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Interracial Housing in the United States

I.

PERHAPS the most ambiguous terms in the housing vernacular today are those invoked in an effort to identify or describe a residential area, development, or building in which there is occupancy by more than one ethnic group. We hear and read about "interracial," "open occupancy," "integrated," "unsegregated," "mixed," "nondiscriminated" and the like.

Some of these terms are frequently misused as a guise for attracting the Negro market in cities where it is not permissible to use racial designations in real estate advertisements. Thus, in New York City, "interracial" is the tag for "Negro housing." The Federal Housing Administration¹ apparently designated any development from which Negroes are not excluded as "open occupancy."

Generally it may be said that housing in "multi-racial" occupancy (another contribution to the ambiguous terminology) has been neither well defined nor measured. For the purpose of this article, I, too, shall "beg the question" of definition and measurement. Rather, I shall shift ground to discuss the significance of a growing movement to break the grip of racial residential restrictions; to bring about an open competitive market in the total housing supply, and to effect dispersion of ethnic minorities under relatively sound standards and stable conditions throughout all residential areas of any given locality.

¹ Hereafter referred to as FHA.



Without disparaging the contribution of various groups and individuals who have demonstrated the feasibility of an open housing market and have certainly helped to dispel many of the myths and misconceptions obstructing the way to this market, I have come to the conclusion that "interracial" occupancy of individual neighborhoods, developments, or buildings is not the essential objective to be emphasized at this time. However, such a "project" may be defined; whatever its existing proportion in the housing supply, economically and actually it functions as a part of the racially discriminated housing market. Almost without exception wherever it exists it is menaced by the restricted market. As long as it exists in the form of an island surrounded by a wide sea of residential homogeneity, its role will be defensive and limited. It can at best slightly modify, but certainly not change the fundamental evils of the racially discriminated housing market: the ceaseless expansion of residential ghettos; the creation and spread of slum and blighted areas; the premium prices exacted from minorities and the discriminatory impact of urban renewal and public improvements upon them; the erosion of the entire civil rights movement; the sanction and underwriting of racism by Federal, state, and municipal governments.

It is quite probable that if an inventory of "interracial" or "open occupancy" housing or of "mixed neighborhoods" were taken at this time, it would reveal a very substantial increase in the volume of housing — public and private — in these ambiguous categories. It is equally probable that if a measure were made of ghetto expansion — slum, "polished," public, private, or what-have-you; and of the growth of all-white, homogeneous areas, particularly of new housing — they would far outstrip any "gains" that may have been made toward an "open" housing market.

Public housing, where racial barriers have been broken by law or public policy, is, ironically, rapidly becoming all-minority.

Federally approved urban redevelopment projects in the North as well as in the South are replacing racially integrated sites with new segregated housing. The so-called transitional areas are steadily solidifying into ghettos, many of them "polished." The dribble of new housing made available to minorities is almost invariably all-minority. Indeed, newly developed, FHA-aided as well as conventional sales housing in New York City actually is bringing into areas of a racially-integrated existing supply islands of new ghettos.

The harsh reality is that the seemingly relentless ghetto trend takes place under a smoke-screen created by the very "gains" so welcomed by proponents of civil rights. This trend moves on — while we hail the enactment or introduction of anti-discrimination laws in state and municipal legislatures throughout the North and West² and while we hope-

² National Committee against Discrimination in Housing, "Fair Housing Bills Readied in 12 States," *Trends in Housing*, Vol. I, No. 4 (February-March, 1957).

fully survey experience with "open occupancy" developments.³

Let me pause here to make crystal clear the fact that I appreciate fully every single achievement; that I honor the tremendous and courageous investment of endeavor in these achievements; and that I would encourage more and more ventures moving forward in even the smallest ways toward the ultimate goal.

We rightfully salute legislative and executive actions in states and cities which seek to reinforce guarantees for equal opportunity in housing. We proudly pay tribute to the private enterprisers who manfully labor to erect islands of democratic living in the midst of restrictions. But we cannot ignore the realities of forces obstructing our ultimate goal.

Limited portions of the existing housing supply are enveloped by the pressure of growing minority populations in "changing neighborhoods" that become extensions of the ghetto from which white families flee to the suburbs. These movements are impelled by an era of rising costs, limited production and rapidly increasing urbanization, with nonwhites in the van of city-bound migrations. The minority families pile up in the core of the cities surrounded by a mushrooming suburbia within which the few nonwhites who are not completely excluded begin the formation of suburban ghettos.

Into this segregated complex we now have launched the slum clearance-urban redevelopment-urban renewal programs in which we displace the concentrated minorities for exhibition and concert halls, sports arenas and luxury housing. We "relocate" the displacees — most of them nonwhite — mainly in areas already too full of them, "losing" large numbers in process. From New York, Philadelphia, Cleveland, Chicago, Los Angeles — all across the nation, north as well as south, rises the alarm of increasing concentration and segregation of families by race. They slop over into segregated schools, recreation and health facilities, resulting in intergroup tensions. The strands of this Gordian Knot are the elements of the racially discriminated housing market pulled tighter by Federal housing policies.

