

October 3, 1967

TO: The President and Members of the Board of Trustees

cc: All Members of the Skokie Human Relations Commission and Interested Parties

FROM: Donald P. Perille, Co-Chairman, Skokie Human Relations Commission

RE: Proposed Ordinance Prohibiting Certain Practices of Discrimination in the Sale, Lease Rental or Financing of Housing Accomodations because of Race, Creed, Color, National Origin or Ancestry by Real Estate Brokers and Real Estate Salesmen

Gentlemen:

This might be most correctly identified as a "yes - but" minority report because three Commissioners who voted "yes" on the motion to recommend passage of this ordinance were in the minority in a five to four vote which defeated a motion to strike Paragraph (i) from Section 3.

In effect we are saying "this is a good law but we want to make it better by striking this one ambiguous paragraph!"

To best understand our concern, it is important to understand the genesis of this paragraph. It was taken from the Governor's Executive Order of July, 1966. According to testimony by the Illinois Commission on Human Relations, it was intended to prohibit cooperating or secondary brokers from acting in a discriminatory manner on listings which were taken in a nondiscriminatory manner, by the original listing broker under other provisions of the ordinance including Paragraph (h) in Section 3.

Unfortunately, the language is subject to wide interpretation far from what was apparently intended. The most common interpretation given to this paragraph is that should a broker take a listing in the belief that it is not discriminatory and later find that the homeseller does intend to discriminate, the broker must terminate that listing even (to some Commissioners' thinking) to the extent of suing for his commission, or be in violation of this ordinance. The significant point here is that the majority of the nine Commissioners present at the September 27 meeting not only made this latter interpretation, but clearly preferred it in spite of the statement by the Village Corporation Council that such interpretation is beyond the authority of this village on two counts:

- (1) It seeks to punish the real estate broker for the action of others.
- (2) It seeks to do by indirection what we cannot do directly--control the behavior of the individual homeseller.

No matter how desirable either interpretation of Paragraph (i) may be, if one interpretation is beyond our authority, the paragraph removes the ordinance from the firm ground on which it was originally placed by our subcommittee, who recommended a Chicago-type ordinance which has withstood the test of judicial review.

We, therefore, ask that Paragraph (1) in Section 3 be removed from the proposed ordinance for the following reasons:

- (1) The language is ambiguous and subject to interpretation far different than originally intended.
- (2) Even if we define the ambiguous language to mean what was originally intended, why burden the ordinance and the Legal Department with language that requires interpretation.
- (3) In the opinion of the Village Corporation Council, the interpretation and intent of the majority position is beyond the authority of a municipality in the State of Illinois.
- (4) In the opinion of the Corporation Council, the acts to be prohibited under either interpretation of Paragraph (1) are already prohibited by other portions of the ordinance.

In short, Paragraph (1) is superfluous and potentially mischievous. Since the ordinance already satisfies the original intent of the paragraph and cannot, by definition, serve the full extent of its more recent interpretation, it serves no useful purpose at all.

Leaving the disposition of Paragraph (1) to your good judgment, let me now add my thoughts to those already given concerning this ordinance.

We must realize that it is as certain as tomorrow's sunrise that the Negro, and it is the Negro we are talking about, will come to suburbia, to Skokie and to all of our sister suburbs. This will happen with or without the benefit of this ordinance. To think otherwise is to depart from reality.

Consequently, the proposed ordinance was not developed to integrate Skokie. It was designed to further assist Skokie in becoming successfully integrated. I see this ordinance not as a means of achieving some abstract sociological or moral good, but rather as a practical tool serving the long range needs of all citizens of Skokie, including those who oppose its adoption.

To whatever extent this ordinance ends existing restrictive housing practices and to whatever extent it eliminates artificial barriers that seek to keep the Negro out or to hem him in, we assure a natural dispersion of Negroes throughout our village in a manner determined only by the size of his purse and the extent of his aspirations.

We hear a lot about the conflict between human rights and property rights. There is no conflict. The right to own and acquire property is a human right and a very important one. One very vital protection of the human right to acquire and own property is the protection of property values. The Negro who can buy property in Skokie cannot possibly harm property values unless his white neighbors do something foolish like panic selling or resorting to violence. However, his presence may affect the character and value of an area if he becomes part of a new Negro clustering. In working for unrestricted housing and thereby achieving dispersion, the Village is working toward the protection of property rights in today's world.

This is not the most noble rationale in the world, but it is realistic. I recognize the moral question involved in this question, but it is the practical solutions of real and eminent problems that must concern us. I urge you to adopt this ordinance.

Donald P. Perille, Co-Chairman, Skokie Human Relations Commission