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Senate

FAIR HOUSING

Mr. MONDALE. Mr. President, I submit an amendment which I send to the desk, and ask that the reading of the amendment be waived and that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MONDALE's amendment is as follows:

AMENDMENT NO. 524

On page 11, line 5, insert the following:

"TITLE II

"POLICY

"It is the policy of the United States to prevent discrimination on account of race, color, religion, or national origin in the purchase, rental, financing, and occupancy of housing throughout the United States.

"DEFINITIONS

"SEC. 2. As used in this Act—

"(a) 'Secretary' means the Secretary of Housing and Urban Development.

"(b) 'Dwelling' means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

"(c) 'Family' includes a single individual.

"(d) 'To rent' includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

"(e) 'Discriminatory housing practice' means an act that is unlawful under section 4, 5, 6, or 7.

"(f) 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

"EFFECTIVE DATES OF CERTAIN PROHIBITIONS

"SEC. 3. Except as exempted by section 8, the prohibitions against discrimination in the sale or rental of housing set forth in section 4 shall apply—

"(a) Upon enactment of this Act, to—

"(1) dwellings owned or operated by the Federal Government;

"(2) dwellings provided in whole or in part with the aid of loans, advances, grants or contributions made by the Federal Government, under agreements entered into after November 20, 1962;

"(3) dwellings provided in whole or in part by loans insured, guaranteed or otherwise secured by the credit of the Federal Government, under agreements entered into after November 20, 1962; and

"(4) dwellings provided by the development or the redevelopment of real property purchased, rented or otherwise obtained from State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

"(b) After December 31, 1968, to—

"(1) dwellings included within subsection (a);

"(2) dwellings no parts of which are occupied by their owners as residences prior to the particular sales or rentals involved; and

"(3) dwellings designed or intended for occupancy by, or occupied by, five or more families.

"(c) After December 31, 1969, to all dwellings.

"DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

"SEC. 4. As made applicable by section 3 and except as exempted by section 8, it shall be unlawful—

"(a) To refuse to sell or rent, to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

"(b) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

"(c) To make, print, or publish, or cause to be made, printed, or published any oral or written notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

"(d) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

"(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.

"(f) Nothing in this section shall apply to an owner with respect to the sale, lease, or rental by him of a portion of a building or structure which contains living quarters occupied or intended to be occupied by no more than four families living independently of each other if such owner actually occupies one of such living quarters as his residence.

"DISCRIMINATION IN THE FINANCING OF HOUSING

"SEC. 5. After December 31, 1968, it shall be unlawful to deny a loan to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such a loan, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such a loan or the purposes of such a loan, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such a loan is to be made.

"DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

"SEC. 6. After December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin.

"INTERFERENCE, COERCION, OR INTIMIDATION

"SEC. 7. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 4, 5, or 6.

"EXEMPTION

"SEC. 8. Nothing in this Act shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

"ADMINISTRATION

"SEC. 9. (a) The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development.

"(b) The Department of Housing and Urban Development shall be provided an additional Assistant Secretary. The Department of Housing and Urban Development Act (Public Law 89-174, 79 Stat. 667) is hereby amended by—

"(1) striking the word 'four,' in section 4(a) of said Act (79 Stat. 668; 5 U.S.C. 624b (a)) and substituting therefor 'five,' and

"(2) striking the word 'six,' in section 7 of said Act (79 Stat. 669; 5 U.S.C. 624d(c)) and substituting therefor 'seven.'

(c) The Secretary may delegate any of his functions, duties, and powers to employees of the Department of Housing and Urban

Development or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this Act. The persons to whom such delegations are made with respect to hearing functions, duties, and powers shall be appointed and shall serve in the Department of Housing and Urban Development in compliance with sections 3105, 3344, 5362, and 7521 of title 5 of the United States Code. Insofar as possible, initial hearings shall be held in the cities or other localities where the discriminatory housing practices allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

"(d) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Act and shall cooperate with the Secretary to further such purposes.

"(e) The Secretary shall conduct such investigations, make such surveys and studies, issue such reports, establish such policies, standards, criteria, and procedures, and prescribe such rules, regulations, and forms as in his judgment are necessary or appropriate to further the purposes of this Act.

"EDUCATION AND CONCILIATION

"SEC. 10. (a) Immediately after the enactment of this Act the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this Act. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this Act and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. He may pay per diem, travel and transportation expenses for persons attending such conferences as provided in section 5703 of title 5 of the United States Code. He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with, or in place of, the Secretary's enforcement of this Act. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

"(b) In any case in which he holds hearings and issues orders, or in which he contemplates doing so, the Secretary shall first endeavor to eliminate the alleged discriminatory housing practices by informal methods of conference (conciliation and persuasion). Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this Act, without the written consent of the persons concerned. Any employee of the Secretary who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

"ENFORCEMENT

"SEC. 11. (a) The Secretary is empowered, as hereinafter provided, to prevent any person from engaging in any discriminatory housing practice. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irreversibly injured by a discriminatory housing practice that is about to occur (hereafter, 'person aggrieved') may file a charge with the Secretary. Charges shall be in writing and shall contain such information and be in such form as the Secretary requires. Within thirty days after receiving a charge the Secretary shall investigate it and give notice in writing to the person aggrieved whether he intends to resolve it. If the Secretary decides to resolve the charge, he shall proceed to try to eliminate or correct the alleged unfair housing practice by informal methods of conference, conciliation, and persuasion. If the Secretary declines to resolve a charge, or if he fails to give notice of

whether he intends to resolve it within thirty days as prescribed, or if he is able to settle a charge by informal methods of conference, conciliation, and persuasion but the person aggrieved does not consent in writing to the terms of such settlement, the person aggrieved may commence an action in any United States district court or State or local court of competent jurisdiction to enforce the rights granted or protected by this Act, insofar as such rights relate to the subject of the charge. Such actions may be brought in United States district courts without regard to the amount in controversy. Courts shall decide such actions without regard to the fact that the Secretary may have declined to resolve the charges to which they relate or failed to give timely notice of his intent to resolve them, or that he may have settled a charge with the respondent but failed to obtain the written consent of the person aggrieved.

"(b) If the Secretary determines after trying to settle a charge by informal methods of conference, conciliation, and persuasion that further efforts are unwarranted, which determination shall not be reviewable in any court, he shall issue a complaint and promptly serve a copy of the complaint on the person or persons who allegedly committed or are about to commit the discriminatory housing practices concerned (hereinafter, 'the respondents') and shall also furnish a copy to the person or persons aggrieved. The Secretary may also issue complaints without a charge having been filed, if from his own investigation he has reason to believe that a discriminatory housing practice has occurred or is about to occur. No alleged discriminatory housing practice shall be made the subject of a complaint or of a civil action issued or commenced under this subsection more than 180 days after the alleged practice has occurred, except that a civil action may be commenced with respect to the subject of an informally settled charge to which the person aggrieved did not consent in writing within sixty days of such person having received notice of the terms of such settlement.

"(c) Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice or practices are based and when and where a hearing on such allegations is scheduled to take place. Related proceedings may be consolidated for hearing. Complaints may be reasonably and fairly amended at any time. After the respondents have been given reasonable notice and an opportunity to be heard, the Secretary shall state his findings of fact and, if he finds that no discriminatory housing practices have occurred, shall issue an order dismissing the complaint, or if he finds that discriminatory housing practices have occurred or are about to occur, shall issue an order requiring the respondent to cease and desist such practices and to take such affirmative action as will effectuate the policies of this Act. Such orders may require a respondent to make reports from time to time showing the extent to which he has complied with an order. Findings of fact and orders made or issued under this subsection shall be determined on the record.

"(d) At any time after a complaint is issued the Secretary may issue a temporary order restraining the respondent from doing any act that would tend to render ineffectual a final order that the Secretary might issue. Temporary orders may extend beyond ten days only if the respondent is first given reasonable notice and an opportunity to be heard. The Secretary may condition the issuance of a temporary order upon the posting of a bond by the person or persons seeking protection from discrimination, with such sureties, if any, as the Secretary considers necessary.

"(e) A respondent may file an answer to the complaint against him and with the leave of the Secretary, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Respondents shall be parties and may appear at any stage of the proceedings, with or without counsel. Persons aggrieved may submit briefs or other written submissions on each occasion when such are permitted or directed, may be present to observe at any stage of the proceedings, with or without counsel, and may appeal or petition for review to the same extent as a party, but without the permission of the Secretary persons aggrieved may not otherwise participate in the proceedings. The Secretary may grant such other persons a right to intervene as respondents or persons aggrieved or to file briefs or make oral arguments as amicus curiae or for other purposes, as he considers appropriate.

"(f) Hearings shall be on the record. All testimony shall be taken under oath. Hearings shall be open to the public unless the respondent and the Secretary agree that they be private.

"INVESTIGATIONS; SUBPENAS; GIVING OF EVIDENCE"

"Sec. 12. (a) In conducting an investigation the Secretary shall have access at all

reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. The Secretary may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Secretary may administer oaths.

"(b) Upon written application to the Secretary, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Secretary to the same extent and subject to the same limitations as subpoenas issued by the Secretary himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

"(c) Witnesses summoned by subpoena of the Secretary shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

"(d) Within five days after service of a subpoena upon any person, such person may petition the Secretary to revoke or modify the subpoena. The Secretary shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

"(e) In case of contumacy or refusal to obey a subpoena, the Secretary or other person at whose request it was issued may petition for its enforcement in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

"(f) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Secretary, shall be fined not more than \$5,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Secretary, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the Secretary pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

"PATTERN OR PRACTICE ACTIONS"

"Sec. 13. Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted or protected by this Act he may bring a civil action in any appropriate United States district court by filing with it a complaint setting forth the facts pertaining to such pattern or practice and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights granted or protected by this Act.

"DISOBEDIENCE OF ORDERS; JUDICIAL REVIEW"

"Sec. 14. (a) It shall be unlawful to fail to comply with an order that has not been stayed or set aside by the Secretary or by a court as provided in subsection (b) of this section. After having first given the respondent or other person allegedly in disobedience of an order reasonable notice and an opportunity to be heard, the Secretary, if he determines that it has been disobeyed, may issue such supplemental orders as he considers appropriate to encourage compliance with such order. Supplemental orders may include an order to forfeit not more than \$50 for each day during which the person found to have disobeyed an order continues to disobey it. Moneys so forfeited shall be paid into the Treasury of the United States.

"(b) At any time after he has issued an order the Secretary may petition a court for its enforcement. Within thirty days after the Secretary has given notice to all respondents and persons aggrieved of his decision on the

last appeal to him which is available with respect to a final order issued under subsection (c) of section 11, or within five days after he has given such notice with respect to a temporary order issued under subsection (d) of section 11 or a supplemental order issued under subsection (a) of this section, a respondent or person aggrieved may petition a court for review of any such order. The filing of a petition for enforcement or review shall not in itself operate to stay an order. Petitions for enforcement or review of final orders, other than final orders based on voluntary settlements, shall be to the United States court of appeals for the circuit in which the discriminatory housing practice occurred or in which the respondent resides or transacts business. Petitions for enforcement or review of voluntary settlements, of temporary orders issued under subsection (d) of section 11 or of supplemental orders issued under subsection (a) of this section shall be to the United States district court for the district in which the discriminatory housing practice occurred or in which the respondent resides or transacts business; except that when enforcement or review is sought concurrently both for orders that should be brought before a district court and for orders that should be brought before a court of appeals, the petition with respect to all such orders shall be to the appropriate court of appeals.

"(c) Promptly after he petitions for enforcement or after he receives notice that a petition for review has been filed, the Secretary shall file in the court a copy or the original of the portions of the record which are material to the petition for enforcement or review. Upon the filing of a petition the court shall conduct further proceedings in conformity with sections 701 to 706 of title 5 of the United States Code, shall cause notice of the filing to be served upon all parties and persons aggrieved and shall thereupon have exclusive jurisdiction of the proceedings. It shall have power to grant such stays, temporary relief or restraining orders as it deems proper, to affirm, modify, or set aside findings or orders of the Secretary in whole or in part, or to remand the case to the Secretary for further proceedings. The findings of fact of the Secretary shall be conclusive if supported by substantial evidence. Enforcement or review shall be upon the record which the order was based, except that the court may, in its discretion, take additional evidence upon a showing that it was offered to and improperly excluded by the Secretary or could not reasonably have been produced before him or was not available.

"(d) The Attorney General shall conduct all litigation to which the Secretary is a party pursuant to this Act.

"EFFECT ON STATE LAWS"

"Sec. 15. Nothing in this Act shall be construed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this Act shall be effective, that grants, guarantees, or protects the same rights as are granted by this Act; but any law of a State, a political subdivision, or any other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this Act shall to that extent be invalid.

"COOPERATION WITH STATE AND LOCAL AGENCIES ADMINISTERING FAIR HOUSING LAWS"

"Sec. 16. The Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this Act. In furtherance of such cooperative efforts, the Secretary may enter into written agreements with such State or local agencies, and such agreements may include provisions under which the Secretary shall refrain from issuing complaints in any class of cases specified in such agreements. The Secretary shall terminate any such agreement whenever he determines that it no longer serves the interest of effective enforcement of this Act. All agreements and terminations thereof shall be published in the Federal Register.

"APPROPRIATIONS"

"Sec. 17. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

"SEPARABILITY OF PROVISIONS"

"Sec. 18. If any provisions of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

Mr. MONDALE. Mr. President, the Senator from Massachusetts [Mr. BROOKE] and I jointly submit this amendment for ourselves, Mr. PROXMIER—

Mr. STENNIS. Mr. President, may we

have order so that Senators may hear?

The VICE PRESIDENT. The Senate will be in order. Attachés will please take their seats. The Senator will withhold his order is restored.

The Senator from Minnesota may proceed.

Mr. MONDALE. Mr. President, the Senator from Massachusetts [Mr. BROOKE] and I jointly submit this amendment for ourselves, Mr. CASE, Mr. PROX-MIRE, Mr. MUSKIE, Mr. WILLIAMS of New Jersey, Mr. LONG of Missouri, Mr. MCGEE, Mr. NELSON, and possibly other members of the Committee on Banking and Currency.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the proposed amendment, questions and answers describing the proposed fair housing amendment, with the exception of the Mrs. Murphy exception, and a summary of the constitutional arguments which establish, in my opinion beyond doubt, the constitutionality of the Fair Housing Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. I thank the Presiding Officer.

