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SPEECH DELIVERED BY CHARLES ABRAMS
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"NEW CITIES. THE PROMISE AND THE THREAT"

The closed city is not a new phenomenon in history. It existed in the days of the Roman Empire, in medieval times, and in Imperial Russia. The closed city was motivated by fear of religious or social contamination or by fear of military invasion. Its counterpart sprang up in the concentration camps of Germany, in the compulsory ghettos of Italy, and in cities behind the great Iron Curtain and it is in process in South Africa today.

The symbol of the closed city is the wall or the armed guard. The wall is the index of fear, of humanity in conflict, or of social immaturity. It made its appearance in America only on a few occasions, for it was repugnant to American tradition and inconsonant with American ideals; the symbol of America was not the wall, but the open frontier made unique by the guarantee of two great freedoms--the freedom to own land and the freedom to move. The British restrictive covenants which barred Quakers and Papists from owning land was alien to the American credo. Nor could the British system of great land-holdings take root here, nor could its system of entailments, or its restrictions upon alienation. In America, old feudal tenures which restricted land ownership were swept away; quitrents abolished; freehold ownership established. For 100 years thereafter the dominating national aim was to put land into the hands of the people and to guarantee its free alienation to all.

When efforts were made to prevent Negroes from owning land under the Homestead Act they were quickly defeated. When other efforts sought to restrain Chinese and Negroes from living where they chose, they were struck down. The Fourteenth Amendment and the Civil Rights Laws thereafter guaranteed the right of everyone to own, rent or sell real property without restriction as to race. These guarantees which fortified the American credo were invoked to proscribe the racial zoning ordinance and the racial covenant.

So too with the freedom to move. It underlay the great population movements from Europe to American ports and from the American ports to the American frontier. Mobility was one of the signs of growth--mobility of transportation, mobility of industry, mobility of men. There was even mobility of shelter from the time of the covered wagon to the modern trailer and demountable. Mobility of men was what brought together the cultures of Europe and fused them with American culture and the American ideal. The average American family today moves on an average of every five years--to seek better opportunity or establish firmer roots, to give a better environment to children, or to enjoy more clement climate in the evening of life. These movements are voluntary. The freedom to move and to own land are basic to the American way of life. The use of force to compel people to move exists only when the property is essential for the general use or when the buildings are unsafe and dangerous. Compulsory eviction has always been scrupulously regarded by the courts.

These freedoms--to own land and to move--were not dimmed by the industrial era, for this era gave birth to cities which in the old world had long been centers of culture and greater tolerance. They were cities where what Aristotle described as "a common life for a noble end," could be enjoyed. The market-place of trade became also the market-place of ideas where bigotry had to compete against reason, and superstition against knowledge. Into American cities poured men of all races, colors and faiths to toil side by side in the factories, join together in unions, seek to

improve their common horizons. The little utopias composed of inspired "phalanxes on the march for the new world of wealth and harmony" never lasted because they were soon swallowed up in the larger utopia which was America itself.

There were, however, some blemishes on the American horizon. With industrialization the wall began to appear in some American industrial areas. It was the period of the company town. Fences were often placed around the cities and entry of so-called "undesirables" and "agitators" prevented. The "undesirables" were generally union organizers. Guards were placed around the town to keep them from coming in. These guards, though ostensibly public officers, were often in the employ of the companies and acted as such. The companies owning the houses and plants were able to exercise a whiphand; controlling the political power of the community, they were able to keep intruders out. Free speech and freedom of assembly were unknown. The era of the company town was one of the undemocratic phases of the American scene. It was not a common phase. With unionization its hold on the American worker began to be broken.

But the threat of the closed city did not dim. It began to appear in a new guise. Up to 1935, the development of American neighborhoods were undertaken mainly by small builders who put up an average of four houses a year. But after 1935 the FHA program began to dominate the housing market in America. FHA was staffed by little men with little minds. Their prejudices, acquired in the suburbs in which they lived, were carried to their desks. They simply could not understand the difference between the competitive ethics of the real estate market and the higher ethics of government.

From 1935 to 1949 the FHA program shaped the pattern of cities. FHA advocated racial restrictive covenants. It set up a list of nuisances which coupled stables and pig-stys with "inharmonious racial groups." It even deplored the fact that children in a better area might be "compelled to attend school where the majority or a goodly number of pupils represent a far lower level of society, or an incompatible racial element." Lest this social contamination bar development, the FHA manual said, "It might well be that for the payment of a fee children of this area could attend another school with pupils of their same social class."

