NOMINATION OF ROBERT C. WEAVER

HEARINGS

BEFORE THE

COMMITTEE ON BANKING AND CURRENCY
UNITED STATES SENATE

EIGHTY-SEVENTH CONGRESS

FIRST SESSION

ON

THE NOMINATION OF ROBERT C. WEAVER TO BE HOUSING AND HOME FINANCE AGENCY ADMINISTRATOR

FEBRUARY 7 AND 8, 1961

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NOMINATION OF ROBERT C. WEAVER

TUESDAY, FEBRUARY 7, 1961

U.S. SENATE,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C.

The committee met, pursuant to call of the chairman, in room 5302, New Senate Office Building, at 10:12 a.m., Senator A. Willis Robertson (chairman) presiding.

Present: Senators Robertson, Sparkman, Douglas, Clark, Proxmire, Muskie, Long, Neuberger, Blakley, Capehart, Bennett, Bush, Beall, and Javits.

The CHAIRMAN. The committee will please come to order.

Mr. Clerk, do we have a quorum present?

Mr. HALE. Yes, sir.

The CHAIRMAN. We have a quorum present.

We have before us today the nomination of Robert Clifton Weaver to be Housing and Home Finance Administrator. In this capacity he will be in charge of the Housing and Home Finance Agency. The constituent units of this Agency include the Federal Housing Administration, the Public Housing Administration, the Federal National Mortgage Association, the Community Facilities Administration, and the Urban Renewal Administration. This is, therefore, a major appointment and one which involves great responsibility.

Dr. Weaver has been deputy commissioner of housing of New York State, administrator of the State housing rent commission in New York, and has most recently been serving as vice chairman of the Housing and Redevelopment Board of the city of New York.

Dr. Weaver is chairman of the board of directors of the National Association for the Advancement of Colored People, and he is serving as chairman of the National Committee Against Discrimination in Housing.

He has written two books, "Negro Labor: A National Problem," in 1946, and "The Negro Ghetto" in 1948.

He has also written a great many articles on the subject of housing and urban and minority problems.

We will insert a biographical sketch of Dr. Weaver's career at this point in the record.

(The biographical sketch referred to follows:)

BIOGRAPHICAL SKETCH OF ROBERT C. WEAVER

The designation of Mr. Robert C. Weaver, of New York City, to be Administrator of the Housing and Home Finance Agency, the Federal Government's overall agency administering urban and housing programs, was announced in January 1961, by incoming President Kennedy.

Mr. Weaver has been serving as vice chairman of the Housing and Redevelopment Board of the City of New York, a three-man body responsible for the direction and administration of New York's urban renewal and middle-income housing program, currently involving more than a quarter billion dollars in projects, the largest in the country.

He had previously served the State of New York, as administrator of the State housing rent commission, and earlier as deputy commissioner of housing.

Mr. Weaver has been identified with housing and urban problems for the past 25 years. Born in Washington, D.C., in 1907, he attended Harvard University, where he received his B.S. degree cum laude, and later received his M.A. and Ph. D. degrees.

He entered Government in 1933 as associate adviser on Negro affairs in the Department of the Interior, becoming adviser in 1934 and serving also as a consultant with the Housing Division of the Public Works Administration, under which the first public housing and slum clearance projects were built as part of the emergency public works program during the depression.

From 1938 to 1940 Mr. Weaver was special assistant to the Administrator of the U.S. Housing Authority, the agency established to administer the federally aided public housing program enacted in the U.S. Housing Act of 1937. Its successor agency, the Public Housing Administration, is now one of the operating constituents of the Housing and Home Finance Agency which Mr. Weaver has been designated to head.

From 1940 to 1944 Mr. Weaver filled a number of wartime posts in the Federal Government. He served first as administrative assistant to the late Sidney Hillman, head of the National Defense Advisory Commission. In 1942 he was named Chief of the Negro Employment and Training Branch of the Labor Division of the War Production Board, and from 1943 to 1944, was Director of Negro Manpower in the War Manpower Commission.

In 1944–45 he served as executive director of the mayor's committee on race relations in Chicago, and in 1947–48 was a lecturer at Northwestern University in Evanston, Ill. Subsequently he was visiting professor at Teachers College of Columbia University and at the School of Education of New York University. Mr. Weaver has also served as director of opportunity fellowships of the Whitney Foundation and as a consultant to the Ford Foundation.

Mr. Weaver has been active in various national organizations in the housing, civic, and related fields throughout his career. In New York he has served as a member of the board of directors of the New York Citizens Housing & Planning Council, and as a member of the board of the Welfare & Health Council of New York.

Mr. Weaver was elected last year as chairman of the board of directors of the National Association for the Advancement of Colored People, and has also been serving as chairman of the National Committee Against Discrimination in Housing.

He is a director and a member of the Executive and Research Committee of ACTION, Inc., national citizens organization to advance renewal of blighted urban areas and assist local communities to combat slums. He also was on the executive committee of the National Committee on Housing, citizens organization to advance housing in the thirties and forties.

Other committees and public service groups in which he has served or is serving include the Advisory Committee on Urban Renewal of the Housing and Home Finance Agency; the National Selection Committee for Fulbright Fellowships; the Education Reconstruction Committee of the American Federation of Teachers; the board of directors of Provident Hospital, Chicago; the board of directors of the Lavanburg Foundation, which has financed significant moderate-cost cooperative housing developments; the board of directors of the National Housing Conference; the panel of advisers on the chapter, "Framework for an Urban Society," in the recently published report of the President's Commission on National Goals; the Fellowship Committee (as chairman) for the United Negro College Fund; and the Visiting Committee for the Joint Center on Urban Studies of Massachusetts Institute of Technology and Harvard University.

Mr. Weaver is the author of two books, "Negro Labor: A National Problem," published in 1946, and "The Negro Ghetto," on the minority housing problem, published in 1948, and has also written numerous articles on housing, urban, and minority subjects.

The CHAIRMAN. This nomination is a controversial one.

In addition to what I have already mentioned involving the political and social philosophy of the nominee, I received a number of complaints touching on the subject of his loyalty. In justice to Mr. Weaver and to the Senate and to the public, I felt I should bring that to the attention of the President and let him give us his appraisal of the charges.

So I wrote the President a letter on January 30, and when I did not receive a prompt reply I went into the matter early last week with the majority leader, who said he did not know about the letter but if I would give him a copy of it he would see I received a prompt reply.

I gave him a copy of it. I still did not get an answer.

At a luncheon on Thursday of last week given by the distinguished Senator from Connecticut, Mr. Dodd, in honor of the new National Democratic Chairman, Mr. Bailey, I saw the President's liaison representative. I told him about the letter, and I said: "We cannot proceed with the hearings until we get that appraisal from the President for our guidance and for our assurance."

He said he did not know about it but he would see that I received the letter.

On Saturday afternoon a representative of the President asked if he could see me at 3 o'clock in my office, and I told him he could. He came up to see me and gave me the information that the FBI had furnished the President. I said: "Well, I cannot put a conversation like this into the record, nor is it my prerogative, other than individually, to appraise this report. I must have a written letter from the President."

