

Morrison

Gentlemen:

I wish to make it clear that I am speaking for myself only and not on behalf of or as a representative or spokesman for any organized group, either within or without the Village of Skokie.

To say the least there has been and is now considerable confusion, in my mind at least, as to the purpose, intent, background, setting and objectives in tonight's meeting. The following language appeared on page 28 of the Skokie News of July 6, 1967, and I quote, "Block (referring to the chairman of the Human Relations Commission of Skokie) added that the proposed law, which closely follows Chicago's ordinance, will be published in the News next Thursday." Certainly the Editor-Publisher of that local newspaper is not a stranger to the Commission. Similar content was contained in the Skokie Life of the same date. In the same Skokie News article it was stated that this Commission would conduct, and I quote, "a public hearing on a proposed open occupancy law."

The import of the foregoing article generally, and the language quoted in particular, it seems to me, are quite clear and explicit to the effect that a proposed ordinance would be made public prior to tonight for public inspection and examination -- last Thursday in the Skokie News to be precise.

So, as a consequence I examined both the Skokie News and Skokie Life of July 13, 1967 and found no ordinance!! What I did find, as you did, was an article captioned "The Proposed Housing Ordinance", and what followed were excerpts from the Chicago Fair

Housing Ordinance. Friday I called the Secretary of this Commission and asked how to procure a copy of the proposed Skokie Fair Housing Ordinance and was told that there was no such ordinance; that this Commission was generally considering some form of ordinance generally patterned after Chicago's ordinance with some alterations and deletions; that the excerpt hereinabove referred to was not to be taken as a portion of any ordinance being or to be considered by this Commission, but was simply a reprint of a portion of the Chicago ordinance.

The only circumstance surrounding this hearing, it seems to me, that has remained unaltered in the days preceeding it, is the requirement that all speakers employ a written text, 16 copies of which are to be furnished to the Commission. Gentlemen, in that connection I feel compelled to say quite candidly and seriously that these regulations are unnecessary and ill advised; that I cannot accept the requirement for submitting those copies as a condition precedent to the exercise of my constitutional and statutory rights as a citizen of this Village, this State and this Country to testify before this Commission, an agency of the Village government. Accordingly, I have prepared and herewith submit to you one copy of these remarks, which, if you find it necessary or advisable to do so, you may duplicate in as many copies as you like at your own expense.

In view of the current posture of this meeting, no ordinance proposed or available, no report of your subcommittee submitted and available, no discourse or discussion permitted between speakers

themselves or between speakers and the Commission, it is difficult for a proponent of the rights of freedom of residence to speak of specifics or to address himself to the issues without reciting all the trite phrases we have all heard in the last few years about property values, who is doing the will of whom, property rights and the like. I will try to be specific, clear and lucid in citing reasons why I believe the Village of Skokie should adopt a Fair Housing Ordinance in general, and why that ordinance should duplicate the Chicago Fair Housing Ordinance.

1. I believe that all human beings are really human beings -- and therefore naturally possess human dignity and human rights which are indivisible and indistinguishable in respect of one person as against another.

2. I believe that all citizens of the United States of America are really citizens of the United States of America -- and therefore all naturally possess the totality of the rights and privileges provided by law for any citizens.

3. I believe that there is a recognized and recognizable social problem in the Metropolitan Chicago area relating to discrimination in the sale and rental of housing. Let me, if you will, quote from the recent case decided by the Illinois Supreme Court upholding the validity and constitutionality of the Chicago Fair Housing Ordinance, Chicago Real Estate Board vs. The City of Chicago, 224 NE2d 793 (1967):

"According to the facts adduced by the parties, it appears that of the 3 1/2 million population of

Chicago, more than 900,000 are Negroes. An overwhelming number of them live, not entirely by choice, in blocks that are 90% to 100% Negro occupied. This pattern of segregation commenced about the time of World War I, when the expansion in Negro population in this area began. At that time discriminatory practices were openly advocated by the realtors on the assumption that property values would go down if Negroes moved into a neighborhood. It was urged that each block be filled solid with Negroes, and that further expansion of the Negro population be confined to contiguous blocks and be enforced by 'Jim Crow' ordinances.

"After such laws were held unconstitutional (citation) the realtors recommended that white property owners be organized for every white block to prevent Negro infiltration, and that restrictive covenants be used to bar their purchase or use of residential property. This discriminatory policy was reflected in the Real Estate Board's Code of Ethics which, until 1950, provided: 'A realtor should never be instrumental in introducing into a neighborhood * * * members of any race or nationality or any individual whose presence would be clearly detrimental to property values in that neighborhood.'

"That Code of Ethics was changed in 1950, after a series of decisions by the United States Supreme Court (citations) established that the enforcement of restrictive covenants against Negroes, either by specific performance, or by an action for damages, constituted 'State action,' which violated the fourteenth amendment of the United States constitution. The realtor's Code of Ethics thereafter deleted the references to 'race' and 'nationality.' It does not appear, however, that this change was accompanied by either any widespread re-education of members, nor that it produced any change in policy among realtors with respect to Negroes, according to the testimony of the executives of two of the largest real-estate brokerage establishments in the city.

"One of these brokers testified that he knew that prior to September, 1963, there was a general practice among brokers not to submit the property in certain areas if the people were 'of a certain religious group, and in other areas if they were of a certain racial group, and in other areas if they were of a certain color.' He admitted that this practice was not necessarily the result of a requirement in the exclusive listing contract with

the owner, and that practices in 1963 before the Fair Housing Ordinance was passed were not any different than in 1948, before the Supreme Court of the United States held that restrictive covenants were unenforceable. After the enactment of the Fair Housing Ordinance in 1963, however, there was a complete change in policy.