This was part and parcel of FHA policy during the most socially enlightened period in American history; the period of the New Deal. How did it come about and what were its effects? Under the FHA system builders were enabled to make millions without risking any investment. They therefore organized a lobby to protect their gains. They were joined by the savings-and-loan-association lobby, the lumberman's lobby, the real estate brokers, and the United States Chamber of Commerce. The lobbying investigation reveals that policies of the lobby and of the FHA were attuned. FHA "was a joint undertaking by our group," testified Herbert U. Nelson, Executive Director of the National Association of Real Estate Boards, who you will remember wrote that "democracy stinks." A function of the National Association of Home Builders, according to its brochure, was to see "that the industry's point of view is presented with strength and effectiveness to Congress and to government administrative officials." Frank Cortwright, its director, testified, "We have had a splendid working relationship with the agencies of government and with the administrators. We have been very helpful to them and they helpful to us. In other words we work together, we give them the practical side of the problem...." The code of ethics of the NAREB provided that a realtor would not introduce into a neighborhood anyone of unwelcome race or ancestry. After the racial restrictive covenant decision, Nelson was pressed by his California group to find some method of effecting continued race restriction, and agreed that he would try. The formation of so-called civic associations to keep "intruders" out is the latest device. Racial exclusion is part

and parcel of the realtors' credo, as it was of the FHA credo up to 1949. It was then struck from the Manual but indications are that the old policy still prevails in the field. FHA as you heard yesterday will not refuse to give insurance to builders of all-white segregated housing. FHA claims it is only an insurer of mortgages.

From 1935 when FHA got under way to 1949, the racial patterns of many American cities and neighborhoods were formed, and they were formed along the line FHA then wanted--they were to be all-white and they were to exclude folk of unwelcome race or ancestry. With FHA aid, builders could now build large communities of 25,000 people or more. The way was paved for the development of thousands of larger neighborhoods tied together by a common bond--racial restrictive covenants--to prevent infiltration of unwelcome races. It was during this period that a whole generation was brought up in these all-white cities, a generation taught to regard certain minorities as inferior and as intruders.

The next and more ominous consequence of FHA policy was the conferment of power upon these local communities. Since the new neighborhoods created their own communities, many of them were soon incorporated as villages or towns. Public power was granted to them to run their own police forces, operate their governments, and make their own laws on a local basis. The FHA neighborhoods built in larger existing cities also began to wield political power through civic associations which today are the most potent force in Detroit and other areas. Being founded on the principle of racial isolationism, it was hardly unexpected that official policy and power would now be used to enforce the very exclusion practices upon which their communities were founded.

Thus today health powers are used to bar minorities; their houses are vacated or torn down in the name of urban redevelopment or public safety. Subtly-worded zoning ordinances are being used to restrict racial movements. Condemnation for public works and parks is a frequently-used method of evicting minorities, or preventing minority projects. Land to be used for Negro housing has been condemned for parks in Detroit and in Miami. In some cases laws are on the books preventing Negro settlement. In Detroit and in Miami actual walls have been built around projects to prevent Negro in-migration. Police participation in keeping Negroes from moving has been noted in Cicero, Chicago, Miami, and other places, with actual police duress or acquiescence employed to keep minorities in their place. In old cities, the most recent device for ousting minorities is urban redevelopment.

Title I of the Housing Act of 1949 clearly lists four types of projects eligible for federal aid: slum areas, deteriorating areas, open but badly platted areas, or open areas. I underscore the word "or" because the statute clearly intended the projects to be in the alternative. If open land could be used, it might increase the housing supply for minorities. But the Housing and Home Finance Administration has taken the position that open land can only be used as part of a slum project and the federal government is recommending local legislation which limits local powers to this policy of slum clearance. The federal agency is thus approving projects under which thousands of Negro families will be displaced without provision for decent alternative accommodations.

In fairness to Mr. Foley, I might say that he has approved this policy because he claims himself bound under a letter sent to Senator Douglas in which he promised that he would emphasize slum clearance rather than open land operations. Senator Douglas last week announced that he was supporting Mr. Foley's position. In my opinion both Mr. Foley and the Senator have substituted the law of the letter for the

letter of the law. It is incredible that a statute which clearly provides for open land projects as well as for slum clearance projects must now be interpreted to mean only slum clearance projects. The people who read the bill when it was drafted have a right to rely on the clear provisions of a statute, without having to resolve the mental permutations of Congressmen or Senators who have their own ideas of what the legislation meant and how it should be enforced. When a bill is introduced and its meaning is clear as this one is, the rank and file who pressed for its enactment, the press that supported it, the House of Representatives that voted on it, and the President who signed it, all have a right to rely on its plain meaning. Neither Mr. Foley nor Senator Douglas has the right to assume that every Senator, and thereafter every Representative in the House, read the record and knew about Foley's letter, or about Senator Douglas' intention.

Ambiguities of Congressional oratory should play no more part in legislative interpretation than Congressional poetry. It is the statute out of which rights and privileges are carved, not the debates or exhibits filed after the fact, or before. Mr. Foley has no right to substitute an "and" for an "or" in the legislation because he is "morally obligated." Both his legal duty and his moral obligation are to conform to the law, not to rewrite it to conform to his commitments. As the Supreme Court said recently, "there is no need to refer to the legislative history where the statutory language is clear. Legislative history and other extrinsic aids to construction may be turned to only to solve, but not to create an ambiguity....If the language be clear there is nothing to construe."

