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TESTIMONY of C. L. DELLUMS, Chairman, State Fair Employment Practice Commission before the special GOVERNOR'S COMMISSION on fair housing law Junipero Serra Building, Los Angeles, 7 December 1966

MR. CHAIRMAN AND COMMISSIONERS: My name is C. L. Dellums. I have been a member of the California Fair Employment Practice Commission since its formation in September 1959. I am the fourth member to serve as chairman, and have been in this capacity during the past year. Aside from my part-time Commission duties I am vice president of the International Brotherhood of Sleeping Car Porters. I have been a resident of Oakland, California, since 1923.

I think you should know who the other six members of the FEP Commission are. I hope that several may be present today and that you will meet them. Attached to this statement is a list of these commissioners with brief biographical notes. But I must at least give you their names at this point: John Anson Ford, particularly well known in Southern California as the distinguished former Los Angeles County Supervisor, first chairman of FEPC. Dwight R. Zook, Los Angeles, Corporate Personnel Director of North American Aviation, and long prominent in personnel, industrial, and equal opportunity circles. Clive Graham, Long Beach realtor and civic leader, former president of the California Real Estate Association, and a director of the National Association of Real Estate Boards. And the very capable Mrs. Audrey Sterling, community worker here in the Southland and, incidentally, member of a family substantially involved in housing as well as other business enterprises.

In Northern California the other two members of our Commission are Elton Brombacher, owner and manager of a prominent printing firm in Richmond (he calls himself a small businessman), and, recently appointed, Henry J. Rodriguez of Oakland, practicing attorney and community leader.

I think it is worth noting that of these seven FEP commissioners, who oversee administration of our State's fair employment and fair housing laws, four are either in or closely related to significant business activity, one is from labor, one is in the private practice of law, and one has had a fine career in high public office. All have long records of responsible and significant community service.

You are no doubt aware that the Commission's executive officer and Division chief, Edward Howden, has a well deserved national reputation in the

intergroup relations field, in which he has held important nonpartisan posts over the past 21 years. Virtually all of the staff under him is civil service, selected through open competition according to very high standards of professional commitment, competence, and impartiality.

I trust that you share my feeling that these prefatory notes on Commission personnel are relevant, since we all know that the quality of judgment and administration is crucial to the operation of any such agency.

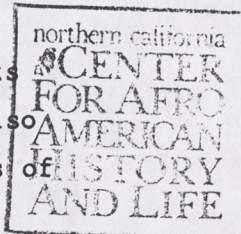
YOU ARE WELL AWARE, I am sure, that legislation to encourage and achieve equal opportunity in the housing market is neither a novel experiment nor something found only in the State of California. At last count some 17 states and 31 cities around the country had laws on the books with substantially similar or stronger provisions than those of our Fair Housing Act. Some of these other laws, unlike the Rumford Act, prohibit racial or religious discrimination in the sale or rental of almost every kind of home or apartment, even the privately financed single-family residence and the small apartment building. A number of these have been on the books since 1959. So there is plenty of experience by which to compare and evaluate our situation in California.

I assume that you will be studying that experience in the course of your critical analysis of the California law, and I shall not take time in this statement to go over that ground. But I do want to suggest, on the basis of our knowledge of fair housing operations elsewhere, that there are at least four broad and basic conclusions which must be drawn:

1. That while constituting no panacea for ills of the ghetto or of urban problems generally, such laws definitely help in the reduction and elimination of arbitrary discrimination in the housing market .

2. That without such laws we will not be able, in any foreseeable future, to remedy the practices of imposed segregation by color, creed, or ancestry which pervade our cities and suburbs. Even though there are, fortunately, some people of good will and courage in the housing industry who genuinely want to see these practices changed, their well intended efforts are for the most part doomed to inadequacy or futility if there is not also clear and enforceable public policy applying equally to all main segments of the industry.

3. That it is essential to have some sort of administrative agency first for the redress of valid complaints, mainly through conciliation, and secondly,



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to carry on informational, educational, and other affirmative efforts, in cooperation with main elements of the housing industry, to promote equal opportunity.