II.

A clear view of the past may serve to cast light on the future. Early housing students won recognition of the slum as a social evil which must be eradicated. The line of attack was to reduce the gap between low incomes and the cost of decent housing accommodations. The depression of the early 1930's offered the opportunity for the advent of the public housing program. To each in accordance with his need and since the needs of Negroes and other racial minorities were most intense, the

³ "Open Occupancy Grows in Apartment Housing," *op. cit.*, Vol. 1, No. 4 (September, 1956); Committee on Civil Rights in Manhattan, "Summary of Survey on Country-wide Instances of Open Occupancy Housing" and other surveys.

concept of "equity" was evolved. The temper of the times, however, was interpreted as dictating equal but separate, whether the project be in Detroit or Montgomery. Eventually, through adoption of local policy or law, a number of Northern cities and states pursued non-discriminatory tenant selection practices. Increasingly the effect of over-all city planning, site selection, racial restrictions in the rest of the housing supply and now urban renewal policies result in the anomaly that general application of non-discriminatory tenant selection often leads to *de facto* segregation. "Equity" and "non-discrimination" cease to be protection against racial concentration.

With the improvement of job opportunities and increased incomes of minorities in the 1940's came growing recognition of the market for "middle-income" private housing. The FHA took steps to induce private builders and lenders to see that there was gold in "them thar dark hills." Special premiums and gimmicks were evolved to get financing and land for the "living space" needs for minorities. The FHA Underwriters Manual translated into public policy all the elements of the racially discriminated market already evolved and crystallized by the private underwriting real estate and lending fraternity. The answer to the Negro housing demand was the Negro housing project. Like public housing, the effort of the FHA and Veterans Administration⁴ program was to substitute the polished ghetto for the drab slum.

The slum clearance-urban redevelopment program of 1949 and the Urban Renewal approach of 1954 were to turn from the piece-meal, spot palliative "project" to the community-wide attack upon the root causes of the slum. Robert Weaver⁵ and others who followed him quickly labelled this program as a "threat and promise" — promise, if the program recognized the necessity of breaking through the restrictions of the racially discriminated housing market and moved to open up the land and housing to all in accordance with need and ability to pay, but threat if it were used as a substitute for racial restrictive covenants vitiated by the Supreme Court in 1948. Threat if it were used to rearrange population groups in accordance with the whims and desires of down-town property owners' associations, city-beautiful planners, traffic control experts and those more interested in tax returns to the city than in the improvement of the housing conditions of all the people.

We are beginning to reap the whirlwind of the threat with little or nothing of the promise. The assembly and redevelopment of land has become the primary goal; what happens to "the people" — and especially the minorities — is an afterthought, and, too often, an opportunity to reclaim desirable areas from them for developments which largely exclude them. The failure to adopt and pursue Federal policies requiring

that the occupancy, financing and marketing of housing accommodations be available to all families on the same terms has aroused growing opposition of the people supposedly to be benefited, stalled and thwarted the progress of the program. This is the payoff of adherence to the racially discriminated market.

The contributions of "equity," fight for "living space," recognition of the minority market for private housing, special financing aids have had their day. But the shift in economic conditions, minority population movements and — most important — the United States Supreme Court decisions of 1954 banning racial segregation in public schools — have ended that day. The day has arrived in which we must win recognition that housing where it involves race is not a commodity subject to the free exercise of the laws of supply and demand. Access to housing is rather a civil right, to be fought for like the right to vote, serve on juries, unrestricted use of transportation facilities and other public accommodations, employment. The only way to restore housing as a commodity to minorities is the complete elimination of all elements of the racially discriminated market. The basic evil is not the slum but the ghetto. The objective is to accord all — regardless of race — the same right to bargain in an open market for shelter. The basic attitude is to break up the ghetto, to eliminate racial restrictions or conditions on the occupancy, financing and marketing of the total housing supply, new or old, government-aided or conventional. The guiding principle is not "equity" but the same right to acquire and use real property as stipulated by the United States Code:⁶

All citizens of the United States shall have the same right in every state and territory, as is enjoyed by the white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property.

III.

Last year, *Phylon* published my article presenting the concept of the "open city" as the threshold to American maturity.⁷ This concept, simply put, is the extension of city planning to people — all the people regardless of their backgrounds. The goal of an Open City is the realization that we can no longer plan effectively, or build realistically if we are to be restrained by artificial barriers which arbitrarily relegate one group of people to a specific part of the city and another group of people to still another part.

On December 30, 1957, the Mayor of the City of New York signed into law a Fair Housing Practices Bill — a law designed to unlock the

⁴ Hereafter referred to as VA.