There being no objection, the items requested ordered to be printed in the RECORD, as follows:

THE PROPOSED FAIR HOUSING ACT OF 1967: SUMMARY

The Act would gradually prohibit discrimination on account of race, color, religion or national origin in the sale or rental of housing. Housing already subject to the President's Order on Equal Opportunity in Housing would be covered immediately. Housing for sale or rent by someone other than its occupant and housing for five or more families would be covered from and after January 1, 1968. All housing other than exempted housing of religious institutions would be covered from and after January 1, 1969, with the exception of the "Mrs. Murphy" provision.

The Act would also prohibit "blockbusting," discrimination in the financing of housing, discrimination in the provision of services or admission to membership by real estate organizations, and interference with or threats against persons enjoying or attempting to enjoy any of the rights which the Act grants or protects.

Responsibility for administration and enforcement would rest with the Secretary of Housing and Urban Development. He would use the time during which the enforcement provisions gradually went into effect to consult with housing industry leaders and state and local officials and otherwise carry on educational and consultation activities.

The Secretary would be required to seek a voluntary solution in every case. If his attempt was unsuccessful, he would be authorized to issue a complaint, hold hearings and, if the evidence disclosed that discriminatory acts had occurred, issue orders granting appropriate relief. All orders of the Secretary would be subject to judicial review.

A person who believed that he had been injured by a discriminatory housing practice could file a charge with the Secretary. The Secretary would not be required to conciliate or to issue a complaint on the basis of every charge so filed, but if he did not, the person filing the charge could commence an action himself in any court of competent jurisdiction.

The Attorney General would be empowered to initiate suits in United States district courts to eliminate patterns or practices of housing discrimination. The Secretary could cede his jurisdiction to state or local fair housing agencies in appropriate cases or cooperate with them without ceding his jurisdiction.

QUESTIONS AND ANSWERS ON THE PROPOSED FAIR HOUSING ACT OF 1967

1. Who will be covered?

The Act will cover brokers, property owners, managers and anyone else who participates in the sale, rental or financing of housing.

2. What are the stages of coverage?

The first stage is federally assisted housing—essentially, housing with FHA or VA-guaranteed mortgages or public housing. This is the same housing which is already covered by the President's Order on Equal Opportunity in Housing of November 20, 1962 (Exec. Ord. 11063). (The implementation of that Order by federal agencies, however, has not been quite as broad as the Order itself. In particular, because they lacked sufficient enforcement personnel, the agencies exempted owner-occupied one- and two-family homes.)

The second stage, from and after January 1, 1968, is housing held for sale or rent by someone other than its occupant and housing for five or more families, whether or not one of its occupants is its owner.

The third stage, from and after January 1, 1969, is all housing. (But religious institutions could continue to give preference in housing to persons of their own religion.)

The Act's prohibitions against discrimination in the financing of housing, and in membership in, or obtaining the services of, real estate organizations will not become effective in stages. They go completely into effect on and after January 1, 1968. To have put them into effect in stages would not have made sense. For example, how can a real estate organization not discriminate as to membership only with respect to five-family homes?

The Act's provision against threats or coercion of persons who exercise the rights it grants or protects becomes effective immediately. Thus, as the previous rights become effective, in stages or from and after January 1, 1968, this provision will come into effect to protect persons in their exercise of them.

3. Why does the Act go into effect only gradually?

Responsibility for enforcement of the Act will rest with the Department of Housing and Urban Development, which already has the responsibility for enforcing the President's Order on Equal Opportunity in Housing. Thus, the Department can begin the first stage of enforcement with very little "tooling up," because the first stage of coverage is identical to the coverage of the President's Order. The next two stages of coverage are timed to coincide, roughly, with the time it will take the Department to hire and train its new personnel and establish its operational procedures.

The delay will also permit the Department of Housing and Urban Development to carry on educational and consultation activities, to acquaint the housing industry and the country generally with the provisions of the Act before it goes into effect.

4. What exemptions does the Act have?

There is an exemption to permit religious institutions or schools, etc., affiliated with them, to give preference in housing to persons of their own religion despite the Act. But religions whose membership is limited to persons of particular races, colors or national origin are not permitted to make use of this exemption.

There is a "Mrs. Murphy" exemption. And, insofar as a homeowner honestly chooses a roomer on the basis of personal friendship, or because he is a relative, for example, he would not violate the Act. The act forbids refusals only on the basis of "race, color, religion or national origin."

5. How will the Act be enforced?

Primary responsibility for enforcement is vested in the Department of Housing and Urban Development. It will establish local offices throughout the country for this purpose as needed. The Department will employ hearing examiners, who will be appointed and will serve in accordance with the Administrative Procedure Act.

Persons who believe they have been discriminated against may file a charge with the Department. If the Department decides to process the charge, it will so notify the person. If it decides not to, or fails to give notice within 30 days, the person can bring his own action in any court of competent jurisdiction.

The Department must always first try to settle a charge voluntarily, by conciliation and agreement. Only if that fails can it issue a complaint and hold hearings.

The Attorney General will also be empowered to enforce the Act, but only when a "pattern or practice" of resistance to its provisions is found to exist.

6. Will persons who disagree with the Department of Housing and Urban Development's interpretation of the Act have any recourse?

All orders of the Department will be subject to review by the Federal courts. In addition, the Department will be subject to the provisions of the Administrative Procedure Act in all its operations under the Fair Housing Act.

7. What effect will the Act have on State or local fair housing laws?

None. It will leave them in effect. In appropriate cases, the Department of Housing and Urban Development may even cede its jurisdiction to State or local agencies, or cooperate with them in joint operations.

8. What effect would the Act have on the President's Order on Equal Opportunity in Housing (Exec. Ord. 11063)?

None. It will leave it in effect. However, once the Act becomes fully effective, the Order will no longer be necessary, because the Act will cover everything which it covers, and more. The President will then presumably rescind the Order.

9. Does Congress have the constitutional power to prohibit discrimination in housing?

Yes. Supreme Court decisions clearly state that Congress has this power both under the Fourteenth Amendment and the Commerce Clause. A summary of these decisions has been prepared and is available.

10. Will the Act prohibit "blockbusting"?

Yes. Section 4(e) prohibits blockbusting.

11. Will the Act make it a crime to discriminate in housing?

No. All its enforcement provisions are civil in nature. An individual who disobeys the Act and refuses voluntarily to correct the harm he has done may be ordered by the Department of Urban Development (or, if necessary, by a court) to take appropriate action, but such orders cannot include fines, imprisonment or other criminal punishment.

12. Why does the Act cover religious as well as racial, color, and national-origin discrimination?

Although discrimination on religious grounds is not a major problem in housing, it nevertheless exists and is appropriately dealt with along with the other forms of discrimination.

13. Will not the passage of a Fair Housing Act lower property values?

No. Careful, well documented studies have shown that in the overwhelming majority of cases property values in unsegregated neighborhoods actually rise slightly faster than property values in all-white neighborhoods. The only general exception is when panic selling occurs, and even then the drop is temporary. The Act deals with this exception, too, by prohibiting "blockbusting"—the practice of frightening homeowners into selling at a low price by telling them that their neighborhood is, or is about to be, integrated.

State and local fair housing laws have been in existence for several years, and in no area have there been reports that property values have fallen on that account.

14. Would the Act prohibit a person from refusing to sell or rent for any reason other than race, color, religion or national origin?

No. Other reasons for refusing would continue to be as valid as they are now. For example, property owners will continue to be free to refuse to sell or rent to people who cannot meet the price, who have bad credit ratings, who fail to provide adequate character or financial references, etc.

15. Will a person against whom a complaint of discrimination is issued have to prove that he did not discriminate?

No. The burden of proof rests on the Department of Housing and Urban Development, or the complaining person, to prove that the defending person *did* discriminate on the basis of race, color, religion or national origin.

FAIR HOUSING ACT OF 1967

SUMMARY OF CONSTITUTIONAL BASES

The Constitution provides two independent bases of support for Federal fair-housing legislation: the Fourteenth Amendment and the Commerce Clause.

THE 14TH AMENDMENT

Section 1 of the Fourteenth Amendment includes the Equal Protection Clause, which forbids a State to deny to any person within its jurisdiction the equal protection of the laws, and Section 5 of the Amendment reads:

"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article [i.e., of this Amendment]."

One kind of law which Congress may validly enact to enforce the Equal Protection Clause is a law to remove obstacles in the way of persons' securing the equal benefits of government—benefits which a State could not discriminatorily deny them without violating the Clause itself. *Katzenbach v. Morgan*, 384 U.S. 641. A law prohibiting discrimination in housing on account of race, color, religion or national origin is such a law because discrimination in housing forces its victims to live in segregated areas, or "ghettos," and the benefits of government are less available in ghettos.

That the benefits of government are less available in ghettos can be amply documented. The ghetto child is more likely to go to an inferior school. His parents are more likely to lack adequate public transportation facilities to commute to and from places of work, and so will miss employment opportunities. Local building and housing laws are not, or cannot be, effectively enforced in ghettos. Federal subsidies for private housing bypass the ghetto and flow instead to the suburbs. Freeways are typically routed through ghettos, because land there is cheaper and their inhabitants less able to organize politically to oppose them. Most significantly of all, law enforcement is least effective in the ghetto, although it is there that it is needed most. The slum inhabitant must take for granted that he and his children live in continual danger of physical attack.

It is no objection to its validity that Federal fair housing legislation would prohibit private acts of discrimination in housing as

well as discrimination by State or local governments. The objection arises from a false analogy between judicial enforcement and congressional enforcement of the Equal Protection Clause. The power of a court to enforce the Clause arises directly from the Clause itself, which speaks only of what States are forbidden to do. Hence, the courts can only forbid action by States (or their local subdivisions). But the power of Congress to enforce the Clause arises from Section 5 of the Fourteenth Amendment (quoted *supra*), from which grants a legislative power, and legislative powers are exercisable in accordance with the Necessary and Proper Clause. That Clause grants Congress the power, "To make all Laws which shall be necessary and proper for carrying into Execution . . . all . . . Powers vested by this Constitution in the Government of the United States, . . ." (The Constitution, Article I, Section 8, Clause 18.)

The scope of the Necessary and Proper Clause has been settled at least since Chief Justice Marshall formulated it in 1819 (*McCulloch v. Maryland*, 4 Wheat. 316). It is amply broad enough to include laws affecting private conduct as well as laws forbidding actions by State or local governments. *Katzenbach v. Morgan*, *supra*, 384 U.S. at 648-51; *United States v. Guest*, 383 U.S. 745, 762, 782-84.

THE COMMERCE CLAUSE

Housing is one of America's principal industries. In 1965, it added \$27.6 billion of new investment to the economy—more, for example, than the \$22.9 billion contributed that same year by all American agriculture. And a large part of the housing industry is interstate. Forty-one million tons of lumber and finished wood stock were shipped in the United States in 1963, and forty-three per cent of it was shipped 500 miles or more. About one out of six residential mortgages are on property located in a different state from that of the mortgage lender. Every year more than two million people move their place of residence from one state to another.

The meaning of these statistics was illustrated by the testimony last year of Mr. William J. Levitt to Subcommittee No. 5 of the House Judiciary Committee. Mr. Levitt is the President of Levitt & Sons, Inc., a major builder of homes, and is a supporter of fair housing legislation. He testified:

"Perhaps 80 per cent of the materials that go into our houses come from across state lines."

"With the possible exception of the New York Community that we are building now, every other community in which we build receives its financing from a state other than the one in which it is located."

"75 to 80 per cent" of Levitt & Sons' advertising is interstate.

"Out-of-state purchasers run from about 35 to 40 per cent, on the low side, to some 70 per cent, on the high side."

Discrimination in housing affects this commerce in several ways. The confinement of Negroes and other minority groups to older homes in ghettos restricts the number of new homes which are built and consequently reduces the amount of building materials and residential financing which moves across state lines. Negroes, especially those in the professions or in business, are less likely to change their place of residence to another state in order to obtain better employment positions when housing discrimination would force them to move their families into ghettos. The result is both to reduce the interstate movement of individuals and to hinder the efficient allocation of labor among the interstate components of the economy.

The Commerce Clause grants Congress the power to protect interstate commerce from adverse effects such as these. *Katzenbach v. McClung*, 379 U.S. 294. Its power to do so is not restricted to goods actually in transit. *Labor Board v. Jones & Laughlin Steel Corp.*, 301 U.S. 1, 36-37. Nor does it matter that when Congress exercises its powers, its motive is not solely to protect commerce. It can as validly act for moral reasons. *Heart of Atlanta Motel v. United States*, 379 U.S. 241, 257. And it does not matter that the effects against which Congress legislates may be minor or that, taken individually, they are insignificant. The constitutional basis is present so long as the effects on commerce, taken as a whole, are present in measurable amounts. *Wickard v. Filburn*, 317 U.S. 111, 125 (Agricultural Adjustment Act of 1938 applied to a farmer who sowed only 23 acres of wheat and sold none of it in interstate commerce, because it nevertheless affected how much other wheat would be shipped in interstate commerce.) *Mabee v. White Plains Publishing Co.*, 327 U.S. 178. (Fair Labor Standards Act applied to a newspaper whose circulation of 9000 copies included only 45 copies mailed to another state.)

Mr. MONDALE. Mr. President, we submit it as an amendment to H.R. 2516, the

pending bill, to protect civil rights workers. The amendment is title IV of the Civil Rights Act. It would extend the principle of fair housing to the sale and rental of real estate in our country.

It is very clear at this point that this will be our only opportunity for Senate consideration of civil rights legislation in this session. It is also clear that there simply will not be time for the Senate Banking and Currency Committee to act on S. 1358, the proposed Fair Housing Act, so that it might be considered and acted upon during this debate.

Senator BROOKE and I have therefore prepared S. 1358 as an amendment to H.R. 2516, and offer it with but one change. We have included the so-called Mrs. Murphy amendment which was contained in the Civil Rights Act of 1966, as passed by the House in 1966. This would exempt from coverage the sale or rental of owner-occupied dwellings of up to four units—approximately 2.3 million dwellings in our country. In doing so, we are aware that the Banking and Currency Committee has not had executive sessions on the bill, but I am pleased to announce that a majority of the members of that committee support the proposal.