4. That nowhere in the experience under these fair housing laws do we find any record of hardship to property owners, abuse of discretion by the administrative agencies, general failure of conciliation processes, breakdown of normal appeal procedures, or any of the other dire consequences usually warned against by those who still maintain a posture of rigid and categorical opposition to any kind of regulation in this field whatsoever. It is surely obvious that if the workings of fair housing law anywhere in the nation had produced any of the claimed ill effects, such evidence would have long since been spread upon the public record of California's sad and protracted controversy on this subject. Where is the damaging adverse documentation? One may, at this late date, entertain a reasonable doubt as to its existence.

NOW TO THE PROVISIONS of the present California Fair Housing Act, comments on our experience to date, and perhaps correction of some of the major misconceptions concerning the law.

Administration of the California law entails three main responsibilities. First, the Commission acts in a regulatory role -- receiving and processing individual case complaints and, where warranted, seeking their corrective resolution. Secondly, we seek to initiate affirmative action programs in housing through advisory committees and other means. Thirdly, the Commission fulfills an informational and educational function striving to inform all Californians as to their rights and obligations under the Fair Housing law, and to provide useful materials and consultation as to practical techniques for successful elimination of traditional race barriers.

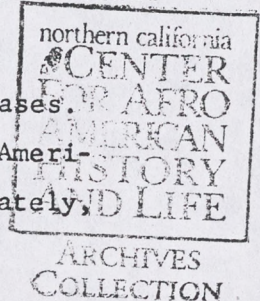
FEPC has been administering the Fair Housing law since it took effect over three years ago. (We have also administered the Fair Employment Act since 1959.) From the very beginning of those three years, as you know, the law was challenged by the California Real Estate Association through what became Proposition 14 and a State constitutional amendment, which later was declared unconstitutional by the California Supreme Court. During these three years the law -- or, more accurately, some myths and misconceptions about the law -- have been almost constantly in the public eye, under bitter and frequently misinformed

debate. The result has been an unusual confusion on the part of much of the public -- not only among minority home seekers but also among landlords and others in the business of housing. Untold thousands of citizens do not know that the law is in effect today. Many property owners have widely exaggerated notions as to what the law requires of them, or whether it even applies -- as it does not -- to the average home owner. Regrettably, far more energy seems to have been devoted to the continuing propaganda battle against all such legislation by some organizations than to clarify the factual situation in easing the fears of some property owners.

This confusion manifests itself in several ways, one being the very moderate number of housing complaints so far received. Since the law took effect the Commission has received an average of 22 complaints per month and this includes the period under the constitutional amendment when very few complaints were filed. We know that 22 complaints per month does not accurately reflect the magnitude of the housing discrimination problem in California; we know that a great many more than 22 minority families seeking homes or apartments are being turned down every month and that many more owners of rental property than 22 per month are involved. There is much evidence that the problem is far more serious than these case statistics reveal. For example, recently each of two individuals who filed separate complaints with us told of being turned down many times. One had been turned away fifteen times, the other more than twenty. But it was only the last rebuff that brought each of them to file a complaint of discrimination. Perhaps most of the landlords who had turned them away before they brought their grievances to FEPC had never been warned that to reject an otherwise qualified person on reason of race is a violation of law.

To overcome this confusion has been difficult. The local voluntary fair housing organizations, of which there are about 190 around the state, have been particularly helpful. They have tried to keep individuals informed of their rights and obligations. Over half of the complaints which we receive in the field of housing come in through some sort of direct or indirect referral from a fair housing organization.

I must point out that the cases we are receiving are not "test" cases. They involve people -- mostly Negroes, with lesser numbers of Mexican Americans, Indians, Jews and others -- who genuinely, sometimes even desperately,



need housing but who have extraordinary difficulty in finding it because of their race. The bona fide quality of these complaints is reflected also in the high percentage of those in which corrective action is quickly taken. Between the time the law went into effect and the end of November of this year, discrimination was definitely found in about 60 per cent of the cases in which a determination was reached, and all but two of these were closed with corrective action taken after conciliation. The two exceptions are first, the only housing case to have gone to public hearing so far, and second, one now scheduled for hearing.

