non-profits in the philanthropic sector. Collectively, the Civic Groups have been acting in their leadership roles for over 350 years. As long-standing Chicago non-profit organizations, each of the Civic Groups has contributed to the city’s progress for over a century. They serve as critical repositories of experience and expertise in community development.

The Civic Committee traces its origins to the Commercial Club of Chicago and the late nineteenth century. In 1877, seventeen local business leaders formed the Commercial Club in the belief that Chicago needed a strong civic force to guide its development. In 1909, the Commercial Club underwrote the *Plan of Chicago*, which was authored by architect Daniel Burnham and resulted in the lakefront parks, museums, and most of Chicago’s rail and highway connections. The Commercial Club formed the Civic Committee in order to spur economic growth in the Chicago area. The Civic Committee has worked with private sector leaders, public officials, community figures, and other civic organizations on initiatives to make Chicago a better place to live, work, and do business.

¹ No party or counsel for a party authored this brief in whole or in part, and no person or entity other than *amici curiae* and their counsel made a monetary contribution to fund the preparation or submission of this brief. We note that Craig C. Martin, pro bono counsel, is a member of the Civic Committee, the Commercial Club and a member of the board of directors of the Urban League.

Formed in 1916, the Urban League has been a leading advocate for Chicago's Black population for over a century. In the early 1900s, the Urban League assisted the needs of Black migrants arriving to Chicago, and, in the 1960s, it played a key role in Chicago's progress during the civil rights movement. Through its corporate and civic relationships, the Urban League now focuses on expanding educational and economic opportunities in Chicago, particularly among its Black residents.

Since its founding in 1915, the Community Trust has been a philanthropic pillar of Chicago. In the course of its long history, the Community Trust has focused on a wide range of challenges in the city, such as food security and affordable housing. Among its prior initiatives, the Community Trust helped Chicagoans recover from both the Great Depression and the Great Recession. Today, the organization unites donors, non-profits, and residents to effect lasting change in the Chicago region. In addition to making grants and investments, the Community Trust partners with businesses, civic institutions, and other non-profits to improve the lives of Chicagoans.

Although the Civic Groups may focus on varied aspects of Chicago, they share common goals for the city. Each of these Civic Groups has had a historic dedication to Chicago's social and economic success. The Civic Groups' missions have also focused on enhancing educational opportunities across the city. In all that they do, the Civic Groups have sought to make Chicago a thriving and equitable place to live.

In this case, Protect Our Parks, Inc., Nichols Park Advisory Council, Stephanie Franklin, Sid E. Williams, Bren A. Sheriff, W. J. T. Mitchell, and Jamie Kalven (together, "Plaintiffs") seek a preliminary injunction to postpone, indefinitely, the start of construction of the Obama Presidential Center ("Obama Center"). Dkt. 30. In attempting to halt that construction, Plaintiffs

are interfering with generations of efforts—undertaken by organizations like the Civic Groups—to spur Chicago’s vitality as a leading city. *Amici curiae* therefore have a strong interest in the outcome of the pending request for a preliminary injunction and in ensuring that the Obama Center comes to fruition without further delay. *Amici curiae* submit this brief to provide the Court with important context about the significance of the Obama Center to Chicago’s public interest and to urge the Court to deny Plaintiffs’ motion for a preliminary injunction.

INTRODUCTION AND SUMMARY OF ARGUMENT

For over a century, the Civic Groups have been intimately involved in many of Chicago’s most pressing projects and programs. In doing so, the Civic Groups have accumulated generations of experience with the strategic direction of Chicago and the kinds of opportunities that advance it. Drawing upon that collective knowledge, these century-old organizations now come together to state that the Obama Center represents a singular opportunity for Chicago’s current and future public interest.

Namely, the presidential center will enable Chicago to take permanent pride in the first of its residents to reach the Oval Office. And as a museum to the nation’s first, and only, Black president, the Obama Center will be distinctive even among the elite league of presidential museums and centers. Such an institution would add immeasurably to Chicago’s scene of world-class cultural landmarks. Moreover, by hosting this treasure not downtown, but on the South Side, Chicago will enhance its efforts at equitable growth. By giving rise to a variety of economic and educational opportunities, the Obama Center will improve the quality of life among its future neighbors.

