



Policymaking Process & Evaluation

Lesson Plan & Documents

**Morgan Daniels
Summer 2012**

The following lesson plan was developed under the supervision of the LBJ Presidential Library Education staff. Permission was granted to publish this lesson plan. If you have any questions, please contact the [LBJ Library Education Staff](http://www.lbjlibrary.org).

Mr. Daniels's Savio Lesson Plan U.S. Government (75 min)

Unit 6 Lesson Title: Policymaking Process & Evaluation

BTEOTL 1) Describe the processes for the development of government policy

LWBAT 2) Explain the challenges to creating effective government policies

Resources: LBJ Library Primary documents in exhibit folders, handout guide, background powerpoint

Pre-knowledge: Students will have previously studied the foundations of government, theories of democracy, political parties, government branches & powers, civil liberties and civil rights, interest groups, and the media

Vocabulary/Terms: Separation of Powers, Checks and Balances, Filibuster, Cloture, Informal Powers, Federalism, Interest Groups, Majoritarian Democracy, Pluralist Democracy, Presidential Powers, Congressional Powers, Bureaucracy, Judicial Powers, Iron Triangle, Media Influence, Equality of Opportunity, Equality of Outcome, 14th Amendment, 13th Amendment, Freedom v. Equality, Structure of Congress, Compromise, Political Parties

1) Opening Introduction

15 min

Before organizing groups and starting exercise, give students 10 minute powerpoint overview of the issue they are studying: federal policy of addressing discrimination in housing in the United States. Stats, graph, charts, pics.

Activity Directions

- 1) Students will work in groups of 2 or 3 to conduct a policymaking process investigation
- 2) Students will obtain and review exhibits of various documents and identify their relation to various policy processes and important government concepts listed on their handout guide
- 3) Once students have finished with a document, they should return it and obtain another file/document
- 4) After reviewing and discussing documents in groups, students should complete the questions on their worksheet and be ready to share their findings in class

2) Primary Document Review & Research

45 min

Give student groups time to obtain documents, read and record observations on document review sheets!
Teacher circulates and helps students review documents, answer questions

3) Class Discussion & Closure

15 min

Have students share answers to various questions posed on the handout worksheet.

General Questions for Discussion:

What do they understand in general about the legislative process from this activity?

What do they understand about iron triangles from this activity?

What are the main challenges to passing policy laws in the American government system?

How did this issue highlight the struggle between equality of opportunity and outcome?

How did this issue relate to the theories of majoritarian and pluralist democracy?

How did this issue represent a choice between freedom and equality?

How did this issue highlight the concept of federalism?

Other topics or ideas that students wanted to discuss related to government & civil rights?

Assignment: 1-2 Page Written Reflection on the policymaking process using the above prompt questions.

Directions:

- 1) Work in groups of 2 or 3 to conduct a policymaking process investigation
- 2) Obtain and review at least 10 exhibits of various documents and identify their relation to various policy processes and important government concepts listed on their handout guide.
- 3) Mark the exhibit letter next to the topic(s) and write a short explanation why it is related to that topic
- 4) When finished with a document, return it and obtain another file/document
- 5) Complete the questions on the worksheet and be ready to discuss with the class.

Important Government Concepts

Separation of Powers	Checks and Balances	Filibuster	Informal Powers
Interest Groups	Majoritarian Democracy	Pluralist Democracy	Presidential Powers
Congressional Powers	Judicial Powers	Bureaucracy	Iron Triangle
Media Influence	Equality of Opportunity	Equality of Outcome	14 th Amendment
13 th Amendment	Freedom v. Equality	Federalism	Structure of Congress
Compromise	Political Parties		

Exhibit List (number of pages)

- A) Taylor 1965 Memo to the Vice President (1)
- B) Senator Javits's 1965 Letter to the President (2)
- C) Cloture Vote Strategy Memo March 1968 (1)
- D) Groups Supporting Extension of Executive Order 11063 Memo 1965 (2)
- E) Summary of Housing Provisions in 1966 Housing Legislation (1)
- F) House Vote Worksheet with Tallies April 1968 (8)
- G) AFL CIO Letter of Support to President February 1967 (1)
- H) Advisor Califono's 1965 Memo to the President (3)
- I) Johnson Letter on Closure Vote March 1968 (1)
- J) Committee Vote Counts Memo March 1966 (2)
- K) Kennedy's Executive Order 11063 November 1962 (5)
- L) Department of Housing and Development Appropriation Voting April 1968 (1)
- M) Extending Executive Order 11063 Memo 1965 (10)
- N) President Directive of Act Implementation May 1968 (2)
- O) Katzenbach Memo regarding Legislation July 1965 (2)
- P) Day of Act Signing Statement by Johnson April 1968 (3)
- Q) Califono's Memo on Fair Housing Legislation December 1965 (2)
- R) President's Committee on Equal Opportunity in Housing List 1965 (2)
- S) NAACP Wire sent to members of Congress February 1967 (1)
- T) Sanders Memo about Rules Committee Vote March 1968 (1)
- U) Statement Regarding Death of Martin Luther King April 1968 (1)
- V) Weaver Memo to California regarding Homebuilder Resolution May 1968 (1)
- W) Wilson's Memo on Legislative Strategy March 66 (2)
- X) Business Leaders Support Letter March 1968 (2)
- Y) Opposition Letter to the President August 1966 (1)
- Z) Fair Housing Committee of Yonkers Letter March 1967 (1)

Part 1: Government Topics and Primary Source Examples

****Must evaluate a minimum of 10 different primary sources for PASSING CREDIT!!****

<u>Exhibit</u>	<u>Concept(s)</u>	<u>Explanation</u>
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Part II: Discussion Questions

Write short answers to at least 4 questions on the handout and then be ready for discussion.

- 1) What are key aspects of the legislative process highlighted in this activity?

2) Describe the iron triangles present in this activity.

3) What are the main challenges to passing policy laws in the American government system?

4) How did this issue relate to the theories of majoritarian and pluralist democracy?

5) How did this issue represent a choice between freedom and equality?

6) How did this issue highlight the concept of federalism?

7) How did this issue highlight the struggle between equality of opportunity and outcome?

FAIR HOUSING: What It Means To You

**A guide for owners, buyers
and renters**



**U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**
Washington, D.C. 20410

The purpose of the Fair Housing Law is to provide every person in the United States, an equal opportunity to choose housing suited to his needs and financial ability, wherever he would like to live.

To this end, the Fair Housing Law (Title VIII of the Civil Rights Act of 1968) bans discrimination based on race, religion, color, or national origin in the sale or rental of housing covered by the law.

Housing Covered by the Law

When the Fair Housing Law went into effect April 11, 1968, it immediately covered the following kinds of housing *only* if federally assisted:

- Housing for five or more families.
- Multi-unit housing for four or fewer families if the owner does not live in one of the units.
- Single-family houses not owned by a private individual—for example, tract housing developments.
- Single-family houses owned by a private individual who owns more than three houses or who sells more than one house, within any two years, in which he was not the most recent occupant.

(Federally assisted means, in general, housing with mortgages insured by FHA or VA after Nov. 20, 1962, and outstanding as of April 11, 1968; public housing; housing in urban renewal areas; and housing owned by the Federal Government.)

After Dec. 31, 1968, the housing in the above categories will be covered by the law even if *not* federally assisted. (This means, for example, that all housing sold by tract developers will be covered.)

There can be no discrimination in the advertising of housing for sale or rent. For example, housing can not be advertised as unavailable to members of minority groups. This applies now to all federally assisted housing and to all other housing after Dec. 31, 1968.

After Dec. 31, 1969, the law will also cover *all* other housing except where a private individual owner sells or rents a single-family house without using a real estate broker.

The law will not apply to the rental of apartments in buildings for up to four families if the owner occupies one.

Religious organizations or private clubs *may* give certain preferences to their members for housing or lodgings operated for other than a commercial purpose.

Your Rights Under the Fair Housing Law

The law protects you from the following acts where they are based on discrimination on account of race, color, religion, or national origin:



Public Law 90-284
 90th Congress, H. R. 2516
 April 11, 1968

An Act

To prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Civil rights.

TITLE I—INTERFERENCE WITH FEDERALLY PROTECTED ACTIVITIES

SEC. 101. (a) That chapter 13, civil rights, title 18, United States Code, is amended by inserting immediately at the end thereof the following new section, to read as follows:

62 Stat. 696.
 18 USC 241-244.

“§ 245. Federally protected activities

“(a) (1) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law. No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General or the Deputy Attorney General that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice, which function of certification may not be delegated.

“(2) Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

“(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

“(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

“(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election;

“(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States;

“(C) applying for or enjoying employment, or any requisite thereof, by any agency of the United States;

“(D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States;

“(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or

“(2) any person because of his race, color, religion or national origin and because he is or has been—

“(A) enrolling in or attending any public school or public college;

“(B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;

82 STAT. 73
 82 STAT. 74

(b) With respect to the document entitled "Indian Affairs, Laws and Treaties" as revised and extended in accordance with paragraph (1) of subsection (a), and the compilation prepared in accordance with paragraph (3) of such subsection, the Secretary of the Interior shall take such action as may be necessary to keep such document and compilation current on an annual basis.

(c) There is authorized to be appropriated for carrying out the provisions of this title, with respect to the preparation but not including printing, such sum as may be necessary.

TITLE VIII—FAIR HOUSING

POLICY

SEC. 801. It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

DEFINITIONS

SEC. 802. As used in this title—

(a) "Secretary" means the Secretary of Housing and Urban Development.

(b) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(c) "Family" includes a single individual.

(d) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(e) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(f) "Discriminatory housing practice" means an act that is unlawful under section 804, 805, or 806.

(g) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

SEC. 803. (a) Subject to the provisions of subsection (b) and section 807, the prohibitions against discrimination in the sale or rental of housing set forth in section 804 shall apply to—

(1) Upon enactment of this title, to—
 (A) dwellings owned or operated by the Federal Government;
 (B) dwellings provided in whole or in part with the aid of loans, advances, grants, or contributions made by the Federal Government, under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to the date of enactment of this title;

(C) dwellings provided in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government, under agreements entered into after November 20, 1962, unless payment thereon has been made in full prior to the date of enactment of this title: *Provided*, That nothing contained in subparagraphs (B) and (C) of this subsection shall be applicable to dwellings solely by virtue of the fact that they are subject to mortgages held by an FDIC or FSLIC institution; and

(D) dwellings provided by the development or the redevelopment of real property purchased, rented, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

(2) After December 31, 1968, to all dwellings covered by paragraph (1) and to all other dwellings except as exempted by subsection (b).
 (b) Nothing in section 804 (other than subsection (c)) shall apply to—

(1) any single-family house sold or rented by an owner: *Provided*, That such private individual owner does not own more than three such single-family houses at any one time: *Provided further*, That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: *Provided further*, That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: *Provided further*, That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 804(c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

IC or FSLIC
 titution.

Exemptions.

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(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if—

(1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

SEC. 804. As made applicable by section 803 and except as exempted by sections 803(b) and 807, it shall be unlawful—

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.

