

Keynote Remarks of Eleanor Holmes Norton,
Commissioner of Human Rights for the City
of New York, at the Sixth Annual Conference
of National Neighbors, Chicago, Illinois,
June 20, 1975

History will record, I believe with some astonishment, that the American city, in mid-century, did much to hasten its own decline. The urbanists, economists, historians, and planners of the future will, for example, try to puzzle out why cities failed to intervene into the social processes that saw first entire neighborhoods, and then whole cities lose their tax base, resegregate themselves, and as often as not, degenerate into hulks of their former selves. By then our society will be sophisticated in economic and social planning, strategies now underdeveloped and underused in this country. In this more rationale context of the future, our children, grandchildren and great grandchildren will wonder why any nation of people in their right mind would have left the social composition of the cities in which they lived to panic-inducing real estate brokers, red-lining banks, and vulturous blockbusters. Were these not matters important enough for national and city government planning and intervention, they will ask? And wasn't there a powerful incentive for intervention, given the fact that cities needed a diverse and stable population simply to guarantee the tax dollars that were central to their own viability?

Those who probe these mysteries in the future will find the key to our paralysis, our failure to try soon enough to preserve the stability of the American city, in one word — race. But I hope they will also find that before the 1970s were over cities were learning fast to affect the critical question of whether they were destined to become enclaves of black, brown, and poor people or could somehow achieve the economic and racial diversity that has always been the preeminent characteristic of the American city.

Today I want to discuss what I believe is the major reason for the problem — the failure to come to grips with race in our cities, as the locus of black America shifted definitively from its historical rural origins to produce a profoundly urban people. Then I want to suggest one path toward the recovery of cities — a government designed approach to racial and economic stabilization the New York City Commission on Human Rights is developing under a \$600,000 federal grant.

But first to the racial question to which the problems of the American city are anchored. There is special urgency attached to housing discrimination in America today, more special than continuing discrimination in employment and, despite the harangue and failure of busing in some cities, more special than school desegregation. For housing is the stepchild of civil rights progress

in America. Although employment discrimination was addressed in the zenith years of the civil rights protest, it took until 1968 to get a national fair housing act. In the ten years since the 1964 Civil Rights Act, the courts have revolutionized the law of employment discrimination. Brand new concepts such as affirmative action and the successful attack on even racially neutral criteria that exclude minorities have given us substantial weapons at last to attack systemic discrimination in jobs.

But the courts have come no such distance in developing the law of housing discrimination, largely, it would seem, because it has lacked the legions of cases that spurred the development of job discrimination law. As I shall explain later, this lack of developmental litigation is the fault of the federal government, which has paid too little attention to the need to develop the law in administering the Fair Housing Act.

Even the ugly racism of the Boston school disturbances did not reflect the primitive government concern and progress we see in housing. All that was new about Boston was its Northern setting, and that was hardly new to those of us who remember Pontiac in Michigan, Carnarsie in Brooklyn, and other Northern re-runs of Southern resistance.

The fact is that the tools to integrate schools in Boston are well developed when compared with what it would take to desegregate housing there. This is the school integration legacy of twenty arduous years of struggle by black children and adults as well as mountains of litigation, with the government siding with black plaintiffs for the most part.

Housing integration does, of course, have the explosive connotations of school desegregation, and this partly accounts for the slow progress. Whites in America are not willing to give up their jobs when integration occurs, but they have been willing to give up their homes or places in public schools.

Yet this contact phobia cannot alone account for the sad state of housing desegregation. For school integration requires even closer personal contacts, and despite fierce resistance, there has been substantial school integration, at least in the South. What then does account for such differential progress? Why does housing integration lag behind school integration and every other form of integration? Why do the country's ghettos expand every day to the point where they will soon encompass entire cities? Why is housing the single most recalcitrant area of civil rights concern in America today?

There are complicated social and economic reasons that make housing a more difficult area in which to work than other areas of civil rights. Nevertheless if similar reasons have not entirely retarded progress in schools and public accommodations, in jobs and private institutions, we cannot accept the notion that the social and economic content of race in housing has been what has retarded progress there.