He said, "I will see that you get it."

At 4 o'clock yesterday afternoon I phoned his office that the hearings would start at 10 o'clock this morning, that the letter had not been received, and that we could not start without the letter.

At 9:15 this morning I phoned the White House that the letter had not been received, and asked if it was on the way.

The letter has not been received, nor is there any information that it is on the way.

So, gentlemen of the committee, in fairness to you and to the Senate, I must, most reluctantly read the letter I wrote the President:

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: Your nomination of Robert C. Weaver to be Administrator of the Housing and Home Finance Agency has been referred to the Committee on Banking and Currency.

As chairman of the committee, I have received a number of allegations with respect to the nominee's associations and affiliations with various organizations alleged to have been cited by the Attorney General, the House Committee on Un-American Activities, the Senate Internal Security Subcommittee, and other groups.

I understand it is customary, in the case of nominations of this importance, for the President to ask the Federal Bureau of Investigation to report to him after a full field investigation of the proposed nominee. If it is in order, I should like to know whether such an investigation and report were made in the case of this nomination, whether such a report was reviewed and evaluated, and whether you are entirely satisfied with the results of such investigation, report, review, and evaluation.

I make this request of you because I am confident that such an investigation and report by the Federal Bureau of Investigation would cover all the allegations of associations and affiliations referred to in the second paragraph of this letter, and I am not in a position to receive such a report made by the FBI for the use of the committee.

Respectfully yours,

A. WILLIS ROBERTSON, *Chairman.*

The CHAIRMAN. Gentlemen of the committee, I regret, in spite of all efforts since January 30 to get an answer to that letter, it has not come.

As I repeatedly stated to the majority leader and to the representatives of the White House, I was not in a position to proceed with this hearing until this issue had been disposed of by the President himself.

Under those circumstances, this committee will now go into executive session, and all who are not entitled to the floor will please retire.

(Whereupon, at 10:17 a.m., the committee proceeded in executive session.)

(At 12:05 p.m., the committee reconvened in open session.)

The CHAIRMAN. The committee will please come to order.

The chairman read to the committee this morning a copy of a letter that he had addressed to the President of the United States on January 30 and stated he had not received a reply to that letter and recessed the open hearing and went into executive session to discuss our next step. In the course of that discussion it was stated that an answer to the chairman's letter had been signed by the President and was on the way to the chairman. The letter was actually received in my office about 5 minutes ago, and I wish now to read it to the members of the committee:

THE WHITE HOUSE,
February 7, 1961.

DEAR SENATOR ROBERTSON: I have your recent letter concerning my nomination of Mr. Robert C. Weaver to be Administrator of the Housing and Home Finance Agency. As is customary in nominations of this importance, a report on Mr. Weaver was submitted to me by the Federal Bureau of Investigation, and this report was fully reviewed and evaluated.

I am most confident that if confirmed Mr. Weaver will perform an outstanding service for our country as Administrator of the Housing and Home Finance Agency.

I am pleased to give you my views in this instance and I appreciate your interest.

Sincerely,

JOHN F. KENNEDY.

The CHAIRMAN. At the bottom the letter shows that it is addressed to Hon. A. Willis Roberston, U.S. Senate, Washington, D.C.

There are a good many members of the committee that have early appointments, and I would not like these hearings that we are now going to start to go beyond 12:30.

The Chair plans to recognize the distinguished junior Senator from New York to present the nominee. I realize that this does not give him the time that he would like to have in which to express his high opinion of this nominee. But he can condense his commendation and extend his remarks in the record if he is so inclined.

The Chair recognizes the junior Senator from New York, Senator Keating.

STATEMENT OF KENNETH B. KEATING, A U.S. SENATOR FROM THE STATE OF NEW YORK

Senator KEATING. Mr. Chairman and members of the committee, I am trying to catch a 12:30 plane, as the chairman is aware. I will be happy to condense my remarks and I ask unanimous consent to include my prepared statement at this point in the record.

The CHAIRMAN. Without objection, it is so ordered.

(Senator Keating's prepared statement follows:)

STATEMENT OF KENNETH B. KEATING, A U.S. SENATOR FROM THE STATE OF NEW YORK

Mr. Chairman, it is with pleasure that I appear today in support of Dr. Robert C. Weaver, who has been nominated as Administrator of the Housing and Home Finance Agency. Robert Weaver is an energetic and competent public servant, whose excellent and varied experience uniquely qualifies him for the high position to which he has been named by the President.

In a sense, Robert Weaver is a man without a State. He was born and went to grade school and high school in Washington, D.C. After receiving his B.A., M.A. and Ph. D from Harvard, he returned to Washington to work for the Government and later held high posts under both President Roosevelt and President Truman. Dr. Weaver also lived for several years in Chicago, where he held responsible positions.

More recently he has resided in New York State. He has served with distinction, both under Governor Harriman and as an official of the city of New York. Dr. Weaver's experience in New York qualifies him, and I am glad that it does, as a bona fide New Yorker. As a Senator from New York, I consider it a real privilege to support the nomination today of an honored and distinguished adopted son of the Empire State.

Under Governor Harriman, Dr. Weaver had the heavy responsibility of directing the State's rent control program. Following the "great upheaval" of 1958, he was with the Ford Foundation as an expert in urban affairs and was then named vice chairman of New York City's Housing and Redevelopment Board, the post which he has most recently held.

Dr. Weaver's wide experience in the fields of housing, city planning, and urban redevelopment make him an excellent and a logical choice for the post as Director of the HHFA. I can foresee even greater responsibility for Dr. Weaver in the years ahead.

There has been considerable discussion during the past few weeks about Dr. Weaver's position that federally financed housing and urban renewal projects should be open to all Americans on an equal basis. Dr. Weaver's views on this issue are wholly consistent with and identical to the position stated in the Democratic platform and the speeches of President Kennedy during the campaign. Even if there were any legitimate questions which could be raised about this policy, I am sure that we would all agree that it is basically the responsibility of the Senate to judge a nominee on other considerations, such as his character, competence, position in terms of any possible conflict of interest, and his devotion to his country. Dr. Weaver is a man of the highest character. He is a devoted public servant. He is a man of deep conviction.

What we need above all in the Administrator of HHFA is an experienced man who will administer our various Federal housing and urban redevelopment programs as enacted by the Congress and as directed to do so by the President. Dr. Weaver is such a man.

As a New Yorker, I am proud of Robert Weaver and of his excellent record of achievement. The President has made a fine choice. All of us, I am sure, wish Dr. Weaver well in fulfilling the heavy responsibilities which he has been called upon to bear.

Senator KEATING. I am very happy to introduce Dr. Robert C. Weaver to the committee and to say that in my judgment he is thoroughly qualified by character, by competence, and by loyalty to his country to serve in this important post. I am confident, as ap-

parently the President is, that he will do an outstanding job. I commend him to your favorable consideration.

