CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

INTERFERENCE WITH CIVIL RIGHTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 75, H.R. 2516.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 705, H.R. 2516, a bill to prescribe penalties for certain acts of violence and intimidation, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its further consideration.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, the amendment we are now discussing is likely to be the most important domestic legislation to come before the Senate this year.

I am reluctant to make extravagant statements about any subject, and I would not make so strong a comment about the proposed fair housing bill if I did not consider it the Senate's most vital business for 1968. Why am I drawn to such a sweeping conclusion?

There are numerous considerations which testify to the urgency and priority which we should give this matter. My able and respected colleague from Minnesota and I have already indicated at some length the magnitude of the evils for which we believe this legislation will be a partial remedy. Allow me to mention in the simplest and most straightforward manner some of the grave social problems to which this bill, directly or indirectly, is addressed.

Discrimination in the sale and rental of housing has been the root cause of the widespread patterns of de facto segregation which characterize America's residential neighborhoods. It is not true that those patterns, as they have developed in our time, stem primarily from the alleged desire of minorities to cluster together and to avoid integrated neighborhoods.

It is fair to say that the prevalent residential patterns may have had their origins in the tendency of migrants to seek out friends and kinsmen when they have first settled in an area. But this tendency, to the extent it was ever a reality, is relevant only to the initial settlement of immigrants in a given area. Over the years, after the newcomers have become established in an area, after they or their children have begun to realize the traditional American opportunities to better their lot by education and hard work, they have always been able to move up, if they desired, to a better home in a neighborhood of their choosing.

Indeed, moving to a new or different home has generally been the principal mark of upward mobility in our society. We have long honored the symbolic value of this transition to another home. It is a principal measure of America's success in creating a truly open society in which men and women can advance, materially and socially, in fair proportion to their capacities.

The opportunity to make that transition, the chance to build or buy the best home one can afford, has been the hallmark of individual opportunity in this favored land.

But that is the story of previous generations and previous minorities. In 1968 this natural path of social advancement has been blocked for the most recent residents of our central cities. It has been blocked not for high and justifiable reason. Who would dare assert that there could be any justification for abandoning the ideal of equal opportunity in the United States?

It has been blocked by the pervasive and debilitating effects of racial discrimination.

Unless we can lift that blockade and open the traditional path once more, permanent de facto segregation will unquestionably disrupt further progress toward the open society of free men we have proclaimed as our ideal.

For what does such imposed segregation imply? If it persists, it is quite clear that those millions of Americans locked in the ghettos will face the prospect of remaining in the vicious circle we have already described. Forced to remain in the cores of the central cities, their children will suffer the awful impact of blighted neighborhoods, inadequate schools, and lack of job opportunity. The ugly sense of entrapment will fester in the minds and souls of parents and children alike. Frustration will breed bitterness, and bitterness will turn to hostility as the promise of our Nation disintegrates in angry turmoil and social unrest.

Congressional endorsement of an equitable fair housing law would do much to restore the waning faith of ghetto children in the integrity and fair-mindedness of America's leaders. I say to you, soberly and with the deepest apprehension, that we dare not let their hopes perish in the sluggish wake of our inaction.

We must stand now and be counted. We must say to every American that he will have an equal chance to follow the paths of his predecessors in this favored land. We must assure him that his efforts to advance himself and his family are worthwhile, and that a good education, a job commensurate with his demonstrated capacity, and a home of his own choosing will not be denied him on vicious grounds of racial discrimination.

We must do all that is reasonable and just to guarantee that no individual will suffer for the prejudice or venality of another.

Mr. President, I believe that the experience of the Commonwealth of Massachusetts, which has adopted a virtually unlimited fair housing statute, is relevant to this debate. This law has now operated for close to a decade. It is virtually all inclusive, governing even the sale of single-family dwellings by private parties. The sole exemption which has been included relates to the rental of one apartment in a two-unit building in cases in which the lessor actually lives on the premises. Consequently, the Massachusetts statute is substantially broader in its coverage than is the amendment which the Senate is presently considering.