The major cause of the racial fiasco in housing in America is a patent failure in enforcement. The federal government has shown a determined lack of will to enforce the laws against housing discrimination that contrasts markedly with official action in other areas. Even HEW, now justifiably under strong attack, has a record of producing tough regulations, and, in earlier years, of spearheading enforcement. When the Equal Employment Opportunity Commission first got job discrimination jurisdiction it had no enforcement power whatever. But it creatively used its power to issue guidelines in a way that rapidly changed the law of job discrimination. When these guidelines were tested in court, they became the law of the land, although originally promulgated by an agency that was powerless to enforce its own mandate.

No comparable creativity has been shown by HUD since the passage of the '68 Act. The major legislation, Title VIII of the Civil Rights Act of 1968, prohibits discrimination in the

advertising, financing, sale, and rental of nearly all housing, public and private, and directs all executive agencies, especially but not limited to Housing and Urban Development, to administer their programs "affirmatively" to achieve desegregated housing. And this is in addition to Title VI of the Civil Rights Act of 1964, which allows for the withholding of federal funds from programs which have a discriminatory effect.

In a widely marketed case, the Department of Justice, which has enforcement jurisdiction under the Housing Act, sued Black Jack, Missouri, a St. Louis suburb, for using zoning changes to block construction of a federally subsidized moderate-income housing project. This seems to have been the beginning of no trend at all, though the administration acquired some political mileage out of a single dramatic court case against a particularly recalcitrant suburb.

HUD officials, with the tacit approval of HUD Secretary George Rommey, sought in the early years of the Nixon administration to implement anti-discrimination provisions. In several cases regional HUD offices threatened communities opposed to low and moderate-cost housing with the loss of federal funds. In one instance Rommey himself informed officials of Warren, Michigan, that he would cut off federal urban renewal funds if they continued to bar integrated low and moderate-income housing.

Romney clearly wished to take at least some action but was isolated within the administration. A Washington journalist observed at the time that, "One gets the impression that Mr. Romney and his department are operating outside the main currents of the Administration." That is something of an understatement when we consider that HUD was operating within the context of a presidential promise of "no forced integration."

Nixon's rallying cry of "no forced integration" of the suburbs had a devastating effect and helped coalesce an even greater and more effective majority against minority rights than social patterns and bigoted attitudes had earlier delivered. But Nixon's demagoguery on housing discrimination hardly provides the full answer. For he was just as demagogic on school busing, if not more so. However, the force of the law had been set in motion too decisively to be set back definitively by pandering politicians exploiting the busing issue. Some breaks have been applied to school integration, but short of a totally unprincipled abandonment of solid legal precedent, there will be more of it.

No such solid body of law has been encouraged in housing. A few very committed Justice Department lawyers struggle valiantly in this area. The New York City Human Rights Commission has referred two mammoth cases too large for our resources to the Justice Department — the Lefrak case and the Trump case. The Department's

approach has been strong and creative. But resources and lawyers equal to the task are not available from the federal government. The result is that government housing cases have not been concentrated so as to break specific patterns of discrimination.

Anyway, the case-by-case approach, by itself, will have about as much effect on rigid and pervasive housing segregation patterns as my going to the roof of a building and crying my heart out. What is needed is strong administrative action of the kind only HUD is empowered to do — the promulgation of regulations and guidelines, the withholding of funds, and a demonstration of the will to implement the law.

During 1972 there were some signs that HUD would begin to act more affirmatively to fulfill its obligations. The major developments were the issuance of regulations to ensure that HUD assistance be used to increase housing opportunities outside existing areas of minority and poverty concentration. These regulations included housing project site selection criteria and affirmative fair housing marketing regulations, which require builders and developers to seek out minority buyers and tenants. But the Civil Rights Commission has described improvements in civil rights compliance at HUD as "a paper program."

My own pessimism about HUD is increased by its failure to take some of the rudimentary steps that would signal a new will to enforce the law. The New York City Commission, for example, recommended a few years ago that HUD promulgate rules requiring landlords to report on the racial composition of their buildings. The state of New Jersey has such rules but the sheer logistics of collecting the data has left too little time and effort for using it for enforcement purposes. No state or city anti-discrimination agency is large enough to efficiently collect and use so much data. We urgently recommended the promulgation of a reporting rule by HUD, just as EEOC requires race data on an annual basis from every employer of any size in the nation pursuant to its regulations. This would assure a uniform system necessary to compare and monitor states and cities across the country, an impossibility under a state-by-state reporting system, even if there were any hope that any appreciable number of states would institute racial reporting requirements. Local enforcement agencies could refer to a national source located on HUD computers whenever they needed the data for local enforcement purposes. And HUD itself would have the basic body of data it must have if it is serious about enforcement. This data collecting can be done economically and efficiently only by the federal government. The alternative is the grueling building-by-building data gathering that even the Justice Department must engage in prior to each and every lawsuit. This

slows enforcement actions to a snail's pace. No serious enforcement of federal, state or local open housing requirements will be possible until a national racial reporting rule is promulgated.