DISCRIMINATION IN THE FINANCING OF HOUSING

SEC. 805. After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: *Provided*, That nothing contained in this sec-

LEGISLATIVE HISTORY:

HOUSE REPORT No. 473 (Comm. on the Judiciary).

SENATE REPORT No. 721 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 113 (1967): Aug. 15, 16, considered and passed House.

Vol. 114 (1968): Jan. 18-31, Feb. 1-29, Mar. 1-11, considered
and passed Senate, amended.

Mar. 14, Apr. 10, House considered and agree
to Senate amendment.

FLOW CHART

PROCESSING OF APPLICATION UNDER SECTION 312 REHABILITATION LOAN PROGRAM

Local Public Agency
Assists applicant in preparing application.
Reviews application to determine whether applicant is "automatically eligible" for Sec. 312 loan on basis of income, or whether application is to be considered as Sec. 220-221(d)(2)-220(h) application.
Refers application to HHFA Rehabilitation Loan Specialist or FHA Insuring Office.

"Automatically Eligible"
Sec. 312 Application

FHA Sec. 220-221(d)(2)-220(h)
Application

HHFA REHABILITATION LOAN SPECIALIST
Reviews basis for LPA determination of automatic eligibility.
If application is for loan under \$3,500, processes and takes final action.
If application is for loan of \$3,500 or more and appears acceptable, refers to FHA Insuring Office.

FHA INSURING OFFICE
Processes Sec. 220, 221(d)(2), or 220(h) application in accordance with normal procedures.
If unacceptable under Sec. 220, 221(d)(2), or 220(h), refers application to HHFA Rehabilitation Loan Specialist with recommendation as to acceptability under Sec. 312.

FHA INSURING OFFICE
Processes application for Sec. 312 loan of \$3,500 or more, substantially in accordance with Sec. 220-220(h) procedure.
Advises HHFA Rehabilitation Loan Specialist of acceptability of application under Sec. 312.

FHA Sec. 220-221(d)(2)-
220(h) Reject

Sec. 312 Application
for \$3,500 or More

HHFA REHABILITATION LOAN SPECIALIST
Considers FHA recommendation as to acceptability of application for Sec. 312 loan, and takes final action.

March 3, 1965

MEMORANDUM FOR
THE VICE PRESIDENT

Re: Equal Opportunity in Housing

The purpose of this memorandum is simply to summarize the ideas which I presented this afternoon.

Fundamental to a solution of the housing problem must be a decision by leading financial institutions to support this principle. I envision a program in two steps:

1. The voluntary concurrence of several leading banking institutions to this policy. These banks would make known the fact that they would lend not only to individuals, but to developers who were following such programs, at no discrimination in rates.
2. After this program became fairly well established and publicized, it would then be possible to extend the Executive Order in housing to cover savings and loans and (if there were no legal difficulties) all banks. In the event that the Attorney General should decide that banks could not be reached through the FDIC or that there might be legal problems, it might still be possible to reach them through adding this requirement as a condition of making deposits with them.

This, of course, is using the economic power of the government to achieve a social objective, but there is precedent for this not only under Executive Order 10925, but in other instances. I believe that following this procedure would make it impossible for the medium-sized and smaller financial institutions to mount any kind of revolt, because they would already have been deserted by their leaders.

As I have indicated, I have discussed this procedure with Lee White. I will now proceed to discuss it with Governor Lawrence, after which we will ask for a meeting with you.

cc: Lee White

Hobart Taylor, Jr.

What about the reverse?

United States Senate

WASHINGTON, D.C.

Wash DC

September 16, 1965

COMMITTEES:
LABOR AND PUBLIC WELFARE
JUDICIARY
GOVERNMENT OPERATIONS
JOINT ECONOMIC
SMALL BUSINESS

FILED

SEP 22 1965

Honorable Lyndon B. Johnson
President of the United States
The White House
Washington, D. C.

Dear Mr. President:

As I have long been one of those who have argued that the power of Federal funds could be the most powerful single instrument for achieving equal opportunity, I deeply believe that there is a great need to expand this principle in the field of housing discrimination. Accordingly, I urge that the great power of the Federal anti-discrimination policy, which has now been enunciated by all three branches of the Government, could be made effective in this field through the extension of the 1962 Executive Order No. 11063 Against Discrimination in Housing to all housing assisted by the Federal Government. This would include housing conventionally financed through lending institutions whose accounts are guaranteed by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or which are supervised by the Federal Home Loan Bank System. It would also extend to all Federally-aided housing built or contracted for prior to the November 20, 1962 cut-off date in the present Order.

Having followed closely the impact of Title VI of the Civil Rights Act of 1964, I have been most heartened by the reports of progress which has begun to be achieved, for example, in school desegregation, because of the possibility that Federal funds would be withheld.

The constitutional basis for reaching all Federal funding and support in housing is the same as in the cases of the existing Executive Order and Title VI of the 1964 Civil Rights Act. The moral basis for doing so need not be argued.

Despite all our efforts up to now, racial ghettos are a corrosive fact in our cities and towns and are to a significant extent the result of a racially discriminatory housing market. The inability of Negro families to move into improved housing in the cities and suburbs, once they are financially able to do so, is a serious contributing factor toward widespread dissatisfaction and unrest.

President Kennedy's 1962 Housing Order was a valuable first step forward in the field of housing discrimination. But, since it covered only

Honorable Lyndon B. Johnson

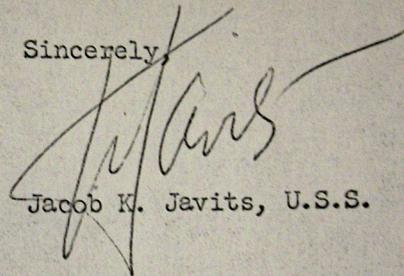
Page 2

FHA- and VA-financed housing built or contracted for after November 20, 1962, the Order presently reaches only approximately twenty-five percent of the Nation's Federally-assisted housing supply and only about eighteen percent of the total new housing supply. A number of responsible industry representatives have themselves urged extension of the Housing Order to eliminate this very serious gap in the Federal Government's equal opportunity program.

I respectfully urge that the Executive Order be expanded in the indicated manner at the earliest possible time.

With warm regards,

Sincerely,

A handwritten signature in dark ink, appearing to read "Javits", written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jacob K. Javits, U.S.S.

JKJ:skp

THE WHITE HOUSE
WASHINGTON

HU 2

March 5, 1968
Tuesday - 6:00 p.m.

MEMORANDUM FOR THE PRESIDENT

FROM: Mike Manatos *M-M.*

PM
In our meeting on Civil Rights on Sunday afternoon were Phil Hart, Fritz Mondale, and Charles Percy - plus the Attorney General and others. It was suggested to Percy that he call Richard Nixon and ask him to call Karl Mundt urging him to vote for cloture.

I now understand that Nixon actually called Mundt, and apparently convinced him to vote cloture. However, Mundt wanted to extract a price, which was that the liberals agree to take the Baker amendment plus an exemption from the bill for law enforcement officers. The liberals agreed to Mundt's terms, since no one could fathom Jack Miller or predict with any accuracy that they had him aboard. Mundt was insurance.

Mundt drew up an amendment and was prepared to offer it on the floor when Roman Hruska got wind of what was happening. He immediately collared Mundt and told him he was being used by the Democrats to insure the success of the cloture vote. He must have been persuasive because Mundt did an about-face.

So it was not until Miller actually voted that we knew we had won him over.

Other than the Mundt call there is no evidence Nixon talked to any other Republican.

National Catholic Conference for Interracial Justice	
National Council of Churches of Christ, Department of Racial and Cultural Relations	
National Council of Jewish Women	
National Council of Negro Women	
National Urban League	
Protestant Episcopal Church, Department of Christian Social Relations	
Union of American Hebrew Congregations, Commission on Social Action	
Unitarian Fellowship for Social Justice	
United Auto Workers of American, AFL-CIO	
United Church of Christ, Council for Social Action and Race Relations Department, Board of Homeland Ministries	
United Presbyterian Church, Board of Christian Education	
United Steelworkers of American, AFL-CIO	
National Association of Mutual Savings in Cooperation with State Savings Banks Association	February, 1965
Commission on Human Rights of Archdiocese of St. Louis	February 1, 1965
Real Estate Board of Greater Baltimore	February 17, 1965
National Association of Intergroup Relations Officials	April 1, 1965
Atlanta Urban League	April 16, 1965
National Catholic Conference for Interracial Justice	May 5, 1965

ORGANIZATIONS REQUESTING EXTENSION OF

EXECUTIVE ORDER 11063

U. S. Commission on Civil Rights	Fall, 1961
Mortgage Bankers Association of America	November 29, 1962
Legislative and Policy Conference of the National Association of Real Estate Brokers	December, 1962
Committee on Civil Rights of the New York County Lawyers Association	Spring, 1963
Washington CORE	
Critical Issues Council of the Republican Citizens Committee of the U. S.	April 22, 1963
National Committee Against Discrimination in Housing	April, 1964
(Speaking for:)	
Amalgamated Clothing Workers of America, AFL-CIO	November 19, 1964
American Baptist Convention, Division of Christian Social Concern	May, 1965
American Civil Liberties Union	
American Council on Human Rights	
American Ethical Union	
American Friends Service Committee	
American Jewish Committee	
American Jewish Congress	
American Newspaper Guild, AFL-CIO	
American Veterans Committee	
Americans For Democratic Action	
Anti-Defamation League of B'nai B'rith	
Brotherhood of Sleeping Car Porters, AFL-CIO/ CLC	
Commonwealth of Puerto Rico, Department of Labor, Migration Division	
Congress of Racial Equility (CORE)	
Cooperative League of the USA	
Friendship House	
Industrial Ladies' Garment Worker's Union, AFL-CIO	
International Union of Electrical, Radio and Machine Workers, AFL-CIO	
Jewish Labor Committee	
League for Industrial Democracy	
The Methodist Church, Woman's Division of Christian Service	
National Association for the Advancement of Colored People	
National Association of Negro Business and Professional Women's Clubs	

HOUSING PROVISIONS OF THE PROPOSED

CIVIL RIGHTS ACT OF 1966

Civil Rights ①

EXECUTIVE

LE/HU 2

HU 2

The housing provisions of the proposed Civil Rights Act of 1966, as reported by the House Committee on the Judiciary on June 30, would prohibit racial, religious, and ethnic discrimination in residential housing by realtors and other persons in the housing business. It would not apply to the individual homeowner in selling or renting his own house.

Title IV of the Act, as amended, provides that a person, other than a realtor, is considered to be in the "business of building, developing, selling, renting or leasing dwellings" only if he has participated in three or more real estate transactions in the preceding twelve months. This provision effectively limits application of the Title to those persons who have commercial dealings in real estate. By not covering the average homeowner -- who normally does not engage in the required three transactions a year -- the present version of Title IV eliminates the most commonly voiced argument against the legislation: alleged interference with an individual homeowner in selecting the person to whom he will sell or rent his house.

Title IV also includes a "Mrs. Murphy" exemption, which exempts from coverage the sale or lease of housing accommodations in owner-occupied one, two, three and four-family dwellings.

In addition, the Title expressly permits religious and denominational institutions, as well as bona fide private and fraternal organizations, to give preference in housing to those of the same religion or denomination, or to their own members, as the case may be.