The CHAIRMAN. It is customary to let the members of the committee examine all witnesses. The senior Senator from New York wants to ask his colleague a question.

Senator JAVITS. I am delighted my colleague has presented our fellow New Yorker to the committee. I, too, wish to join in introducing him to the committee and state that it is my considered judgment that he will make an outstandingly fine Administrator.

Senator KEATING. Would the Senator yield? If no other member of the committee has questions to put to me, I would appreciate it if I might be excused. I have now 19 minutes to get to the airport.

Senator JAVITS. I have no questions, Mr. Chairman.

The CHAIRMAN. We thank you, Senator, and under the circumstances you may extend your remarks in the record still further if you wish.

Senator KEATING. Thank you very much.

Senator JAVITS. Mr. Chairman, if I may finish, I just wanted to join with my colleague—he is not a member of this committee, whereas I am, or I would be sitting where he did just a minute ago—in presenting Dr. Weaver to the committee.

I will have plenty of opportunity to question Mr. Weaver if it is needed in order to demonstrate not only his capacity for the job but, equally as important, his high character, loyalty, and patriotism insofar as our country is concerned.

Mr. Chairman, I would like to give two appraisals of him, one by lawyers in New York, as evidenced by a letter written to the chairman from the Association of the Bar of the City of New York, who dealt with Dr. Weaver as rent administrator, deputy commissioner of housing, and vice chairman of the Housing and Redevelopment Board of the City of New York, and who speak of his intelligence, integrity, and professional ability.

Another appraisal is from the landlords of New York organized in the Metropolitan Fair Rent Committee, with whom I have had a good deal to do as attorney general of our State. They dealt with him across the table in an oppositional capacity, as it were. They speak of Dr. Weaver's forthrightness and the principles of equity and justice which animate his actions. Unlike many administrators, who act oblivious to statutory intent and judicial directive, he scrupulously heeded the admonitions which charted his path.

And, finally, they say: "He is a fair and superb administrator in a difficult and sensitive area." They call him scrupulously fair.

It seems to me, Mr. Chairman, that a man who has been examined as thoroughly in the marketplace of ideas and actions as Dr. Weaver, by oppositional forces, whose power and keenness I know from personal experience as attorney general of my own State, and who ends up getting from those who may not like what he says or does this kind of an appraisal, will be well able to serve the United States. I repeat, I personally have no doubt whatever as to the patriotism, loyalty, and complete dedication to the principles of our Constitution and our country of the nominee and commend him to my colleagues on the committee.

Thank you.

The CHAIRMAN. At the commencement of these hearings the Chair announced that opportunity to speak, to inquire, would be rotated on the basis of seniority. So if anybody else now wishes to make some remarks, they will have an opportunity when they are reached in the order of seniority.

We extend to all Members of the Congress the usual courtesy of hearing them first.

The Chair recognizes Representative Ryan of New York.

STATEMENT OF WILLIAM FITTS RYAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. RYAN. Mr. Chairman, distinguished Senators, colleagues, I am William Fitts Ryan, Representative of the 20th Congressional District of New York.

The CHAIRMAN. We are pleased to hear you, sir.

Mr. RYAN. I appreciate the opportunity to speak for a few moments in support of the nomination of Robert C. Weaver to become Administrator of the Housing and Home Finance Agency. May I ask unanimous consent to extend my remarks and my prepared statement in the record?

The CHAIRMAN. Without objection, that will be so ordered.

Mr. RYAN. I would just address myself briefly to several points contained therein.

I think that we all realize that increasing urbanization is recognized as one of the most important problems facing our country and this Congress. I think that most of us who make our homes in cities are familiar with the mounting problems and frustrations which we face. The housing shortage is acute. Schools are overcrowded. And there are myriads of problems with which Dr. Weaver must cope when he becomes, as I hope he will, the Administrator of the Housing and Home Finance Agency.

I believe that he brings to this position the kind of experience and background and training which are sorely needed and necessary for overseeing the essential program of housing and its concomitants, slum clearance and the renewal of our cities. I am sure that the committee is familiar with his background in New York City and in New York State and in the Federal Government, and I shall not dwell at length with that. I am proud to say that he resides in the congressional district which I have the honor of representing, and I strongly support this nomination.

I want to thank you again, Mr. Chairman, for the privilege of reporting to you and also to state that in my opinion the nominee is a person of the utmost loyalty and patriotism.

The CHAIRMAN. We thank you, Mr. Ryan.

(Representative Ryan's prepared statement follows:)

STATEMENT OF WILLIAM FITTS RYAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, distinguished Senators, and colleagues. It is with great pleasure that I address the committee today in wholehearted support of the nomination of an extremely able and competent public servant—Robert C. Weaver—to be the administrator of the Housing and Home Finance Agency.

Increasing urbanization is recognized as one of the most important fiscal, economic, and social problems facing this Nation, and this Congress. The latest census data indicate that more than 60 percent of the country's population resides in the expanding metropolitan areas. Reliable forecasts predict a continued flow of American families from the rural areas to the cities and suburbs.

Most of us, particularly those who make their homes in urban areas, are all too familiar with the mounting frustrations and problems of our cities. The housing shortage is acute. Schools are overcrowded. Traffic congestion and the lack of parking space have created tensions for industry and business, as well as for the individual workers who must travel to and from work, play, and the shopping areas. Cities, with the creeping obsolescence of their physical and social fabric, have become, to many people, less and less desirable places in which to live and work. Yet the cities are the very core of this Nation's industrial, commercial, and social existence.

It is absolutely imperative that we devote more of our time and effort to making urban areas more desirable places in which to live, work, and play. The Housing and Home Finance Agency is the major Federal agency whose programs are concerned with the renewal of these economic and cultural centers. I firmly believe that President Kennedy has wisely chosen an administrator who is roundly equipped to preside at the helm of this vital Federal agency.

Robert C. Weaver brings to this position the kind of background, in both training and experience, which is sorely needed and necessary for overseeing the essential program of housing and its concomitants—slum clearance and the revitalization of the country's urban centers.

To accept this appointment, Mr. Weaver leaves the position of vice chairman of the New York City Housing and Redevelopment Board—an agency which was created to deal with some of the most complex urban renewal problems faced by any community. He previously served as the New York State Rent Administrator and as Deputy Housing Commissioner.

His experience in housing dates from the earliest activities of the Federal Government in this vital area. It began with his service as a consultant with the Housing Division of the Public Works Administration under which the first public housing and slum clearance projects were constructed. Since the 1930's he has grappled with the social and economic aspects of housing, in its many ramifications, at the National, State, and local levels.

Robert C. Weaver brings a background of broad experience and training to the tremendous task of coordinating and guiding the myriad activities centered under the roof of the Housing and Home Finance Agency.

I am proud that he resides in the congressional district which I have the honor to represent; and I strongly support this nomination. I urge this committee to recommend confirmation of a man of outstanding ability whose services will benefit the entire Nation.

Thank you, Mr. Chairman, for this opportunity to appear here before the committee today.