The Banking Committee sponsors of the amendment are myself, the Senator from Massachusetts [Mr. BROOKE], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Maine [Mr. MUSKIE], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Missouri [Mr. LONG], the Senator from Wyoming [Mr. MCGEE], and the Senator from Illinois [Mr. PERCY].

It is a clear majority of the membership of the Banking and Currency Committee that joins me in sponsoring a fair housing amendment.

Mr. SYMINGTON. Mr. President, I cannot hear the speaker.

The PRESIDING OFFICER. (Mr. Young of Ohio in the chair). Let there be order in the Chamber.

Mr. MONDALE. Mr. President, we are most hopeful that the Senate will give careful and thorough consideration to this fair housing amendment, because in our judgment the case for it is compelling.

There is no doubt that national fair housing legislation is a controversial issue, but the grave urgency of the urban crisis requires immediate congressional action. The barriers of housing discrimination stifle hope and achievement, and promote rage and despair; they tell the Negro citizen trapped in an urban slum there is no escape, that even were he able to get a decent education and a good job, he would still not have the freedom other Americans enjoy to choose where he and his family will live.

Outlawing discrimination in the sale or rental of housing will not free those trapped in ghetto squalor, but it is an absolutely essential first step which must be taken—and taken soon. For fair housing legislation is a basic keystone to any solution of our present urban crisis. Forced ghetto housing, which amounts to the confinement of minority group Americans to "ghetto jails" condemns to failure every single program designed to relieve the fantastic pressures on our cities. No amount of education aid will repair the inherent weakness of segregated schools, whether de jure or de facto. No amount of money spent on manpower training or jobs will eliminate ghetto unemployment when the jobs are moving to the suburbs. Declining tax base, poor sanitation, loss of jobs, inadequate educational opportunity, and urban squalor will persist as long as discrimination forces millions to live in the rotting cores of central cities.

Even more important, our failure to abolish the ghetto will reinforce the growing alienation of white and black America. It will insure two separate Americas constantly at war with one another, increasingly unable to come to terms on any issue.

There is a critical debate now underway in the ghetto. The issue is quite simple—whether there is any basic decency in white America and whether

white America ever really intends to permit equality and full opportunity to black Americans, with all that that equality and opportunity involves. We believe that our continuing failure to an end to segregated housing lends powerful argument to the black separatists and black racists, and can only speed the process of separation and alienation.

Finally, there are two new and hopeful trends which are worthy of special attention. There is growing evidence of changing attitudes on the part of both the public and the real estate industry. Twenty-two States have adopted fair housing laws, five of them during 1967. In addition, 84 cities, villages, and counties, together with the District of Columbia, have adopted fair housing ordinances. Forty-three of these were adopted during 1967. Most of these laws and ordinances have serious shortcomings in coverage and enforcement, and may even be tokenistic frauds, they are important in informing the Congress that local communities recognize the need and desirability of taking a stand on fair housing.

This community acceptance does affect housing policies. The Department of Defense testified, in respect to its efforts to promote desegregated off-base housing, that the existence of a State law or local ordinance created a better climate of cooperation on the part of the local community and landlords in the community. With this important shift in public understanding of the issue, the Congress should proceed to pass an adequate, comprehensive law which provides equal coverage for all areas of the country.

Representatives of significant segments of the real estate industry indicated during hearings last summer that the viewpoint of the industry may be changing, and that many realtors no longer accept the myths about fair housing, and are arguing for a change in national policy. They emphasized with equal vigor that fair housing legislation must be national and uniform in coverage.

It is our hope that we will be able to discuss this amendment fully and completely, and after that time, proceed to a vote on its merits. In 1966, a majority of the Senate voted for cloture on a bill containing fair housing legislation, and we believe that a majority of the Senate would approve this measure in a vote on its merits.

Mr. President, while it is true that the Banking and Currency Committee has not had an opportunity to act formally on the proposal which I offer with the sponsorship of the Senator from Massachusetts [Mr. BROOKE] and others—a majority of that committee—to the Senate today, we did have sweeping, impressive, and thorough hearings before that committee.

Those hearings have been printed and are available to the Members of the Senate. The hearings were held on August 21, 22, and 23, of last year.

The record made at those hearings, in my opinion, represents the final and complete argument in favor of the adoption of the amendment which we propose today. The hearings brought together, under one cover, a host of new evidence and information that showed the importance of this proposal, its necessity, and its workability.

The hearings established several points.

The first point established is that fair housing is an essential and indispensable ingredient if we are going to solve the problems of American cities.

Witness after witness, from Roy Wilkins to leaders in the real estate industry, leaders of the clergy, and witnesses from every other walk of life, testified that the insult of racially segregated housing patterns creates a sense of rage and frustration and a crisis which contributes enormously to the explosiveness of these communities. Some have said that fair housing is a formalistic ritual, traditionally carried out by civil rights leadership.

But one of the key issues established beyond doubt by the hearings to which

I have referred is that fair housing is a key and indispensable part of any solution of the interracial problems of our country.

The record also established that property values do not in fact fall, as is the myth, when Negroes move into previously all-white neighborhoods. Almost every study confirms this fact. In fact, the very practice of blockbusting is based on the opposite theory—that prices in fact will rise.

The most well-known study was done by Mr. Luigi Laurenti, in 1960, in which he analyzed 10,000 property transfers in seven cities. The data showed that the entry of nonwhites into formerly all-white neighborhoods does not necessarily send real estate prices plunging downward. In 85 percent of the cases involved, the property values increased, and in only 15 percent did the prices decrease.

The next point of a fundamental nature that was clearly established in these hearings is that the old monolithic opposition of the real estate industry to fair housing proposals has been broken, and we begin to see a change, a fundamental change, in the attitude of the real estate industry. Many responsible, substantial, and experienced realtors from across the country appeared to testify in the most urgent terms on behalf of a sweeping fair housing proposal. The testimony to which I have referred, which appears in the record, shows that the old notion that all realtors are opposed to fair housing is no longer a fact. I would say that the more responsible leadership in the real estate industry now dominantly favors a resolution of this dispute through fair housing legislation.

This certainly has been the experience in my own State, where initially the real estate industry opposed fair housing legislation; but now that they have experienced it, many now stand in its support, and most of the opposition has disappeared.

Third, the hearings destroyed the constitutional issue. In the period from the time fair housing was first introduced and the time when we will consider it in voting, the U.S. Supreme Court has issued many rulings which clearly develop, without any doubt, the validity of this proposal on constitutional grounds.

During the course of these hearings we heard from the distinguished Attorney General of the United States, Mr. Clark, who testified that he had "no doubt whatsoever" about the constitutionality of this measure. We heard from the distinguished deans of law schools throughout the country—Dean Robert F. Drinan, Dean Jefferson Fordham, and Dean Louis Pollak, of three nationally respected law schools—all of whom testified that in their judgment such legislation is constitutional and would be upheld by the U.S. Supreme Court.

In addition, a committee of distinguished constitutional experts and lawyers, headed by the impressive Mr. Sol Rabkin, of the Legal Committee of the National Commission Against Discrimination in Housing, testified that the legislation was absolutely and unqualifiedly constitutional.

The law school deans also testified that the privacy or inviolability of personal property rights is a nonexistent right, because the possession or the use of property has always been subject to regulation by the State.

Dean Fordham said it this way:

The familiar insistence that an owner be protected is a freedom to dispose of his property as he pleases, especially his residence, is not compelling. It is elementary that property rights are not absolute. They are subject to all sorts of restraints in the public interest. I suggest that from the standpoint of human need and fulfillment, freedom to acquire and enjoy is more important than freedom of disposition. And I lay particular stress upon this point.

We could explore the constitutional issue at great length, but the hearings to which I have referred amassed overwhelming and irrefutable authority establishing without doubt the constitutionality of the amendment I have presented to the Senate.

The next point that the hearings established was that such legislation, while exceedingly important, is actually a fairly modest proposal.

Finally, the laws of economics will determine who can buy a house. All that legislation such as this would do would be to eliminate the discriminatory business practices which might prevent a person economically able to do so from purchasing a house regardless of his race.

The next point which the hearings established—I believe a very significant point—is that States which have fair housing laws have not experienced mass migration of Negroes into white neighborhoods. Indeed, one of the standard arguments traditionally against fair housing, which we have heard from the real estate industry and from others, is a host of nightmares which they have conjured up about the disarray and tensions which would develop if housing were available without discrimination, and the horror stories that have been told to the American people about what would happen if fair housing laws were in fact adopted.

Mr. President, we have had an opportunity to test those theories. It is no longer a question of what might happen in the abstract. Several States have sound fair housing laws. Many more communities have had them and have dealt with them for some years.

Those horror stories have been proved to be only nightmares, and, in fact, in every instance the fair housing statutes and fair housing ordinances have worked exceedingly well, without disruption. Many communities that have fought bitterly over this measure have wondered, after the fact, what the basis was for all the consternation.

Next, these hearings established that this bill is an absolute and necessary part of any solution to the urban crisis. It is equally as important psychologically to the decent Negro, and will disarm some of the black racists.

One of the real issues that this Congress cannot avoid is the fact that the moderate civil rights leader in the ghetto is under siege. He is being attacked by his black racist competitor on the ground that there is not a decent America; that white America does not intend, in fact, to permit all persons, regardless of color, to enjoy the fullness of American life; that there is a basic indecency in white America that is incorrigible through lawful processes; and that, therefore, the only way the Negro in our Nation can receive his fair share of the fullness of American life is through violence, through threats, through resort to illegal tactics, through hatred, and through intimidation.

Our friends in the ghetto who believe in due process—thankfully, they are by far in the majority—have not abandoned their hope that lawful processes can adjust these outrageous wrongs. But we have provided little by way of example from which they can argue. We have not shown in a substantial way that white America in fact is a decent white America, that those who argue for moderation and lawful processes are correct in that strategy.

As Whitney Young said with respect to another issue, but it is relevant here:

I do not need your compliments, but I must have something in my hand.

Moderate leaders have continued to fight, but we must strengthen them against the forces of violence. We can strengthen them not through rhetoric but acts of solemn commitment; not through good will, but through measures that have teeth and meaning, in the eyes of every American, black or white, measures that cannot be argued with.

Mr. President, next this hearing clearly established the value and effect of law as a teacher, as an influence in changing community attitudes and viewpoints. Several of the State and local officials stressed this point. That was the experience under the Civil Rights Act of 1964 in the desegregation of public accommodations.

Next this hearing gave us hope for the future of this legislation. Primarily it appears that the attitude of the country is changing. We see increasing growth of voluntary citizens committees throughout the country urging decency in the sale and rental of housing. We see dramatic growth in the number of laws on a State and local level which demon-

strates the desire of decent Americans for the solution of this problem. We see a growing number of public officials who support fair housing and who have, through intelligent discussion of that issue, shown that Americans will respond affirmatively when they understand.

We are seeing that a growing number of Negro Americans are increasingly insisting that this outrageous insult of segregated racial living patterns be removed from American society.

The next point that this hearing disclosed is that one of the biggest problems we face is the lack of experience in actually living next to Negroes. In areas where there is integration there is generally good harmony and this underscores a point that is fundamental to a healthy America. If we are going to live separately in white ghettos and Negro ghettos, if all we are going to know about each other is not who we are, what our abilities might be, what are our strong and weak points, then all we will ever learn about each other is what we see through caricature, through indirection, through distance, and through lack of human understanding. In that case, I see little or no hope for a truly United States.

This issue is, again, not one of theory. It is one of fact. There are many, many integrated living areas in this country. The experience in them has been far more enriching and fulfilling than one might initially believe. Therefore one wonders whether the understanding which this Nation needs and the people need of each other can be accomplished unless we decide we will live together and not separately.

The next point that this hearing established without any doubt is that housing discrimination has a serious effect on Negro employment and an adverse effect, because industries are increasingly locating in the suburbs.

We have heard of the experience of the plant which Aero-Jet General established in Watts following that tragic riot. I think my figures are correct. They advertised for 75 employees to work in this military tent factory and 5,500 residents applied for those 75 jobs. The truth is that more and more jobs are fleeing the rotting core of American cities. They are, as Secretary Weaver pointed out, going "horizontal" into cheaper land areas of our suburbs. The Negro finds himself, not alone in substandard housing, but in a predicament where jobs he once held have left his area and are beyond his reach.

Secretary Robert Weaver testified regarding the effect of segregation on employment as follows: Between 1960 and 1965 from one-half to two-thirds of all new factories, stores, and other mercantile buildings in all sections of the country, except in the South were located outside the central cities of metropolitan areas. This indicates that expanding job opportunities are going to be in or near suburbia rather than in the core cities. Since 80 percent of the non-white population of the metropolitan areas in 1967 lives in central cities, the handicaps of nonwhite jobseekers are apparent. Unless they are going to be able to move in the suburban communities through the elimination of housing discrimination and the provision of low- and moderate-cost housing, they are going to be deprived of many jobs because they will be unable to live in the central city and work in the suburbs—simply because they cannot afford the high cost of transportation.

One of our witnesses testified to the relocation of one of these plants from a central city location to the suburbs. This Negro witness pointed out that his white fellow employees simply purchased housing near the new site of the plant, but that he was unable to do so because of discrimination in the sale of housing and he had to commute many miles every day, a great disadvantage, to work in the plant that previously had been but a few blocks from his home.

Representatives from the National Committee Against Discrimination in Housing testified regarding recent U.S. Department of Labor reports relating to subemployment in slum ghettos in large cities. These reports show that unemployment is so much worse in the slum

ghettos than in the country as a whole. The national unemployment rates are utterly irrelevant in considering the problems of minority workers. Any thinking about unemployment in terms of 3.7 or 4 percent completely ignores the slum. In the slum in contrast to the national unemployment rates, a few persons have a decent job, up to one-half are unable to earn better than a poverty-level income, and between 10 to 20 percent of those who should be working are not working at all. Thus, it is not an issue of jobs alone or an issue of housing alone.

The next point these hearings clearly establish is that housing discrimination has a serious adverse effect on education in the ghettos.