⁵ Robert C. Weaver, *The Negro Ghetto* (New York, 1948), p. 322.

⁶ Section 1978, Revised Statutes (8 U. S. C. 42); originally Section 1 of the Civil Rights Law of 1866.

⁷ "The Open City—Threshold to American Maturity," *Phylon Quarterly* (Second Quarter, 1957), 133-139.

gates to our "open city." This historic and unprecedented legislation extends the coverage of private housing in the City from the fractional one percent under the State law to over seventy percent of the total supply. It outlaws discrimination in all multiple dwellings (buildings with three or more apartments) and in sales developments of one and two family units in projects of ten or more. More important than any of the sanctions accompanying such legislation, however, is its statement of public policy which decrees that:

It is hereby declared to be the policy of the City to assure equal opportunity to all residents to live in decent, sanitary and healthful living quarters, regardless of race, color, religion, national origin or ancestry, in order that the peace, health, safety and general welfare of all the inhabitants of the city may be protected and insured.

This simple declaration puts into words a principle that has too long been abused in our American system. But this statement and the law are not ends in themselves. They are newly-fashioned, middle-Twentieth-Century tools which we must use wisely and efficiently to build our cities of tomorrow.

The law itself is not regarded as an ideal "model" for other cities, for it is designed to cope with the unique tenure of New York City which is more than seventy percent rental primarily in multiple dwellings or two-family row housing. It is believed that most other cities would need to draft legislation focused upon financing and brokerage practices, as well as upon rental operations effective in the single-family market. But the public policy in the New York City law is a "model" to be emulated in every city and state in the nation.

We are, indeed, mindful of the national implications of this law and are aware of the added burden of responsibility this places upon us for its successful administration. This law will become effective April 1, 1958. It does not specify "all deliberate speed" but realistically we have here in our great metropolis of almost eight million population a "desegregation" process which will call for the uprooting of customs and mores as deeply entrenched in our Northern cities as is segregation in schools and other public facilities in the South.

For the first time in the history of civil rights legislation in New York City or State, there was a strong, organized and overt resistance. Its leadership is publicly committed to encouraging circumvention of the law and to contesting its validity up through the highest court of the land.

Fortunately, the State Commission Against Discrimination successfully defended a challenge of the constitutionality of the Metcalf-Baker law prohibiting discrimination in publicly-assisted private housing (FHA and VA) in the New York State Supreme Court. In a ringing decision, Justice Samuel W. Eager ruled:

The ownership of private property, free of unreasonable restriction upon the control thereof, is truly a part of our way of life, but, on the other hand, we, as a people, do hold firmly to the philosophy that all men are created equal. Indeed, discrimination against any individual here on account of race, color or religion is antagonistic to fundamental tenets of our form of government and of the God in whom we place our trust. . . .

In the final analysis, however, what is here involved is a conflict between the rights of the private property owner and the inherent power of the state to regulate use and enjoyment of private property in the interests of the public; and the power of the state, when reasonably exercised, is supreme.

Even beyond the letter of the law in New York State and City is the spirit of the thousands of people, many of whom own and manage real estate, who really want to comply with the anti-discrimination statute. In administering the new law, the New York City Commission on Intergroup Relations placed high priority on an educational program designed to win and sustain the understanding support and positive compliance of all New Yorkers.

The Commission also recognized that many services must be provided to make the law work effectively. It is, therefore, seeking to offer both consumers and management the kind of help they will need to make the law as acceptable in practice as it is in principle. This means careful social planning. Consumers must be made aware of the fact that the right to "compete" does not assure a special priority; property managers must be assured that sound property rights are to be respected. At the same time, the responsibilities of tenants, management, and the community must be accepted — regardless of the race, color, creed, religion, or national origin — of any individuals represented among them.

It is our earnest hope that the educational experience we are about to undertake in New York City will contribute to the enlightenment of every community in the Nation. At the same time, we hope that others will join us immediately in the creation of open cities throughout all America. Establishing the right of everyone to bargain for shelter on the same terms and conditions anywhere in the housing supply is the first, essential step toward "desegregation" of our cities. Buildings, blocks, developments, or neighborhoods of "inter-racial" living are not enough. Our goal is the freedom of Americans in a free enterprise system to share without restrictions the responsibilities and privileges of our democratic society.

Today, we may start in our cities; tomorrow in our states; but ultimately the challenge must go straight to the heart of the whole Nation — the Federal government. For, even as we say the basic issue transcends the achievement of an isolated sector of the housing supply, so do we

say that it transcends the achievements of any single political subdivision of our Nation. Neither New York City nor Little Rock alone can stand before the world as a real symbol of the United States of America. America is all of its cities and all of its people and soon comes the day when all must stand accountable for the meaning of our Democracy in the heterogeneous world of all mankind.



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