The CHAIRMAN. Is there any other member of the House who wishes to testify? If not, the Chair wishes to say to those who came this morning with a view to testifying that we would like them to communicate with the chief of staff of this committee and make arrangements with him.

We will have to recess for luncheon and we will resume at 2:30 and continue until 5 o'clock, and then we will meet again at 10 o'clock tomorrow, hoping that we may conclude tomorrow. But we do not know how long the examination may take. Fortunately, not many witnesses have asked to be heard.

Senator CLARK. Mr. Chairman, I wonder if it would not be possible to afford the nominee an opportunity to make whatever brief statement he may choose to make, which I assume will be over by 12:30, so at least we would have taken that step out of courtesy to the nominee. I think he should have a chance to be heard briefly in his own behalf.

The CHAIRMAN. Some members of the committee have told me that they have 12:30 engagements. Is there objection to staying here until 12:30? The chairman is willing to stay. He is just trying to accommodate his colleagues who have asked him please not to impinge upon long-standing engagements.

Senator CAPEHART. Is it your plan to recess at 12:30? Why do we not give Mr. Weaver 10 minutes?

Senator CLARK. I do not think he needs as much as 10 minutes.

The CHAIRMAN. If he only wants 5 minutes the Chair will recognize him for 5 minutes.

STATEMENT OF ROBERT C. WEAVER

Mr. WEAVER. Thank you, Mr. Chairman.

I want to say that I consider this a great privilege to be considered for this important job and that I come to it with a feeling that there is in it an opportunity to do something which I think anyone, who, as I have, has been working in the field of housing would consider the greatest opportunity in that field.

I want to say also that my own concept of this particular job is one first of increasing the supply of housing so that this important industry can take its place and make the maximum contribution that it should and must make to the healthy economy which we all expect to have. In the process of doing this, it seems to me that it would be necessary to be concerned with meeting the unmet needs in the housing field. I think particularly of the elderly, of those people who look to cooperatives as a source of housing, to those who are now in the income groups which are not being served, and, of course, of those who are displaced by the various public improvement programs which are carried on. As an economist, however, I feel very strongly that whatever may be done here must be done with the maximum participation and cooperation on the part of the private industry sector, because this is absolutely necessary since it is impossible for government to do this job without that type of cooperation.

Finally, it seems to be that when we talk of housing we are talking of more than simply shelter. We are talking of cities, we are talking of transportation, we are talking of the various facilities that make up the communities in which we live. And of course we are also talking of people. Here it seems to me that the human elements in housing are after all the most important, because housing is people.

Thank you very much.

The CHAIRMAN. We thank you, and the committee will stand in recess until 2:30.

(Whereupon, at 12:20 p.m., the committee recessed, to reconvene at 2:30 p.m.)

AFTERNOON SESSION

(The committee reconvened at 2:30 p.m.)

The CHAIRMAN. The committee will please come to order.

STATEMENT OF ROBERT C. WEAVER—Resumed

The CHAIRMAN. The Chair recognizes the Senator from Alabama, Mr. Sparkman.

Senator SPARKMAN. Doctor, I want to ask you several questions. I am chairman, as you know, of the Housing Subcommittee, and I am interested in housing and housing programs.

First let me ask you: You are familiar with the housing policy stated in the Housing Act of 1949, are you not?

Mr. WEAVER. Yes.

Senator SPARKMAN. Do you subscribe fully to that policy?

Mr. WEAVER. I do, Senator.

Senator SPARKMAN. To my way of thinking, the key expression in that policy is "A decent home and a suitable living environment for every American family." Do you believe in working toward that goal?

Mr. WEAVER. I do, sir.

Senator SPARKMAN. You will recall that different ways are spelled out in the act of attaining that goal. Things that Congress seeks to do and things that private enterprise is to be called upon to do.

Mr. WEAVER. Yes.

Senator SPARKMAN. You believe in that kind of a program?

Mr. WEAVER. I do, sir.

Senator SPARKMAN. You recognize when we speak of "housing," we do so in the general sense—as being a many-faceted program?

Mr. WEAVER. Yes, sir.

Senator SPARKMAN. Do you subscribe to all of the programs that are included in the overall housing program as we speak of it generally?

Mr. WEAVER. I do.

Senator SPARKMAN. And as Administrator of the HHFA you would have jurisdiction over all the different phases of the program, would you not?

Mr. WEAVER. In varying degrees; yes, sir.

Senator SPARKMAN. That includes urban renewal and community facilities and slum clearance. All of those different phases that you mentioned yourself this morning in your original statement?

Mr. WEAVER. Yes, Senator.

Senator SPARKMAN. And you believe in a well-rounded housing program. You do not see it as just one particular program or the other?

Mr. WEAVER. I agree completely.

Senator SPARKMAN. You believe in a good strong FHA program for the private enterprise part of it?

Mr. WEAVER. As an absolute necessity to the program, sir.

Senator SPARKMAN. Do you believe in encouraging home ownership?

Mr. WEAVER. Yes.

Senator SPARKMAN. Do you recognize also the necessity for rental units; a program that will insure adequate rental units in areas in which they are needed?

Mr. WEAVER. Definitely, sir.

Senator SPARKMAN. Do you believe in public housing?

Mr. WEAVER. I do.

Senator SPARKMAN. Do you believe in college housing?

Mr. WEAVER. I do.

Senator SPARKMAN. Do you believe in the nursing home program?

Mr. WEAVER. I do.

Senator SPARKMAN. Do you believe in farm housing?

Mr. WEAVER. I do.

Senator SPARKMAN. Veterans' housing?

Mr. WEAVER. I do.

Senator SPARKMAN. The different veterans' programs?

Mr. WEAVER. I do.

Senator SPARKMAN. Housing for the elderly?

Mr. WEAVER. Definitely.

Senator SPARKMAN. The different programs that we have for that?

Mr. WEAVER. Yes.

Senator SPARKMAN. And the other types, section 220, section 221, section 213—cooperatives—all of those?

Mr. WEAVER. Very definitely, sir.

Senator SPARKMAN. Do you believe in the home improvement program under FHA, title I?

Mr. WEAVER. I do.

Senator SPARKMAN. You will have under you different heads of the constituent agencies, will you not?

Mr. WEAVER. Yes, sir.

Senator SPARKMAN. Do you recognize the necessity of working in a spirit of cooperation in order to achieve the best-rounded program that is achievable?

Mr. WEAVER. I think it is absolutely necessary.

Senator SPARKMAN. Doctor, I want to ask you some questions that I think ought to be asked for the record. I am not asking them to embarrass you or to be hurtful. In fact, they may be helpful because it gives you an opportunity to explain something.

That is with reference to the rent control program in the State of New York.

What office did you hold?

Mr. WEAVER. I was the State rent administrator.

Senator SPARKMAN. State rent administrator?

Mr. WEAVER. Yes.

Senator SPARKMAN. I have seen a series of reports made by the New York State Temporary Commission To Study Rents and Rental Conditions. Let me say I know nothing about the party affiliation of any of the commission members. I notice there was a division, so probably I might be able to guess party affiliation, but I am not at all certain that that is true.