With this public interest hanging in the balance, the Civic Groups fear that grave harm will result from the requested preliminary injunction. As the city coordinates its recovery from the COVID-19 pandemic, every week of the Obama Center’s projected stimulus is critically needed,

especially on the South Side. Further delay to the Obama Center may also risk reputational damage to Chicago and its ability to attract top quality cultural institutions. In a world of increasing competition, Chicago must remain known as a place that is receptive to game-changing organizations and initiatives. In the experience of the Civic Groups, the window to seize upon the promise of the Obama Center is rapidly closing. The Court should deny Plaintiffs' request for a preliminary injunction.

ARGUMENT

Prior to issuing a preliminary injunction, the Court must consider “the public interest, meaning the consequences of granting or denying the injunction to non-parties.” *Cassell v. Snyder*, 990 F.3d 539, 545 (7th Cir. 2021). Where motions for preliminary injunctions are sought to prevent large construction projects, the public interest factor focuses on the benefits that a proposed project will bring to the regional community. *E.g., Lee v. Comm’rs’ Ct. of Jefferson Cnty.*, 81 F. Supp. 2d 712, 718 (E.D. Tex. Jan. 28, 2000) (finding that public interest favored denying preliminary injunction of construction of entertainment complex because the complex would provide jobs, attract tourists, and increase prosperity of local business owners); *Desert Protective Council v. U.S. Dep’t of Interior*, 2012 WL 13175866, *5 (S.D. Cal. Sept. 28, 2012); *Western Watersheds Proj. v. Bureau of Land Mgmt.*, 774 F. Supp. 2d 1089, 1103-04 (D. Nev. Mar. 28, 2011). The Civic Groups write separately to highlight the Obama Center’s extraordinary promise for Chicago, and to inform the Court of the harm to the Chicago community that will arise if Plaintiffs’ motion is granted.

I. The Obama Center Represents A Singular Opportunity For Chicago’s Public Interest.

The Obama Center will not only provide Chicago with a distinctive cultural landmark; it will also provide the city with a variety of economic and educational benefits.

A. Chicago Will Have A Special Relationship With The Obama Center.

Despite being the third most populous city in the country, Chicago had never produced an American president before former President Barack Obama. As a result, Chicago has never before had an opportunity to host a presidential museum and center. Until now. With construction of the Obama Center about to begin, Chicago is on the cusp of becoming one of the few American cities to honor one of its former residents with a presidential museum. The Obama Center will provide Chicagoans with a permanent venue to witness how one of their neighbors rose to the highest office in the land. The Center's exhibits will give visitors an opportunity to learn about American politics, the careers of former President Obama and First Lady Michelle Obama, and the events that occupied the Obama Administration. *The Obama Presidential Center*, Obama Foundation, <https://www.obama.org/the-center/> (last visited June 4, 2021). In delivering that history, the Center will inspire Chicago's residents with the fact that former President Obama began his political career here. The resulting civic pride will benefit Chicago's long-term public interest. As the Civic Groups know, fostering strong community morale is a key aspect of building a successful city.

The extraordinary nature of the Obama Center is also underscored by the fact that Barack Obama was the country's first, and, as-of-yet, only, Black president. Currently, there are fourteen presidential museums and centers across the country. "Presidential Libraries," National Archives, available at <https://www.archives.gov/presidential-libraries/visit> (last visited July 1, 2021). The Obama Center will be the fifteenth—and likely not final—presidential museum and center, but it will forever be the museum of America's first Black commander-in-chief. Thus, even among the rarified echelons of former presidential museums and centers, the Obama Center will occupy a unique place in American society. Chicago will become home to a national treasure. Moreover, hosting such a distinctive institution will be particularly meaningful for Chicago's South Side,

which continues to confront the challenges of racial inequities in America.

B. The Obama Center Will Also Help Address Chicago's Economic And Educational Challenges.

Despite Chicago's global stature, the Civic Groups recognize that the city continues to face significant challenges. Economically, the city would benefit from new wind at its back. The unemployment rate in Chicago, at 7.5%, remains higher than the national average of 6.2%. Chicago Area Economic Summary, *U.S. Bureau of Labor Statistics*, https://www.bls.gov/regions/midwest/summary/blssummary_chicago.pdf (updated May 4, 2021). And in Woodlawn, where the Obama Center is planned, the unemployment rate—even prior to the COVID-19 pandemic—was estimated to be more than twice the average unemployment rate in Chicago. *Community Data Snapshot Woodlawn*, CMAP, available at <https://www.cmap.illinois.gov/documents/10180/126764/Woodlawn.pdf> (last visited July 7, 2021). According to analysis by the Chicago Metropolitan Agency for Planning, northeastern Illinois's employment figures continue to lag behind peer metropolitan areas such as Houston and Boston. *Northeastern Illinois' economic recovery is lagging one year since pandemic began*, CMAP, available at https://www.cmap.illinois.gov/updates/all/-/asset_publisher/UIMfSLnFfMB6/content/786336-38 (last visited June 4, 2021).