Despite this breadth—but, to some degree, because of it—the Massachusetts fair-housing law has been successfully administered and has received overwhelming and continuing public support. It is administered by the Massachusetts Commission Against Discrimination, a State agency the members of which are appointed by the Governor. During my 4 years as attorney general of the Commonwealth, it was my responsibility to provide advice and representation to the commission. As a result, I had occasion to witness the operation of the fair-housing statute on a close and continuing basis.

The number of complaints successfully disposed of by the commission is close to 100 percent of all complaints received. About 90 percent of these are disposed of by agreement between the commission and the party against whom the complaint has been filed. This sometimes results from the fact that the circumstances which led to the filing of a complaint are so clear that even the respondent recognizes that he has violated the law. Occasionally, in cases in which the facts are less clear, the reputation of the commission and the public awareness of and interest in the subject matter are such that the respondent chooses not to contest the attempt to persuade him to abide by the statute. This does not mean, however, that cases do not reach the Massachusetts courts. A number of questions with respect to the statute, including the question of its constitutionality, have been litigated. Not only has the Massachusetts Supreme Judicial Court determined that the statute, despite its breadth, is constitutional; it has also upheld the Commission Against Discrimination in every single case which the court has decided on the merits.

The favorable attitude of the public toward such legislation is well illustrated by the circumstances surrounding attempts to amend the fair-housing statute in 1963. Prior to that time, the statute had not covered the sale of single family dwellings, and a bill was filed for the purpose of extending the law to include such transactions. Expected opposition never materialized. On the contrary, public receptivity to the proposed amendment was heartening. All of the statewide real estate associations, including the Boston realtors, supported the change. Witness after witness appeared to testify in its favor, with few dissents. Public enthusiasm has not dimmed in the succeeding 5 years. This is partially the result of sound policies regarding admin-

istration of the statute which have been adopted by the commission. But it also results from a general acceptance in Massachusetts that the broad fair-housing law represents a justified extension of fundamental constitutional rights to all of the Commonwealth's citizens.

The Massachusetts experience belies the fears of those who believe that the institution of open-housing policies will wreak havoc with long established suburban living patterns. Integration of the Massachusettes suburbs has proceeded, for the most part, on the basis of free choice of both buyers and sellers; it has not been compelled by legislative or administrative fiat. The Massachusetts statute has attacked primarily those areas in which the problem is most acute. It has focused upon the fringes of the ghetto, the areas to which Negro citizens might well be able to move were they able to secure housing freely. As barriers have been removed in these sections, the mobility of the Negro out of the worst ghetto areas has been greatly increased, and the entire central city has been the beneficiary.

As I indicated yesterday, I do not claim that the adoption of a Federal open-housing law will be an ultimate answer. Indeed, it will not strike at the heart of the problems in the ghetto. Only a complete American commitment to the eradication of the social, economic, and psychological evils which constitute the ghetto can eventually lead to success. But this is a first step. It is a step which my own State has taken. It has proved acceptable to the public. It has proved that it need not be accompanied by interference with private rights. It has proved that it works.

Mr. President, returning from Africa, as I just have, I find myself reflecting on the contrasts and similarities between those countries I have visited and our own United States. The comparison is both instructive and highly relevant to the proposal which the distinguished junior Senator from Minnesota and I have introduced.

Many of Africa's most promising political leaders look to the United States as the democratic model.

I will not for a moment argue that the Senate should approve this amendment because of what foreign observers will think of us if we fail to act. We ought to pass this bill because it is the right thing for America to do.

But it is also true that our foreign friends expect us to do the right thing and their disappointment is genuine and deepseated when our actions call into question our fidelity to the principles and aims of our professed democratic philosophy.

Time and again in my discussions with African leaders, it was apparent that their vision of America as the land best approximating the ideals of human equality has been blurred by their perception of discrimination in the United States. Hidden beneath their continued admiration for the American model was a grave concern that we might yet fail in our noble experiment, a fear that we would founder on the treacherous shoals of racial enmity, an apprehension that the United States might be headed toward a rigid and hateful social policy comparable to that found in South Africa.