I might point out here that the overall figure of cases received through November 30 was 440, with 101 closed for no evidence or insufficient evidence of discrimination, another 27 closed because FEPC lacked jurisdiction, and 59 closed because the complainant withdrew the complaint or became unavailable. The other 103 cases were currently in process as of the end of November.

A good number of those cases which ended in corrective action were resolved once the landlord or apartment manager was simply informed as to the requirements of the law and his misconceptions about his obligations under it.

Of course this is not always the case. Some investigations of complaints are quite complex. I think it would be informative here to sketch briefly a few case histories of housing complaints we have handled.

No. 1: A rental agency in a large city referred a Negro woman to an apartment. When she arrived at the building and asked to see the place, the building manager told her it already had been rented. A friend of the woman later phoned the manager and discovered the apartment was still vacant. A complaint was filed with FEPC. Investigation bore out her charge of discrimination. FEPC's contact with the owner of the building brought about an offer of an apartment along with a directive from the owner to the manager, spelling out an open occupancy policy.

No. 2: A Negro tabulating machine operator responded to an advertisement to rent an apartment in a large building. He was told there were no vacancies. A friend who is not Negro visited the building and found this to be untrue. The Negro filed a complaint with FEPC, charging the apartment manager with discrimination. In talking to the manager, the FEPC consultant explained provisions of the Fair Housing Act, and through conciliatory efforts quickly obtained agreement by the manager to rent to the complainant, who

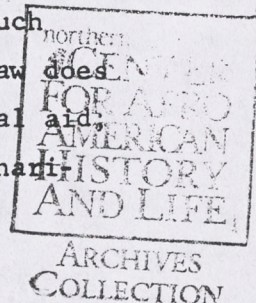
moved into the apartment without further difficulty.

No. 3: A Negro woman charged she had been unable to rent an apartment because of discrimination by a building owner. FEPC investigation upheld her charge, and a meeting was arranged with the owner. He admitted the allegations, agreed to stop asking for racial identification, and decided to apply consistently a standard tenant application form that included rental conditions. After conciliation the complainant inspected the apartment and found it unsatisfactory for her needs. The owner's improved practices nevertheless remained in effect.

No. 4: An example of a case in which no evidence of discrimination was found: A real estate agent tried to help a Negro construction worker obtain an apartment by contacting another firm and placing a deposit on an apartment for him. When the prospective tenant, who was identified as "colored," prepared to move in he found the apartment had been rented to another person. The second agent claimed he had stipulated that the remainder of the first month's rent be paid by a certain date and that on that date, when the rent was not forthcoming, he had turned over the keys to the next-door tenants--- a Mexican American family---with instructions to rent to the first likely prospect; no restrictions were mentioned regarding race. In investigating the construction worker's complaint, FEPC determined that denial of the dwelling had not been discriminatory but had resulted from a misunderstanding. The case was dismissed. With the help of the first agent, other suitable quarters were soon found for the complainant.

As I have mentioned earlier, misunderstandings about the Fair Housing law are perhaps as often the barrier to compliance as is willful violation of the law. Some of these misunderstandings gained currency in real estate groups during their campaign for Proposition 14, and have been allowed to remain standing--and in some circles are still propagated.

One of the most persistent falsehoods disseminated concerning the Fair Housing law is that it applies to the average family homeowner when he places his property on the market. Our Commission has attempted to correct such fallacious notions by repeatedly pointing out, for example, that the law does not cover single-family homes financed without FHA or other governmental aid; duplexes; or non-profit housing operated by religious, fraternal, or charitable organizations.



We have pointed out that no property owner who is covered is obliged to lower his standards of selection among prospective tenants or buyers. The law requires him only to refrain from treating any person differently because of his race, religion or ancestry. Nor is the Fair Housing act enforceable by authority of FEPC itself, as is frequently implied. The law is enforceable only through the courts.

To support these statements, let me point specifically to FEPC case experience:

Homeowners were involved in a negligible proportion of cases: about 2 percent. No such case has gone to formal hearing or court enforcement.