The nondiscrimination provisions would be enforced by civil -- not criminal -- remedies in State and Federal courts, and by administrative proceedings. Appropriate provision is made for application of State and local fair housing laws prior to the granting of relief under the Federal law. Private actions under Title IV would have to be brought within six months after the alleged discriminatory action occurred.

RECEIVED

150
67
220

90TH CONGRESS
1ST SESSION

150
68
214
214

Carl B. Smith
Hearings

345
HSL

John J. ...

Carl R. ...
HOUSE 3/12/68
24/10/68

WORKSHEET

Sue
To our File

Subject

Date

U.S. House of Representatives

90th CONGRESS

Democrats

Republicans

ALABAMA (Zone 12)

3 Andrews <input checked="" type="checkbox"/>	6 Buchanan
7 Bevell <input checked="" type="checkbox"/>	2 Dickinson
8 Jones <input checked="" type="checkbox"/>	1 Edwards
4 Nichols <input checked="" type="checkbox"/>	
5 Selden <input checked="" type="checkbox"/>	

ALASKA

AL Pollock

ARIZONA (Zone 17)

2 Udall <input checked="" type="checkbox"/>	1 Rhodes
	3 Steiger

ARKANSAS (Zone 10)

1 Gathings <input checked="" type="checkbox"/>	3 Hammerschmidt ..
2 Mills <input checked="" type="checkbox"/>	
4 Pryor <input checked="" type="checkbox"/>	

(2)

Democrats

Republicans

CALIFORNIA (Zone 18)

29 Brown <input checked="" type="checkbox"/>	28 Bell <input checked="" type="checkbox"/>
5 Burton <input checked="" type="checkbox"/>	1 Clausen
7 Cohelan <input checked="" type="checkbox"/>	23 Clawson
22 Corman <input checked="" type="checkbox"/>	10 Gubser <input checked="" type="checkbox"/>
+ 9 Edwards <input checked="" type="checkbox"/>	32 Hosmer
+ 34 Hanna <input checked="" type="checkbox"/>	24 Lipscomb <input checked="" type="checkbox"/>
21 Hawkins <input checked="" type="checkbox"/>	6 Mailliard <input checked="" type="checkbox"/>
19 Holifield <input checked="" type="checkbox"/>	18 Mathias
2 Johnson <input checked="" type="checkbox"/>	33 Pettis <input checked="" type="checkbox"/>
17 King <input checked="" type="checkbox"/>	27 Reinecke <input checked="" type="checkbox"/>
4 Leggett <input checked="" type="checkbox"/>	20 Smith
15 McFall <input checked="" type="checkbox"/>	12 Talcott
8 Miller <input checked="" type="checkbox"/>	13 Teague
3 Moss <input checked="" type="checkbox"/>	35 Utt
26 Rees <input checked="" type="checkbox"/>	25 Wiggins
30 Roybal <input checked="" type="checkbox"/>	36 Wilson, B.
16 Sisk <input checked="" type="checkbox"/>	11 Younger <input checked="" type="checkbox"/>
38 Tunney <input checked="" type="checkbox"/>	McCloskey <input checked="" type="checkbox"/>
+ 37 Van Deerlin <input checked="" type="checkbox"/>	
14 Waldie <input checked="" type="checkbox"/>	
31 Wilson, C. <input checked="" type="checkbox"/>	

COLORADO (Zone 17)

4 Aspinall <input checked="" type="checkbox"/>	2 Brotzman <input checked="" type="checkbox"/>
3 Evans <input checked="" type="checkbox"/>	
1 Rogers <input checked="" type="checkbox"/>	

(3)

Democrats

Republicans

CONNECTICUT (Zone 1)

- 1 Daddario ✓ *up*
- 4 Irwin ✓ *whip*
- 3 Giaimo ✓ *Kaplan*
- 5 Monagan ✓ *184*
- 2 St. Onge ✓
- 6 Meskill ✓ *P*

DELAWARE

- AL Roth *(A) P*

FLORIDA (Zone 12)

- 3 Bennett ✓ *X*
- 12 Fascell ✓ *X A?*
- 2 Fuqua ✓ *X A?*
- 6 Gibbons ✓ *X*
- 7 Haley ✓ *X*
- 4 Herlong ✓ *X whip*
- 11 Pepper ✓ *X*
- 9 Rogers ✓ *X*
- 1 Sikes ✓ *X*
- 10 Burke ✓ *X*
- 8 Cramer ✓ *X*
- 5 Gurney ✓ *X*

GEORGIA (Zone 6)

- 3 Brinkley ✓ *X*
- 7 Davis ✓ *X*
- 6 Flynt ✓ *X*
- 1 Hagan ✓ *X*
- 9 Landrum ✓ *X*
- 2 O'Neal ✓ *X*
- 10 Stephens ✓ *X*
- 8 Stuckey ✓ *X*
- 4 Blackburn ✓ *X*
- 5 Thompson ✓ *X*

~~18~~
(4)

Democrats

Republicans

HAWAII (Zone 16)

- AL Matsunaga ✓ *go*
- AL Mink ✓ *go*

IDAHO

- 2 Hansen ✓
- 1 McClure ✓ *X*

ILLINOIS (Zone 14)

- 7 Annunzio ✓
- 1 Dawson ✓
- 21 Gray ✓ *Rockaway*
- 5 Kluczynski ✓ *Rockaway*
- 3 Murphy ✓
- 2 O'Hara ✓
- 24 Price ✓ *(X)*
- 11 Pucinski ✓ *(X)*
- 6 Ronan ✓
- 8 Rostenkowski ✓
- 23 Shipley ✓ *Shipley*
- 9 Yates ✓
- 16 Anderson ✓ *D*
- 17 Arends ✓
- 10 Collier ✓
- 4 Derwinski ✓
- 14 Erlenborn ✓ *4/5*
- 20 Findley ✓ *4/5*
- 12 McClory ✓ *4/5*
- 18 Michel ✓ *Ken*
- 19 Railsback ✓ *Ken*
- 15 Reid ✓
- 13 Rumsfeld ✓ *4/5*
- 22 Springer ✓ *4/5*

INDIANA (Zone 8)

- 3 Brademas ✓
- 9 Hamilton ✓
- 11 Jacobs ✓ *Kaplan*
- 1 Madden ✓ *Shipley*
- 5 Roush ✓ *Shipley*
- 4 Adair ✓
- 6 Bray ✓
- 2 Halleck ✓
- 7 Myers ✓
- 10 Roudebush ✓
- 8 Zion ✓

~~18~~
(5)

7

Democrats

Republicans

IOWA (Zone 13)

- 2 Culver ✓ *DF*
- 5 Smith ✓ *DF*
- 3 Gross
- 4 Kyl P
- 6 Mayne
- 7 Scherle
- 1 Schwengel ✓ *SM*

KANSAS

- 1 Dole ✓ *TR 4/8*
- 2 Mize ✓ *CU*
- 4 Shriver ✓ *W*
- 5 Skubitz ✓ *TR 4/8*
- 3 Winn ✓ *TR 4/8*

KENTUCKY (Zone 10)

- 2 Natcher X *whip*
- 7 Perkins ✓ *whip*
- 1 Stubblefield X *whip*
- 6 Watts X *whip*
- 5 Carter
- 3 Cowger ✓ *4/5*
- 4 Snyder

LOUISIANA (Zone 11)

- 2 Boggs ✓ *4*
- 7 Edwards
- 1 Hébert
- 8 Long
- 5 Passman
- 6 Rarick
- 4 Waggoner
- 3 Willis

Democrats

Republicans

MAINE (Zone 1)

- 2 Hathaway ✓ *whip*
- 1 Kyros ✓ *whip*

MARYLAND (Zone 4)

- 4 Fallon ✓ *whip*
- 7 Friedel ✓ *whip*
- 3 Garmatz ✓ *whip*
- 2 Long ✓ *whip*
- 5 Machen ✓ *whip*
- 8 Gude ✓ *whip*
- 6 Mathias ✓ *whip*
- 1 Morton

MASSACHUSETTS (Zone 1)

- 2 Boland ✓ *whip*
- 11 Burke ✓ *whip*
- 4 Donohue ✓ *whip*
- 7 Macdonald ✓ *whip*
- 9 McCormack
- 8 O'Neill ✓ *whip*
- 3 Philbin ✓ *whip*
- 6 Bates ✓ *whip*
- 1 Conte ✓ *whip*
- 10 Heckler ✓ *whip*
- 12 Keith ✓ *whip*
- 5 Morse ✓ *whip*

MICHIGAN (Zone 7)

- 1 Conyers ✓ *H*
- 13 Diggs ✓ *H*
- 16 Dingell X ✓ *whip*
- 15 Ford ✓ *H*
- 17 Griffiths ✓ *H*
- 14 Nedzi ✓ *H*
- 12 O'Hara ✓ *H*
- 18 Broomfield ✓ *H*
- 13 Brown ✓ *H*
- 10 Cederberg
- 6 Chamberlain
- 2 Esch ✓ *whip*
- 5 Ford
- 8 Harvey ✓ *whip*
- 4 Hutchinson
- 19 McDonald ✓ *whip*
- 7 Riegler ✓ *whip*
- 11 Ruppe ✓ *whip*
- 9 Vander Jagt ✓ *whip*

17 16 17 (7)

10

MINNESOTA (Zone 7)

- 8 Blatnik ✓ *Koplar*
- 5 Fraser ✓ *Koplar*
- 4 Karth ✓ *BM*
- 7 Langen
- 3 MacGregor ✓ *2CM 4/5*
- 2 Nelsen ✓ *P*
- 1 Quie ✓ *4/5*
- 6 Zwack ✓ *4/5*

MISSISSIPPI (Zone 11)

- 1 Abernethy ~~✓~~
- 5 Colmer ~~✓~~
- 4 Montgomery ~~✓~~
- 2 Whitten ~~✓~~
- 3 Williams ~~✓~~

MISSOURI (Zone 13)

- 5 Bolling ✓ *WPA*
- 9 Hungate ~~✓~~ *D. ...*
- 6 Hull ~~✓~~ *w/ps*
- 8 Ichord ~~✓~~ *w/ps*
- 10 Jones ~~✓~~ *w/ps*
- 1 Karsten ✓ *SM 4/5*
- 4 Randall ~~✓~~
- 3 Sullivan ~~✓~~ *SM 4/5*
- 2 Curtis ? *P*
- Hall

MONTANA (Zone 17)

- 1 Olsen ✓ *gr*
- 2 Battin

6787 *3*

NEBRASKA

- 2 Cunningham ✓ *4/5*
- 1 Denney
- 3 Martin

NEVADA (Zone 17)

- AL Baring ~~✓~~

NEW HAMPSHIRE

- 2 Cleveland *P*
- 1 Wyman

NEW JERSEY (Zone 4)