Mr. President, I do not believe that such a fate is in store for our beloved country, and I made clear to these African leaders my own confidence that we would weather the present domestic storms and build a more open society in America. But I could not always convince them; not because they did not wish to be convinced. On the contrary, they want to see America succeed and earnestly desire to believe that we will. But they are especially troubled by the dissonant image of most American Negroes in ghettos and most American whites in suburbs.

They may well wonder if America really is different from South Africa.

On this score, as well, I find myself drawn to the conclusion that fair housing legislation is necessary and appropriate to America's social responsibilities at home and its obligations to provide moral leadership for all nations. I devoutly believe that the United States has a mission in the world and that our action on this matter will have an important bearing on our capacity to provide such leadership.

Can we state the proposition any more clearly? America's future must lie in the successful integration of all our many minorities, or there will be no future worthy of America. That future does not require imposed residential and social integration; it does require the elimination of compulsory segregation in housing, education, and employment.

It does not require that government dictate some master plan for massive resettlement of our population; it does require that government meet its responsibilities to assure equal opportunity for all citizens to acquire the goods and necessities of life.

It does not require that government interfere with the legitimate personal preferences of individuals; it does require that government protect the freedom of individuals to choose where they wish to live.

It does not require government to provide some special advantage to a privileged minority; it requires only that government insure that no minority be forever condemned against its will to live apart in a status inferior to that of their fellow citizens.

This measure, as we have said so often before, will not tear down the ghetto. It will merely unlock the door for those who are able and choose to leave. I cannot imagine a step so modest, yet so significant, as the proposal now before the Senate.

Mr. President, I refer now to a study prepared by the Legislative Reference Service. This paper, prepared by Mr. Thomas F. Lord, is both informative and useful for our present discussion, and I shall call attention to several relevant portions of the study.

(At this point Mr. McGOVERN assumed the chair.)

Mr. GRIFFIN. Mr. President, will the junior Senator from Massachusetts yield to me at this point?

Mr. BROOKE. I am glad to yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wish to associate myself generally with the eloquent remarks the distinguished Senator has made up to this point in his statement, and I commend him for indicating and displaying, once again, very brilliant leadership. In a very short time in the Senate, he has distinguished himself in a number of ways and in a number of legislative areas. Certainly, in the area of race relations his leadership has been particularly significant and valuable, not only to the Members of the Senate, but also to the Nation at large.

In speaking to the measure now before the Senate, he has again demonstrated to all a very keen ability to analyze and to articulate. Today, as on other days, his voice has been not only an effective voice, but also a voice of perception, of moderation, and, most of all, of common sense.

So I congratulate the distinguished junior Senator from Massachusetts for the excellent statement he has made on this subject.

Mr. BROOKE. I thank the distinguished Senator from Michigan for his generous remarks.

Mr. President, I read from a study prepared by the Legislative Reference Service, to which I referred before, the section entitled "Negro Housing Problems":

A prominent housing expert, Charles Abrams, recently wrote of Negro housing problems:

"The housing available to Negroes is inferior in quality compared to the housing of whites; both the housing and neighborhoods in which he lives show signs of greater deterioration; there are fewer amenities; mortgages are more difficult to obtain; there is little or no private investment in new buildings for Negroes; tax arrears are higher in their neighborhoods and public interest in maintenance is lower; real estate values are lower in relation to net income; overcrowding is more intense; schools, hospitals, and recreation are inferior; and the Negro usually gets less housing per dollar he pays."

A glance at the 1960 Census will graphically verify Mr. Abrams' observations. Forty-four percent of all non-white occupied units were substandard, compared to 13 percent of all white occupied units. 155,000 non-white families had to share single dwelling units with other families. That is 4.8 percent of the total number of non-white families—only 2.1 percent of the total number of white families lived in such a condition.

Perhaps the really significant figures are those which illustrate the central city concentration of Negroes. For it is especially within the old, deteriorating inner cities where slums and inferior community facilities abound. The non-white population of central cities increased 63.3 percent between 1950 and 1960—from 6.3 million to 10.3 million persons. At the same time the white population of the central cities was increasing at a rate of 13.3 percent—42.0 million to 47.6 million persons. This influx of 9.6 million persons must be measured against the 3.7 million housing units added in the same period. Herein lies the reason for the crowded slums.