Rabbi Rudin testified that it is virtually impossible to provide high quality education to disadvantaged minorities as long as they are restricted to living in older congested sections of cities. The opportunity to go to school with members of other racial and ethnic and economic groups tends to improve the educational achievement of disadvantaged children, according to findings of educational research on the subject. De facto segregation in schools and education is directly traceable to the existing patterns of racial segregated housing. This Nation simply cannot afford to allow its efforts to provide the best education possible to all its people to be thwarted by actions of private persons, actions which are at least antisocial and immoral and ultimately amount to a covert contravention of our public policy in favor of equal educational opportunity. Fair housing is, therefore, more than merely housing. It is part of an educational bill of rights for all citizens.

George Meany testified that it is not an exaggeration to say that open housing is absolutely essential to the realistic achievement of such accepted goals as desegregated schools and equal opportunity. Schools are the most obvious example that much of the statutory civil rights progress of recent years will be little more than theoretical until open housing becomes a reality. The typical public grammar schools and neighborhood operation, the composition of the study body, is therefore determined by that of the residents. In the long run the soundest way to attack segregated education is to attack the segregated neighborhood.

The U.S. Commission on Civil Rights has recently published a study entitled "Racial Isolation in the Public Schools." This report demonstrated that there is a relationship between the confinement of Negroes to central city ghettos and inferior educational opportunity. For this reason, since housing discrimination produces inequality of educational opportunity, the Commission recommended in that report a Federal fair housing law in order to minimize the impact of housing segregation on education.

Mr. President, in the 1967 report of the U.S. Commission on Civil Rights, there is a separate chapter which deals with heartbreaking conditions in education in the ghettos of our country.

As they put it:

You just can't make it. They want in on the American dream that they see on their broken-down television screens in living rooms with the sofa that has half broken down.

Past generations of Americans have escaped from the economic insecurity and meanness of ghetto life by bettering their economic circumstances, obtaining for themselves or their children a good education, and moving outside the ghetto. For many reasons these avenues are closed to most Negroes.

One of the most significant barriers impeding progress and opportunity for Negroes is in the ghetto schools which provide inadequate education for Negroes and has failed to equip Negroes with the skills needed for competition in the job market.

Negroes are less likely to finish public school than whites and they are much more likely to attend schools with high dropout rates. In Cleveland, John Stafford, principal of the almost all-Negro Glenville High School, testified that almost 30 percent of his students dropped out of school between 10th grade and graduation.

As early as the third grade, the average Negro student in the United States is one year behind the average white student in verbal achievement. And by the 12th grade, the average Negro student is nearly three years behind the average white student.

John Solar, Executive Director of the Harlem Neighborhood Association and a resident of Harlem, told the New York State Advisory Committee:

"[N]ow it really isn't . . . necessary to say to a person, I am sorry, you can't have the job because you are Negro. What happens more frequently now is that they say, you can't have the job because you are not properly educated, you are not motivated, you are not prepared."

"This is quite damning, because you see how this prejudice has operated for so long that now it's no longer necessary to say, I don't want you because you are black. I don't want you because you are just not prepared, and it has been an educational system that has worked to create this condition."

Mr. President, recently I completed reading a new book, entitled "Death at an Early Age," the story of the experience of one teacher trying to teach the culturally deprived, predominantly Negro students, in the ghettos of Boston.

I defy any American to read the experience of this young, committed teacher to see the destruction of the feelings, of the hopes, of the aspirations of these children in this Boston ghetto school, and stand up and say that we are dealing fairly with all Americans in our country.

At the heart of the educational problem is the deeply seated and growing pattern of racially segregated housing throughout the land.

The next point that the hearings develop is that State and local laws, while experience has been generally good, just have not been in existence long enough to change the complexion of the ghetto.

In failing to come to grips with the problem of residential segregation and its attendant evils, Congress appears to be oblivious to what has been happening throughout the country. At this moment, 22 States have adopted fair housing laws, five of them during 1967. The laws of four other States, Connecticut, Indiana, Massachusetts, and, I am proud to say, my own State of Minnesota, were amended this past year in order to strengthen them. Minnesota's law is now one of the strongest in the Nation and covers most of the housing market.

In addition to the States, 84 cities, villages, and counties, together with the District of Columbia, have adopted fair housing ordinances. And for those of us who live in the Metropolitan Washington area and believe housing discrimination is a national disgrace, it has been a source of local pride to have Maryland this year become the first border State to adopt a fair housing law and both Montgomery County and Prince Georges County adopt separate ordinances that improve upon the statewide law.

It is some measure of the rate at which such laws are being passed that of the 84 local ordinances, 43 were adopted in 1967, the great majority since midsummer.

And even these figures are becoming outdated almost as I speak. For example, Detroit, Mich., adopted a fair housing law only last week. In Alexandria, Va., just across the Potomac River, the city council is establishing a new department to carry out a voluntary open housing policy. And within the past few days, open housing laws have been enacted in Louisville, Ky., by a newly elected Democratic city council which reversed the decision of the previous Republican-controlled council, and in Milwaukee, Wis., where a white Catholic priest, Father James Groppi, has led more than 100 marches demanding enactment of a strong open housing law.

Perhaps at this point some Members of this body will feel that if progress is being made in open housing, there is no need for Congress to act. I do not believe so. These scattered and local developments, far from absolving us from action, make it even more important than before that Congress enact a national fair housing law that will place all States and all localities upon an equal footing.

The local and State open housing

laws being enacted represent a hodge-podge of good and bad. Some are good laws, but most are ineffective at best, and a few are tokenistic frauds. Too many of them have glaring loopholes in coverage and totally inadequate enforcement.

But they all represent progress for their mere adoption is an official recognition by the community that housing discrimination does in fact exist, that it is undesirable, and that laws are needed to eliminate it.

As the Milwaukee Journal noted in an editorial following approval of that city's limited open housing law:

Local enforcement of the open housing right within the narrow coverage limits of the state law . . . has finally become the official policy of the city of Milwaukee. It is no great thing, but at least the council did move. It is a beginning.

And, Members of the Senate, it is time Congress made its beginning. This is a case where it is manifestly clear that, rather than leading in the fight for open housing throughout this land, the Federal Congress in fact is one of the slowest institutions to respond to what is known concerning the need for this kind of activity.

There is no longer any economic, political, moral, or other justification for segregated housing. On this one issue alone, liberals and conservatives alike can be condemned, and we all know that justice, morality and the national interest demand that the Congress act.

As the chief author of the Federal fair housing bill, I have found nothing more frustrating than trying to make real progress on this issue—which for the first time involves northerners as well as southerners—and call upon this Nation to declare the principle that we are going to live together and not separately.

The charge is made against those of us who have participated in the past civil rights debates in this body that we find it very easy to point the finger at the South, but that we find it difficult to point our finger at the North where racial patterns exist.

I accept the challenge. I think all representatives of the Northern, Western, and Southwestern States of this Union ought to realize that one of the reasons why we resent that charge is that there is some truth to it.

This issue raises the question whether those of us who have northern and western constituencies favor civil rights measures which are manifestly needed when they affect, not just Georgia or Alabama, but Minnesota, Montana, and every State in the Union. Each of us will have to leave this Chamber with a red face if we insist that civil rights measures are only for the South, and not for matters which we know exist just as fully throughout the northern and western communities of this Nation.

The next point is that there is a pent-up demand for more housing among ghetto residents. For example, an HHFA study in 1963, based on 1950 and 1960 censuses, found that in the 21 areas analyzed, the total number of nonwhites earning more than \$4,000 a year increased nearly 15 times from 1940 to 1959—from 59,000 to 940,000 persons.

In the Commission on Civil Rights Report for 1967, on page 60, these remarks are found:

Asked at an open meeting what she would do if she had a better income, Mrs. Charlotte Gordon, a resident of a Gary slum, replied: "The first thing I would do myself is to move out of the neighborhood."

Another resident of the same area, Mrs. Friels, in reply to the identical question, said she would like to move to "someplace where we could have a lawn, you know, and just breathe the free air for a change."

To many slum residents, just as to other Americans, moving to a better neighborhood may mean more than obtaining better housing. For one thing, it may give their children the opportunity to grow up in a healthier atmosphere. Mrs. Gordon explained why she wanted to move:

"I feel this is a slum, and if your children grow up in this kind of thing, never doing anything else, what are they to know about it? You tell them about it, but how can you tell them about it?"

The opportunity to move outside the ghetto also may mean the opportunity to send children to better schools. And it may bring one closer to job opportunities; the flight of jobs from central cities would not present a barrier to employment opportunity for Negroes if they were able to live in the areas where the jobs were being relocated.

Negroes who live in slum ghettos, however, have been unable to move to suburban communities and other exclusively white areas.

In part, this inability stems from a refusal by suburbs and other communities to accept low-income housing. Even Negroes who can afford the housing available in these areas, however, have been excluded by the racially discriminatory practices not only of property owners themselves, but also of real estate brokers, builders and the home finance industry. An important factor contributing to exclusion of Negroes from such areas, moreover, has been the policies and practices of agencies of government at all levels.

Owners and Realtors. Walter Sowell, a Negro who was Superintendent Engineer with the Cleveland Metropolitan Housing Authority, testified at the Cleveland hearing that he had "looked over the entire Cuyahoga County" for a home and a neighborhood within his means. He was told on the phone that he could not buy a house because he was Negro, "but never face to face . . . there were a lot of excuses given. . . . [T]he second call or third call, usually the house was sold or something happened and it was transferred to another real estate company."

We had several witnesses before our subcommittee who were Negro, who testified that they had the financial ability to buy decent housing in all-white neighborhoods, but despite repeated good-faith attempts, were unable to do so. The pattern of frustration, the pattern of misleading statements, the lies and deceptions were found in each of their experiences. Never, or rarely, was race given as a reason, but always it was absolutely obvious that no other good reason could be given.

I cite to the Senate an example which shows this problem in its most extreme and outrageous and indefensible terms, for in this record is the testimony of a Negro naval officer, a lieutenant in the U.S. Navy. At page 193, this testimony of Lt. Carlos Campbell is recited. I was chairing the subcommittee at the time he testified. He is a young, handsome, intelligent, magnificent example of the finest that American youth is contributing to the defense of our Nation. He has served this country for 8 years. He has gone wherever this Nation has asked him to go. He has pledged himself to risk even his life for the defense of this Nation. What have we done in exchange?

In March of 1966 he was ordered to report for duty with the Defense Intelligence Agency at Arlington, Va. The story he told as he tried time and time again to find decent housing, which he was able to pay for, within reasonable distance of the post to which he was assigned by the U.S. Government, is a story of shame, of unconscionable racist abuse that should be a burden on the conscience of every decent American. Lieutenant Campbell went to over 39 separate homes, many of which had been listed with the Department of Defense Housing Office as available on a nonsegregated basis. Time and time again he was met with excuses, lies, and deceit, and it was only through the intercession of a friend that he was finally able to find decent housing for his family.

I think this experience by any American is an outrage, but the fact that it happened to someone whom we thought was good enough to defend our country, who had accepted the challenge to help defend this Nation, and yet one whom we apparently would not permit to live amongst us only because of his color, is shameful.

We had another example, that of Gerard A. Ferere, professor of French and Spanish, St. Joseph's College, Philadelphia, Pa. It was my privilege once again to be present when he testified. He was not merely bright, Mr. President; he was brilliant. He has had a remarkable and distinguished career in the academic field. He earns an income, as I recall, in excess of \$11,000 a year; to be exact, \$11,056. That would place him in the upper half of Americans in terms of income. He spent more than half a year trying to find housing in a nonsegregated community.

We could state figures, which are also available in this record, showing the growing number of Negroes economically capable of buying decent housing outside the ghetto, but the percentage who succeed is so infinitesimally small as to decisively pin down the point that there is a substantial market of financially able Negroes prevented from buying housing of their choice because of deeply entrenched patterns of discrimination in the sale and rental of housing in our country.

How insane can this policy be, when a lieutenant in the U.S. Navy, an attractive, decent, impressive young man, has to go to 39 different places—not because he wanted to live there, but because the Nation required him to serve at that base—only to find that while he was good enough to protect this Nation, he was not good enough to live with us?

How absurd can this policy be, when a distinguished professor in one of our great colleges in this country, financially able to buy decent housing, spends more than half a year and cannot find one single suitable alternative available to him in a nonsegregated community?

Those who are interested will find in this record detailed information on the growing capacity of Negroes to afford decent housing. How many of them today, how many thousands, how many millions of Negro Americans, are asking questions about the decency of our country when they have a capacity to break free from the ghetto, but we will not permit them to do so? What kind of hatred, what kind of rage must be just below the surface when they face this hideous alienation, this total insult which too often faces them?

Mr. President, this measure, as I have stated earlier, is a modest one. It would implement the principles of fair housing in three stages. First, upon adoption, it would prohibit discrimination in the sale of rental housing now covered under the Executive order of 1962. In December of 1968, its coverage would extend to all nonowner occupied dwellings, and dwellings with five or more units; and in December 1969 it would cover all housing, except for the famous "Mrs. Murphy" exception which is described in the legislation.

I repeatedly asked the witnesses on what point of the scale of importance they would place the need for the adoption of fair housing legislation. Without exception, these top leaders, who know better than any of us—because they are in the frontlines of this problem—testified that this was the No. 1 issue in our country today, if we are going to deal with the question of fairness in our country.

Mr. President, this testimony came not alone from the traditional leaders of the civil rights movement, but it came from substantial, widely respected leaders of the business community of both political parties, of all walks of life—a distinguished panel of clergy; a distinguished panel of deans of law schools; a highly impressive panel of established, experienced realtors—who testified perhaps with more urgency than any of the rest of us what the need for fair housing will be.

Mr. President, I referred to the impressive testimony of business leaders and leaders from other walks of life on behalf of this legislation.

It impressed me, for example, that Mr. James W. Cook, president of the Leadership Council for Metropolitan Open Communities, Chicago, Ill., came to Washington and testified in a brilliant and experienced fashion because he had dealt with this problem for many years. He urgently pleaded with Congress to do its duty in this field.

He was not merely a professional civil rights leader, as important and indispensable to the health of American life as is that profession, but he is also the president of the Illinois Bell Telephone Co.