- 14 Daniels ✓ *w/ps*
- 13 Gallagher ✓
- 9 Helstoski ✓
- 3 Howard ✓
- 8 Joelson ✓
- 11 Minish ✓ *w/ps*
- 15 Patten ✓
- 10 Rodino ✓
- 4 Thompson ✓
- 6 Cahill ✓ *4/5*
- 12 Dwyer ✓ *4/5*
- 5 Frelinghuysen ✓ *4/5*
- 1 Hunt
- 2 Sandman ✓ *4/5*
- 7 Widnall ✓ *4/5*

NEW MEXICO (Zone 17)

- AL Morris ~~✓~~ *2*
- AL Walker ~~✓~~ *2*

9 *6*

NEW YORK (Zone 2)

- | | |
|----------------|----------------|
| 7 Addabbo ✓ | 29 Button ✓ |
| 23 Bingham ✓ | 37 Conable ✓ |
| 11 Brasco ✓ | 24 Fino ✓ |
| 15 Carey ✓ | 38 Goodell ✓ |
| 10 Celler ✓ | 2 Grover ✓ |
| 9 Delaney ✓ | 6 Halpern ✓ |
| 27 Dow ✓ | 36 Horton ✓ |
| 41 Dulski ✓ | 30 King ✓ |
| 19 Farbstein ✓ | 17 Kupferman ✓ |
| 22 Gilbert ✓ | 31 McEwen ✓ |
| 34 Hanley ✓ | 32 Pirnie ✓ |
| 12 Kelly ✓ | 26 Reid ✓ |
| 39 McCarthy ✓ | 33 Robison ✓ |
| 13 Miller ✓ | 40 Smith ✓ |
| 16 Murphy ✓ | 4 Wydler ✓ |
| 25 Ottinger ✓ | |
| 1 Pike ✓ | |
| 18 Powell ✓ | |
| 28 Resnick ✓ | |
| 14 Rooney ✓ | |
| 8 Rosenthal ✓ | |
| 20 Ryan ✓ | |
| 21 Scheuer ✓ | |
| 35 Stratton ✓ | |
| 5 Tenzer ✓ | |
| 3 Wolff ✓ | |

25

11

NORTH CAROLINA (Zone 5)

- | | |
|------------------|--------------|
| 2 Fountain ✓ | 9 Broyhill ✓ |
| 5 Galifianakis ✓ | 4 Gardner ✓ |
| 3 Henderson ✓ | 8 Jonas ✓ |
| 1 Jones ✓ | |
| 6 Kornegay ✓ | |
| 7 Lennon ✓ | |
| 11 Taylor ✓ | |
| 10 Whitener ✓ | |

NORTH DAKOTA

- | |
|-------------|
| 1 Andrews ✓ |
| 2 Kleppe ✓ |

OHIO (Zone 9)

- | | |
|--------------|---------------|
| 9 Ashley ✓ | 17 Ashbrook ✓ |
| 20 Feighan ✓ | 14 Ayres ✓ |
| 18 Hays ✓ | 8 Betts ✓ |
| 19 Kirwan ✓ | 22 Bolton ✓ |
| 21 Vanik ✓ | 16 Bow ✓ |
| | 7 Brown ✓ |
| | 2 Clancy ✓ |
| | 12 Devine ✓ |
| | 6 Harsha ✓ |
| | 5 Latta ✓ |
| | 24 Lukens ✓ |
| | 4 McCulloch ✓ |
| | 10 Miller ✓ |
| | 23 Minshall ✓ |
| | 13 Mosher ✓ |
| | 11 Stanton ✓ |
| | 1 Taft ✓ |
| | 3 Whalen ✓ |
| | 15 Wylie ✓ |

4

9

Democrats

Republicans

TEXAS (Zone 15)

9 Brooks ✓	7 Bush ✓ <i>7 CN</i>
17 Burleson X	18 Price _____
5 Cabell X	
22 Casey _____	
15 de la Garza _____	
2 Dowdy _____	
8 Eckhardt ✓	
21 Fisher _____	
20 Gonzalez _____	
23 Karon X ✓ <i>7 CN</i>	
19 Mahan X	
1 Paffman _____	
10 Pickle X ✓ <i>7 CN</i>	<i>page 4/10</i>
11 Prewitt _____	
3 Puel _____	
13 Purcell _____	
4 Roberts _____	
6 Tappan _____	
16 White X ✓ <i>7 CN</i>	<i>7 CN</i>
12 Wright X ✓ <i>7 CN</i>	
14 Young X ✓ <i>7 CN</i>	

UTAH

1 Burton ✓ *7 CN*
2 Lloyd _____

VERMONT

AL Stafford ✓ *7 CN*

36
3/8-

(14)

Democrats

Republicans

VIRGINIA (Zone 5)

4 Abbitt X	10 Broyhill X
1 Downing _____	6 Poff _____
2 Hardy _____	8 Scott _____
7 Marsh _____	9 Wampler _____
3 Satterfield _____	
5 Tuck _____	

WASHINGTON (Zone 17)

✓ Adams ✓ <i>7 CN</i>	4 May _____
+ 5 Foley ✓ <i>7 CN</i>	1 Pelly _____
✓ Hansen ✓ <i>7 CN</i>	
✓ Hicks ✓ <i>7 CN</i>	
✓ Meads ✓ <i>7 CN</i>	

WEST VIRGINIA (Zone 9)

+ 4 Hechler ✓	1 Moore X
5 Kee ✓	
+ 3 Slack ✓	
2 Stapp ✓	

WISCONSIN (Zone 7)

✓ Kastenmeier ✓ <i>7 CN</i>	8 Byrnes ✓ <i>7 CN</i>
✓ Reuss ✓ <i>7 CN</i>	9 Davis _____
✓ Zablocki ✓ <i>7 CN</i>	7 Laird ✓ <i>7 CN</i>
	10 O'Konski ✓ <i>7 CN</i>
	1 Schadeberg _____
	6 Steiger ✓ <i>7 CN</i>
	3 Thomson _____

WYOMING

AL Harrison _____

12 X

U.S. GOVERNMENT PRINTING OFFICE 16-12074

(15)

3

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

ack
3/4/67
10:15

EXECUTIVE COUNCIL
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PETER T. SCHOEMANN
JOHN J. GROGAN
DAVID SULLIVAN
GEORGE BURDON

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815 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20006

PHONE: NATIONAL 8-3870

EXECUTIVE

3P/LAB
LE/HU2
HU2
LAB

[Handwritten signature]

February 28, 1967

Dear Friend:

The AFL-CIO Executive Council, at its recent meeting in Bal Harbour, Florida, resolved to "do everything in our power" to help enact President Johnson's civil rights proposals to Congress. It further outlined the kind of program needed to make equal opportunity a reality for all. That resolution is enclosed.

Also enclosed is Negro civil rights leader Bayard Rustin's speech on right-to-work laws delivered before a meeting of the California Negro leadership last week in San Francisco. Mr. Rustin debated Reed Larson, Executive Vice President of the National Right to Work Committee.

Finally, enclosed is a news release from Press Associates, Incorporated, which tells a success story about the D.C. Apprenticeship Information Center.

Your comments are welcomed.

Best wishes.

Cordially,

[Handwritten signature: Don Slaiman]

Don Slaiman
Director
Department of Civil Rights

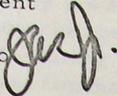
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Enclosures

RECEIVED
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CENTRAL FILES

THE WHITE HOUSE
WASHINGTON

October 28, 1965

FOR The President

FROM Joe Califano 

At the time of the civil rights reorganization, you asked Lee White, Nick Katzenbach and me to get together with Governor Lawrence and review the housing discrimination issue and the President's Committee on Equal Opportunity in Housing (membership list attached).

The current Executive Order on discrimination in housing covers all FHA insured and VA insured and direct loan housing, public housing and some urban renewal projects. There is tremendous pressure from civil rights leaders and the President's Committee on Equal Opportunity in Housing to do something about all other housing, preferably by extending the current Executive Order. This pressure is now focusing in two places: The President's Committee on Equal Opportunity in Housing and the White House Conference on Civil Rights. To avoid an explosion some action must be taken soon.

There are two alternatives:

1. Extend the Executive Order (or some other executive action such as a Presidential memorandum) to cover all new housing, the construction of which is financed by any institutions supervised, regulated or insured by the Federal government, or
2. Present to the Congress next year a legislative proposal.

Neither of the above alternatives is free from serious problems and the issue is a close one. We need your guidance now because we must move with dispatch on your Housing Committee and the White House Conference on Civil Rights to avoid an explosion and to get both these groups to support the route you decide to take.

The Executive Order - The pressure for an Executive Order stems from President Kennedy's "stroke of the pen" remark during the 1960 Presidential campaign. The Order would extend the current Executive Order to cover all new housing, the construction of which is financed by any institution supervised, regulated or insured by the Federal government. Such an extension would require action on the part of the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, the Comptroller of the Currency and the Federal Deposit Insurance Corporation. These agencies would require all banks and savings and loan associations, on pain of losing their Federal charters or deposit

insurance, to include in loan agreements signed by housing developers and multi-dwelling operators a clause which would require the property to be offered for rent or sale without discrimination based on race. Enforcement would be by lawsuits, brought by the persons aggrieved or by a Federal agency charged with enforcement responsibility, and possibly also by black-listing persons or enterprises who failed to comply with the nondiscrimination clause. Civil rights leaders and housing committee members seem insensitive to the legal problems involved in the extension of the Executive Order. The Civil Rights Commission (including the Deans of Howard, Harvard and SMU Law Schools) stated unequivocally several years ago that the legal authority exists. Bob Weaver has been on record as favoring this course of action since before entering government.

On the other hand, the Attorney General believes the prospects of the defeat would be substantial should the Order be attacked in court, although he thinks the Supreme Court would find some way to sustain you. Opposition from banks and other institutions would be heavy (Doug Dillon is sometimes credited with talking President Kennedy out of this route). The advantages of the Executive Order route are that the civil rights leaders and your Housing Committee would applaud you, and you avoid the difficulties of a tough legislative battle. The disadvantages are the opposition you would get from the bankers (for using them as the instrument), the chance that you would lose in court and be accused of over-extending your authority and the fact that you would be moving in the most sensitive of the civil rights areas all alone, without Congressional back-up.

The Legislative Approach

Legislation would be far less vulnerable to defeat in the courts and might not arouse too much opposition from segments who oppose excessive use of Federal (executive) power. It has the great advantage of having the Congress behind you if we get the legislation. Katzenbach is now working on the exact legislative approach. The legislative approach could be broader than an Executive Order (e.g., it could cover some existing housing) and would, in the long run, be more helpful to the Negro community.

There are serious difficulties with legislation. The most significant is the difficulty in getting it passed -- e.g., Proposition 14 in California. People are extremely sensitive on the housing issue, probably because integrated housing, if anything, will break down the racial barriers and because of the fear of loss in property values. Such legislation might be particularly difficult to get next year -- an

election year. Merely moving to vote on this issue will present a serious problem for many Congressmen -- particularly the new Democrats elected in marginal districts. Nevertheless, in our combined judgment (Katzenbach, Lawrence, White and I) it will be essential to promise a legislative program in this area in 1966, if we are to bring the President's Housing Committee and the White House Conference on Civil Rights around to support this course of action and stop them from attacking you for not issuing the Executive Order.