During the same decade the white population in the urban fringe—the suburbs—leaped forward at a rate of 81.8 percent—16.2 million whites moved there—only 700,000 Negroes accompanied them.

The configuration to which these figures point often has been described—America's large cities filled at the center with Negroes

occupying run-down housing and surrounded by a suburban ring of middle-class white neighborhoods.

It might be suggested that the configuration thus described is inevitable in light of the low incomes of the Negroes in the central cities. It is true that in 1960 the median family income of Negro families was only $3,711—63 percent of the median income of $5,893 for whites. But a 1963 study by the U.S. Housing and Home Finance Agency found that there has been a "spectacular rise" in the incomes of Negroes in urban areas and a corresponding growth in the demand for middle-income housing—such as is available in the suburbs. The study collected data on 17 metropolitan areas and compared the home buying patterns of white and nonwhite families in the $7,000 to $10,000 income bracket. If Negroes in this category had bought homes valued at $15,000 in the same ratio as whites in this same income bracket, there would be an immediate potential market among nonwhites in these 17 areas for some 45,000 units. On the basis of the investigation HHFA concluded that:

While the study cites a number of related factors inhibiting home ownership among non-whites, it points particularly to racial restrictions as an important deterrent to the availability for new housing for this group.

It would appear then that the configuration of black central cities encircled by white suburbs is not a "natural" phenomenon; the coerciveness of discrimination is involved, and the white suburban circle is what former Philadelphia Mayor Richardson Dilworth called a "white noose."

What are the forces behind this discrimination? The Commission on Civil Rights attempted an answer in its 1961 report:

They begin with the prejudice of private persons, but they involve large segments of the organized business world. In addition, Government on all levels bears a measure of responsibility—for it supports and indeed to a great extent it created the machinery through which housing discrimination operates.

First, discrimination is sometimes practiced by the owner of a house who refuses to sell or rent to a person of another race. This attitude has often led to alliances of owners who enter into covenents restricting a neighborhood to whites only. In 1948, the Supreme Court in Shelley against Kraemer ruled that such covenants are judicially unenforceable, on the grounds that a State would be denying to certain citizens equal protection of the laws. Nevertheless, restrictive covenants prevail in many places even though they are not legally enforceable.

Second, lenders often discriminate against Negroes, using the argument that a homogeneous neighborhood makes a loan economically more sound. The Commission on Civil Rights "found evidence of racially discriminatory practices by mortgage lending institutions throughout the country." Also some builders join in with these views about "homogeneous" neighborhoods and sell only to white persons. Underlying the view that neighborhood stability will be destroyed is the belief that property values fall when Negroes move into an area. This happens, of course, if there is "panic" selling by whites. But a research study of 10,000 real estate sales over a 12-year period in seven cities contradicts the belief that property values invariably decline. Forty-one percent of the homes in interracial neighborhoods did not change in price; 44 percent increased 5 to 26 percent; 15 percent dropped 5 to 9 percent.

The third discriminatory factor mentioned by the Commission in 1961 was the Government—especially the Federal Government. The major cause for such an indictment is that FHA actively encouraged racial discrimination during the years 1934–1950. Its Underwriting Manual of 1938 suggested that properties "continue to be occupied by the same social and racial groups." The Shelley against Kraemer decision had an effect on FHA policy, however, and it withdrew its support for racially exclusive policies. President Kennedy's Executive Order 11063 of 1962 required FHA and other Federal agencies to pursue affirmative policies with respect to equal opportunity in housing.

But the Civil Rights Commission's criticism of the Government is also based on the fact that most financial institutions are dependent to a great extent on Federal regulation and sponsorship. A large number of saving and loan associations are chartered by the Federal Home Loan Bank Board. Many of them are recipients of the benefits of the Federal Home Loan Bank System. Most commercial banks are regulated by the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. Yet none of these private institutions are covered by the existing Executive order, and thus, are free to discriminate without Government interference.