More than 75 percent of all complaints concerned apartment rentals. Of the closed cases in this group, all but one were resolved through conciliation. One went to formal hearing.

Over 96 percent of all complaints have been brought against persons or firms engaged in housing as a business.

Only one case went to public hearing, and this was clearly a test case, the fact of unlawful discrimination having been admitted.

No case has gone to court for adjudication.

No one has gone to jail.

No property owner has been fined.

These are some of the facts of the law and of our agency's administration of it that have been widely misrepresented and misunderstood, and which, in the urgent public interest, cry for acknowledgment and clarification. These facts have their proof in statistics, but there are other aspects of the fair housing situation in California which do not lend themselves to proof by numbers, but which are probably more important and more shattering in their implications than any statistical report I could offer you.

I am speaking now particularly of the devastating effect of the passage of Proposition 14 on the minority community in California. It was seen by a great number of Negroes and others as a direct and drastic repudiation of one of their deepest aspirations. I speak mainly of what I myself have witnessed -- but I know other members of our Commission have had similar impressions and insights -- when I say that anyone with any contact at all in the minority communities could not escape the dense feeling of despair,

rejection, and hopelessness that followed the vote of November 1964. The feeling of futility was so strong that much meaningful civil rights activity ground to a halt for a time because so few felt it worthwhile to carry on.

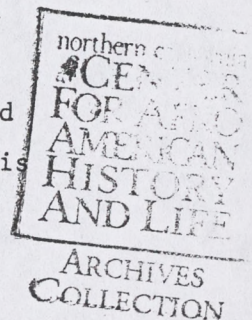
Conversely, the State Supreme Court's subsequent decision that Proposition 14 is unconstitutional helped somewhat to restore the balance, but with the attendant confusion about the state of the law which I have already described.

Partly because of the great public debate over the law, I believe that in large parts of the minority community it has achieved a symbolic as well as actual housing market value, not only to the people of our own state but to a great number of observers across the nation. For this reason, repeal or serious weakening of the law would be disastrous.

It would be disastrous, I believe, for a whole range of reasons. Let me just point out one. The Wall Street Journal of December 5, 1966 carried a story about the problems the Atomic Energy Commission is having in selecting a site for a giant new linear accelerator. They are searching for an area where, among other matters, housing discrimination will not be a problem. A number of states, including California, were originally in the running. But according to this Journal report, the AEC may already have been persuaded not to consider two locations--one within a state that has defeated an attempt to pass fair housing laws, and another near a city that has a weak housing ordinance. California, I might add, in great part because of the fair housing work that has gone on in Sacramento County -- which includes a proposed site -- is still under consideration. I think there can be no doubt that without the undergirding of public policy provided by our State Fair Housing Act California would have long since been eliminated from the competition for this vital and economically significant installation.

And what applies in this instance to prospective AEC development has become increasingly a difficult problem for private industry in the selection of new sites to which good personnel can be attracted and held.

The law as it stands, I believe, works well and fairly. It permits and stimulates the kinds of progress I have mentioned. The statute's coverage is of course incomplete; broader coverage of all or most transactions in the market place would surely be rational and desirable. There should also be more flexible provision for remedies. I would not contend that the law is perfect and could not be improved--I believe that almost any law on the books is capable of constructive amendment, and certainly this applies to one that



has had only three years of life under most rigorous conditions that have so far rendered all but impossible good-faith attempts to evaluate experience under the statute or to amend it for the better. If improvements are to be made, I believe they should be reached through just the kind of careful study your Commission has undertaken.

Finally, it is my conviction that your Commission's report will have extremely far-reaching implications. The problems of achieving an open market in housing and full equality of opportunity have been brought, for better or worse, to national and in some instances, even international attention. That you are dealing with this problem rationally, analytically, and with expertise carries a hope and a potential for constructive resolution -- indeed reconciliation -- of one of the deepest and most dangerous situations our State has ever known. The consequences of your work will be felt, for better or worse, by all Californians for many years to come, and by our entire Nation.