If we do nothing, both the Conference and the Commission will not only recommend extension of the Executive Order, they will probably attack you for delay. It is possible that two or more members of the Housing Committee might resign (the only thing that has avoided some resignations during the past few months has been the supreme skill of Governor Lawrence). Further, it is only a matter of time before some Republicans (like Javits and Kuchel) recognize the importance of this to the Negro voter and begin to ride you on it.

This is a close question. Governor Lawrence favors the Executive Order route. Joe Fowler, Nick Katzenbach, Lee White and I favor the legislative approach. All of us believe that a decision is needed soon and that a selection of either the Executive or Legislative route is clearly preferable to no action at all.

If you approve, we would propose to take the following action:

1. Move the White House Civil Rights Conference Housing Panel in the direction of recommending the Legislative approach.
2. Call in two or three of the most difficult members on Governor Lawrence's Housing Committee and convince them that this is the way to go, giving them your assurance that a legislative program in this area will be forthcoming next year.
3. Move both the Conference and the Committee to recommend a voluntary program to supplement the legislative approach.

Approve _____

Disapprove _____

MARCH 11, 1968

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT ON
SENATE'S ACTION IN PASSING THE
CIVIL RIGHTS BILL

Every American can be proud of the Senate's action today.

By an overwhelming vote, the Senate has once again affirmed our nation's commitment to human rights under law.

Bringing this debate to a close required more than perseverance. It required a dedication to America's fundamental ideals -- and a determination to serve those ideals through law. In an hour of contention and stress, those who work within the law to enlarge the liberties of all men are the true peace-makers -- and they deserve the thanks of their countrymen.

Now the House becomes the arena where these great issues will be tested.

I believe that the Members of the House -- having once said that every family has the right to the kind of shelter it desires and can afford; having once said that Americans should be protected in the exercise of their basic rights; and having often expressed their will to curb violence in our cities, will re-affirm their support for the policies contained in this measure.

I hope this bill will soon be before me for signing into law. I salute those who this day acted to bring that time -- and a more perfect Union -- closer to hand.

###

30
(2)
March 15, 1966

SUMMARY OF THE
CONGRESSIONAL CONTACTS

THE CIVIL RIGHTS MESSAGE

Four legislative items will immediately follow the message:

1. Federal Jury Legislation
2. State Jury Legislation
3. School Desegregation
4. Housing

A. The House Committee having jurisdiction is the Judiciary Committee. It is composed of 24 Democrats and 11 Republicans. Of this total of 35, 33 contacts (23 Democrats and 10 Republicans) have been made with the following results:

1. Federal Jury Legislation

For	23
Against	6
Undecided or doubtful	4
2. State Jury Legislation

For	17
Against	12
Undecided or doubtful	4
3. School Desegregation

For	20
Against	8
Undecided or doubtful	5
4. Housing

For	9
Against	18
Undecided or doubtful	6

Not contacted:

George Senner (Arizona) - Ill
William Cahill (New Jersey) - Unable to reach

B. The Senate Committee having jurisdiction is the Judiciary Committee. It is composed of 11 Democrats and 5 Republicans. Of this total of 16, all have been contacted with the following results:

1. Federal Jury Legislation
 - For 13
 - Against 3
 - Undecided or doubtful 0

2. State Jury Legislation
 - For 12
 - Against 4
 - Undecided or doubtful 0

3. School Desegregation
 - For 12
 - Against 4
 - Undecided or doubtful 0

4. Housing
 - For 8
 - Against 6
 - Undecided or doubtful 2

THE WHITE HOUSE

EXECUTIVE ORDER

11063

EQUAL OPPORTUNITY IN HOUSING

WHEREAS the granting of Federal assistance for the provision, rehabilitation, or operation of housing and related facilities from which Americans are excluded because of their race, color, creed, or national origin is unfair, unjust, and inconsistent with the public policy of the United States as manifested in its Constitution and laws; and

WHEREAS the Congress in the Housing Act of 1949 has declared that the general welfare and security of the Nation and the health and living standards of its people require the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family; and

WHEREAS discriminatory policies and practices based upon race, color, creed, or national origin now operate to deny many Americans the benefits of housing financed through Federal assistance and as a consequence prevent such assistance from providing them with an alternative to substandard, unsafe, unsanitary, and overcrowded housing; and

WHEREAS such discriminatory policies and practices result in segregated patterns of housing and necessarily produce other forms of discrimination and segregation which deprive many Americans of equal opportunity in the exercise of their unalienable rights to life, liberty, and the pursuit of happiness; and

WHEREAS the executive branch of the Government, in faithfully executing the laws of the United States which authorize Federal financial assistance, directly or indirectly, for the provision, rehabilitation, and operation of housing and related facilities, is charged with an obligation and duty to assure that those laws are fairly administered and that benefits thereunder are made available to all Americans without regard to their race, color, creed, or national origin:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution and laws of the United States, it is ordered as follows:

PART I - PREVENTION OF DISCRIMINATION

Section 101. I hereby direct all departments and agencies in the executive branch of the Federal Government, insofar as their functions relate to the provision, rehabilitation, or operation of housing and related facilities, to take all action necessary and appropriate

more

(OVER)

to prevent discrimination because of race, color, creed, or national origin -

(a) in the sale, leasing, rental, or other disposition of residential property and related facilities (including land to be developed for residential use), or in the use or occupancy thereof, if such property and related facilities are -

(i) owned or operated by the Federal Government, or

(ii) provided in whole or in part with the aid of loans, advances, grants, or contributions hereafter agreed to be made by the Federal Government, or

(iii) provided in whole or in part by loans hereafter insured, guaranteed, or otherwise secured by the credit of the Federal Government, or

(iv) provided by the development or the redevelopment of real property purchased, leased, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under a loan or grant contract hereafter entered into; and

(b) in the lending practices with respect to residential property and related facilities (including land to be developed for residential use) of lending institutions, insofar as such practices relate to loans hereafter insured or guaranteed by the Federal Government.

Section 102. I hereby direct the Housing and Home Finance Agency and all other executive departments and agencies to use their good offices and to take other appropriate action permitted by law, including the institution of appropriate litigation, if required, to promote the abandonment of discriminatory practices with respect to residential property and related facilities heretofore provided with Federal financial assistance of the types referred to in Section 101 (a) (ii), (iii), and (iv).

PART II - IMPLEMENTATION BY DEPARTMENTS AND AGENCIES

Section 201. Each executive department and agency subject to this order is directed to submit to the President's Committee on Equal Opportunity in Housing established pursuant to Part IV of this order (hereinafter sometimes referred to as the Committee), within thirty days from the date of this order, a report outlining all current programs administered by it which are affected by this order.

Section 202. Each such department and agency shall be primarily responsible for obtaining compliance with the purposes of this order as the order applies to programs administered by it; and is directed to cooperate with the Committee, to furnish it, in accordance with law, such information and assistance as it may request in the performance of its functions, and to report to it at such intervals as the Committee may require.

Section 203. Each such department and agency shall, within thirty days from the date of this order, issue such rules and regulations, adopt such procedures and policies, and make such exemptions and exceptions as may be consistent with law and necessary or appropriate to effectuate the purposes of this order. Each such department and agency shall consult with the Committee in order to achieve such consistency and uniformity as may be feasible.

PART III - ENFORCEMENT

Section 301. The Committee, any subcommittee thereof, and any officer or employee designated by any executive department or agency subject to this order may hold such hearings, public or private, as the Committee, department, or agency may deem advisable for compliance, enforcement, or educational purposes.

Section 302. If any executive department or agency subject to this order concludes that any person or firm (including but not limited to any individual, partnership, association, trust, or corporation) or any State or local public agency has violated any rule, regulation, or procedure issued or adopted pursuant to this order, or any nondiscrimination provision included in any agreement or contract pursuant to any such rule, regulation, or procedure, it shall endeavor to end and remedy such violation by informal means, including conference, conciliation, and persuasion unless similar efforts made by another Federal department or agency have been unsuccessful. In conformity with rules, regulations, procedures, or policies issued or adopted by it pursuant to Section 203 hereof, a department or agency may take such action as may be appropriate under its governing laws, including, but not limited to, the following:

It may -

- (a) cancel or terminate in whole or in part any agreement or contract with such person, firm, or State or local public agency providing for a loan, grant, contribution, or other Federal aid, or for the payment of a commission or fee;
- (b) refrain from extending any further aid under any program administered by it and affected by this order until it is satisfied that the affected person, firm, or State or local public agency will comply with the rules, regulations, and procedures issued or adopted pursuant to this order, and any nondiscrimination provisions included in any agreement or contract;

more

(OVER)

(c) refuse to approve a lending institution or any other lender as a beneficiary under any program administered by it which is affected by this order or revoke such approval if previously given.

Section 303. In appropriate cases executive departments and agencies shall refer to the Attorney General violations of any rules, regulations, or procedures issued or adopted pursuant to this order, or violations of any nondiscrimination provisions included in any agreement or contract, for such civil or criminal action as he may deem appropriate. The Attorney General is authorized to furnish legal advice concerning this order to the Committee and to any department or agency requesting such advice.

Section 304. Any executive department or agency affected by this order may also invoke the sanctions provided in Section 302 where any person or firm, including a lender, has violated the rules, regulations, or procedures issued or adopted pursuant to this order, or the nondiscrimination provisions included in any agreement or contract, with respect to any program affected by this order administered by any other executive department or agency.

PART IV - ESTABLISHMENT OF THE PRESIDENT'S COMMITTEE ON EQUAL OPPORTUNITY IN HOUSING

Section 401. There is hereby established the President's Committee on Equal Opportunity in Housing which shall be composed of the Secretary of the Treasury; the Secretary of Defense; the Attorney General; the Secretary of Agriculture; the Housing and Home Finance Administrator; the Administrator of Veterans Affairs; the Chairman of the Federal Home Loan Bank Board; a member of the staff of the Executive Office of the President to be assigned to the Committee by direction of the President, and such other members as the President shall from time to time appoint from the public. The member assigned by the President from the staff of the Executive Office shall serve as the Chairman and Executive Director of the Committee. Each department or agency head may designate an alternate to represent him in his absence.

Section 402. Each department or agency subject to this order shall, to the extent authorized by law (including § 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691)), furnish assistance to and defray the necessary expenses of the Committee.

PART V - POWERS AND DUTIES OF THE PRESIDENT'S COMMITTEE ON EQUAL OPPORTUNITY IN HOUSING

Section 501. The Committee shall meet upon the call of the Chairman and at such other times as may be provided by its rules. It shall: (a) adopt rules to govern its deliberations and activities; (b) recommend general policies and procedures to implement this order; (c) consider reports as to progress under this order; (d) consider any matters which may be presented to it by any of its members; and (e) make such reports to the President as he may require or the Committee shall deem appropriate. A report to the President shall be made at least once annually and shall include references to the actions taken and results achieved by departments and agencies subject to this order. The Committee may provide for the establishment of subcommittees whose members shall be appointed by the Chairman.

Section 502. (a) The Committee shall take such steps as it deems necessary and appropriate to promote the coordination of the activities of departments and agencies under this order. In so doing, the Committee shall consider the overall objectives of Federal legislation relating to housing and the right of every individual to participate without discrimination because of race, color, creed, or national origin in the ultimate benefits of the Federal programs subject to this order.