I believe that unless Mr. Foley's policy is changed so that urban redevelopment will increase rather than reduce the supply of housing available to minorities, it will substitute homelessness for slums. It will be strictly an eviction program. A law designed to ease the housing shortage is being enforced to aggravate it. The urban redevelopment program as presently enforced is another step in the direction of the closed city.

If there was any intention on the part of FHA or HHFA to establish democratic cities it would have become apparent in the current defense program. Here the hand of government is clearly in evidence. The government programs the housing, relaxes credit regulations for builders, grants FHA and VA insurance that makes it possible to build with little or no investment. It also aids in the provision of community facilities. These aids were extended under the war powers which the Senate Committee on Banking and Currency wrote in its report on the housing measure "are the basis for the very self-preservation of the nation."

Testifying for the measure the Mortgage Bankers Association said:

"As a preamble to our support of this legislation, we should like to state that the Mortgage Bankers Association considers the United States to be now in a state of grave national emergency. We believe that the grim aspects of the international situation demand a greatly accelerated national defense program, and believe this defense program will be retarded unless suitable housing accommodations and community facilities are provided as required for defense workers....Population shifts are already occurring in increasing magnitude and the problems of providing housing at new defense installations is becoming acute."

The bankers said builders are unwilling to invest any equity. The government, they insisted, had to assume the risks. But who were these migrating workers? Many of them were Negroes yet only a trickle of such projects are for these Negroes. FHA is openly permitting the development of all-white towns and Levittown, Pa., with an

estimated population of 70,000, and Fairless Hills, with an estimated population of 15,000 will be out of bounds to Negroes. With the populations exclusively white it is not difficult to see that these areas will be fortified with the same exclusion practices as were earlier walled cities in America.

The situation is aggravated by the fact that both Levittown and Fairless Hills are being built to house the workers made necessary by the new United States Steel Corporation plant at Morrisville. It is estimated that there will be some 6,000 workers in the steel plant within a short time and that ultimately there may be 30,000. The CIO has estimated that from 16 to 20 per cent of the workers in the steel plants are Negroes. There are numerous other plants expanding in the area which will have to employ Negro workers for some of the jobs. Negroes are pouring into the area to undertake some of the menial jobs in Philadelphia and New Jersey. Today, for example, 20 per cent of the population of Philadelphia is already Negro, while 75 per cent of the applications for public housing are now from Negroes.

Do we intend to make our older cities the areas of Negro occupation while the outer areas and the cities in the suburban communities are barred to them? This certainly is the tendency. It has been encouraged by the federal government in the past and it is being encouraged today. What Mr. Levitt calls "the biggest preplanned city since L'Enfant laid out Washington," is a white city, but as black a monument to democratic living as has ever been erected.

I do not blame Mr. Levitt nor any other builders. They take the course of least resistance and will do so as long as they can. They operate for profit not idealism. But when government uses its power and its subsidies, it is incumbent upon the government to make no distinctions between black and white. To government, the skins of men must remain a monochrome.

The consequences of the closed cities encouraged in the past by FHA and still being encouraged, can already be plainly seen.

In Dearborn, Mich., the Mayor on official city stationery inveighed against Negro in-migration into his city. He campaigned and was re-elected on the platform that he had kept Negroes out of Dearborn.

In all-white Cicero, Ill., the police force, at the point of guns, prevented a Negro war veteran from moving into a Cicero apartment house.

Anti-Negro newspapers are exploiting and profiting by racial bias in all-white communities. Church leaders are backing up duped home-owners who bought their homes on the guarantee that no Negroes would ever live there. Public officials elected by all-white home-owners are using their public powers to prevent Negro movements.

I do not want to sound a pessimistic note. The pattern is only in its beginnings. America has seen such threats before in the days of the "Know-Nothings" and during the anti-alien agitation in California and the West. America has survived it, for American institutions are still strong enough to dissolve bigotry. Moreover, the tension now occurring is after all the consequence of the escape of the Negro from sharecropping and his advance to the cities is part of the movement toward social egalitarianism which America has always offered.

But the difference between the anti-alien and the anti-racial antagonism of previous eras in America and the present situation lies in the fact that the hand of the federal government is now involved for the first time. Protection of civil rights,

which was always a function of the federal power, is being abdicated under the pretext of private enterprise which in reality is publicly-aided enterprise, and in the name of local autonomy which is degenerating into a device for racial segregation and oppression.

The birth of America pierced the closed cities of Europe, some of whose iron curtains still remain. The birth of unions broke down the isolationism of the closed industrial cities of America. The rise of an informed citizenry will break down the closed cities that are in process in America today.

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