But I do notice in this report some rather critical remarks in regard to your administration of the rent program.

I have noted some of those, and, if I may, I would like to take them up.

I refer now to Document No. 45, the report made in 1959. You are familiar with that?

You are still the head of that office?

Mr. WEAVER. No; I left there in January of 1959.

Senator SPARKMAN. January of 1959?

Mr. WEAVER. Yes. With the new administration they had a new rent administrator.

Senator SPARKMAN. Would you like to have a copy to refer to as we go along?

Mr. WEAVER. Yes: I would appreciate it.

Senator SPARKMAN. I do not think I will ask to put the whole report in the record because there are several of them. It is rather long. I have extracted some excerpts that I think will serve the purpose.

I will say this, Mr. Chairman. I think it would be well to have a copy of the report filed with the committee and made a part of our files.

The CHAIRMAN. Without objection, a copy of this report on which the nominee is now to be examined will be filed for the information of the committee. The Senator from Alabama will now proceed to ask the witness some questions about criticisms of his administration referred to in this report.

Senator SPARKMAN. On page 26 is a list of the members of the Commission. At least those who signed the report.

Apparently there was no minority report to this, was there?

Mr. WEAVER. There was a minority report. I do not believe it was ever published by the majority, however.

Senator SPARKMAN. I see. At least it is not bound with this.

I notice the chairman is Joseph F. Carlino.

Mr. WEAVER. He is now the Speaker of the Assembly in New York State.

Senator SPARKMAN. Speaker of the New York State Assembly?

Mr. WEAVER. He was not at this time, but he is now. He was then the majority leader, sir.

Senator SPARKMAN. He is an assemblyman?

Mr. WEAVER. Yes, sir.

Senator SPARKMAN. And was at that time?

Mr. WEAVER. Yes.

Senator SPARKMAN. He was the chairman all the way through the life of the commission, was he not?

Mr. WEAVER. He was the chairman of the Temporary Committee To Study Rents and Rental Conditions. This was a committee set up by the legislature which met annually and more or less operated as a committee in the Congress would operate as far as legislation is concerned.

They held hearings, and they reported out a bill. This was their function.

He was chairman of it during the whole time I was State rent administrator.

Senator SPARKMAN. I notice the other signers of the report were: Senator Daniel G. Albert.

Mr. WEAVER. Yes.

Senator SPARKMAN. Senator E. Ogden Bush, Senator George W. Cornell, Senator Ernest I. Hatfield, Mr. Joseph D. McGoldrick, Assemblyman Charles T. Eckstein.

What was Mr. McGoldrick?

Mr. WEAVER. Mr. McGoldrick was the first State rent administrator; under the Dewey administration. He was succeeded by Charles Abrams, and then I succeeded Mr. Abrams.

Senator SPARKMAN. This was a mixed committee then? It was a commission made up of members of both houses of the legislature and others?

Mr. WEAVER. This commission was made up of members of both parties of both branches of the legislature, and three public members who were usually the past and the present rent administrators.

Senator SPARKMAN. All right. I notice the name of Assemblyman Charles A. Schoeneck, Jr.

Mr. WEAVER. Yes.

Senator JAVITS. If the Senator would yield to me, Mr. Schoeneck was formerly the majority leader of the assembly and in the last election was not reelected.

Senator SPARKMAN. And Mr. Arnold E. Fallon.

Mr. WEAVER. He was a public member. He was the other public member in addition to Mr. McGoldrick.

Senator SPARKMAN. Yes. I notice in one of these reports there was a minority report that was printed. It was signed by half a dozen members, as I recall, and I noticed your name. Were you a member of the commission?

Mr. WEAVER. Yes, sir; I was.

Senator SPARKMAN. And Mr. Charles Abrams.

Mr. WEAVER. Yes. Actually what happened, Senator, is that rent control in New York, as you can well imagine, was quite a political issue, especially each election year. And invariably——

Senator SPARKMAN. I remember when we had Federal rent control.

Mr. WEAVER. Invariably there were two reports, the majority reports which were signed by the Republicans and the minority reports which were signed by the Democrats. This is no exception.

Senator CLARK. Will the Senator yield?

Senator SPARKMAN. Let me follow it just a little further if I may. Did they divide exactly according to party?

Mr. WEAVER. I have never known any instance where they did not, sir.

Senator SPARKMAN. Here is a report in which they divided—No. 73 in the 1955 legislature—12 signed the majority report, and 6 signed the minority report.

Mr. WEAVER. Yes.

Senator SPARKMAN. I do not find your name.

Mr. WEAVER. I was not then State rent administrator.

Senator SPARKMAN. I noticed the name of Mr. Charles Abrams.

Mr. WEAVER. He was then State rent administrator.

Senator SPARKMAN. He was the rent administrator?

Mr. WEAVER. Yes, the first rent administrator under the Harriman administration.

Senator SPARKMAN. I would like to read some of the findings of this rent commission and let you explain or state your viewpoint on them.

I understand now we have it in the framework that it was highly partisan. Is that right?

Mr. WEAVER. Yes, sir. If you reverse the years, the Democratic report read, where the Democrats were in the minority, as the Republican report read when the Republicans were in the minority as far as the governorship was concerned.

Senator CLARK. Would the Senator mind establishing the fact——

The CHAIRMAN. The chair rules——

Senator CLARK. That this was a commission appointed by Gov. Nelson A. Rockefeller?

Senator SPARKMAN. I will ask that question without yielding.

The chairman suggests that in order to expedite action we not yield.

The CHAIRMAN. Rotate the privilege of examination. Otherwise, one man will take the floor all the rest of the afternoon.

Senator SPARKMAN. As I understand, the commission was not set up by the Governor but by the legislature itself.

Mr. WEAVER. That is right.

Senator SPARKMAN. Then when you say the "administration" was Democratic or Republican, you really mean the legislature was Democratic or Republican?

Mr. WEAVER. No, sir, because the State rent administrator is an appointee of the Governor.

Senator SPARKMAN. Appointed by the Governor?

Mr. WEAVER. Yes, sir.

Senator SPARKMAN. And you were appointed by Governor Harriman?

Mr. WEAVER. I was, and so was Mr. Abrams.

Senator SPARKMAN. And Mr. Abrams?

Mr. WEAVER. Mr. McGoldrick was appointed by Governor Dewey.

Senator SPARKMAN. And are the Democrats going after the rent administrator now? Who is he?

Mr. WEAVER. Mr. Herman.

Senator SPARKMAN. Are the Democrats going after him?

Mr. WEAVER. The report has not been written, but I would give a good prophecy this would happen.

Senator SPARKMAN. That sounds realistic.

In the 1959 report I find the following statement:

A new State administration has pledged its undivided support to a renewed effort to bring order out of the chaos and distortions of the administration of residential rent control which have accumulated during the past 4 years.

That was during the time that you were rent administrator.