(b) The Committee may confer with representatives of any department or agency, State or local public agency, civic, industry, or labor group, or any other group directly or indirectly affected by this order; examine the relevant rules, regulations, procedures, policies, and practices of any department or agency subject to this order and make such recommendations as may be necessary or desirable to achieve the purposes of this order.

(c) The Committee shall encourage educational programs by civic, educational, religious, industry, labor, and other nongovernmental groups to eliminate the basic causes of discrimination in housing and related facilities provided with Federal assistance.

Section 503. The Committee shall have an executive committee consisting of the Committee's Chairman and two other members designated by him from among the public members. The Chairman of the Committee shall also serve as Chairman of the Executive Committee. Between meetings of the Committee, the Executive Committee shall be primarily responsible for carrying out the functions of the Committee and may act for the Committee to the extent authorized by it.

PART VI - MISCELLANEOUS

Section 601. As used in this order, the term "departments and agencies" includes any wholly-owned or mixed-ownership Government corporation, and the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories of the United States.

Section 602. This order shall become effective immediately.

JOHN F. KENNEDY

THE WHITE HOUSE,

November 20, 1962.

#

ESTIMATE OF VOTES IN SUPPORT OF AN APPROPRIATION
FOR HUD FAIR HOUSING ACTIVITIES

Senate Independent Offices Subcommittee	<u>Favorable</u> Magnuson Pastore Monroney Mansfield Allott Mrs. Smith Case Javits Young-N. Dak. (9)	<u>Unfavorable</u> Hill Ellender Russell Holland Stennis (5)	<u>Doubtful</u> Hayden Hruska Cotton (3)
Senate Deficiencies and Supplementals Subcommittee	Pastore Magnuson Monroney Bartlett Young-N. Dak. Mrs. Smith Kuchel Allott (8)	Holland Russell Ellender Hill McClellan Stennis Byrd-W. Va. (7)	Hayden Bible Mundt Hruska (4)
House Independent Offices Subcommittee	Boland Giaimo Shipley Minshall Wyman (5)	Evins Marsh Talcott (3)	Pryor Jonas (2)

NOTE: Chairman Mahon and ranking member Bow are entitled to votes in this Subcommittee.

On April 10 on the previous question, here is how the members voted:

<u>Yea</u> Boland Giaimo Shipley	<u>Nay</u> Evins Jonas Marsh Minshall Talcott Pryor *Wyman Bow Mahon
---	---

* Voted Yea on final passage.

Comments Regarding Legal Problems Involved in Extending
Executive Order 11063

Several legal problems may be raised incident to extending Executive Order 11063 to cover housing (multiple dwellings and tracts), the construction of which is financed by any institution supervised, regulated, or insured by the Federal Government. Federal agencies directly involved would include the Federal Home Loan Bank Board (FHLBB) and the Federal Savings and Loan Insurance Corporation (FSLIC) with regard to savings and loan associations, and the Comptroller of the Currency and the Federal Deposit Insurance Corporation (FDIC) with regard to commercial and mutual savings banks.

The broad legal premise upon which it is concluded that the President is authorized to extend the Order is that, under the Constitution, laws, and public policy of the United States, the Federal Government lacks authority to extend any funds, or anything else by way of aid or assistance, under situations or conditions that may result in racial discrimination.

First, let us glance at a few basic and pertinent constitutional and statutory provisions.

1. The Constitution, in Article II, Section 1, states: "The executive Power shall be vested in a President of the United States of America."

2. In Article II, Section 3, the Constitution provides that the President "shall take Care that the Laws be faithfully executed, . . ."

3. The Fifth Amendment provides that "No person shall . . . be deprived of life, liberty, or property, without due process of law; . . ."

a) In the case of Bolling v. Sharpe, 347 U.S. 497 (1954), the Supreme Court said, in effect, that racial discrimination by the Federal Government is "unthinkable."

created with the prime purpose that it serve community credit needs, while the FHLBB was created to serve the housing needs. Since the banks which are supervised by FDIC engage substantially in housing credit as a function of community credit, FDIC, as to its housing operations, is required also to be subject to nondiscriminatory practices in its mortgage-lending operations.

The conclusion is that it is rather clear that the President possesses legal power and authority to extend the Order to cover Federal agencies that supervise lending institutions or insure the deposits and share accounts of such institutions to the extent funds are made available to builders and developers of residential property.

- b) Previously, in the case of Hurd v. Hodge, 334 U.S. 24 (1948) (prohibiting Federal courts from enforcing private discriminatory real estate agreements), the Supreme Court said that to permit such enforcement would be "contrary to the public policy of the United States."

4. Congress, on numerous occasions has enunciated by statute the nondiscriminatory policy of the United States Government.

- a) The United States Code (42 U.S.C. 1982) provides: "All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property."

- b) Also, the Code (42 U.S.C. 1441) provides: "The Congress hereby declares that the general welfare and security of the Nation and the health and living standards of its people require . . . the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family."

- c) Title VI of the Civil Rights Act of 1964 provides, in Section 601 --

"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 program or activity receiving Federal financial assistance."

Section 602 states, in part --

"Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of Section 601 with respect to such program or activity"

It is important to note that Section 602 is expressly directed to each department and agency. No direction is given to the President to exercise his power and authority consistent with the limitation in Section 602 concerning assistance made available by a contract of insurance or guaranty.

- d) The statutory provisions establishing the FHLBB, the FDIC, and other agencies that may be involved in an extension of the Order, do not purport to place any limitations or restrictions on the President in carrying out his executive responsibilities and duties in regard to such programs.
- e) Federal insurance, through Federally supervised FDIC and FSLIC, of deposits and share accounts, respectively, constitutes Federal financial assistance in the common understanding of the term and in the sense in which the term is used in Title VI of the Civil Rights Act of 1964.
- f) A Federal agency may impose reasonable conditions incident to the granting or continuing to grant benefits to the extent the prescribed conditions are consistent with the objectives of its program and national policy.

The Federal agencies involved, including FDIC, are agencies in the Executive Branch of the Federal Government, and are subject to the direction of the President to the extent of his power and authority as head of the Executive Branch of the Government. By statute, the Home

Local Bank Board is located in the "executive branch of the Government." The statute creating the Federal Deposit Insurance Corporation is silent on where it shall be located. However, in view of its function in administering a program concerning the insurance of deposits, it is reasonable to conclude that it, too, is a part of the Executive Branch and subject to Presidential directives. (The agencies here involved are to be distinguished from such agencies as the Interstate Commerce Commission, the Federal Trade Commission, or the Federal Communications Commission, which exercise quasi-legislative and/or quasi-judicial functions and are not completely subject to directives of the President.)

The statutory charters of the agencies here involved are silent on the question of nondiscrimination in the performance of their functions. Nevertheless, each agency is subject to pertinent provisions of the Constitution, general statutes enacted by Congress, and the established public policy of the Government of the United States. Accordingly, the subject agencies are required to administer their programs consistent with a nondiscriminatory policy, so that no person will be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the ground of race or color.

The President's Committee on Equal Opportunity in Housing has, since its second formal meeting in July 1963, expressed the view that the Order should be extended to cover the largest possible amount of housing provided through mortgage lending institutions supervised or insured by Federal agencies. This view did not spring up spontaneously; it evolved from a consideration of unresolvable problems that arose from complaints that had been filed under the Order.

The Committee never has made a formal request to the Attorney General, who by the terms of the Order is authorized to furnish legal advice concerning the Order, for his opinion on the question of the President's power and authority to extend the Order to cover conventional financing. Whenever the question has been discussed at Committee meetings, the representative from the Department of Justice, in attendance, has consistently stated that there were "legal limitations on the Executive action," "legal problems involved," "legal difficulties," and other such phrases as "the legal obstacles . . . are extremely serious." The Committee has not had the benefit of any specific legal objections. However, certain legal objections have been considered by certain members of the Committee and by certain reputable lawyers who have been concerned with the limitations of the existing Order. The legal questions have been studied and the conclusions reached would seem to constitute rather clear legal authority for the President to extend the Order. Of course, a distinction must be drawn between the pure legal questions and certain questions of policy and political judgment that may be determinative as to whether the President should or should not, at this time, extend the Order, and the extent of coverage to which it should be extended.

Included among the legal questions that have been raised and considered with the several recommendations of the Committee to the President to extend the Order are the following:

1. The President lacks power and authority to direct the pertinent agencies to impose a nondiscrimination requirement in their agreements of assistance with banks and savings and loan institutions that would extend to borrower-builders and developers.

2. The pertinent agencies lack authority under their organic acts to adopt a nondiscrimination requirement, with or without a recommendation from the President.

3. If it should be assumed that the agencies possess authority to reach the lending institutions, they lack authority to reach, through the lending institutions, the builders and developers of residential construction.

4. The power and authority of the President is not the same over the FHLBB (FSLIC) and the FDIC, his authority over FDIC being much more limited than it is over the FHLBB which exercises direction over FSLIC.

5. Neither the established policy nor the pertinent statutes concerned with nondiscrimination in housing and Federal programs and activities reaches the operations of FDIC which relate solely to the security for depositors in commercial and mutual savings banks, and not in any sense to home financing.

6. Congress indicated its "hands-off" view on the question of nondiscrimination in housing when it passed Title VI of the Civil Rights Act of 1964 and excluded from the over-all policy "a contract of insurance or guaranty".

7. Congress, by the passage of the Civil Rights Act of 1964, has preempted the civil rights field, including the area of housing, and effectively blocked further Executive action in regard to racial discrimination as to housing.

8. FDIC is not authorized by statute, nor could it be by Executive Order, to assure that banks (and their depositors) receiving benefits of FDIC insurance will serve the convenience and needs of the community, including home financing.

These and other legal objections to an extension of the Order have been studiously considered and reasonable arguments have been developed to support the conclusion that none of these objections is sufficiently sound to cast serious doubt on the President's power and authority to extend the Order should he, otherwise, decide to take such action.

No survey has been made, but it's common knowledge that the President frequently issues an Executive Order directing one or more Federal Departments or agencies to undertake or not to undertake certain actions. An illustration is Executive Order 11114 of June 22, 1963, that provides, in Part I thereof, for nondiscrimination employment provisions to be included in Federally assisted construction contracts that are executed by applicants for Federal financial assistance. The requirement is made as a condition for the approval of any grant, loan, contract, insurance, or guarantee under the program being administered.

A legal thesis in support of the President's extending the Order to reach the lending practices of Federally supervised or insured lending institutions, including the sales and rental policies of builders and developers who receive loans from the lending institutions, may be presented in this manner. (Of course, this presentation does not purport to be concerned with policy or political questions which must be resolved, even though it should appear that clear legal power and authority exist for the extension of the Order.)