Mr. Cook came to Washington representing a committee which included many of the top business leaders of the Chicago community. And in testimony as urgent and as compelling as anything that we have heard, this established leader of American business pleaded with us to do our duty.

Other witnesses, similarly situated, testified. These witnesses represented significant portions of American business leadership.

The testimony of Mr. Andrew Heiskell appears on page 423 of the transcript of hearings. Mr. Heiskell, in addition to being a key member and chairman of the board of directors of Urban America, is a top official of Time-Life Corp. He came to Washington at his own expense. He came here to say that the time had come for this country to be true to its ideals and to enact the measure which has now been presented to the Senate.

He said this:

If I may, I would like first to speak personally as a citizen. As such, it is my conviction that true democracy in this country requires, in addition to many other conditions, that every citizen have an equal opportunity to buy or rent housing without regard to racial or religious origin. However, far more is at stake today than personal theory or ideology.

It is no exaggeration to say that we are now at the point where the social, economic, and physical future of our metropolitan complexes is dependent on the elimination of racial segregation.

As this committee well knows, many, if not most of our metropolitan areas, are well on their way to becoming central cores inhabited by Negroes, surrounded by suburbs that are almost exclusively white. The core ghettos have become the centers of economic, social, educational, and health problems. The white ring is more and more disavowing any concern for the cities without which these very suburbs would be meaningless.

This summer we have seen the tragic results of this polarization. It is regretted but it must be admitted that Government policy and private enterprise have jointly contributed to this result. Heavy migration to the cities, combined with lack of construction during the depression and World War II built up an enormous pressure in terms of housing needs. The most obvious immediate answer was to construct millions of units on an open suburban land.

With the help of the Federal Housing Administration and the Veterans' Administration, the home-building industry was able to bring about a seemingly quantitative answer to these needs.

In an expanding economy, new housing was built for those who could pay the full price but thereby relegating the Negro to the central city, because of his generally low income. Furthermore, FHA's conservative mortgage appraising policies, by stressing stability within a social and racial context, reinforced the division between the black core and white suburbia.

I am pleased to say that FHA has long since changed its policy in this regard under the leadership of Secretary Weaver and Under Secretary Wood and is prodigal FHA administrators more effectively than ever before to bring responsible credit back into the ghettos.

A sordid story of which all Americans should be ashamed developed by this country in the immediate post World War II era, during which the FHA, the VA, and other Federal agencies encouraged, assisted, and made easy the flight of white people from the central cities of white America, leaving behind only the Negroes and others unable to take advantage of these liberalized extensions of credits and credit guarantees.

Traditionally the American Government has been more than neutral on this issue. The record of the U.S. Government in that period is one, at best, of covert collaborator in policies which established the present outrageous and heartbreaking racial living patterns which lie at the core of the tragedy of the American city and the alienation of good people from good people because of the utter irrelevancy of color.

I commend this hearing record to my colleagues because it brings up to date the total available information bearing upon this issue. It shows the breadth of support which Americans from every sector bring to bear in urging the adoption of this proposal.

It underscores the urgency that our country take this long overdue step to a rendezvous with its conscience. It asks through one spokesman after another that this country once and for all declare that we intend to live together and not apart, that we intend to be a truly United States, that there is no place in his Nation any longer for the morally indefensible practice by which housing is

leased or sold on the basis of racial principle.

I hope that the Senate will agree to this amendment.

I know of no single action we could take that would contribute more to understanding, to compassion, to the commitment of this country, than the simple matter of Congress declaring that we have had the last of segregation in the sale and rental of living quarters in our country.

Some say that this is not a popular measure. I do not believe it. I have always spoken up for fair housing, and I have done so in circumstances and under conditions in which the public knew where I stood, in which those who have opposed fair housing have had due notice and plenty of political remedies, and they have tried.

I believe that fair housing is a difficult issue only if it is not explained. I believe in the decency of our country and our people, and I do not believe that if they are presented with this issue, there would be any result other than a resounding and unquestioned decision in favor of decency and fairness.

We have heard the same argument in opposition to fair employment. We have heard the same argument in opposition to the Civil Rights Act of 1964. We have heard the same argument in opposition to the Public Accommodations Act.

Time and time and time again, we have been told these are unconstitutional, only to have the U.S. Supreme Court unanimously show its constitutionality. And the same will be true if we adopted fair housing.

Time and time again, we have been told it is politically impossible for this Nation to work its conscience and do what is right on this issue of humanity, only to find that where it has become a political issue, the American people almost invariably have decided the issue in favor of decency and humanity.

In Minnesota we have one of the strongest, if not the strongest, fair housing laws in the country. I have yet to see one proponent of that measure be hurt politically because of his support.

This is an issue of decency. This is an issue in which men of good will, regardless of political party, will, when they understand it, rise to support those who have discharged their responsibility to their fellow men, to their religious principles, and to the concept that, in final analysis, every man is a child of God. That is the issue we have before us today.

I hope we will act with responsibility, without emotion, and yet with proper human concern for the enormous ramifications of the principle involved.

How do you tell someone who believes in this country, who happens to be black, who speaks up for moderation in our Nation, that a Congress can refuse to adopt such a measure and yet claim to be committed to the principle of living together? I say that the charge in that case would be unanswerable. Now is the time to do our duty.

Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Minnesota will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. It has already been printed in the Record.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BROOKE. Mr. President, the introduction of this amendment brings before the Senate what must be considered, of all issues affecting civil rights, one of the most urgent matters of our day. In considering the proposed legislation, we will be entering an area too long neglected by the Senate, an area whose neglect by public authority has contributed more than most people realize to the strife and tension which so sorely try American society in our time.

Fair housing is not a political issue, except as we make it one by the nature of our debate. It is purely and simply a matter of equal justice for all Americans.

If we but look beyond the petty fears and hostilities which have too often marred our national life, we would have no difficulty in seeing that legislation of this kind is clearly required by the ideals and principles on which this Nation has been built. Who among you would say that the cherished dream of a decent home for every American should be abandoned to the ignoble dictates of prejudice and avarice? Yet, in effect, this is the practical result of the outdated customs which have persisted in many communities in this country.

Every argument of principle and pragmatism tells us that the time has come to take action to liberate all Americans from these unhappy practices. The issue is often posed in terms of a contest between human rights and property rights. Even in those terms, I cannot believe that a majority of this body, nor a majority of all Americans, would cast their vote for things instead of people. In the hierarchy of American values there can be no higher standard than equal justice for each individual. By that standard, who could question the right of every American to compete on equal terms for adequate housing for his family? But we know that in 1968 the competition remains less than equal.

Congress and the American people have come far in recent years toward recognizing the awful reality which we have tried to hide from ourselves. We can now see that discrimination is a powerful and ugly force eroding our efforts to achieve the fundamental goals of the Declaration of Independence and the Constitution. We can recognize the manifold and insidious ways in which discrimination works its terrible effects on many of our fellow citizens.

But to recognize an evil is not to eradicate it, and we have been content too long with exhortation rather than action in this field. Millions of Americans have been denied fair access to decent housing because of their race or color. If we perceive this reality, on what possible grounds can we delay the evident remedy?

In this confused and painful period of our national history, we may take some hope from our postwar progress in other questions of civil rights. There have been earnest attempts to alleviate the injustices which kept many Americans from the voting booth. There have been respectable achievements in opening public accommodations to all of our citizens.

But in the critical areas of housing, education, and employment, change has been intolerably slow. It is in these realms that one finds the basic explanation for the malaise which disturbs America. It is in these realms that one finds discrimination still in the saddle and justice trampled underfoot. It is in these realms that our country must achieve its professed ambitions of equal justice under the law, or fail in the most noble aspects of the American experience.

It is in these realms that the Senate must provide the leadership to which the vast majority of concerned and well-intentioned Americans can rally. Without such leadership, without the voice of the Senate proclaiming the true and better spirit of the American citizenry, we must reckon with the danger that baser instincts will continue to prevail in too many sections of our country.

I have stressed that our ideals call us to act on this subject. I cannot fail to add, however, that other less lofty considerations also compel attention to these issues. It is my sober judgment that the issue of fair housing has become nothing less than the first priority in any approach to dealing with the urban crisis in which we are embroiled.

This in no way implies that fair housing is a panacea or anything approaching it. It is to argue that, to the extent we make progress in this area, we may be able to moderate our difficulties in the other critical areas to which I have referred, education and employment.

Fair housing does not promise to end the ghetto; it promises only to demonstrate that the ghetto is not an immutable institution in America. It will scarcely

lead to a mass dispersal of the ghetto population to the suburbs; but it will make it possible for those who have the resources to escape the stranglehold now suffocating the inner cities of America. It will make possible renewed hope for ghetto residents who have begun to believe that escape from their demeaning circumstance is impossible.

Most important, in my judgment, this legislation on so vital a matter will offer desperately needed evidence that the American political process remains the most viable and responsive institution yet conceived by man. When the relevance and potency of our institutions come into question, as they have in many quarters, there is no other way to restore public confidence than by demonstrating the capacity and willingness of political leaders to act. What stands between us and action are myths and ghosts, the ancient hobgoblins that opponents of fair housing always invoke.

Most of these myths are unworthy of comment, but we do best to confront even unworthy demons in the light of day. There are those who raise the specter of economic loss if fair housing laws open white communities to Negro families. In one study of 20 neighborhoods in San Francisco, Oakland, and Philadelphia, covering a period of 12 years, property values either remained stable or increased in 85 percent of the relevant cases. If there is any truth to this myth at all, it is rooted in the unequal access which Negroes have had to housing; the inequality has made possible the worst forms of price gouging on the one hand and blockbusting on the other. Where the entire housing stock is open to Americans, it is wholly reasonable to expect a neutral impact on housing prices.

There are also some few who raise the claim that the Government is already moving rapidly enough in this field. True enough, between 1950 and today the Federal Government has completely reversed its racial policy, moving from officially sanctioned housing discrimination to a Presidential order in 1962 nominally eliminating discrimination in federally assisted housing. Yet the effect of these moves has been minimal. In 1962 nearly 80 percent of federally subsidized housing remained occupied by one race. And today the Executive order covers only a fraction of the total housing stock. Secretary Weaver estimates that only 40 percent of the stock has been subjected to Federal nondiscrimination rules. We are all familiar with the dreary cycle of the middle-class exodus to the suburbs and the rapid deterioration of the central city. I firmly believe that nothing is so essential to breaking this cycle than prompt action on fair housing legislation.

As the exodus has progressed, more and more jobs and businesses have followed the middle class to the suburbs. The tax base on which adequate public services, and especially adequate public education, subsists has fled the city, leaving poverty and despair as the general condition of the ghetto dwellers. We cannot immediately recreate adequate services in the central city, but we must move toward that goal. At the same time we can and should make it possible for those who can to move to where the better schools and services, the decent homes and jobs are most plentiful. That is the simple purpose of this bill.

Fair housing legislation has been labeled "forced" housing. I believe that the true "forced" housing is exactly that situation in which the ghetto dwellers find themselves—trapped in the slums because they can go nowhere else. The States are concerned that the Federal Government is attempting a further usurpation of their power. But if the States are not inclined to follow the doctrine of the 14th amendment surely the Federal Government has the duty to insure that they can no longer ignore it.

Mr. President, finally, some are worried that this legislation will both invade their privacy and tamper with their right to sell their homes to whom they please. On the contrary, this bill is aimed not at privacy but at commercial trans-

actions. It will prevent no one from selling his house to whomever he chooses so long as it is personal choice and not discrimination which affects his action.

With the enactment of the Civil Rights Act of 1964 there came a gradual but basic shift in attitude toward discrimination in public accommodations. It is my hope and my prayer that the American people will respond to the passage of open housing legislation in the same spirit. The job that faces us is one that must be done.

Mr. President, Negroes in big cities usually pay rent just as high as most whites, but receive much less for their money. Moreover, since they have lower income, paying equal rents works a greater hardship on them. These conclusions can be demonstrated by data from the 1960 census for Chicago.

There both whites and nonwhites paid median rents of \$88, and proportions paying rents below that median were almost identical. However, units rented by nonwhites were typically smaller and in worse condition; 30.7 percent of all non-white units were in deteriorated or dilapidated areas as against 11.6 percent for whites. They contained more people.

The median household size was 3.53 for nonwhites against 2.88 for whites.

Authoritative figures prove conclusively that Negroes paid significant extra housing costs in 1960 as a result of racial discrimination against them by whites.

The major mechanism through which this took was housing. Prior to 1948, direct exclusion of Negroes from white residential areas was legally enforceable by means of restrictive covenants incorporated in property deeds. After the Supreme Court declared this unconstitutional there was a shift to other means of discrimination. The two principal means are a conspiracy by white realtors to refuse to sell or rent to Negroes in all-white areas, and withdrawal of whites in areas where Negroes begin to live in sizable numbers.

Many States have now outlawed racial discrimination by realtors in the sale or rental of housing, though such laws do not always cover all forms of housing. These laws have, as yet, had no measurable effect in breaking down patterns of racial segregation.

A recent exhaustive study of such segregation reveals its presence to a very high degree in every single large city in America. Minor variations exist between North and South, suburbs and central cities, and cities with large and small Negro populations. But in every case Negroes are highly segregated, more so than Puerto Ricans, orientals, Mexican Americans, or any specific nationality group. In fact, Negroes are by far the most residentially segregated group in recent American history.

The authors of one study devised an index to measure overall segregation. The values indicate the percentage of nonwhites who would have to shift from the block where they live to some other block in order to provide a perfectly proportional, unsegregated distribution of population by block in that city. The mean segregation index for 207 of the largest U.S. cities was 86.2 in 1960. Index values were somewhat high in the South, a mean of 90.9, than in the Northeast, with a mean of 79.2, the North-Central, with a mean of 87.7, or in the West, with a mean of 79.3. But only eight cities have values below 70, whereas over 50 have values above 91.7.

Two additional findings from that study are extremely significant.

First, this nearly universal pattern of residential segregation cannot be explained as resulting from economic discrimination against all low-income groups. Careful analysis of 15 cities indicates that white upper and middle-income households are far more segregated from Negro upper- and middle-income households than some white lower-income households.

Thus, racial discrimination appears to be the key factor underlying housing segregation patterns.