Although low income is an obstacle to many Negroes in acquiring adequate housing, a large number of Negroes have moved up to middle-class levels of income, and many of these Negroes who have the money want to live in a suitable environment. As a Negro wife in Boston put it:

I don't think that too many people start out by saying, "I want to move into a white neighborhood." They want to move to a neighborhood that has modern housing, good schools, that has close shopping centers, that has a plot of grass around it; where people don't go through the street and drop paper; they want something clean.

But often the Negro cannot realize this aim because he is surrounded by a pattern of discrimination based on individual prejudice, often institutionalized by business and industry, and Government practice.

Certainly the provision of good housing will not solve all social and personal problems. Yet the upgrading of housing conditions, as compared for example to the tasks of education and improvement of health, may well be the most immediately practical solution available. Further, the attack of educational inequality, on juvenile delinquency, and on ill health will surely fail without a fundamental attack on the slums. But that attack cannot succeed—indeed it cannot commence—without the obliteration of the discriminatory obstacles which condemn the Negro to certain areas, to substandard housing, and to poverty in general.

The Federal Government has begun to recognize this basic fact and has tried to insure equal opportunity in housing to all Americans. If the national goal set forth by the Congress of a "decent home and a suitable living environment for every American family" is to be realized, equal opportunity is essential.

The most effective attempt by the Federal Government thus far to insure equal opportunity in housing was the signing of Executive Order 11063 by President Kennedy on November 20, 1962.

As two legal authorities have pointed out:

The issuance of the Executive Order was hardly a precipitous action. Twenty-eight years had elapsed since passage of the original National Housing Act, before the Federal government took this basic step to assure equal access to the benefit of its housing programs.

The Executive order directed all Federal agencies which administer housing programs to prevent discrimination. Section 101, which sanctions this antidiscriminatory activity, relates to housing and other facilities provided by Federal aid agreements executed after November 20, 1962. Therefore, the order did not touch the millions of FHA- and VA-assisted homes built before 1962.

Section 102 of the order does apply to all housing ever aided by a Federal program—but this section merely directs Federal agencies to "use their good offices" to promote the abandonment of discriminatory practices.

The order also established the President's Committee on Equal Opportunity in Housing. Each executive department and agency is directed to cooperate with the committee by furnishing it with information and assistance and to report to the committee at certain intervals with respect to its procedures for obtaining compliance.

The primary agency which the order affects is the Federal Housing Administration.

Since the date of the order, nearly 700,000 housing units have been constructed with FHA loan insurance. As of March 31, 1966, 90 complaints had been received by FHA under section 101 of the order. In 30 cases, the complainants prevailed and secured the housing unit sought. In 19 others, the complainant prevailed but did not follow through on securing the housing. Eight cases were decided in favor of the respondent. In five cases, the complainant did not meet standard eligibility requirements for FHA insurance. Nine cases were dismissed because FHA did not have jurisdiction. Six cases were closed when the respondent was placed on FHA's ineligible list. Six cases are pending, and eight were disposed of in "miscellaneous" ways.

FHA has also received complaints under section 102, which directs Federal agencies to use their "good offices" to

eradicate discrimination. Since these cases apply to housing built before the order, FHA's authority is limited. As of March 31, 1966, 34 complaints had been received under section 102. Of significance here is the fact that in 19 cases negotiations on behalf of the complainant were unsuccessful. In two cases the respondent prevailed. In seven others, the complainant prevailed. Five cases were dismissed for lack of FHA jurisdiction. One case is pending.

The record for the main agency affected by the Executive order, FHA, shows that no great changes are being wrought in the housing patterns of American neighborhoods. Only 30 instances have been clearcut cases, as a result of which discrimination was eliminated. And the results of "good offices" have been, as the Secretary of Housing and Urban Development, Robert C. Weaver, said recently, "minimal." He stated:

> The larger tract developers and the owners of multifamily projects generally resisted what they considered to be a retroactive reform, applying only to those who had received earlier aid. They insisted that the adoption of an open-occupancy policy was not practical unless competing developers and owners also adopted non-discrimination practices.