These economic challenges exacerbate an already staggering racial wealth gap in the Chicago region. In recent years, the median net worth of white families has been ten times that of Black families and eight times that of Latinx families. Steven Brown, State and Local Approaches to the Chicago Region's Racial and Ethnic Wealth Inequity (Nov. 2019), available at https://www.urban.org/research/publication/state-and-local-approaches-chicago-regions-racial-and-ethnic-wealth-inequity/view/full_report. And credit scores in predominantly white neighborhoods continue to hover above those in neighborhoods whose residents are predominantly

people of color. *Id.* Chicago's future economic vitality depends on closing these gaps and making the city a more equitable place to live.

These difficult economic conditions and disparities exist in the context of significant, longstanding structural financial challenges facing the city. Those challenges impose limits on creative growth opportunities and make the resources and the social and economic development opportunities represented by the Obama Center all the more important.

These challenges are also compounded by troubling demographic trends in the region. Over the past decade, while many Americans moved to major urban areas, Chicago's population has essentially remained flat, declining at a rate of approximately -0.1%. *QuickFacts Chicago*, U.S. Census Bureau, <https://www.census.gov/quickfacts/chicagocityillinois> (last visited June 4, 2021). Adding to the concern, this lack of growth in Chicago's population is taking place within a broader decline in the state-wide population of Illinois, which is one of only two states to be losing population. Amanda Vinicky, *Illinois Exodus: Census Data Finds People Continue to Leave State*, WTTW (Dec. 23, 2020), <https://news.wttw.com/2020/12/23/illinois-exodus-census-data-finds-people-continue-leave-state>.

Chicago must also address pressing educational issues, including inequalities that remain across the city. In the Greater Stony Island region of the Chicago Public School District, for example, 82% of students qualified for free or reduced lunch rates during the 2019-2020 school year.² *Greater Stony Island*, Chicago Public Schools Annual Regional Analysis, <https://ara.cps.edu/greaterstonyisland.html> (last visited June 4, 2021). By comparison, in the Greater Lincoln Park region, 26% of students qualified for free and reduced lunch rates during that

² Jackson Park is adjacent to the Greater Stony Island region of the Chicago Public School District.

same period. *Greater Lincoln Park*, Chicago Public Schools Annual Regional Analysis, <https://ara.cps.edu/greaterlincolnpark.html> (last visited June 4, 2021). These resource disparities correlate with opportunity disparities. Although there were only 7 International Baccalaureate seats per 100 students in the Greater Stony Island region in 2019-2020, there were 99 such seats per 100 students in the Greater Lincoln Park region. *Id.*

As a professionally-run and well-resourced institution, the Obama Center will respond to these critical issues facing the city. Educationally, by adding another museum to Jackson Park, the Obama Center will advance the City’s planning recommendation, as set forth in its 2012 Cultural Plan, of creating a “Museum Campus South.” *City of Chicago Cultural Plan 2012*, https://www.chicago.gov/city/en/depts/dca/supp_info/cultural_plan3.html (last visited June 4, 2021). The public—both in Jackson Park and across Chicago—will inevitably benefit from such growth in museum offerings.

The Obama Center will also expand the public’s access to library resources. Specifically, the Center will house the 82nd, and newest, branch of the Chicago Public Library. *MacArthur Provides \$5 Million For Chicago Public Library Branch at Obama Presidential Center*, MacArthur Foundation (June 3, 2019), <https://www.macfound.org/press/press-releases/macarthur-provides-5-million-chicago-public-library-branch-obama-presidential-center>. This innovative branch will include a special media program for teenagers, including a learning space for drawing tablets, 3D printers, and sound recorders. *Sneak Peek: Explore the Obama Presidential Center’s YOUmedia Digital Studio*, Obama Foundation (June 4, 2019), <https://www.youtube.com/watch?app=desktop&v=Gfp9niRKjvc>. With the Obama Presidential Center in their backyard, young people in the Jackson Park area will have quick access to the latest offerings of the Chicago Public Library.

