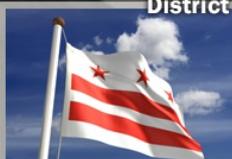




# Congresswoman Eleanor Holmes Norton

District of Columbia



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## Norton Testifies on Her Bill to Create Unusual Monument in Celebration of Fair Housing (2/25/2010)

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## **Norton Testifies on Her Bill to Create Unusual Monument in Celebration of Fair Housing**

**February 25, 2010**

WASHINGTON, DC - Congresswoman Eleanor Holmes Norton (D-DC) this morning testified at a hearing on her bill to commemorate the Fair Housing Act of 1968, the last of the three great civil rights laws of the 1960s, with a monument in Washington. The Fair Housing Commemorative Foundation, established by the National Association of Realtors, is raising the necessary funds and is working with the National Capital Memorial Advisory Commission to create a commemorative work. "Notably, this bill may mark the first time that a sector of our economy has decided to honor the statute that regulates some of its practices. This precedent, forged by the real estate sector, is especially commendable," Norton said. "Considering the history of discrimination that led to this civil rights landmark, it is particularly fitting that we commemorate the Fair Housing Act with a monument in Washington that speaks to the progress that has been made and the distance yet to go," Norton said.

The Congresswoman testified on behalf of her bill, H.R. 3425, the Fair Housing Commemorative Act, in a hearing this morning before the House Natural Resources Subcommittee on National Parks, Forests, and Public Lands. Norton expects the bill to be enacted this year. Her full testimony is below.

### **Testimony of the Honorable Eleanor Holmes Norton before the House Subcommittee on National Parks, Forests and Public Lands To Discuss H.R. 3425, The Fair Housing Commemorative Act**

**February 25, 2010**

I very much appreciate your granting this early hearing, allowing the possibility that my bill this year will authorize the Fair Housing Commemorative Foundation to establish an unusual and non-controversial commemorative work honoring The Fair Housing Act of 1968 (FHA). The Fair Housing Commemorative Act would commemorate the FHA, the last of the three great civil rights laws of the 1960's, with an appropriate commemorative work in the nation's capital. The Fair Housing Commemorative Foundation is raising funds and is working with the National Capital Memorial Advisory Commission (NCMAC) to adhere to the requirements and process established by the Commemorative Works Act of 1986. Notably, this bill may mark the first time that a sector of our economy has decided to honor the statute that regulates some of its practices. This precedent, forged by the real estate sector, is especially commendable.

Housing availability and efforts for equal opportunity in the real estate markets are intertwined with our nation's history, particularly racial history. The federal government has both been a part of the problem and an integral part of the solution. Every branch of the federal government has played a key role in our national progress towards fair housing. It is particularly fitting that we commemorate the FHA with a monument in Washington, considering the history of discrimination that led to this landmark, civil rights speaks to the progress that has been made and the distance yet to go.

#### **The Nation's Beginning: The Right to Private Property**

The Fifth Amendment to the U.S. Constitution establishes the right to own private property that the government cannot take without just compensation. Early immigrants sought a place where they could own and transfer real estate without arbitrary interference from the government. That right was not universal, however, because slavery denied basic rights to African Americans based on race, reduced them to the subhuman status of property, and denied them the right to own and use real property.

#### **Post Civil War: Progress and Problems**

The Civil War amendments ending slavery were accompanied by laws that gave all citizens the same rights as white citizens to own and use real property. The Civil Rights Act of 1866 was our nation's first "fair housing" law. However, that statute was ignored and severely limited by court decisions, culminating with the philosophy of "separate but equal" in the Supreme Court's *Plessey v. Ferguson* decision. In addition, Congress and some states passed laws that restricted access to private property ownership and use by Latinos and Asian Americans.

In the early 20th century, social scientists and leaders within real estate established guides for neighborhood desirability based on racial composition. Homogeneous communities for white residents were seen as the best investment for homeowners and others. Some early zoning laws sought to limit, residents by race, as did some practices of the real estate sector. Although in 1917 the Supreme Court, in *Buchanan v. Warley*, struck down these racial restrictions, they were incorporated into Federal Housing Administration rules, deeply implicating the federal government, and formed the basis for many private agreements to segregate and form racially restrictive covenants.

#### **Post World War II Challenges Unmet**

Following the Second World War, returning GIs, through the GI bill, were offered a path to homeownership. However, African Americans and other minority group Americans were excluded from these GI bill benefits in many communities. The great migration of the middle class to the suburbs was largely a white phenomenon, creating segregated white suburbs and large isolated urban minority communities. There was little response by the government or the courts, although the Supreme Court formally ended judicial enforcement of racially restrictive covenants in the 1948 case, *Shelley v. Kraemer*.

### The Civil Rights Movement Breakthrough

The civil rights movement, particularly Dr. Martin Luther King, Jr.'s campaign in Chicago, brought renewed attention to housing discrimination. The federal government, first through executive order and then through the Civil Rights Act of 1964, banned discrimination in federally funded housing. By 1961, seventeen states had passed fair housing or open housing laws. However, it was not until April 1968, inspired tragically by the assassination of Dr. Martin Luther King, that Congress passed the FHA.

Also in April 1968, the Supreme Court ruling in *Jones v. Mayer* held that the Civil Rights Act of 1866 prohibited discrimination in private real estate transactions. That law, however, lacked an effective government enforcement mechanism and covered only racial and religious discrimination. Gender discrimination in housing was prohibited in 1974. In 1988, in response to growing awareness of the housing issues faced by the disabled, the adoption of the FHA Amendments established more effective government enforcement and extended protections to the disabled.

### 21st Century Inspirational Challenge

Today, the federal government through its housing anti-discrimination enforcement agency, the U.S. Department of Housing and Urban Development (HUD), is retooling for more vigorous enforcement. In 2007 HUD issued discrimination charges in only 31 cases compared to 125 in 1995. Regrettably, the decline in charges does not mean that housing discrimination has been reduced. Since 1980 there have been only moderate declines in African American patterns of residential segregation, while Latino residential segregation has remained unchanged over that same period. Socio-economic status does not necessarily signal progress according to a 2008 study by the National Commission on Fair Housing and Equal Opportunity, which found that "disparities between neighborhoods for Blacks and Hispanics with incomes above \$60,000 are almost as large as the overall disparities, and they increased more substantially in the 1990s."

In seeking to memorialize the FHA, the real estate sector is not declaring victory. Like many memorials in the Nation's Capital, the Fair Housing Commemorative Foundation's work will inspire the American people, their government, and the real estate sector to embrace the values embodied by the FHA. The nation should be particularly proud that this work is not proposed by the public or by our government, but instead by the nation's real estate sector whose practices are subject to oversight and enforcement.

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