And then the report goes on:

During the period of time elapsed between 1954 and the end of 1958 a policy of—

Is that the term you held? 1954 to the end of 1958?

Mr. WEAVER. No; I shared that.

Senator SPARKMAN. Oh, you shared that?

Mr. WEAVER. With Mr. Abrams.

Senator SPARKMAN. I quote further:

During that time a policy of administering housing rent controls evolved which was manifestly unfair to both tenants and landlords. That policy was evidenced by the deliberate promulgation of a myriad of confusing regulations.

That was during the period you were there at least part of the time?

Mr. WEAVER. Yes, sir.

Senator SPARKMAN. Half of that time? Is that right?

Mr. WEAVER. Yes, sir. This refers definitely to part of my administration.

Senator SPARKMAN. As a matter of fact, may I say that I notice in the report several different times in footnotes, in about 25 different cases that they set forth, they refer to "Weaver" as a defendant in these court cases. You were that Weaver I presume?

Mr. WEAVER. Yes, sir. I have been in a thousand court cases in the last few years—due to rent control may I add.

Senator SPARKMAN. In effect, the report goes on to say:

Many such regulations were struck down by the courts as arbitrary and unreasonable.

Mr. WEAVER. As you know, sir, this is the only basis that they can be struck down—as capricious and arbitrary. This is our law.

Senator SPARKMAN. Did they not also hold that you made regulations without legal foundation for them?

Mr. WEAVER. Well, this, of course, was the charge whenever there was litigation, and I think our record of litigation was something about 95 percent being upheld, about 3 percent being not settled, and about 2 percent being held arbitrary and capricious.

Senator SPARKMAN. You attribute then the frequent use of this language by the judges in various cases—"capricious, unreasonable, illegal, and arbitrary"—to the fact that those were the requirements laid down in law, or, rather, those were the inhibitions laid down in the law?

Mr. WEAVER. Yes, Senator. Under New York State law the only way that a decision of the State rent administrator can be set aside by the supreme court, which is the court of jurisdiction, is for the court to find that they are arbitrary and capricious.

So this is standard language. If it is not upheld it has got to be arbitrary and capricious.

Senator SPARKMAN. Was there difficulty in administering rent control as between areas of the State or between types of tenants, or just what was the particular difficulty?

Mr. WEAVER. Practically all of the litigation referred to New York City, because when I was State rent administrator we had about 2,300,000 dwelling units under rent control. Of those 1,800,000-odd were in New York City.

So here you had the greatest concentration.

Also, rent control in upstate New York was largely in areas with single-unit dwellings which were exempt from rent control, so that rent control was never as stringent upstate as it was in New York City.

Senator SPARKMAN. Dr. Weaver, about how many housing units do you think we need to build a year in order to meet our requirements in this country?

Mr. WEAVER. This is very difficult to say, Senator.

Senator SPARKMAN. I realize it is, and you notice I said "about how many."

Mr. WEAVER. I would put it in general terms and not statistical. I would say a whole lot more than we are now building.

Senator SPARKMAN. A whole lot more than we are now building?

Mr. WEAVER. Yes, sir.

Senator SPARKMAN. This year we are building about 1,200,000 private housing units. That is under the new method of calculating, is it not? There would have been probably a little less than a million under the old method of calculating.

I think I may say the new system is more accurate.

... actually did build about 1,200,000 units last year. You think we need to build more than that?

Mr. WEAVER. Decidedly more. I would not like to put a figure on it, however, because if it were not achieved I might be very much embarrassed were I to be confirmed.

Senator SPARKMAN. We had a little difficulty last year trying to set up goals in this committee, as I recall, trying to decide how many we ought to build.

Doctor, you have been rather outspoken in your views. You have been frank and forthright in them in the discussions that you have had and the articles that you have written and the books that you have written, with reference to your belief in "open occupancy."

By that do you mean that in your opinion federally assisted housing should be integrated; that segregated housing should not be allowed?

Mr. WEAVER. I mean by that that every citizen, it seems to me, should have equal access to housing which enjoys Federal benefits, and no citizen should be denied those benefits solely because of race, creed, or color.

I do not think you can legislate integration or segregation, because these situations result from not only the law, which gives you the basis upon which you operate, but the way people behave. And this I do not think the law can determine.

But it can give people equal opportunity, and that is what I am concerned with.

Senator SPARKMAN. The thing that concerns me is whether or not that would entail writing into a contract, for instance with a public housing authority, a requirement that it be open occupancy in order for that housing authority to get the necessary assistance to proceed.

Mr. WEAVER. I think the answer to that is something that cannot yet be determined. It seems to me the matter of policy here is a matter which will be determined by the Congress through legislation or will be determined by the President through any action that he may take.

The form that any such action would take would be determined by one of those two sources.

Senator SPARKMAN. You would not regard it within your jurisdiction to set up such a determination?

Mr. WEAVER. I think that if it were done as a matter of administration and an executive matter that it would certainly have to be a determination made by the President.

Senator SPARKMAN. In other words, you say that the only way it could be done would be either by legislation from Congress or by directive from the President himself?

Mr. WEAVER. I do not know whether that is the only way it could be done. It seems to me the only way it should be done.

Senator SPARKMAN. Well, "should be done." I will change my statement to "should be done."

Mr. WEAVER. Yes, definitely.

Senator SPARKMAN. And that would be your policy if you were confirmed as the Administrative of HHFA?

Mr. WEAVER. Definitely.

Senator SPARKMAN. Doctor, you are familiar with the progress that has been made in this regard, particularly in Southern States. I refer to that because that is where this is a problem more than it is in any other part of the country. But there has been progress in housing for all of its citizens, regardless of color, and particularly tremendous progress has been made in providing decent housing for colored citizens, you are aware of that, are you not?

Mr. WEAVER. I am, sir.

Senator SPARKMAN. Do you agree with me that there has been great progress?

Mr. WEAVER. I would say "great." I do not know whether I would say "tremendous," Senator, but I would say "great."

Senator SPARKMAN. I thought I used the term "great."

When you say it has not been tremendous, you mean it has not been as great as it needs to be?

Mr. WEAVER. Yes.

Senator SPARKMAN. Is it not true that the States of Georgia, Texas, Alabama, and Tennessee lead in both fields, both in public housing—the number of projects, not the number of units—and also in urban renewal projects?

Mr. WEAVER. They are the leading States.

Senator SPARKMAN. They are the leading States? And do you know how the division there has been as between white and colored?

Mr. WEAVER. Yes. I know that in public housing the majority of the units have been for colored occupancy.

Senator SPARKMAN. I will say, Doctor, the thing that I am disturbed about—and you and I have talked together very frankly, and I told you this then—is that something may be done that will stop this great housing program that we have going in this country, and I think it is a great program.

It has been going ever since 1949, with the changes that have been made since that time, changes that are made year by year.

Back in 1949, when we had up the original Housing Act of 1949, this question came up in the Senate. There was an amendment offered to the act that we were considering, an amendment by Senator Bricker of Ohio.

Have you read those debates, by the way?