Second, the degree of racial segregation rose significantly in all parts of the country from 1940 to 1950, but declined slightly in all parts, except the South, from 1950 to 1960.

The average segregation index value for all 207 cities was 85.2 in 1940; 87.3 in 1950, and 86.2 in 1960.

From 1950 to 1960, only 15.6 percent of all cities in the North and West experienced segregation index increases as compared to 77.8 percent in the South. This shift in the North and West was undoubtedly affected by the outlawing of racially restrictive covenants in 1948, plus the end of the general U.S. housing shortage in the mid-1950's.

Nevertheless, the decline in segregation even in the North and West was relatively small. From 1950 to 1960, regional average index scores dropped 4.7 points in the Northeast, 1.5 percent in the North Central, and 6.5 points in the West.

These figures indicate that any really large reduction of residential segregation through "natural" developments in the near future is extremely unlikely.

Mr. President, many expect a ruling from the Supreme Court on the Jones against Mayer case to take some action on fair housing. But are we to wait until the Court acts? If Congress waited in the area of segregated education, surely Congress should speak forthrightly on this matter and not wait for the Court to lead where the elected representatives should be in the vanguard.

Mr. President, already we can see that the fair housing principles are being accepted in many States and localities. The National Committee to End Discrimination in Housing estimates that 60 percent of the American population is already covered by some form of fair housing legislation. These statutes are far from uniform and are very uneven in coverage and enforcement. But they reflect, in my opinion, receptivity to action in this field which should end congressional timidity once and for all.

Mr. President, I now refer to a statement concerning the Fair Housing Act of 1967, in the hearings before the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency, U.S. Senate, 90th Congress, first session, under the paragraph heading "The Ghetto and the Master Builder."

The words are these:

We make two general assertions: (1) that American cities and suburbs suffer from galloping segregation, a malady so widespread and so deeply imbedded in the national psyche that many Americans, Negroes as well as whites, have come to regard it as a natural condition; and (2) that the prime carrier of galloping segregation has been the Federal Government. First it built the ghettos; then it locked the gates; now it appears to be fumbling for the key.

Nearly everything the Government touches turns to segregation, and the Government touches nearly everything. The billions of dollars it spends on housing, highways, hospitals and other community facilities are dollars that buy ghettos. Ditto for the billions the Government has given to American cities and suburbs in the name of community planning—money which made it simple for planners to draw their two-color maps and to plot the precise locations of Watts, Hough, Hunter's Point and ten-thousand other ghettos across the land.

At present the Federal example is murky; it has an Alice-in-Wonderland quality that defies easy summation. On the one hand, the Government is officially committed to fighting segregation on all relevant fronts; on the other, it seems temperamentally committed to doing business as usual—which, given our current social climate, means more segregation. It hires many intergroup relations specialists—huh has forty-seven—but deprives them of the power and prestige to achieve meaningful integration. Similarly, it cranks out hundreds of inter-office memoranda on how best to promote open occupancy, but it fails to develop follow-up procedures tough enough to persuade bureaucrats to take these missives seriously. The Federal files are bulging with such memoranda—and our racial ghettos are expanding almost as quickly.

The road to segregation is paved with weak intentions—which is a reasonably accurate description of the Federal establishment today. Its sin is not bigotry (though there are still cases of bald discrimination by Federal officials) but blandness; not a lack of goodwill, but a lack of will. The Federal failure to come to grips with segregation manifests itself in all kinds of oversights. For example, a recent FHA pamphlet for house-buyers includes an italicized explanation of Federal antidiscrimination rules and regulations. Good. It also includes a photograph of a house in a suburban subdivision

which had won an FHA "Award of Merit" for community development. Bad—because the subdivision was all-white, and its builders, according to a state human relations official, "discouraged Negro families from buying." Nobody checked this out before publishing the pamphlet because nobody cared enough to ask the right questions.

What adds to the murk is officialdom's apparent belief in its own sincerity. Today's Federal housing official commonly inveighs against the evils of ghetto life even as he pushes buttons that ratify their triumph—even as he ok's public housing sites in the heart of Negro slums, releases planning and urban renewal funds to cities dead-set against integration, and approves the financing of suburban subdivisions from which Negroes will be barred. These and similar acts are committed daily by officials who say they are unalterably opposed to segregation, and have the memos to prove it.

The words have lost their meaning. Many housing administrators in Washington have on their office wall a framed reproduction of a statement President Johnson made to his Cabinet on April 25, 1965: "The Federal service must never be either the active or passive ally of any who flout the Constitution of the United States. Regional custom, local traditions, personal prejudices or predilection are no excuses, no justification, no defense in this regard." But when you ask one of these gentlemen why, despite the 1962 fair housing Order, most public housing is still segregated, he invariably blames it on regional custom, local traditions, personal prejudices of municipal housing officials.

The upshot of all this is a Federal attitude of amiable apartheid, in which there are no villains, only "good guys"; a world in which everyone possesses "the truth" (in the files, on the walls), but nearly everyone seems to lack a sense of consequences. In such a milieu, the first steps toward a genuinely affirmative policy of desegregation in housing are endlessly delayed, because no one is prepared to admit they have not already been taken.

"The rule is," said the Queen to Alice, "jam tomorrow, and jam yesterday—but never jam today."

In other words, our Government, unfortunately, has been sanctioning discrimination in housing throughout this Nation. The purpose of this bill, as well stated by my able colleague from Minnesota, is not to force Negroes upon whites. It is to give black Americans an opportunity to live in decent housing in this country.

In the summer of 1966 and the summer of 1967 our Nation witnessed its greatest shame. If we are to avoid a recurrence of this unsightly, unconscionable bitterness between white and black Americans, it is incumbent upon our Government to act, and to act now. The most important action that we can take is to enable black Americans to live in decent housing; and this amendment is intended to do exactly that.

The fears and myths I have spoken about have been aired time and time again. Whenever there was a debate on open occupancy, whenever there was an attempt by the Federal Government to move against discrimination and segregation, these same myths, these same fears, have been argued in debate.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. BROOKE. Yes; I yield to the Senator from Minnesota.

Mr. MONDALE. First, I would like to express my personal appreciation to the distinguished Senator from Massachusetts for his characteristic courage and strength of leadership on this issue. The Senator from Massachusetts terminated a very important study trip through Africa and flew several thousand miles to assist me as cosponsor of this measure and be ready this afternoon with his proposal. In addition to that, he prepared the most impressive remarks by which we have just been benefited.

In each of our comments, we emphasized many of the material aspects of this problem, whether it is the quality of housing or the quality of education, the availability of decent employment, the environment in terms of water, air, and transportation, law enforcement, playgrounds, and all the other aspects of a desirable community; but I wonder if perhaps more important than any of those is the psychological insult and the impact of that insult upon the ghetto dweller.

I asked these questions of Mr. Algernon Black, who testified on behalf of the

American Civil Liberties Union. The questions and answers appear on page 178 and 179 of the hearings. I think this is one of the most brilliant expressions of this aspect of the problem. I said to Mr. Black:

I particularly liked the sentence in your testimony that goes as follows:

"Deeper than the material and physical deprivation is the humiliation and rejection and what this does to human beings."

This past Sunday in the New York Times supplement there was an article by a Negro sociologist talking about the impact of conditions of oppression on the mental outlook of the Negro male. And it points out in effect we have given traditionally in the United States the Negro the option of risking his life or losing his manhood.

And while that ancient option that was once true in the South is no longer as much true as it was, in the North we have this kind of repression in housing and living conditions by which we crowd Negro America into the rotting cores of our central cities. And it is today's grace from a material standpoint, but its cost in terms of the impact that flows from the humiliation and the insult of segregation is an incalculable cost that perhaps is even greater.

This was his response. He said:

I am also former chairman of the New York State Committee Against Discrimination in Housing, the first State committee of its kind to pioneer with State legislation and from which was born the National Committee Against Discrimination, whose representatives and officers you will hear this afternoon. I am chairman of its board of directors.

This is the point he made, which I thought was powerful and unanswerable. He said:

The real evil in the ghetto effects is the rejection and humiliation of human beings. As former chairman of the Police Complaint Review Board of New York City, I found that the most humiliating and injurious thing that police can do is not physical but psychological and spiritual, when they humiliate a man in the presence of his wife or his children. This is the enraging and destructive thing to a man's soul—and the injury it does to a child's psyche—because the man, who is supposed to protect the family, to make the home, and is made to feel that he is nothing by one who represents the authority of society.

This sense of humiliation goes all through the ghetto. It is the primary cause of the frustration and rage in the youth which has acted with such violence in the recent riots. In the ghetto no matter what they do, what they become, they don't get anywhere. They feel they are in a cage. And this is why this bill is of crucial importance now.

I think that is one of the most remarkable and unanswerable arguments I have heard for the importance and the immediacy of this measure. It is hard to quantify and make tangible this psychological problem; and yet, when I go into the ghettos, as I have, and talk to ghetto residents, they seem to be trying to express something different from the physical problem, although that is important, and I believe that Mr. Black expressed the result of the humiliation of segregation better than I have heard it expressed by anyone else.

Mr. BROOKE. I certainly concur in the statement of the distinguished Senator from Minnesota, and I am very grateful for his generous remarks. I assure him that I am deeply proud to be associated with him in the sponsorship of this important amendment.

I wholeheartedly agree with what Mr. Black said in testimony before the Senator's committee. The psychological impact is a great impact. It is a profound one. I can testify from personal experience, having lived in the ghetto, what it does to the inside of a man to live in such shameful conditions, to be in an area which has been marked for second-class citizens, in an area which few are able to escape.

Oh, I must confess that I was one of the lucky ones, that I did escape from the ghetto, that my parents were able to educate me and we were able to move out into a better neighborhood. But there are millions of my brothers who have not been able to escape, who still live in ghettos, who still live in indecent housing, who still lack a quality education, who still are unemployed or underemployed. So I know the psychological impact of which Mr. Black speaks.

This year, I have served on the President's Advisory Commission on Civil Disorders, with the opportunity to go to Detroit, to Newark, to Roxbury, and to other places around the country, and to talk with people who live in the ghettos, who every day experience the shame and the ignominy, who find it impossible to move out of those areas of squalor, and who feel so strongly that they are being denied their rights. I have seen the impact upon them, and I know very well what they mean when they say, "It is not just the fact that I am the last hired and the first fired; it is not even the bad conditions under which I am forced to live; but it is that I do not feel like a man, that I am denied the right to feel, to act, and to stand as a man, to live with human dignity. That is what is most important to me. I want to feel like a man. I want to act like a man. I want to live in dignity."

Time after time, I heard this testimony from the lips of those who lived in the very areas—the real areas—that have plagued our country with violence and bloodshed this year.

They told me that when a policeman approaches them, it is not so much that he makes an arrest, but that he treats them like dogs.

What they are really asking for is respect as individuals. They do not want to be denied it merely because their skin happens to be black.

This is what Mr. Black was talking about when he appeared before the Senator's committee. I think the material things are important, and quite rightly, but they are only secondary to that psychological lift that could be given to black America if it could only be given the opportunity to live where it pleased.

Mr. MONDALE. Mr. President, I said earlier that the statement of Dr. Black was the best on the subject I had ever heard. I have just heard a better one, on the psychological and spiritual aspects of this problem, from the lips of the distinguished Senator from Massachusetts.

I think his words should be engraved in gold and brought to the attention of every American. I think if they were, the response of Congress would be immediate, swift, and favorable on this issue.

One of the questions we faced during the hearings, as the Senator from Massachusetts knows, was: How important is fair housing as a part of the total spectrum of needs in the American ghetto?

The Senator from Massachusetts is well aware, both from his experience on the riot commission and from his other experiences, that there are those who say that this is a sort of nominal, vestigial, relatively meaningless aspect of the total spectrum of answers to the problems in our ghettos.

One of the things that impressed me during the hearings was the number of times and the number of sources which stated that that was not the case, that this is not only an important aspect of the solution, but an indispensable feature of any adequate solution.

I asked Mr. Wilkins—who, incidentally, is from Minnesota; you will find most of the key leadership of any decent organization originated in that State: Mr. Wilkins, who was born there, Clarence Mitchell, who learned everything he knows there; Whitney Young, who would not have gained leadership without his experience there; and the same is true of many others—whether that was true.

Mr. BROOKE. Will the Senator yield, and say all those who were not born in Massachusetts?

Mr. MONDALE. I decline to yield to say that.

Mr. Wilkins' answer to that question, which appears at pages 119 and 120 of the record of the hearings, was as follows:

I might say as sort of a confession that while I have always believed that housing and employment and schools are the inseparable trio that must be dealt with as far as the ghetto living is concerned, I have been a little astonished to discover in recent years the tremendous feeling about housing, and even more so than unemployment. Ordinarily we would say unemployment is No. 1. I personally say schools are No. 1, but I think unemployment is only

about a nostril behind, you might say, but I have been astonished to find the number of persons who consider housing. The refusal of housing as a crushing rebuttal of their human—the position as human beings as citizens. There is nothing more humiliating to a father and a mother than two small children when he is on the threshold of a successful career or looking forward to it, and he wants to purchase a home, and somebody tells him you can't do it because you are black. This hurts his wife, it hurts his children. It is a crushing thing. He would say, "Well, I would rather almost work as a day laborer if I could be free to pick my house, and I would rather not be what I am, a college graduate, and so on, if I could choose." So in that sense, I guess it is the No. 1 consideration. As you said, an important part, I would say almost that it is almost No. 1 if not No. 1.

Mr. President, this is one of the most distinguished, experienced, and committed Americans in this field, and he says, in a reasoned answer, that this may very well be the single most important issue that we face and must successfully deal with, if we are to solve this problem.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. BROOKE. Mr. President, I am very pleased to hear the distinguished Senator from Minnesota speak so highly of Mr. Roy Wilkins of the National Association for the Advancement of Colored People.

Roy Wilkins is truly one of the greatest leaders in the fight for civil rights the Nation has ever known. He is well respected and able. And he is a man who thinks well and acts with conviction.

I think it is very appropriate that the Senator from Minnesota has cited Mr. Wilkins' testimony before his committee. I know that Mr. Wilkins has given his entire life to this subject and is certainly an expert on these matters.

Mr. Wilkins states, as the Senator pointed out, that housing is almost the number one priority. He gives his reason, as he always does.