The right to be immune from racial discrimination is one of the "unalienable rights" guaranteed by the Fifth and Fourteenth Amendments to the Constitution. The executive power of the Federal Government is

vested in the President who is charged with the duty and responsibility to take care that the laws of the United States are faithfully executed. Therefore, in the absence of any expression by Congress, the President, under his direct authority, will see to it that compliance prevails with the laws of the land. So, with regard to any program authorized by Congress, under which any Federal funds or other Federal aid, assistance, or benefits is made available, the President has power and authority to ensure that the program shall be administered without racial discrimination. The President says that, as to any Federal program or activity of which he knows or feels is being or may be administered in a racial discriminatory manner, take affirmative action by Executive Order to remedy or prevent such discriminatory practices. The President, under this provision, possesses legal power and authority to direct the Federal agencies involved in supervising or insuring home-financing lending institutions and institutions performing home-financing functions to require such lending institutions to make loans to builders and developers only on condition that their sales and rentals will be made under a nondiscriminatory policy.

Congress, in Section 601 of Title VI of the Civil Rights Act of 1964 recognized and reaffirmed the basic constitutional principle of immunity from racial discrimination in Federal programs and activities. It is true that Congress, in Section 602 of the Act, in effect, purports to direct departments and agencies, in effectuating Section 601, to apply the policy to all programs and activities other than in the extension of financial assistance by means of "a contract of insurance

"or guaranty". Departments and agencies, are required by law, of course, to administer their programs consistent with statutory authority, including all limitations. So, it may be assumed that the FHLBB, in the absence of any other controlling directive, will comply with Section 602. In this connection, it may be noted that Section 605 of the Act provides, in express terms, that nothing in Title VI "shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty". Section 602 is not directed to the President; it is directed to a department or agency. So, the President is not required to abide by the limitation in Section 602. Nor is the President restricted from exercising his Constitutional power and authority to direct departments and agencies, making available financial assistance through contracts of insurance or guaranty, to administer their programs consistent with Constitutional policy as restated in Section 601. This approach actually assumes that Congress lacks power and authority to enact an effective statute or statutory provision that is inconsistent with the equality principle of the Constitution. On occasion, the Supreme Court reviews and strikes down Congressional enactments as being unconstitutional; while on other occasions the Supreme Court sustains many statutes which, before enactment, were heralded as unconstitutional. In any event, it may be concluded that if Congress, for example, should pass a statute declaring that the financial benefits made available by it should not be extended to Negroes, the statute would be unconstitutional on its face and would be so held by the Supreme Court. So, it would seem that if

THE WHITE HOUSE

WASHINGTON

May 16, 1968

HU 2
HU 2-2

MEMORANDUM FOR

HEADS OF FEDERAL EXECUTIVE DEPARTMENTS
AND AGENCIES

On April 11, 1968, I signed into law the Civil Rights Act of 1968. The Act states that, "It is the policy of the United States to provide, within Constitutional limitations, for fair housing throughout the United States."

The Act vests in the Secretary of Housing and Urban Development the primary responsibility for the administration of Title VIII -- the fair housing title of the Act.

Title VIII requires all Executive departments and agencies to administer their programs and activities relating to housing and urban development in a manner that affirmatively furthers fair housing opportunities for all Americans. It also requires those departments and agencies to cooperate with the Secretary of Housing and Urban Development for this purpose.

In turn, Title VIII requires the Secretary of HUD to render technical assistance to other Federal agencies in formulating and carrying out programs to prevent, or eliminate, discriminatory housing practices.

Today, in accordance with these provisions of law, I direct each of you to take all necessary steps within your authority to see that full affirmative action is taken to accomplish the policies of Title VIII.

I am directing the Secretary of Housing and Urban Development to discuss with each of you, at the earliest opportunity, the following matters:

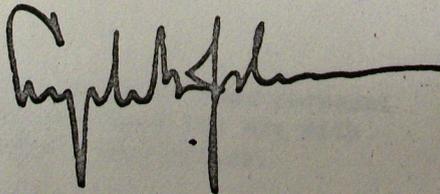
-- Steps and procedures which your department or agency has taken, or could take, to insure that the administration of your programs in Washington and in the field will further the policy of Title VIII.

-- Cooperation and technical assistance which HUD can provide to assure that the programs of your department carry out the purposes of the Act.

-- Plans now in operation, or being developed, to guide all Federal activities -- including Federal installations and Government contractors -- in affirmative action programs designed to achieve maximum voluntary compliance with Title VIII.

After these consultations, each of you is to submit to the Secretary of Housing and Urban Development a report specifically responding to each of the above provisions.

The Secretary of Housing and Urban Development is directed to submit to me, as soon as possible thereafter, a full report on the actions all departments and agencies have taken in order to further Title VIII of the Civil Rights Act of 1968.

A handwritten signature in black ink, appearing to be "Richard J. Daley", written in a cursive style with a long horizontal stroke extending to the right.

EXECUTIVE

MEMORANDUM

EXECUTIVE

THE WHITE HOUSE
WASHINGTON

LE/HU2
FD135
FD400
HU2-2

(3)

July 24, 1966
Sunday, 4:00 p. m.

FOR THE PRESIDENT

FROM ^{Wish} Nick Katzenbach

Civil Rights in the House

1. On the Rule

<u>Democrats</u>	Committed & Present	178
	Probable	190
<u>Republicans</u>	Committed & Present	16
	Probable	30

Needed 200-205

I think we are safe.

2. On Housing

We don't have a head count yet -- and we won't have until the last minute because there are a lot of undecideds. We have 140 Democrats on a head count and about 20 Republicans. I think we will in fact get 180-185 Democrats and 25-30 Republicans. It will be close, but I think we will make it. I will know better by Tuesday P. M. or Wednesday. And we may be able to avoid a record vote on housing -- without too much risk to the bill.

In the Senate I am optimistic we can get cloture without giving housing, and that housing can be held. But Dirksen won't commit on anything until the House vote.

Statement of Nicholas deB. Katzenbach, June 29, 1966

I am delighted that the Committee reported out the proposed Civil Rights Act of 1966 by such a decisive bipartisan vote. With the exception of changes in the housing title, the Committee essentially endorsed the Administration's proposals.

While Title IV is not as comprehensive as we would have liked it, it nonetheless represents a major step forward. And even with the changes in that Title, the bill as a whole remains a necessary measure and an effective one.

I hope that equally decisive bipartisan action by the full House and by the Senate will now come promptly.

(House Judiciary Committee)

Members of the Congress, Members of the Cabinet, Distinguished Americans and Guests:

On an April afternoon in 1966, I asked distinguished citizens interested in human rights to come to the Cabinet Room. In their presence, I signed a message to the Congress. I called for the enactment of "the first effective Federal law against discrimination in the sale and rental of housing."

Few in the nation and even very few in that meeting on that day believed that fair housing would -- in our time -- become the unchallenged law of the land.

And indeed, this bill has had a long and stormy trip.

We did not get it in 1966.

We asked for it again in 1967. But the Congress took no action.

We sought it again this year.

Now -- at long last -- its day has come.

The proudest moments of my Presidency have been times such as this -- when I have signed into law the promises of a century.

In the Civil Rights Act of 1964, we affirmed through law that men equal under God are also equal when they seek a job, or a meal in a restaurant, or lodging for the night. Now, Negro families no longer suffer the humiliation of being turned away because of their race.

In the Civil Rights Act of 1965, we affirmed through law for every citizen the most basic right of democracy -- the right to vote. In the five states where the Act has had its greatest impact, Negro voter registration has more than doubled.

With this bill, the voice of justice speaks again.

It proclaims that fair housing for all is now part of the American way.

It proclaims a new Bill of Rights for the American Indian.

The roots of injustice run deep. But violence cannot redress a solitary wrong, or remedy a single unfairness.

America is outraged at the assassination of an outstanding Negro leader. America is outraged at the looting and burning that defiles our democracy.

The only real road to progress for a free people is through the process of law.

And that is the road America will travel.

I urge the Congress to enact the measures for social justice I have recommended in some twenty messages. These measures will provide the \$78 billion I have repeatedly recommended for major domestic programs -- for all Americans -- in my fiscal 1969 budget.

This afternoon, we can all take heart that democracy's work is being done. In the Civil Rights Act of 1968, America moves forward, and the bell of freedom rings out a little louder.

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EXECUTIVE

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DEC 28 1954

MEMORANDUM FOR THE HONORABLE JOSEPH CALIFANO
Special Assistant to the President

Re: Possible legislative action against
discrimination in housing.

The minimum legislative action that might be proposed would be a statute prohibiting discrimination in the sale or rental of housing. Such legislation could operate in the same manner as the proposed extension of the Executive Order, that is, through financial institutions receiving federal assistance of various kinds. However, far broader and more effective coverage could be obtained by legislation based on the Commerce Clause that would apply directly to the owners, real estate agents, and others engaged in the activities sought to be regulated. Probably it would be necessary to limit the coverage of such legislation to multiple-family dwellings and tract housing. An exemption for States and cities which have their own fair-housing laws would undoubtedly make it easier to obtain support for the proposed statute in the North. Preferably, the statute would be enforced by a federal commission with the power to issue orders as well as to conciliate. I would recommend this alternative approach rather than a bill which would work through financial institutions.

It might be desirable to develop legislation that would go beyond prohibiting discrimination and strike at the problem of breaking up urban ghettos. Most of the cities which have the worst ghetto conditions already have advanced fair-housing laws. Among the measures that should be considered are the following:

(1) The conditioning of substantial federal assistance programs on adoption by local governments of a comprehensive metropolitan development plan taking explicit account of racial problems and endeavoring to solve them.

(2) Major expansion of the rent-subsidy program.

(3) Legislation providing for subsidized, integrated "new towns" or "new neighborhoods."

(4) Various measures to improve public housing programs, such as emphasizing support of small, widely-dispersed units rather than large-unit projects, which are said to perpetuate ghettos, and authorizing their placement, without regard to the desires of local government, in areas where they will be most effective to break up ghettos.

(5) Massive federal assistance to educational facilities -- and perhaps also recreational, sanitation, law enforcement and other facilities -- in poor neighborhoods.

Attorney General

PRESIDENT'S COMMITTEE ON EQUAL OPPORTUNITY IN HOUSING

PUBLIC MEMBERS

Mr. Jack T. Conway
Special Assistant to the President
Industrial Union Department, AFL-CIO
815 - 16th Street, N. W.
Washington 6, D. C.