Our written recommendation in this regard to HUD goes back a few years. It received little more than bureaucratic paper shuffling concerning what department of HUD should consider the suggestion. This indicates an organizational turn of mind against enforcement in an area of civil rights where nothing short of enforcement even begins to suffice. HUD's new assistant secretary for Equal Opportunity, Jim Blair, is a forceful civil rights professional whom I know. I intend to propose the reporting rule to him, especially since it is he who secured this tool in New Jersey when he headed its Civil Rights Division. What he did in New Jersey he can now do for the country, or enforcement, at least in apartment developments, will continue to be a lost cause.

Beyond the enforcement lag, there is a painful national lag in the development of a 1970s perspective toward the entire question of fair housing. And the government is not alone at fault here. Many of us are still locked in an old-fashioned open-housing view of the world that comes out of the 40s, 50s, and 60s. This view concentrated on the opening up of white

neighborhoods, still an urgent priority, especially considering apartheid-like housing patterns that are hardening every day. But white flight that guarantees housing segregation has hardly been addressed and has already produced in too many places the Kerner Report spectre of black and brown cities with large concentrations of the poor. We know how to open up neighborhoods better than we know how to integrate them. If housing integration was the goal of the old open housing philosophy, it has failed collosally. Whites have preferred to turn over whole neighborhoods to minorities rather than experience integration. Housing integration in the 1970s must not only be about opening up neighborhoods but about encouraging a racial mix by stabilizing the neighborhood to keep it from going through the transition of rapid racial change. It is the integration of blacks into white areas that has been the traditional core of open housing. But today an integrated neighborhood is most often one that is going through racial transition. The relationship of integration to stabilization and of stabilization to open housing has not been well understood. Only recently have we witnessed concern and action about the steering of blacks but not whites into integrated neighborhoods. Only recently have black-white coalitions joined to fight block-busting and red-lining as the common enemy of both blacks and whites.

Most of us who live in or study the cities still do not yet adequately perceive the difference between the urban problems we face in the seventies and those we confronted in the sixties. The last decade marked a time of sudden and surprised discovery of widespread poverty and environmental deterioration in our cities. The belated revelation that such poverty existed had an enormous impact, and gave impetus to hastily mustered attempts at salvage — attempts that might have been more effective had they come many years earlier.

As it was, government took on the herculean task of resuscitating neighborhoods that had been allowed to die, after having done nothing to forestall their death. The problem was one of timing: concern was brought to bear only in the face of catastrophe, when too little could be done. We sought to heal what we should have prevented.

Racial stabilization, whose core goal is permanent integration, is as central to the problems of the cities in the 1970s as Model Cities and anti-poverty approaches were the critical urban strategies of the 1960s. To be sure, the strategies to reclaim the long neglected slums must continue and be redoubled, but it would be foolish to allow areas that can be saved from decline to deteriorate simply because we refused to look at them early enough. We must act before decay threatens to become unredeemable.

Government can act to prevent resegregation and neighborhood decay efficiently and at a fraction of the cost it takes to reclaim already deteriorated areas. Government urgently needs to develop strategies for helping the millions of black and white citizens who live in city neighborhoods that have not yet but may shortly experience the blight that has already made vast ghettos of much of the territory of the nation's cities.

Without encouraging stably integrated neighborhoods, resegregation rapidly takes place, and cities become black, brown and poor enclaves surrounded by white suburbs to which the tax base necessary for urban health has also fled. Because of historic conditions that have left minority people disproportionately poor, cities where they are disproportionately concentrated will have too few resources to cope with their social problems, quite apart from the advisability of racially monolithic cities in a multi-racial society. Cities that desire to retain a viable tax base in the foreseeable future will have to seek ways to encourage their middle-class population, of whatever color or origin, to remain in or move to the city, by making urban life a more attractive option. This will include physical improvements in local neighborhoods. But it will also include stabilizing neighborhoods so that the pattern of inevitable resegregation and ultimate ghettoization is abated.