"Another broker testified that prior to September, 1963, his firm handled many properties which were shown only to white buyers, notwithstanding the fact that neither the listing agreements nor the management agreements contained any directions to the broker as to the race of people to whom the property could be shown. In fact, he had never seen a management or sales agreement which contained a directive as to the race, religion or national origin of the person to whom the property could be rented or sold. He stated further that it has been the practice of the industry for many years not to lease to Negro families in certain areas of Chicago.

"In rebuttal, one of the plaintiffs testified that brokers made decisions to exclude Negroes as tenants or purchasers only on the basis of the owner's directions. However, not a single contract limiting the broker's action in that respect was introduced or cited."

4. The Skokie Human Relations Commission itself has, I believe, concluded after one year's experience with the so-called Skokie, or voluntary plan as it related to licensed real estate brokers and salesman, that such plan was not successful. Let me again quote from the Chicago Real Estate Board case cited above:

"Further justification for designating real-estate brokers as the class to whom the ordinance applies appears from the evidence in the record showing the role of such brokers in establishing and perpetuating housing discrimination in Chicago on grounds of color. These discriminatory practices were not limited to the open avowals of discrimination by persons who have died, as plaintiffs suggest. On the contrary, the facts detailed at the outset of this opinion show that up until 1963, when this ordinance was adopted, real-estate brokers did not show listings in white

neighborhoods to Negroes, even though there were no restrictions in the brokers' management or sales contracts with owners.

"It would be a denial of experience if we were to equate the broker's role with that of an individual property owner who engages in isolated transactions, and not for hire. The 'real differences' between the class included within the prohibition of the law and the class excluded are not difficult to perceive. They relate to the power and degree of exercising discrimination and of affecting the housing market, and are therefore, closely related to the purpose of the law. The action of the municipality cannot be deemed to have created an arbitrary classification."

5. The Commission is, I believe, mistaken and in error if it looks for endorsement for the passage of such an ordinance from a large majority of residents of the Village. I might add that it seems to me entirely possible that a majority of Skokie residents may very well support and approve an ordinance such as Chicago's which applies only to Real Estate Brokers and Salesmen. But even if this is not so, a real estate system which is closed to groups of people solely because of their race or religion or practices discrimination or aids in such practices solely for such reasons is wrong and the Village government can not and should not permit persons licensed by it to engage in such conduct. Ironically, there are many local brokers and salesmen who, I think, do not believe in this pernicious system, and who, but for its existence, would operate without considering racial and religious factors. These brokers should be supported and assisted by the Village government.

6. Notwithstanding that the recently concluded session of the Illinois General Assembly failed to pass any Fair Housing legislation,

more than one-half of the population of this State lives in communities having adopted some form of such local legislation. As you know, Wheaton and Elgin have recently adopted such legislation. It passed the City Council in Evanston and was vetoed by the Mayor. To justify or explain the failure of Skokie to adopt such legislation or to oppose it on the basis that it is not practical for Skokie to be "an island of integration in a sea of discrimination" is simply an evasion of the issue -- is it not a moral obligation to act against a moral evil and a social wrong? The argument quoted implies that if this Village were to adopt such an ordinance there would be an immediate tidal wave of 900,000 Negroes inundating the Village, sweeping away our lovely residential areas and replacing them with huge slums and tenements. This is simply not true and you and I both know it.

7. I have not been able to understand upon what legal basis communities such as Wheaton have passed ordinances directed at owners and landlords themselves. It is, however, my understanding that local authorities may regulate real estate brokers and salesmen, such as the City of Chicago has done. Accordingly, in the absence of broader state legislation, I favor this approach as the type of ordinance which should be recommended by the Commission and adopted by the Board of Trustees -- that is, an ordinance prohibiting discrimination by real estate brokers and salesmen only.

8. I believe that all the prohibitory sub-sections, A through H inclusive, of Paragraph 3 of the Chicago ordinance should be included in any ordinance proposed for Skokie and that the enforcement

procedure set forth therein should be retained in toto.

9. I believe that the so-called anti-block-busting prohibitions should be contained in this ordinance as is the case in Chicago, and not adopted by separate ordinance. Block-busting and discriminatory treatment seem to me to be simply two sides of the same coin — one practice is as inherently evil as the other. But I will not dwell on this at length because I'm sure other speakers will express the point much more eloquently than I.

This, then, in brief, is my position. What is your position? I hope it is not to seek consensus and attempt to find indications of majority support for doing what you know is right -- and required to be done because it is right. I hope it is not to submit to pressure; or to compromise with your principles; or to be timid where courage is required; or to avoid controversy; or to operate and function outside the spotlight of publicity; or to attempt to avoid making your commitment known and to stand by that commitment.

Mr. Chairman, in conclusion I respectfully request that:

a. The Commission immediately make known to the public the terms of any ordinance proposed or to be proposed by it to the Board of Trustees;

b. The Commission make available to the public true copies of the report of its subcommittee;

c. The Commission announce tonight the date of its next meeting to consider any proposed ordinance;

d. After a proposed ordinance is prepared and made available to the public, that the Commission make arrangements to receive comment from the public thereon.

Finally, Mr. Chairman, I wish only to reiterate my confusion over the real purposes of tonight's meeting. I assume it was not for the purpose of counting noses or hands or votes or papers. I assume that nothing I have said would convince you or cause you to decide to propose an ordinance to the Trustees. I assume that you have already decided to do so. Please do it now!! Then let us discuss the terms of that ordinance.