In addition to being a strong educational hub for Chicago, the Obama Center will also bring a series of economic benefits to the city. According to a study by Deloitte Consulting, the long-term operation of the Obama Center will support over 2,500 new jobs and \$104 million in annual earned income. *Economic Impact Assessment—The Obama Presidential Center And The Obama Foundation*, Deloitte Consulting LLP (Oct. 2016), available at https://www.obama.org/wp-content/uploads/Economic_Impact_Assessment_-_Report_OPC.pdf. Not only will these economic forces help employ Chicagoans and stimulate their businesses, the associated tax revenues will help stabilize public debts. And, because the Obama Center will have its largest impact in the Woodlawn area, its economic benefits will flow predominantly to that neighborhood's residents, many of whom are people of color.

II. A Preliminary Injunction Would Harm The Public Interest Of Chicago.

Most imminently, a preliminary injunction against the Obama Center would injure Chicago's public interest by stunting the South Side's recovery from the COVID-19 pandemic. As one of the hardest hit areas of Illinois, the South Side is already benefiting from the economic stimulus associated with the Obama Center. Indeed, Mayor Lori Lightfoot has recently announced the beginning of over \$200 million in pre-construction work in Jackson Park. Press Release, Office of Mayor Lori E. Lightfoot, April 14, 2021 (available at https://www.chicago.gov/city/en/depts/mayor/press_room/press_releases/2021/april/ParksTransportationWorkJacksonPark.html). As Mayor Lightfoot stated, those "investments and economic developments will bring about the transformative change [that Chicago's] Black and [B]rown communities deserve." *Id.* By curtailing these initiatives, a preliminary injunction would hinder the South Side's—and, ultimately, Chicago's—recovery from the pandemic.

A preliminary injunction would also risk reputational damage to Chicago. In the twenty-first century economy, cities compete for game-changing investments by demonstrating that they

provide welcoming, orderly environments. Should a preliminary injunction be issued against the Obama Center, Chicago could struggle to attract future world-class cultural institutions. In the four and a half years since President Obama left office, the Center has already patiently waited through previous delays to its construction. As originally planned, construction of the Center was scheduled to begin as early as 2018. *Obama Foundation Issues Request for Proposal to Four Construction Teams for Obama Presidential Center*, Obama Foundation (Aug. 31, 2017), available at <https://www.obama.org/updates/obama-foundation-issues-request-proposal-four-construction-management-teams-obama-presidential-center/>. Should a preliminary injunction mire the Obama Center in yet another lengthy delay, the city risks turning off future organizations that are looking for a smooth transition to a new home.

Finally, a preliminary injunction would harm Chicago's public interest by imposing further opportunity costs on the city. Following resolution of a lawsuit against the Center, *Protect Our Parks, et al. v. Chicago Park District, et al.*, 385 F. Supp. 3d 662, 692 (N.D. Ill. 2019), *aff'd* 971 F.3d 722, approval by federal agencies, and the worst of the COVID-19 pandemic, groundbreaking for the Obama Center is now planned for 2021—over three years behind schedule.³ *See Obama Presidential Center Groundbreaking set for 2021*, Obama Foundation (Feb. 3, 2021), available at <https://www.obama.org/updates/watch-2021-opc-federal-reviews/>. And with the construction phase expected to take four years, Chicagoans can now expect the opening of the Obama Center, at the earliest, sometime in 2025. *See Alice Yin, Obama Presidential Center groundbreaking could happen in August*, Chicago Tribune (Feb. 3, 2021), available at

³ The delays to the Obama Center are now “poised to set a modern record for time between a presidency and completion [of a library].” “Obama Presidential Center Delay To Set Modern Record,” *Wall Street Journal*, June 16, 2021 (available at: <https://www.wsj.com/articles/obama-presidential-center-to-set-modern-record-for-timetable-to-opening-11623848401>).

<https://www.chicagotribune.com/politics/ct-obama-presidential-center-groundbreaking-august-2021-20210203-ujj7n7jitnboxzhr3hkcdtzggy4-story.html>. Every week that passes without the

Obama Center, Chicago is further deprived of its educational and economic benefits. Should the Obama Center's construction schedule be postponed yet again, the city will continue to forgo a major economic stimulus and an entire group of young Chicagoans may miss their opportunities to learn and grow in connection with the Center. At the same time, another delay will frustrate the long-term efforts of organizations like the Civic Groups to strengthen Chicago's vitality as a global and equitable city. The Court should not permit the public to incur these opportunity costs any longer. Rather, as this Court wrote in resolving a prior challenge to the construction of the Obama Center, the Court should find that "construction should commence without delay." *Protect Our Parks*, 385 F. Supp. 3d at 667.

CONCLUSION

For the foregoing reasons, the *amici curiae* Civic Groups respectfully urge that the Court deny Plaintiffs' motion for a preliminary injunction.

Date: July 15, 2021

Respectfully submitted,

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