It may be just as important to cite what the order has not done. Many persons, especially the National Association of Home Builders, predicted that the order would cause a severe decline in the housing industry. In 1963, the first year after the order, nonfarm housing starts totaled 1,613,400—140,000 over 1962. The nonfarm housing starts in 1964 and 1965 have been declining, but not precipately, and economic factors such as higher interest rates and labor costs play an important part in this decline.

Furthermore, none of the Federal programs affected by the order have shrunk in size, either in terms of the expenditure of funds and effort, or in terms of the demand for them by States and localities.

And although few positive signs of breaking down segregated residential patterns can be cited, a general support of the order by industry representatives suggests that the order has had an influence on their policy.

Since the order covers only new construction assisted by FHA and VA after November 20, 1962, its effectiveness is limited to about 750,000 housing units. For example in 1965, of the 1.5 million housing starts, FHA- and VA-assisted units totaled about 250,000.

The fact is that conventional loans financed by commercial banks, savings and loan associations, insurance companies, and other private lending institutions now account for over 80 percent of home financing in the United States. None of these are covered by the order, or by title VI of the Civil Rights Act of 1964.

The extent of activity of the mortgage lending institutions which are not covered by the Executive order is an important indicator of the limitation of the order. In 1964 savings and loan associations held 37 percent of the nonfarm mortgage recordings of $20,000 or less. The amount of the mortgages was $15.8 billion, of a total of $37 billion.

Commercial banks were the second largest mortgage lender, accounting for 19 percent of the mortgages of $20,000 or less recorded in 1964. Individuals, trust funds, credit unions and miscellaneous other sources accounted for 36 percent of such mortgages. Mutual savings banks and insurance companies make up the other significant holders of these mortgages.

Not all these mortgages are free from the order's authority—in 1964, 18 percent of them were insured by FHA or guaranteed by VA, but 82 percent were conventional loans.

As pointed out in part I, most of these institutions are supervised and aided to some degree by the Federal Government. The deposits in commercial banks are insured by the Federal Deposit Insurance Corporation. The share accounts in savings and loan associations are insured by the Federal Savings and Loan Insurance Corporation.

> These benefits help account for the spectacular growth of these institutions from their relatively small beginnings to their present dominant position in the savings and loan industry.

Because of these Federal benefits to lending institutions not now covered by the Executive order, many persons and organizations have argued that the order should be extended. They point out that the present partial application is a positive hindrance to equal opportunity since builders are provided with an incentive to use conventional financing. It is interesting to note that many persons expected as a matter of course that the Executive order would cover the major lending institutions. An editorial in House and Home in October 1962 confidently stated. "Big escape hatches will probably not exist." The editorial went on to describe what many people knew would occur if there were escape hatches—"such an order would merely erase FHA and VA from the picture, solving none of the discrimination problems." House and Home, along with most other housing organizations and interests, believed that "the order is expected to cover not only S & L's but federally insured banks."

Perhaps the prediction was extreme, but in substance it has proved to be correct, as has been shown above. Legal scholars were quick to point out that the same decisions and arguments which could be used to justify nondiscrimination in FHA and VA programs applied to other Federal activities with respect to lending operations. First, the Supreme Court and the Congress have declared a policy supporting equal housing opportunity. Now it has been shown that this goal cannot be achieved without equal access to the sources of home financing. And since federally supervised lending institutions are the major source of mortgage funds, these institutions should be expected to follow nondiscriminatory practices. The Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board were created to facilitate community credit in general and housing credit in particular. Both of these agencies of the executive branch are empowered to set regulations to carry out the purposes of the enabling acts. They, therefore, are in the position to, and many feel should, use these powers to further the national policy of equal opportunity stated by the Court, the Congress, and the President.

If the order were extended to cover federally insured banks and savings and loan associations, perhaps 65 to 85 percent of the mortgages recorded each year would be covered. The important point is not the precise percentage, as long as a majority of the total mortgages is covered. In such a situation, other institutions would be under pressure to conform.

If the Executive order, for example, in 1964 had covered federally insured banks and savings and loan associations alone, 60 percent of the total amount of mortgage funds would have been affected. FHA insurance and VA guarantees of other types of loans would have brought the percentage up further. In such a situation, the housing market would be substantially free from the effects of overt discrimination.

