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“The First Step in a 1000-mile Journey”: How the Dream of a Fair Housing Act Became Reality

One hundred years after the last shots were fired in the Civil War, African Americans were still struggling against unfair treatment and discrimination in practically all aspects of society. Through individual acts of defiance and nonviolent mass protests, the civil rights movement of the 1950s and 1960s pushed against the societal norms and laws that allowed discrimination. And it was working. Federal, state, and local laws slowly began to change, and by 1965 there were laws on the books outlawing discrimination in employment, schools, and other public services. In August 1965, the Voting Rights Act was signed into law, designed to stop discrimination against blacks at the voting booth. The next hurdle to overcome was discrimination in housing.

The National Committee Against Discrimination in Housing and the NAACP began a nationwide push for integration in housing. The theme was taken up by Martin Luther King, Jr. in 1966 when he came to Chicago in the first explicitly northern campaign in the civil rights movement, the Chicago Freedom Movement. The proponents of that movement argued that the City of Chicago could end housing segregation by imposing changes on the way

real estate brokers did business. Lead by the National Association of REALTORS®, the majority of real estate brokers opposed so-called “forced housing” laws, arguing that the federal government should not be involved in home owners’ personal decisions regarding whom they wanted to sell their property to.

Those personal decisions, and the real estate practices that enabled them, allowed housing discrimination and neighborhood segregation to flourish. “We are here today because we are tired,” Dr. King explained at a rally in Chicago’s Soldier Field. “We are tired of paying more for less. We are tired of living in rat-infested slums... We are tired of having to pay a median rent of \$97 a month in Lawndale for four rooms while whites living in South Deering pay \$73 a month for five rooms.... Now is the time to make real the promises of democracy. Now is the time to open the doors of opportunity to all of God’s children.”

Over the next several months, King and local activists held non-violent demonstrations outside real estate offices and marched into all-white neighborhoods. The reception they received from the communities, however, was often fierce and violent. Seeking to end

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the protests and prevent further ruptures, Chicago mayor Richard J. Daley negotiated with Dr. King and other housing activists, leading to an agreement in which the Chicago Housing Authority promised to build public housing with limited height requirements and the Mortgage Bankers Association agreed to make mortgages available regardless of race. Although King called the agreement “the most significant program ever conceived to make open housing a reality,” he also saw it as only “the first step in a 1,000-mile journey.”

Dr. King’s Chicago Open Housing Movement is often credited with having laid the groundwork for the Fair Housing Act of 1968. Similar movements were soon started in other major cities, attempting to keep a focus on discriminatory housing practices and the effects of neighborhood segregation at a time when the nation’s attention was also drawn towards the Vietnam War and a slowing economy.

In the end, the process of actually passing the Fair Housing Act started with the briefest of mentions in President Lyndon B. Johnson’s State of the Union address in January 1968. Nearing the end of his speech, Johnson stated his intention to urge Congress to act on several pending bills that address civil rights measures, including fair jury trials, equal opportunity employment, and fair housing. “This statement,” reported the National Association of REALTORS®, which opposed

any federal fair housing law, “was greeted by dead silence.”

After that, little happened on the legislative front until the release in March 1968 of the Kerner Commission Report. In July 1967, in the wake of riots in Chicago, Los Angeles, Detroit, and other cities, President Johnson formed the National Advisory Commission on Civil Disorders (also known as the Kerner Commission) to investigate the causes of the unrest and provide recommendations for the future. The report concluded that the nation was “moving toward two societies, one black, one white—separate and unequal.” Unless conditions were remedied, the Commission warned, the country faced a “system of ‘apartheid’” in its major cities. In order to correct these issues, the Commission urged legislation to promote racial integration and enrich slums, primarily through the creation of jobs, job training programs, and decent housing, including creation of a national fair housing law. Despite its urgency and warnings, the Kerner Commission’s recommendations were set aside by the president and Congress.

One month later, on April 4, 1968, Martin Luther King, Jr. was fatally shot in Memphis, TN. Riots immediately broke out in urban areas throughout the country. It was this national tragedy and its aftermath that served as catalysts for passage of the pending fair housing legislation, which had been introduced earlier but stalled in Congress.

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On April 5, President Johnson sent a letter to the Speaker of the House, urging Congress to act on the fair housing bill. “This tragedy has caused all good men to look deeply into their hearts,” Johnson wrote. “When the Nation so urgently needs the healing balm of unity, a brutal wound on our conscience forces upon us all this question: What more can I do to achieve brotherhood and equality among all Americans? There are many actions the Congress can take, on its part. The most immediate is to enact legislation so long delayed and so close to fulfillment. We should pass the Fair Housing law when the Congress convenes next week.” Just a few days later, on April 11, 1968, and just before Dr. King’s funeral, Title VIII of the Civil Rights Act of 1968, better known as the Fair Housing Act, became law.

The original Fair Housing Act banned housing discrimination and redlining on the basis of race, color, religion, or national origin. It also made it illegal 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” on the basis of race, color, religion or national origin. Since 1968, the Fair Housing Act has been revised several times, so that it currently includes seven protected classes: race, color, religion, national origin, sex, disability, and familial status.

The new law wasn’t perfect, requiring many revisions and interpretations over the next several years, revisions which continue today as real estate practices and our society’s understanding of discrimination and equality evolve. The passage of the Fair Housing Act represented a turning point in our country’s view of who has a right to decent housing and participation in the American dream: not just some, but everyone.

For more information, resources and to get involved, visit www.FairHousing.realtor