Mr. Alexander Fuller
Vice President
Wayne County AFL-CIO
2210 Cass Avenue
Detroit, Michigan

Mr. Theodore A. Jones
Senior Vice President
Supreme Life Insurance Company of America
3501 South Parkway
Chicago 53, Illinois

Mr. Charles Keller, Jr.,
President, Keller Construction Company
P. O. Box 439
New Orleans, Louisiana

Mr. Ferdinand Kramer
President, Draper & Kramer Company
30 West Monroe Street
Chicago 3, Illinois

Mr. Cyril Magnin
President, Joseph Magnin Stores
77 O'Farrell Street
San Francisco, California

Mr. Earl B. Schwalst
Chairman of the Board
Dowery Savings Bank
110 E. 42nd Street
New York, New York

Mr. Lewis H. Weinstein
Foley, Hoag & Eliot, Attorneys
10 Post Office Square
Boston 9, Massachusetts

21 (2)
PRESIDENT'S COMMITTEE ON EQUAL OPPORTUNITY IN HOUSING

GOVERNMENT LEADERS

Honorable David L. Lawrence
Chairman
President's Committee on Equal
Opportunity in Housing
Room 215, Executive Office Building
Washington, D. C. 20501

145 - 735 or 2053

Honorable William J. Driver
Administrator of Veterans Affairs
Veterans Administration
Washington, D. C. 20402

146 - 2455

Honorable Henry H. Fowler
Secretary of the Treasury
Washington, D. C. 20220

184 - 2551

Honorable Orville L. Freeman
Secretary of Agriculture
Department of Agriculture
Washington, D. C. 20250

111 - 3291

Honorable John E. Home
Chairman
Federal Home Loan Bank Board
Washington, D. C. 20552

129 - 5028

Honorable Nicholas deB. Katzenbach
Attorney General
Justice Department
Washington, D. C. 20530

187 - 2175

Honorable Robert S. McNamara
Secretary of Defense
Washington, D. C. 20301

11 - 57304

Contact: H. V. Lauth
Kaiser Industries Corp.
900 17th Street, N. W.
296-5161

FCR IMMEDIATE RELEASE
MARCH 3, 1968

STATEMENT BY LEADING BUSINESSMEN ON FAIR HOUSING LEGISLATION

The right of every family to live in a home or neighborhood of its choice has too long been denied to thousands of Americans.

Fair Housing means more than lifting the barrier that has deprived minority groups of adequate housing for generations. It means making available new job opportunities, improved education and better community relations. It means improving the quality of life for all Americans by giving real meaning to a fundamental American right -- the right to buy or rent a home of one's choice.

Fair housing legislation is now pending in the Congress. It will not force anyone to live anywhere, but it will strike down arbitrary barriers that have too long restricted the freedom of choice to many American families.

As businessmen concerned with the grave problems facing American cities and towns today, we believe this legislation is urgently needed and now. We urge the Senate to permit a vote on this important measure. We urge the Congress to enact it.

Attached is a list of businessmen who signed the statement.

BUSINESSMEN SIGNING THE STATEMENT ON FAIR HOUSING LEGISLATION

Walker L. Cisler
Chairman
Detroit Edison Company

J. Irwin Miller
Chairman
Cummins Engine Company

John T. Connor
President
Allied Chemical Corporation

James M. Roche
Chairman
General Motors Corporation

Donald C. Cook
Chairman
American Electric Power Company

Herbert Silverman
Chairman
James Talcott and Company

Ben W. Heineman
Chairman
Chicago and Northwestern Railway Co.

Charles B. Thornton
Chairman
Litton Industries

Edgar F. Kaiser
Chairman
Kaiser Industries Corporation

Sidney J. Weinberg
Goldman, Sachs and Company

David Kennedy
Chairman
Continental Illinois National Bank
and Trust Co.

Gaylord A. Freeman
Vice Chairman
The First National Bank of Chicago

James MacCormack
Chairman
Communications Satellite Corporation

Graham James Morgan
President
U. S. Gypsum Company

February 15, 1967
Wednesday, 10:15 p.m.

FOR THE PRESIDENT'S NIGHT READING

FROM Joe Califano

*Good
Nice note
Very so like*

THE WHITE HOUSE

FOLLOWING IS TEXT OF WIRE SENT TO THIRTY-FIVE REPUBLICAN AND DEMOCRATIC SENATORS. ALSO SENT TO KEY HOUSE MEMBERS.

"PRESIDENT JOHNSON IS ASKING THE CONGRESS AGAIN TO PASS LEGISLATION INCLUDING A FAIR HOUSING TITLE. AS YOU KNOW, THE OPPOSITION QUICKLY SPRINGS INTO ACTION AGAINST PROPOSALS OF THIS KIND. I EARNESTLY ASK THAT YOU MAKE A PUBLIC STATEMENT

IMMEDIATELY COMMENDING THE ACTION OF SENDING THE BILL TO CONGRESS AND EXPRESSING DETERMINATION TO SEE THAT IT IS PASSED. ALL OF US KNOW THAT IMMEDIATE STATEMENTS OF SUPPORT FOR THIS LEGISLATION WILL DO MUCH TO MAKE THE COUNTRY UNDERSTAND ITS GREAT VALUE. YOUR CLEAR, STRONG STATEMENT FOR FAIR PLAY WILL RALLY THE MEN AND WOMEN OF GOOD WILL."

CLARENCE MITCHELL DIRECTOR WASHINGTON BUREAU NAACP.

EX-100-1111

RECEIVED FEB 15 1967

OFFICE OF THE DIRECTOR

THE WHITE HOUSE
WASHINGTON

HU 2
PL 2

March 21, 1968

5:30 p.m.

MEMO FOR: Jim Jones

FROM : Barefoot Sanders

John W. Mc Cormack

James J.

The Speaker and Carl Albert recommend that the President, within the next two weeks, have Congressman Delaney of New York down for a brief visit or at the minimum give him a call.

Delaney is a swing vote on Rules on the Civil Rights bill. Last Tuesday he voted with the Republicans to defer action until April 9 and he will give no commitment to the Speaker or Carl that he will support the rule April 9.

Also, Delaney is uncommitted as between the President and Kennedy. Roche reports that Delaney is under great pressure to commit the Queens Democrats to Kennedy.

I doubt that Delaney will be in a position to come out for the President, since he might draw an opponent if he did but a visit on the Civil Rights situation might have fringe benefits in bolstering Delaney to remain at least uncommitted.

We want Delaney to vote on April 9 for the rule and to name someone friendly to the rule to handle it on the floor.

Would the President be interested in visiting with Congressman Delaney?

YES NO CALL ME

FOR IMMEDIATE RELEASE

APRIL 4, 1968

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT
ON THE DEATH OF DR. MARTIN
LUTHER KING, JR.

(AT 9:07 P.M.EST)

America is shocked and saddened by the brutal slaying tonight of Dr. Martin Luther King.

I ask every citizen to reject the blind violence that has struck Dr. King, who lived by non-violence.

I pray that his family can find comfort in the memory of all he tried to do for the land he loved so well.

I have just conveyed the sympathy of Mrs. Johnson and myself to his widow, Mrs. King.

I know that every American of good will joins me in mourning the death of this outstanding leader and in praying for peace and understanding throughout this land.

We can achieve nothing by lawlessness and divisiveness among the American people. It is only by joining together and only by working together that we can continue to move toward equality and fulfillment for all of our people.

I hope that all Americans tonight will search their hearts as they ponder this most tragic incident.

I have cancelled my plans for the evening. I am postponing my trip to Hawaii until tomorrow.

Thank you.

END

(AT 9:08 P.M.EST)

April 5, 199

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D. C. 20410

MAY 10 1968

MEMORANDUM FOR: Honorable Joseph A. Califano, Jr.
Special Assistant to the President

SUBJECT: National Association of Home Builders

The Board of Directors of the National Association of Home Builders at their spring meetings this week (May 3-8) in Washington passed a resolution supporting full compliance with the Civil Rights Act of 1968. Lloyd Clarke, President of the NAHB, at a press conference following their meetings advocated immediate voluntary compliance with provisions of Title VIII not effective until 1969.

Mr. Clarke is also encouraging state and local home builders associations to follow NAHB's lead. I am attaching copies of NAHB's resolution and a letter he sent to the Suburban Virginia Home Builders Association.

I think it would be appropriate and helpful, as we move for wider voluntary compliance with Title VIII, for the President to send Mr. Clarke a letter thanking him for NAHB's action. I have attached a draft for your consideration.

/s/ Robert C. Weaver
Robert C. Weaver

Attachment

March 11, 1966

5:00 P. M.

MEMORANDUM FOR THE PRESIDENT

FROM: Henry Wilson

In that the Civil Rights message is imminent, I feel compelled to express some thoughts to you about prospects for the contemplated bills:

1. It is, of course, impossible to enact any Civil Rights legislation without the concurrence of Dirksen. I understand Nick Katzenbach us talking with him today. Not quite so apparent, however, is the fact that Civil Rights in the House is very tough without the concurrence of McCulloch, who was a major architect of the 1964 Civil Rights Act.

McCulloch has indicated opposition to the State jury proposal and to the housing proposal.

2. I think it is clear from all the check-outs that the housing proposal will be impossible to enact.
3. The submission of either state juries or housing will put certain liberal Democrats in an impossible situation.
4. The reaction of Corman to the housing legislation may well represent the reaction of most House Democrats -- resulting from the proposition 14 experience in California.
5. Quite obviously, not many Members are enthusiastic for Civil Rights legislation this year.

6. I will assume that by reason of your State of the Union message and other statements you are committed to proposing the four central pieces of the Civil Rights message now considered. I thought, however, that the above should be of some interest in the treatment of these proposals in the message and in conditioning your expectations as to what you are likely to get.

Approve

Disapprove

Grady F. Smith
ATTORNEY AT LAW
3654 CLAIRMONT ROAD
CHAMBLEE, GEORGIA 30005
TELEPHONE 451-3661

August 29, 1966

President Lyndon B. Johnson
President of the United States
White House
Washington, D. C.

Dear President Johnson:

I was a member of the Georgia Lawyers Committee for Johnson-Humphrey, actively supported you in the 1964 election, and have been a loyal Democrat my entire life.

I would like to express my opinion that the so-called open housing section of the Civil Rights Bill of 1966, Section IV thereof, is unwise legislation, if not unconstitutional. It seems to me that the administration is presently catering to the whims of minority groups to such an extent that there is little regard for the rights of the majority of Americans. The home is the bulwark of our democratic society; it is private and personal, as distinguished from public facilities like restaurants and motels. The cherished right to own one's home implies an inherent right of freedom to sell as one may choose. Neither an individual nor a real estate broker should be compelled to sell to anyone, white or black, under penalty of severe court action and suit for damages. Are we to be compelled by the U. S. Government to integrate in our home life?

I respectfully request your most serious consideration of the issues involved in this matter.

Very respectfully yours,

Grady F. Smith
Grady F. Smith

RE *Mr. Manafort*
THE FAIR HOUSING COMMITTEE OF YONKERS

101 BUSHEY AVENUE
YONKERS, N. Y.

March 14, 1967

MAR 16 1967

Senator Robert Kennedy
Senate Office Building
Washington, D. C.

Dear Senator Kennedy:

The Yonkers Fair Housing Committee is pleased to note that the President has again given high priority to the passage of Civil Rights legislation. However, our pleasure is somewhat dampened by the "timetable" he has proposed for the fair housing section.

It is difficult for us to imagine how a law can, on the one hand, spell out the right of the Negro to housing equality under the Fourteenth Amendment, and on the other hand, tell him that he must wait yet another year or two to exercise this right.

We have learned from the Supreme Court decision on school desegregation that little is gained by allowing time for "informing the minds and enlightening the consciences of those who are subject" to prejudice. This education and enlightenment is only accomplished by experience.

Last year you promised your support of fair housing legislation. We now ask that you take the lead in strengthening the President's proposals to insure minorities' rights now, the better to represent the fair-minded citizens of the State of New York.

Please let us hear from you in this regard.

Respectfully yours,

Harvey Wolfson
Harvey Wolfson,
for the Executive Board,
Yonkers Fair Housing Committee

HW:bh

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