The Federal mandate to stop segregation is perfectly clear and remarkably strong. Historically, it rests on the Bill of Rights, the 13th and 14th amendments and the Nation's first fair housing law, passed in 1866, which guarantees:

> All citizens of the United States shall have the *same* right in every State and Territory as is enjoyed by white citizens . . . to inherit, purchase, lease, sell, hold and convey real and personal property.

In recent years the Federal obligation to guarantee freedom of housing to all citizens has been twice reaffirmed: first by the 1962 Executive Housing Order and then by Congress in 1964. The Executive order barring discrimination in all federally assisted housing was a major breakthrough—the fruits of a 10-year campaign launched and piloted by NCDH.

Two years later Congress passed a civil rights bill and included the following stipulation under title VI:

> No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs or activity receiving Federal financial assistance.

This is the same paragraph the U.S. Office of Education invokes in its affirmative program to desegregate the Nation's public schools, especially in the South. Thirty-seven school districts have had Federal funds cut off, and another 185 districts have had funds deferred, because they were violating title VI. As a result of USOE's relatively firm stand, the proportion of Negro children attending schools with white children in the Deep South jumped this year from 6 percent to almost 17 percent—a small but measurable achievement, especially when one considers that to reach only 6 percent compliance with the Supreme Court's 1954 desegregation ruling, the South took 12 years.

Nothing remotely resembling this modest success has occurred in housing. Rarely does HUD withhold funds or de-

fer action in the name of desegregation. In fact, if it were not for all the printed guidelines the housing agencies have issued since 1964, one would scarcely know a Civil Rights Act had been passed.

It is clear that HUD has determined to speak loudly and carry a small stick. The results of this policy have been a cynical subversion of title VI, along with a thumb-twiddling complacency that has permeated all major agencies—the Housing Assistance Administration—public housing—Renewal Assistance Administration and FHA. Here is a brief summary of their practices.

The Housing Assistance Administration—HAA—is responsible for 633,000 dwelling units in some 2,000 cities. Estimates of the degree of segregation in public housing projects reach upward of 90 percent, and even HAA officials peg the figure as high as 70 percent. Moreover, their definition of "integrated" is so liberal as to include projects that are 99 44/100 percent white—or black. In any case, it is safe to say that an overwhelming proportion of public housing—the only kind of housing in the United States directly built, financed and supervised by the Federal Government—is racially segregated.

Mr. DODD. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. I yield.

Mr. DODD. Mr. President, I had the privilege of presiding during most of the remarks of the Senator from Massachusetts. I have seldom heard a more eloquent or clear explanation of this great problem which confronts us, and I congratulate him on his presentation. I wish that every Member of the Senate could have heard it, and I hope they will read it. I wholly agree with the statement of the Senator.

It is a touching, moving, brilliant, concise argument, and the Senator deserves great credit for making it.

Mr. BROOKE. I thank the distinguished Senator from Connecticut for his very kind remarks.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the Senator from Massachusetts may yield to me for the purpose of making some remarks without losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, I am pleased to add my voice and my observations to those of my distinguished colleagues on the Senate Banking and Currency Committee—I might note a majority of that committee—who have offered this fair housing amendment. I am pleased, too, to join the other Members of this body who have or will speak out on behalf of fair and equal treatment of prospective buyers and renters of housing in this country.

Just a year ago, in this Chamber, Mr. President, I made the observation that—

> Purposeful exclusion from residential neighborhoods, particularly on grounds of race, is the rule rather than the exception in many parts of our country.

That statement, unfortunately, remains true today.

There are an estimated 6 million fewer decent homes in the urban housing inventory of this Nation than there are urban families in need of homes. So it is inevitable that 6 million urban families will have to live crowded into substandard living units. Most of these 6 million victims of the urban housing shortage are poor, and a disproportionate number of the very poor are nonwhite.

One partial answer to this problem, as Secretary Weaver and various Members of Congress have emphasized on numerous occasions, is to build enough good housing so there will be a good home available for everyone. Some of this new housing will have to include new low-rent units; the rest will have to be met by maintaining existing housing facilities and by moving families now housed in substandard units into used housing of acceptable quality.

