

Remarks of Eleanor Holmes Norton,  
Chair, New York City Commission on  
Human Rights at Meeting of the National  
Committee Against Discrimination in  
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There is special urgency attached to housing discrimination in America today, more special than continuing discrimination in employment and, despite the Boston disgrace, 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 does not reflect the primitive government concern and progress we see in housing. To be sure, the passions in Boston are primitive enough. But all that is new about Boston is its Northern setting, and that is hardly new to those of us who remember Carnarsie in Brooklyn, Pontiac in Michigan 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 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.

But 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. They deserve careful analysis. But I want to concentrate today on what we can do about those social and economic reasons. For they are but variations of the sociology and economics of race that have been played out in other spheres. If such reasons have not entirely retarded progress in schools and public accommodations, in jobs and in private institutions, we cannot accept the notion that the social and economic content of race in housing has been what has retarded progress there.

There are two glaring reasons for the housing integration lag. The first is simpler than the second. It is a patent failure in enforcement. The federal government has shown a determined lack of will to enforce the laws against housing discrimination. 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 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, even though its power is strong and its toolshed of legal power well stocked. 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.

HUD officials, with the tacit approval of HUD Secretary George Romney, sought in the early years of the Nixon administration to implement these 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 Romney himself informed the 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 move but was isolated within the administration. One 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. And government court cases have not been planned or concentrated so as to break specific patterns of discrimination.

In a widely marketed case, the Department of Justice 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.

Indeed the case-by-case approach, by itself, will have about as much effect on rigid housing segregation patterns as my going to the roof of this 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. The Civil Rights Commission has described recent 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 City Commission, for example, has recommended that HUD promulgate a rule requiring landlords to report on the racial composition of their buildings. The state of New Jersey has such a rule 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 virtually every employer 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. In our view, no serious enforcement of federal, state or local open housing requirements will be possible until a national racial reporting rule is promulgated.

Our recommendation in this regard to HUD has received little more than bureaucratic paper shuffling concerning what department of HUD should consider the suggestions. This indicates an organizational turn of mind against enforcement in an area of civil rights where nothing short of enforcement even begins to suffice.

But as I indicated earlier, there are two important reasons for the housing integration lag, and enforcement is only the most obvious. More painful is the national lag in the development of a 1970's perspective toward fair housing. Many of us are still locked in an old-fashioned open-housing view of the world that comes out of the 40's, 50's, and 60's. This view concentrated on the opening up of white neighborhoods, still an urgent priority everywhere, 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 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 1970's must not only be about opening up neighborhoods but about bringing about 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. The result has been that an integrated neighborhood is 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 blockbusting as the common enemy of both blacks and whites.

Most of us who live in or study the cities 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 of 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 1970's as Model Cities and anti-poverty approaches were the critical urban strategies of the 1960's. To be sure, the strategies to reclaim the long neglected slums must continue and be redoubled, but it would be foolish to allow areas which 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.

New York City is one of the cities that has not yet changed its racial composition so radically as to make stabilization a moot point. Cities such as Newark, New Jersey have experienced spectacular

racial change, depleting their tax base so as to threaten to make them virtual wards of the federal government financially. Dozens of major American cities are experiencing astonishing racial change, with many already at or over the fifty percent minority-fifty percent white mark.

New York, by contrast, had a black population of around 20% and a Puerto Rican population of around 10%, and thus a total minority population of about one-third, at the time of the 1970 census. Recent studies put the total minority population at about 40% today, however, showing just how quickly this and every large city is changing its racial composition overnight. Still the city-at-large and others like it are fertile fields for government action to encourage stabilization so that integration occurs as a result of natural turnover as opposed to white flight.

But what are we doing to encourage the racial and ethnic diversity that gives New York its economic, cultural, and cosmopolitan uniqueness and that makes it one of the world's great cities. Indeed, what are other cities doing? Too little. Close to nothing.

I have submitted an elaborate proposal to HUD to do block association work to stabilize integrated neighborhoods and to use the Commission's strong enforcement power to open closed white neighborhoods in such a way as to encourage permanent integration. Although HUD's Equal Opportunity Department liked the proposal, its own budget

is so meagre as to make it an unlikely source for funds. The New York Foundation has given us a small planning grant of \$20,000 and other sources of federal funds now appear more promising. HUD says that ours is the first proposal it has ever received from a city to do systematic neighborhood stabilization work. This is tragic, given a need that is virtually axiomatic by now. But the fact remains that HUD understood the need and liked the proposal but gives such low priority to race and housing that funding led down a tortuous trail that caused us to look elsewhere.

I realize that my remarks have emphasized how sadly virginal, actions as well as perspectives, have been in fair housing. But the blunt truth in housing discrimination is what we have had too little of.

The most critical civil rights issue in the 1970's is the almost total roping<sup>ing</sup> 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 thus 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, a high 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. 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.