Mr. WEAVER. Yes, sir. I read them at the time. Not recently, but I read them at the time.

Senator SPARKMAN. You will recall that the Senate took a very practical viewpoint on this—that if that amendment should go in it would mean the killing of the housing program. This was on the enactment of the program originally.

The one who led the fight against that amendment was my esteemed friend on the left here, Senator Douglas, and he was quite realistic.

In fact, if it would not consume the time of the committee, I would read some of the things——

Senator DOUGLAS. Go ahead.

Senator SPARKMAN. I was going to say it would take too much time.

Senator DOUGLAS. Since the issue has been raised, I would appreciate it if you would. If you do not, I will.

Senator SPARKMAN. I will certainly offer them for the record.

Senator DOUGLAS. No; please read them now.

Senator SPARKMAN. All right.

Senator DOUGLAS. If you do not read the appropriate passages, I will select them.

Senator SPARKMAN. I will. I quote:

Mr. DOUGLAS. What would happen if we voted for and hence adopted the Bricker amendment? The answer is very simple. It would inevitably defeat the whole housing bill itself. I think every Member present in this Chamber knows that to be a fact, and knows why it is so. But it needs to be made plain to the people of the country.

In the first place, it would compel virtually all of the some 30 southern and border State Senators to vote against the housing bill as a whole, once this amendment were included in it.

I said we took a realistic approach, and we did, and we might as well be realistic now.

We know that ordinarily we are able to get public housing through the Senate, but in the House we know that the margin is very, very close.

In fact, Congressman Rains, the chairman of the Housing Subcommittee, told me a few days ago that his margin there now was five votes.

There are a good many southern Members who vote for public housing——

Senator DOUGLAS. Let it be recognized that the southern Senators and Congressmen have a great deal of political weight in the Congress of the United States.

Senator SPARKMAN. I am not arguing about that. I am just talking about votes.

Senator DOUGLAS. All right.

Senator SPARKMAN. And particularly in the House.

And so Senator Douglas was being quite realistic.

I am not reading this in any effort to rib him at all.

Senator DOUGLAS. Oh, no.

Senator SPARKMAN. I know his viewpoint quite well. And I think he acted as a statesman that day. **He did a wonderful job and defeated the amendment.**

Senator DOUGLAS. I got the housing bill through.

Senator SPARKMAN. That is right.

Senator DOUGLAS. It gave me some uneasy moments afterward.

Senator SPARKMAN. He says, talking about the southern Members:

Many of them would do this with a heavy heart, for they believe in this bill and want to see it passed. But their sentiments and those of the people whom they represent are so intense on this question that if the choice is presented between added housing with the abolition of segregation in the housing projects of the South and no housing at all, they will choose no housing.

We may deplore their feelings, as I personally do, but let us judge not, lest we ourselves be judged.

Let me emphasize the fact that from all I can learn, a large majority of the southern Senators are in favor of the bill in the present form without the Bricker amendment. The senior Senator from Louisiana, Mr. Ellender, has for years been one of the leading sponsors of this bill.

In the present session perhaps its two most vigorous and intelligent champions have been the distinguished Senator from South Carolina, Mr. Maybank, and the distinguished junior Senator from Alabama, Mr. Sparkman.

Thank you.

As a humble member of the Banking and Currency Committee with those Senators I want to pay tribute to the devotion and public spirit with which they have fought for this measure.

If the Bricker amendment is not included, they and a large majority of their southern and border colleagues will vote for the measure, and enable it with northern and western help to pass. But if the Bricker amendment is adopted, then all of them will move to the opposition.

Then there were some questions and answers, and finally he said this:

We, therefore, have the choice of voting for the Bricker amendment prohibiting segregation in public housing everywhere and thereby killing the whole program or voting it down, enabling the act to be passed, the slums to be cleared, and the 810,000 dwellings to be constructed, and then let the localities themselves decide this question of segregation in public housing.

Later on he said:

Personally I do not believe in segregation; but I also know that the Southern States are firmly committed to that principle, and I do not want at this time to disrupt the United States of America, during a period of grave national crisis, when we are being threatened by the police state, in order to force upon them what I believe to be correct.

I could go on and read other excerpts.

Senator DOUGLAS. Pretty good. Go ahead.

Senator SPARKMAN. It is one of the finest arguments I ever heard the Senator from Illinois make and one of the most effective may I say. He carried the day.

Let me point out that of the approximately 140,000 units constructed by the Federal Housing Authority, I believe exclusive of those originally built by the Public Works, 46,000 are now occupied by Negroes, or one-third of the total, despite the fact that Negroes form one-tenth of the population; and in virtually every southern city that I know of dwellings have been constructed for Negroes.

And then later he said:

Then, Mr. President, I would reply to the distinguished Senator from Minnesota that I do know of that statement—

Senator Humphrey had asked him if he knew of a statement that had been made by the National Council of Negro Women—

which has been issued by the National Council of Negro Women under date of April 12. The president of that organization is Mrs. Mary McLeod Bethune, certainly one of the leading Negro women of the country. Mrs. Bethune says their organization is opposed to the so-called Bricker amendment because they believe it would kill the housing program.

Senator Douglas called attention to the telegrams that had been received from other organizations opposing this.

Let me read a little something here if I may.

I find that Senator Douglas yielded to the Senator from Alabama, and I said this:

The question has been repeatedly put to the Senator from Illinois with reference to the defeat of housing if the Bricker amendment should be adopted, and reference has been made, apparently, to the question of defeating the bill. What I want to ask the Senator from Illinois is this: It is true, is it not, that no housing project is to be imposed upon any city or any local housing authority but it is to be placed there only upon application of the local authority?

Senator Douglas said, "That is correct."

And then I asked further:

Is it not merely good practical sense, which we might as well recognize right here that if the bill should pass and become law with an antisegregation amendment in it, no city or town in Southern States, where segregation is the custom and tradition, and, in most of those States a part of the law, would have any housing project applied for; and is it not also a fact that the South is the place in which the Negroes most need housing?

Then I want to read this delightful statement by the Senator from Illinois:

The Senator from Alabama, as always, states the case accurately and with precision.

Senator DOUGLAS. I would amend that. "Almost always."

Senator SPARKMAN. Then I said:

It is not true, then, that for all practical purposes, public housing, certainly so far as the Negro is concerned, would be defeated, bill or no bill, law or no law?

Senator Douglas said, "That is correct."

Senator DOUGLAS. Mr. Chairman, may I ask leave to have certain other passages explaining my views in greater detail put in the record.

The CHAIRMAN. The Senator will be recognized. He can put in what he pleases.

Senator SPARKMAN. Mr. Chairman, I should like to include in the record the following. I will not take time of the committee to read it. But in 1954 when Senator Capehart was chairman of the committee, when the Housing Act of 1954 was before us for consideration, Senator Maybank, who had been chairman and who was the ranking minority member at that time, made a brief statement to be found in the Congressional Record on page 7618 of June 3, 1954.

I shall not take the time to read it, but I am going to ask that his statement may be printed in the hearings.