With today's land costs, today's building trades wages, and today's code and labor restrictions, private enterprise cannot hope to build good enough new homes cheaply enough for poor people to buy or rent without large subsidies. I feel that high priority must be placed on the construction of new low-cost housing and the purchase and resale of sound used dwellings to ease the overall shortage of housing in this Nation.

But more good housing—new and used—is only a small part of the problem we face.

Negroes in this country need freedom to move out of their racial ghettos and live closer to available jobs. Negroes in this country must have freedom to live where they can afford to live, irrespective of race. The proven fact that housing of nonwhite families is consistently of poorer quality than that of white households in the same income levels is due, in large part, to the related fact that the nonwhite families in this Nation do not have freedom of choice in the selection of their homes. In 1960, 44 percent of all nonwhites lived in substandard housing as compared to 13 percent of the white families. Sixty-two percent of the nonwhite households rented as compared to 36 percent of the white households. Three times as large a proportion of nonwhite families lived in crowded homes as did white households.

It is important to note that this overcrowding of our nonwhite population is not related to income. Studies have indicated that overcrowding and substandard living conditions plague our nonwhite citizens at all income levels. For example, of nonwhite families with incomes of $6,000 or more, 25 percent lived in overcrowded conditions. This compares with only 9 percent for whites in the same income class.

In recent hearings before the Subcommittee on Business and Commerce of the Senate District of Columbia Committee, of which I am chairman, it has become abundantly clear that the "poor pay more" for the goods and services they buy. The same is true in housing. The poor—many of whom are nonwhite—pay more for housing. In fact, a long list of careful studies in areas throughout the country show that nonwhites—whatever their income—pay higher prices for lower quality housing than white families.

Mr. President, in 1966 and 1967, as chairman of the Subcommittee on Business and Commerce of the Committee on the District of Columbia, I held rather lengthy hearings on the problem of slum housing and ghettos in the District of Columbia.

Washington, D.C., is not different from other great cities in the country as regards the conditions in which the poor, particularly the nonwhite poor, live in the center city. I not only held hearings in the committee room, but I went out into the inner city of the District of Columbia to personally inspect some of the many tragic conditions which had been brought to my attention.

I recall one instance, Mr. President—and this was by no means exceptional—where a nonwhite family was renting 4½ rooms in a deplorable, substandard house, for a monthly rental of some $130, plus $65 a month for utilities. This particular slum dwelling had been cited time and again for health department violations. The heating facilities did not work, and never had operated properly. The toilet facilities failed to work more often than they did work. There was no hot water. The roof leaked. There was a serious rat problem in the house.

Had that family, Mr. President, been fortunate enough to have a different color skin, they could have purchased a nice house in almost any area of this country, for a far lower monthly payment than they were making to their present slum landlord.

I could not help thinking, as I went through the four and one-half rooms of the house, how impossible it would be to hold together a family that had to live in such an environment. Not only had their efforts to get code enforcement been unsuccessful, but the last time they sought it, it was made very apparent to them by the landlord that they would be evicted as a retaliation if they once mentioned the fact that the housing deficiencies had not been corrected.

The average American has no idea of the conditions that exist in the inner sections of our great urban centers. I know he does not.

I am satisfied that if the average American knew the facts, he would right these wrongs.

One clear first step to correct these injustices, Mr. President, is to enact the pending legislation so that Negroes are given the freedom which all other Americans now possess—to live in any neighborhood which their income permits. Today this is not possible for Negro Americans.

Let me read a number of excerpts from articles on this question. I refer, first, to an article entitled "Potential Housing Demand of Nonwhite Population in Selected Metropolitan Areas." It was prepared by Marian Yankauer, under the auspices of the Housing and Home Finance Agency in April 1963.

Among the findings of this study of 17 standard metropolitan areas, and based upon the 1950 and 1960 censuses of population and housing, was the following:

> It might be assumed that the disadvantage of all nonwhite families with respect to condition, age, and value of housing is a reflec-