I think that we should take heed of this.

As I said, I served on the President's Commission for Civil Disorder. Mr. Wilkins is also a member of that commission. I think that if he were to testify before us now, after his service on the Commission, he would be even stronger in his convictions concerning the importance of housing. We have seen what has happened in the ghettos as the whites have moved out of the inner city into suburbia. We not only find decay and deterioration in the central city, but we find also that business has moved out of the ghettos into suburbia with the white population.

On the floor of the Senate in the last session of Congress, we debated the question of whether Federal funds should be spent for the location of certain industries out in suburbia where Negroes are unable to live and be near their jobs.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. MONDALE. Mr. President, the Senator will recall that when we had the matter of the Weston, Ill., 200-Bev. appropriation before us last year, the testimony was that if a Negro obtained a job in that Federal facility—the largest perhaps that we have ever created to this time—he would have to commute on an average of 74 miles a day because he would have to come from the ghettos of Chicago.

Mr. BROOKE. The Senator is correct. That is one of the examples that we gave. I think it is a very flagrant and startling one. I am sure that we could give other examples that would certainly point to the need—the very great need—to open up housing. Obviously any Negro that has to travel 74 miles a day cannot hold the job. He would not only be denied housing, but he would also be denied employment by reason of that fact.

Where are the schools the worst? They are worst in the central cities where the Negroes are living today, and from which they cannot escape. So, we have education and employment affected by housing.

I would certainly place housing as the top priority. I think it is very important, because if Negroes are able to live where they want, then they will be able to get these jobs.

Again, in the last session of the Congress, we had legislation proposed for government incentives to be offered for the location of industry in areas where Negroes were living. If Negroes could live anywhere, we would not have to relocate industry all over the country.

We are trying to keep Negroes living in segregated ghettos in the Nation, and what we need to do is to destroy these ghettos.

That will not happen overnight. It will take time. However, I think, as the able Senator from Minnesota well set forth in his opening statement, there will not be this great rush to the suburbs. There never has been. As people are educated and have the opportunity and the wherewithal to move, they ought to be able to move. That is all that the amendment would provide.

Mr. MONDALE. Mr. President, I am glad that the Senator from Massachusetts pointed that out.

I included before an observation to the effect that all of the horror stories of the real estate lobby have proven to be untrue. They have not proven to be true in those States which adopted reasonable and meaningful fair housing laws.

I speak from personal understanding because my State has one of the strongest fair housing statutes in the country. We have had it for some years. We strengthened it again in 1967.

One of the witnesses before our committee was Kennon Rothchild, one of the remarkable citizens from my State, president of the mortgage bankers of the State at the time he testified, and a former chairman of the State commission against discrimination, and a common realtor in his own right. Mr. Rothchild pointed out what had happened in Minnesota when we passed the law.

If we were to believe the real estate lobby, disasters and holocausts were shortly to be the standard diet for Minnesota, and we would have anarchy. In fact, all of these horror predictions proved to be totally false. The effect has been that slowly and responsibly, without any fanfare, several hundred families have been permitted to move into those homes that they could afford.

There has been not a single instance of violence, virtually no instances of deep and serious community problems. It has worked out beautifully. And while it has not worked perfectly, it has been a definite, encouraging, exciting, and inspiring experience.

It is hard to find a person in Minnesota who is opposed to fair housing. During the days when the real estate lobby was predicting what would happen, I would say that most Minnesotans were opposed to and fearful of what would happen.

I am reminded of an experience I had as a student when we were making a survey of a community in a wealthy part of South Minneapolis. One of the persons who lived there was a man who later became famous. He is a man by the name of Carl Rowan, a good friend of mine.

A questionnaire had been prepared by the department of sociology. The first question was, "Did you know that a Negro lived in the community?"

The first housewife whom I asked the question said, "No. Is that true?"

The second question was, "Has it affected the real estate values?"

She said, "It certainly has."

And I think this shows the groundless fear and suspicion that we have.

This was the case of a Negro family that lived in a house because it could afford to do so and was permitted to do so because some realtor—thank God—was not a segregationist. That family lived

there with no difficulty whatever. Indeed, most of the people in the community did not know it. And the only time any of the citizens became concerned was when they learned about it long after the fact. The fears simply were not realized. It is not a problem. It is something that we think is a problem because we are ignorant. We live in separate, segregated communities, and we have to go on what is not truth but caricatures, not friendship, but the fears of a people alienated from each other.

I am distressed that there are still so many in American society who still harbor these fears which are so groundless.

Mr. BROOKE. Will the Senator yield?

Mr. MONDALE. I yield.

Mr. BROOKE. Mr. President, I am very proud that I come from a State that also has fair housing legislation. I certainly agree with my colleague, the Senator from Minnesota, that the fears that were voiced when this legislation was proposed were groundless.

People are now living in integrated cities and towns in the Commonwealth of Massachusetts.

Giving a personal reference again, I now live in an integrated district in Massachusetts, in Newton Centre. Many other Negroes live there as well. People of the Jewish faith, protestants, Catholics, all live together, without incident, and they do well. In Washington, I live in Tiber Island, which is integrated, again without incident.

It is difficult for me to comprehend how fears, as my colleague from Minnesota has stated, still persist so widely, when actually there has been more integration in housing in the South than in the North. When one goes down South, he will find Negroes and whites living side by side to a greater extent, I believe, than he will find in the urban centers of the North. This has gone on for generations and generations, and whites have not moved out necessarily because there was a Negro living beside them. I believe that is just a myth. It is one of those myths that was dragged out to scare people about the problems they will encounter if there is integrated housing.

For a moment, let us explore the reverse of such legislation. Suppose all the Negroes lived in all the cities of the Nation and all the whites lived in all the suburbs. That is the trend as it is presently going, because there has been great migration to the great urban centers of the North, particularly. But even in the South more Negroes have left the farms and have gone into the central cities of the South, and the whites have escaped and gone to suburbs in the South, as well as in the North. They are finding that the cities are breaking down behind them: great leadership, competition in schools, the tax base—all go down, as property devaluates in the urban ghettos. The problems of the central cities magnify to the point of explosion, as they did in 1966 and 1967.

Do we want a nation in which all the blacks live in the city and all the whites live in the country? I do not believe we do. I do not believe it would be helpful for this Nation. I do not believe this Nation will exist with an urban black population and a suburban white population.

I believe that all we are saying in this amendment is that we are giving the opportunity for people to live where they want to live and where they can live. I believe it has well been pointed out that nothing is being forced upon anyone. A person can sell his property to anyone he chooses, as long as it is by personal choice and not because of motivations of discrimination.

This is sound legislation. It is good legislation. What is more important, it is needed legislation. It is almost what I would like to call essential legislation. In fact, I will call it essential legislation.

I do not want to say what our Commission on Civil Disorders will report. We hope to report on or before March 1 of this year. We have been studying this very problem—among other problems, to be sure. The problem of housing certainly has been one of the great priorities in that Commission in finding the causes for the explosions of 1966 and 1967, so that we can prevent them in the future.

So I am indeed very grateful to my colleague, the Senator from Minnesota, for his able presentation of the amendment and for the opportunity to work with him in the proposal of this essential legislation.

Mr. MONDALE. I thank the Senator from Massachusetts for his most useful and important contribution to this discussion.

I believe his experience on the Commission on Civil Disorders uniquely qualifies him to speak as an authority on the relationship between this measure and the problems with which that Commission deals.

Mr. President, I ask unanimous consent that the amendment which has previously been called up be considered as having been read for all purposes under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, will the Senator yield further?

Mr. MONDALE. I am glad to yield further to the Senator from Massachusetts.

Mr. BROOKE. As I have previously mentioned, Massachusetts has been a leader in fair housing. As attorney general of my native Commonwealth, this legislation is of special concern to me.

I recall that my distinguished colleague from Minnesota was also the attorney general of his great State. We served together, as he will recall, in committees of the attorneys general of the Nation.

I know that the fair housing principle has the strong support of my constituency. I believe that most Americans are prepared to support the same principle. Someone once said that most Members of Congress—and I would say most members of our society—usually want to do the right thing; they just need a good excuse to do it. I believe that that truth was never more relevant than in respect to fair housing. The Members of Congress must know what is the right thing to do in this field.

What better excuse for action could there be than the imperative pressure to relieve the unbearable tensions in the ghetto, to make it possible for ghetto residents, by dint of their honest labor, to earn and acquire a better home for themselves and their families? What higher purpose could any legislation serve than to restore the faith of all Americans in the possibility of realizing the constitutional promises of equal opportunity for all citizens?

That, Mr. President, is the purpose of this proposal. In my opinion, the Senate should not miss this precious opportunity to vindicate the aspirations of those who have, for so long, been denied a fair chance to acquire decent housing.

Mr. MONDALE. I thank the Senator from Massachusetts.

We have had similar experiences, having served as the chief lawyers of our respective States. Both of us have been active on this issue on the State level as well. I was pleased to be one of those who helped frame our fair housing law and to be active in that movement from the beginning, and to have been the law enforcement officer first vested with the responsibility of the enforcement of that measure. The belief I have always had in the elimination of discrimination has been strengthened by that experience. Not only am I more persuaded that the objective is right, but also that it is achievable in a reasonable and responsible way. The experience of the Senator from Massachusetts is obviously similar, and I am grateful to him for having mentioned that aspect as part of this discussion.

STATEMENT BY SENATOR WALTER F. MONDALE
BEFORE THE SUBCOMMITTEE ON DEFICIENCIES AND SUPPLEMENTALS
SENATE APPROPRIATIONS COMMITTEE
OCTOBER 8, 1968

Mr. Chairman, I appreciate this opportunity to appear before you on the 1969 Supplemental Appropriations bill. I will try to be brief because I know time is precious this late in the session, and because other witnesses will present you with detailed data and justifications on these items.

I did want, however, as one who has spent a great deal of time on housing legislation in the Senate Banking and Currency Committee, to express my concern and deep disappointment at the nearly meaningless appropriations recommended for housing and fair housing by the House Appropriations Committee. Those levels are less than one-fifth of what the Administration requested and what Congress has authorized.

The urban crisis, and the crisis in supplying decent housing for Americans, are as severe as any this Nation has faced. It was precisely in recognition of this fact that the Congress has within the past seven months passed two major housing laws -- the Housing Act, and the Fair Housing Act. These crises have not disappeared in the last two months or the last seven months.

Nearly twenty years ago, Congress declared in the Housing Act of 1949 that our national policy was to provide every American family with "a decent home and a suitable living environment." We have made some progress.

But for millions of Americans decent housing remains a dream based on someone else's reality -- just a picture in one of the beautiful house and home magazines. Over one in every six homes in the United States falls short of that 1949 commitment, both in fact and in spirit.

Our programs have not reached the poor. Nor have they given the opportunity of homeownership to that segment of the population -- now in poverty -- which might be ready, willing, and able to undertake this responsibility.

Nearly all of the substandard units in the United States are occupied by the poor. The new programs introduced since 1961 --

below market interest loans, rent supplements, grants for rehabilitation, and so on -- have been funded at levels so low that it is impossible to take care of present housing needs, much less anticipate and keep up with new needs, obsolescence, and other conditions that plague us.

It is not impossible to provide a decent home for every American. We may need to change policies, change programs, or change directions. But we most certainly will fail if we will not even fully try out the proposals we have written into the law to see if they will work. This is rather like asking a man to take a bath in a thimble, and then concluding after the attempt fails, that water doesn't get people clean.

While I would hope that this Committee would appropriate the funds requested by the Administration, there are five items in regard to housing that I believe to be especially critical.

First, we must provide adequate funding for enforcement of the Fair Housing Act of 1968. This Committee earlier recommended \$9 million, and the Senate concurred. Unfortunately, it was deleted in conference. The \$8 million now requested by the Department of Housing and Urban Development will enable that agency to fulfill its substantial responsibilities under the law in the area of mediation, conciliation, educational activities, and handling complaints by attempting to achieve voluntary compliance. The House Committee approved only \$1 million for this item, which is just a token amount.

HUD estimates that the volume of complaints during the first year will be on the order of 4,500 to 7,000, but I think this is too low an estimate. There are already some 1,700 fair housing groups throughout the country. If each organization submits only five or six complaints, it will amount to over 10,000 complaints without regard to those from individuals.

Second, we must restore the deep cuts in the authorizations for low income homeownership and low income rental assistance. The

Housing and Urban Development Act of 1968 authorized a total of \$300 million of contract authority after July 1, 1960, in stages of \$75 million, \$100 million, and \$125 million increases for both programs. At the level recommended by the House Committee, \$15 million, we will in three years have permitted less than one-fourth of what we authorized. The authorization was at that a minimal beginning. The effect in the first year will be an 80% reduction in our effort, down to \$15 million rather than \$75 million.

This program (§235) will bring the substantial pride and responsibility of ownership to low income families, promote stability, and involve the private sector's resources and lending power to achieve our national housing goals.

Similarly, the contract authority for the low income rental assistance program (§236) was cut by 80% in the House, down to \$15 million from \$75 million authorized and requested. This will materially re-trench on our commitment to provide good rental and cooperative housing for lower income families, particularly the elderly and handicapped. I urge that the Committee restore the full amount of the requested contract authority -- \$150 million for both programs -- together with the ancillary appropriation for interest subsidies for these two programs -- \$11.5 million.

Third, a request of \$5 million for the low and moderate income sponsor fund was denied completely by the House Committee. Many of our various housing programs have been geared in the past to use by a nonprofit sponsor, usually a church, civic group, labor union, or charitable organization of one kind or another. These sponsors are long on energy and dedication, but too often short on experience, technical capability, and capital for pre-construction costs. We authorized in the Housing and Urban Development Act of 1968 a revolving fund of \$7.5 million to cover some of these costs by loans, and to provide necessary technical assistance. It is estimated that the cost of pre-construction work to nonprofit sponsors is about \$460 a unit, and the requested \$5 million would

enable aid in the development and planning of some 11,000 units. This would be repaid by the sponsor. It is just short-sighted to deny this request.

Fourth, a budget request of \$15 million for grants for tenant services in public housing was completely denied by the House Committee. This is another technical assistance program, for which we authorized \$15 million this year and \$30 million next year. This program is designed to foster such self-help activities as counseling on household management, housekeeping, budgeting, money management, child care, and as well advice on job training and placement, education, and available community services. This is a bootstrap program, which will help the wretched poor to break out of the cycle of poverty themselves.