Today dozens of major American cities are experiencing astonishing racial change, with many already at or over the fifty-percent minority/fifty-percent white mark. But in no American city does there exist a proven methodology for halting or slowing white flight and the flight of other middle-income people. This is what prompted me to submit a proposal to develop and test neighborhood stabilization techniques. My Commission has been awarded \$600,000 in Community Development Act funds to help stabilize transition and pre-transition neighborhoods in Queens, the Bronx, and Brooklyn. The core of the methodology is the development of goal-oriented block associations to which the city, through the Human Rights Commission, will offer technical assistance. We believe that it is the city block that is key to the neighborhood and thus to the city today. We will attempt to help mold the block into a cohesive unit that can resist blockbusting, rumor-mongering, and the general lack of confidence in the future of the block and neighborhood that encourages the drain of its residents. We will help prepare unintegrated blocks for integration as well as help integrated blocks preserve their interracial character. The major goal of the project is to reduce movement from the block so that it occurs only for natural reasons, such as the need for smaller or larger quarters or upward mobility. We expect, in other words, to remove race as a reason for leaving

the block. When a white family moves from the block and is replaced by a black family under these circumstances, stable and permanent integration is possible. In addition we will be using outreach techniques to attract white families to integrated neighborhoods, for whites are almost always steered away from such neighborhoods by real estate dealers. And, we will form merchant block associations because the flight of small businesses such as bakeries and butchers from a neighborhood is also a signal to residents that the neighborhood is in decline.

The role of our staff will be to provide a flow of projects and other support to the block that will accomplish the purposes. These will include projects to halt physical deterioration but will concentrate on the tougher social and intangible confidence eroding factors that lead to flight. In some instances, we will face the race question head-on, by, for example, inviting a black couple perhaps from an adjoining neighborhood to speak at a block association meeting, so people can hear and see how foolish it is to flee from the upwardly mobile black middle-class families that ordinarily seek housing in integrated neighborhoods. In other instances, we will engage in projects that simply knit the block together — helping the block produce a guide to neighborhood services, sponsoring block meetings on energy conservation, home repair, and the like. Because we will be providing assistance

to the blocks they will not experience the ups and downs of block associations whose life usually depends on a few dedicated volunteers. The aim is to make the block association a tool of the city for its own preservation.

Finally and critically, we will be able to augment our enforcement work under the grant to open up closed white neighborhoods. In this way the entire city rather than only the transition neighborhood responds to minority pressures for improved housing through integration. This enforcement work will also include commission cases against blockbusting and racial steering.

The community block grant money is expected to begin flowing in the fall. Already I have a small planning staff doing start-up work under a grant from the New York Foundation. Above all, we think a stabilization methodology can have an effect on open housing that the usual techniques cannot. To be involved in stabilizing a neighborhood, whites at the same time must necessarily learn and acknowledge the values inherent in integration. Instead of fleeing from blacks, they are immersed in working with them in block associations for the overall good of the block and neighborhood.

The response from white and transition neighborhoods in New York has been overwhelming. I originally requested \$450,000 for this year and was granted \$600,000 to accommodate additional neighborhoods who wanted in. When whites clamor to be included in a project of a Human Rights Commission with a tough reputation for enforcement for blacks, I think it fair to say that we may have found in stabilization a new and far more effective way to promote open housing.

The most critical civil rights issue in the 1970s is the almost total roping off of minorities from the housing everyone else enjoys. It is the most critical because this exclusion may be the key to any further advances elsewhere in civil rights. Housing policy alone could break the syndrome that has guaranteed continuing inequality. Minorities are restricted to areas where housing is old, deteriorated, and diminishing. Their opportunities for economic and educational improvement are in turn severely limited. Moreover, along with the exodus of the white middle class to the suburbs have gone many industries which could provide blue-collar and other jobs needed by minorities, who often cannot reach them because of transportation difficulties. And unless student transportation is used to achieve racial balance, residential segregation results in segregated schools. At every turn we are led back to exclusionary housing, the crucial roadblock that can deter the advancement of equal opportunity across-the-board.

Even those of us who labor to open housing to all have not fully modernized our thinking or fully developed our tools to meet today's runaway challenges in this field. We cannot waste another moment. We need to gird ourselves for a struggle that is yet to be made — the last and hardest of the great struggles for equality in America. That is the struggle to open the closed worlds in which blacks and whites still live, glaring across a rickety fence at one another.