Fifth, I believe we ought to provide at least the modest funds requested for the National Homeownership Foundation for initial organization and planning -- \$250,000. This Foundation could make an invaluable contribution toward meeting our housing goals by encouraging local public and private programs of housing and homeownership opportunity, and assisting sponsors in developing projects.

This is the least we can do. Democracy is in a sense on trial in our cities. Those who have lived in urban ghettos have heard all our glowing rhetoric. They have seen our legislation and its fine declarations of policy and commitment.

The word "commitment" is a fine two dollar word, which has lost much meaning. It means giving our word of honor that we will do as we say -- that we will keep our promises.

If we do not fund these laws at levels approximating what we authorized, we will not have kept our word and will have in effect repealed these laws.

Do we really mean to repeal those laws?

If that is the sense and will of the Congress, then we ought to straight out introduce legislation to do it. At least then we would not suffer the tremendous consequences of building up hopes and expectations, then dashing them to the ground in shards.

I expect that even a beginning student in human psychology would state clearly and flatly that deliberately tantalizing men, holding out promises and rewards to them which are then snatched away, creates sullen and bitter rage and frustration.

If we were to sit down to contrive a method by which our poverty-stricken and discriminated-against citizens might be driven to rage and riot and rebellion, one would be hard put to come up with a better plan than is unfolding in this process of habitually under-appropriating funds for programs which have been held out to them as their salvation.

Mr. Chairman, and members of this Committee, I urge you to restore to this Supplemental the full amounts of funds requested for these housing bills, especially in the five areas I have pointed out.

SUPPLEMENTAL APPROPRIATIONS
HUD
(in millions)

<u>Program</u>	<u>Requested</u>	<u>House Approp. Report, 10/7</u>	<u>Auth'd</u>
Fair Housing Program- Admin.	8.0	1.0	such sums as are necessary
<u>Renewal and Housing Assistance</u>			
College housing - Contract Auth.	7.5	2.5	10.0
Grants for Tenant Services	15.0	0	15.0
Salaries & Expenses, RHA	1.250	.5	1.250
<u>Metropolitan Develop- ment</u>			
Planned Areawide Devel- opment	5.0	0	
Salaries & Expenses, MD	.670	0	
<u>Federal Housing Admin.</u>			
Homeownership (235) Cont. Auth.	75.0	15.0	75.0
Rental Assist. (236) Cont. Auth.	75.0	15.0	75.0
Interest Reduction Payments -			
Homeownership (235)	7.0	3.0	
Rental Assist. (236)	4.5	2.0	
Low & Mod. Inc. Sponsor Fund --			
Salaries & Expenses - FHA			
Counseling Services	4.812	0	
Loans to Nonprofit Sponsors	.316	0	
Interstate Land Sales	1.372	0	
FHA Expense Limita- tions -			
Administrative	.350	0	
Non-administrative	5.350	3.5	
<u>Flood Insurance</u>			
Admin. Expenses	1.5	0	
<u>Nat'l Homeownership Foundation</u>	.250	0	10.0
	<hr/> 217.870	<hr/> 42.5	

would be well worth while to divert \$275,000—1/20th of 1 percent of that current expenditure on Indians—to improve the effectiveness of all programs for Indians.

I think it will be possible for the Senate Appropriations Committee to correct this deficiency. I very much appreciate your consideration in this matter.

Sincerely yours,

FRED R. HARRIS,
U.S. Senator.

Mr. PASTORE. Mr. President, my position is that I have no objection to the amendment. I am perfectly willing to take it to conference. I do not know of anyone who is in opposition. However, I feel we should have a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

Mr. MONDALE. Mr. President, this supplemental appropriations bill is a vast improvement over that passed by the House. The Senate Appropriations Committee, and especially the able chairman of the Subcommittee on Deficiencies and Supplementals, Mr. PASTORE, are to be commended for these improvements.

I speak particularly with respect to the funds for implementing the Fair Housing Act of 1968 and the Housing and Urban Development Act of 1968.

The committee has, first of all, recommended \$7 million for enforcement of the Fair Housing Act. This sum is absolutely necessary, because the Department of Housing and Urban Development has substantial and sweeping enforcement responsibilities under that law which they will otherwise be unable to carry out. They now have complaint and conciliation responsibility for 2 percent of the housing market, and this figure will increase to roughly 20 percent after January 1. And, while this responsibility has not yet reached its maximum level, they have 100 percent responsibility over the entire housing market for education activities and programs designed to achieve voluntary compliance and early adherence to the purposes of the Fair Housing Act.

Second, and equally important, the committee has recommended a full start of the homeownership program and the rental assistance program at the level requested by HUD. It is extremely important that these programs be started now, for a delay of several months in appropriations can effectively delay the program for over a year, due to construction and rehabilitation time requirements. These programs will bring the pride and responsibility of home ownership to low-income families, promote stability, and involve to a high degree the private sector's resources and lending power to achieve our national goals. A recent article in *Forbes* magazine estimated that for every Federal dollar spent in these programs, 20 private dollars would be spent on housing. It predicted that the 1968 Housing and Urban Development Act will be as far reaching and vital as the Full Employment Act of 1946, and that it could enable us to meet our national housing goals for the first time.

Finally, the Senate Appropriations Committee appropriated \$2 million for

the low- and moderate-income sponsor fund. Many of our various housing programs have been geared in the past to use by a nonprofit sponsor, usually a church, civic group, labor union, or charitable organization of one kind or another. These sponsors are long on energy and dedication, but too often short on experience, technical capability, and capital for preconstruction and planning costs. This lack of capital and interest is profit instead of housing for low income, elderly, or handicapped persons. This item will enable nonprofit sponsors to overcome those handicaps.

Nearly 20 years ago, Congress declared in the Housing Act of 1949 that our national policy was to provide every American family with a "decent home and a suitable living environment." We specifically reiterated and reaffirmed that policy in the Housing Act of 1968.

It is a policy that we can fulfill—with dedication, foresight, and with the necessary amounts of money to make these programs work. I compliment the Senate Appropriations Committee. I thank the Senator from Rhode Island [Mr. PASTORE], for his support for these programs.

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I have at the desk an amendment to page 7 of the bill. I inquire whether, as the parliamentary situation now stands, that amendment would be in order.

The PRESIDING OFFICER. The amendment is now in order.

Mr. ALLOTT. Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Colorado [Mr. ALLOTT] proposes an amendment, as follows:

Strike lines 10 through 20, page 7 as follows:

"GENERAL SERVICES ADMINISTRATION

"REAL PROPERTY ACTIVITIES

"Construction, public buildings projects

"Funds heretofore appropriated under the heading 'General Services Administration, Construction, Public buildings projects', shall be available in the amount of \$6,000,000, for the construction of the substructure, Courthouse and Federal Office Building, Philadelphia, Pennsylvania: *Provided*, That the foregoing amount shall be the maximum construction improvement cost which may be exceeded to the extent that savings are effected in other projects, but by not to exceed 10 per centum."

Mr. ALLOTT. Mr. President, the pending amendment would strike a section added to the bill by the House of Representatives and concurred in by the committee in which certain of us retained our reservation to add \$6 million to the bill for the purpose of starting the construction of a courthouse and Federal office building in Philadelphia, Pa.

Each year when the General Services Administration appears before the Independent Offices Subcommittee, they present to us a list of construction projects for the Federal Government which, for the present year of 1969 was zero.

This year the Federal budget contained not one penny for starting construction of any Federal building in the United States. It contained not one penny for that purpose although we have been spending an amount annually at least equal to the \$63.7 million we had in the 1968 budget.

We appropriated \$125 million in 1967 for this purpose.

In 1966, we appropriated \$133.6 million for this purpose.

In 1965 we appropriated \$164.7 million on the construction of Federal buildings in the United States. We are now faced with a situation in which we are asked, without a budgeted figure, to appropriate \$6 million, basically for the election of one man in Pennsylvania, to start the construction of a Federal building in Pennsylvania.

Technically, this is not an appropriation. It is a transfer from funds already appropriated, of which there are \$196 million. But the GSA has testified very frankly before us that if this money is taken from this fund, then in order to carry those projects later to a conclusion, it would have to be replaced; so, for all substantial purposes, the effect of this amendment is an appropriation, because we will have to make up the difference.

A case is made for this particular transfer, in that it is claimed that the city of Philadelphia, which has offered the land upon which this property is to be constructed, will withdraw its offer if we do not now, at this late hour and late day, suddenly construct this Federal office building in Philadelphia.

I have in my hand a copy of a letter from the Redevelopment Authority of the City of Philadelphia, addressed to the regional counsel of the General Services Administration, dated March 26, 1968. This date is very important, because we had the General Services Administration before our committee on May 16, which was a month and a half after this letter was received by the General Services Administration.

I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

REDEVELOPMENT AUTHORITY

OF THE CITY OF PHILADELPHIA,

Philadelphia, Pa., March 26, 1968.

Re Independence Mall Urban Renewal Area, Unit 3, Parcel 8—(Federal Courthouse).

Mr. PAUL F. CIRILLO,
Regional Council, General Services Administration, New York, N.Y.

DEAR MR. CIRILLO: This will acknowledge receipt of your letter dated February 16, 1968 requesting executed copies of the Redevelopment Agreement between the United States of America and the Redevelopment Authority.

It has been concluded that since the federal government is not now in a position to proceed with construction of the Courthouse nor able to commit itself with respect

KILLED -- Not released

(Editor's Note: The Congress this week is expected to pass the most comprehensive housing bill of the 90th Congress under a rule that precludes amendment. All 13 amendments previously proposed by Senator Walter F. Mondale (D-Minn.) were accepted by the conference committee.)

Senator Walter F. Mondale (D-Minn.) said the Omnibus Housing bill passed by the Congress today "represents an important first step toward correcting some of the slum and ghetto conditions underlying violence in the cities. But," he warned, "the new legislation must be adequately funded before it can make a dent on the substandard housing conditions now threatening every major urban area in the Nation."

The House and Senate passed all 13 of the amendments sponsored or co-sponsored by the Minnesota Senator, including a provision to enable low-income families to buy their own homes, one designed, according to Mondale, "to obtain strong private participation in better housing for the poor, and to give the poor a stake in their own communities through home ownership."

The Mondale-sponsored amendment allows a low income family to obtain an FHA-insured mortgage from private sources, paying 20 percent of its income toward repayment, with the government making up the difference between this amount and the actual monthly payments. Government participation is limited to the equivalent of 1 percent of the total mortgage per year. Mortgages are limited to \$15,000 (\$17,500 in high-cost areas) and families with five or more children are allowed to subtract \$300 for each child from their annual gross income for purposes of determining eligibility. A companion amendment extends the "family allowance" principle to new rental programs under which a low income family pays 25 percent of its income for rent.

Other Mondale-sponsored amendments in the bill would:

--- provide interim assistance for neighborhoods undergoing building code upgrading or rehabilitation, which are not now eligible for federal help. Provided are grants covering two-thirds of the cost of sidewalk, park and public facilities repairs; emergency improvements to private structures; demolition of unsafe buildings, establishment of temporary playgrounds, and help in garbage collection.

(OVER)

--- Requires full disclosure of facts by real estate developers selling 50 or more subdivided lots across state lines. Information required includes distances to nearest community; state of utilities; and whether the land is or is not above water. Penalties are provided for fraud.

--- Permits the FHA to insure loans in older, "declining" neighborhoods that heretofore have been "redlined" as "too risky" in which to operate. This amendment, co-sponsored by Senator Proxmire (D-Wis.) is accompanied by "special risk insurance," a reserve fund within FHA to cover losses from the higher-risk loans, the homeownership program and the new rental assistance program.

--- Establishes a National Homeownership Foundation to provide technical assistance and financial help to neighborhood organizations sponsoring housing and home ownership programs. Co-sponsored with Senator Percy (R-Ill.).

--- Provides \$15 million for broad-gauged social services required by public housing residents, such as child care, counseling, health care and other help in addition to housing. Co-sponsored by Senator Tydings (D-Md.)

Senator Walter F. Mondale (D-Minn.) said five key amendments to the Housing bill approved today by a Senate-House conference committee have "strengthened urban renewal and public housing programs and extended new protection to consumers."

The five Mondale amendments restored by the conference committee are:

1. A requirement co-sponsored by Senator Harrison Williams (D-N.J.) that real estate developers selling 50 or more lots across state lines be required to give prospective buyers objective information on the condition of the property, location, access to roads, distances to nearby communities, sewer, water and utilities available and whether or not the property is above water.
2. Funds for social services, in addition to housing required by public housing residents, such as child care, counseling, health care and other help.
3. "Interim assistance," which would help communities scheduled for urban renewal or housing code upgrading to maintain public services while land is being assembled for renewal. Included are two-thirds grants to cover maintenance of sidewalks, parks and other public facilities; emergency repairs to private structures, demolition of unsafe buildings, and help in maintaining garbage collection, and street cleaning.
4. A family allowance amendment allowing \$300 per child for families buying homes under the interest rate subsidy program.
5. Assistance to new town developers to ^{help} cover the large capital investment ^{over} ~~and~~ long time periods ^{Can be} ~~normal~~ before returns ~~are~~ realized. This amendment authorizes the Secretary of HEW to guarantee bonds and obligations issued by new town developers for land and utilities, but not for dwellings, with a \$50 million ceiling on any one project. Low and moderate income housing must be planned by the developer before the guarantees can be obtained.

Mondale said the amendments restored by the conference committee will help overcome several pressing problems. "Regulation of interstate
(OVER)

land sales is badly needed and long overdue. Unsuspecting Minnesotans and others have purchased land under water; land miles away from the nearest community; lacking water, sewer and power service, land lacking clear title and involving costly legal battles before ownership can be determined. Buyers deserve, at the very least, factual information on the land they purchase. This amendment will go far toward providing it."

"The tenant services and family allowance programs provide help -- beyond bricks and mortar -- to low-income families. Most of these people have multiple problems occasioned by low educational levels, poverty and discrimination. The new amendments recognize this and seek to meet some of these problems in a coherent, rather than piecemeal, fashion."



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