The CHAIRMAN. Without objection, so ordered.

(The material referred to follows:)

[Congressional Record, June 3, 1954]

Mr. MAYBANK. Mr. President, over the entire span of my political life I have found a source of satisfaction in leading a continuous fight for improved housing standards for low income groups. Never have I drawn a color line in the extension of housing benefits. Never have I endorsed or supported any program which would extend housing benefits to one race while denying equal benefits to another. The decision on occupancy has been, in the past, the concern of local authority. This was proper. This is proper.

On May 24, 1954, the U.S. Supreme Court denied a petition for a writ of certiorari in the case of Housing Authority of the City and County of San Francisco against Banks. This action leaves in effect the lower court's decision that segregation in a public housing project by municipal ordinance is an infraction of the 14th amendment. In view of this action on the part of our highest tribunal, it is necessary for me to reappraise my position on our public housing program.

The right to establish and maintain separate facilities for the use of the white and colored races has been upheld on many occasions by the various courts. In numerous cases the U.S. Supreme Court has enunciated the principle that it is not an infraction of the 14th amendment for a State to require separate but equal accommodations for the two races. Similar verdicts among lower Federal courts are legion.

In the case of the legislative branch, the Congress also has expressed its understanding that occupancy of public housing projects should be the concern of local authorities. Efforts have been made in the past to introduce a concept different than this through legislative action. Antisegregation amendments to housing bills have been rejectd on several occasions by a majority of the members of the Senate Committee on Banking and Currency. On April 21, 1949, an antisegregation amendment to the Housing Act of 1949 was brought to a vote in the Senate. It was recognized that such an amendment would make the public housing program inoperative, and on a rollcall vote the amendment was rejected 46 to 32.

On the basis of what appeared to be an understanding on the part of the legislative, the judicial, and the executive branches of the Government that occupancy was and should be handled by local authorities, according to local custom and tradition, I continued my wholehearted support of public housing.

Many important and far-reaching decisions have been written with regard to alleged infractions of the 14th amendment. No such decisions have brought the issue into clearer focus than these words from the oft-cited *Plessy* case:

"To this we may add that, when 17 States and the Congress of the United States have for more than three-quarters of a century required segregation of the races in the public schools, and when this has received the approval of the leading appellate courts of the country, including the unanimous approval of the Supreme Court of the United States (in *Gong Lum* v. *Rice, supra*) at a time when that Court included Chief Justice Taft and Justices Stone, Holmes, and Brandeis, it is a late day to say that such segregation is violative of fundamental constitutional rights."

For generations the Court ruled otherwise than it ruled in the recent decision, and the previous ruling was concurred in by such men as Chief Justice Taft; Mr. Justice Stone, later the Chief Justice; Mr. Justice Holmes, one of America's greatest jurists; and the brilliant Justice Brandeis. But, Mr. President, we now have a new Supreme Court.

I continue to quote from the *Plessy* case:

"It is hardly reasonable to suppose that legislative bodies over so wide a territory, including the Congress of the United States and great judges of high courts have knowingly defied the Constitution for so long a period or that they have acted in ignorance of the meaning of its provisions. The constitutional principle is the same now that it has been throughout this period; and if conditions have changed so that segregation is no longer wise, this is a matter for the legislatures and not for the courts. The members of the judiciary have no more right to read their ideas of sociology into the Constitution than their ideas of economics" (98 F. Supp. 529, at 537).

These words, in my opinion, are as pertinent today as they were half a century ago.

Now that the Supreme Court has seen fit to reverse an acceptable and workable pattern under which we have lived, worked, and prospered, I am left, in good conscience, with no alternative.

I must oppose my own amendment to the housing law and thereby abandon a fight to which my energies and devotion have been dedicated for a quarter of a century, ever since the first public housing unit was built in my own State, and since the time I was appointed to the Public Works Administration under the Roosevelt administration, when the then Secretary Ickes was in charge of public works.

It will be my purpose to seek and ultimately find a more satisfactory answer to the need for low-rent housing facilities. In the meantime the Supreme Court has brought about the denial of much needed benefits to the people for whom they were primarily intended.

There will be no applications to Mr. Cole from Birmingham, Ala., Atlanta, Ga., Charleston, S.C., New Orleans, La., or Raleigh, N.C., and I doubt if there are going to be any from many other Southern States. I mention only those cities only because they are near my own State.

The fundamental concept of States rights commands more than lipservice from one of my political philosophy. Where Federal aid is attended by coercion and a denial of sovereign rights reserved to the States under the Constitution when the Union was formed, then such aid must be refused and the power of the Federal Government removed in that instance.

This is a difficult period, a period of unprecedented strain, during which the whole fabric of a social order is beset by agitation and litigation.

I pray, with all my heart, Mr. President, that the good people—white and colored alike—who have labored long and earnestly to develop harmonious relations will continue to seek an equitable and just solution to the problem thrust upon them by the present Supreme Court.

Senator SPARKMAN. Dr. Weaver, let me ask you this question. Would it be your purpose to administer the housing laws so as to insure to the best of your ability reasonably steady and widespread good housing throughout the United States?

Mr. WEAVER. Definitely.

Senator SPARKMAN. Without reference as to one area or another?

Mr. WEAVER. If I understand the question, my answer is "Yes." I am not sure I do.

Senator SPARKMAN. I will put it a little more definitely. Would you be in favor of action being taken that would practically negate the housing programs in any particular area?

Mr. WEAVER. May I comment on that, sir? Because I think it is the crux of this issue.

Senator SPARKMAN. I should like you to.

Mr. WEAVER. It seems to me there are several types of approaches to this problem we have been discussing.

There is, first, the approach which articulates civil rights in order to defeat housing.

Secondly, there is the approach which attempts to reconcile a public policy which the times and which I think world conditions require with an effective housing program.

I am concerned with the latter.

Senator SPARKMAN. Mr. Chairman, I think I will desist at this ime. I have used certainly more than my share of time.

When I refer to housing, Doctor, let me say that I do not mean ıst public housing. I mean all housing. Of course, that includes ollege housing, it includes urban renewal, housing to relocate dis-laced persons, nursing homes, and all of the different types of nousing.

I realize that with the Bricker amendment we were dealing primarily with public housing. But when I put the questions to you that I did, I did not intend to limit myself to public housing, but to all of the various programs that come under what we call housing.

You understand that?

Mr. WEAVER. I understood that, Senator.

Senator SPARKMAN. I should like to place in the record a memorandum on the Housing and Home Finance Administrator entitled: "Extent of Power of Housing and Home Finance Administrator," and another memorandum regarding the relationship between the office of the Administrator of the Housing and Home Finance Agency and the constitutent agencies.

The CHAIRMAN. Without objection, that will be included.

EXTENT OF POWER OF HOUSING AND HOME FINANCE ADMINISTRATOR

SUMMARY

The Housing and Home Finance Administrator has authority of general supervision and coordination of the constituent agencies of HHFA. This authority is given him under Reorganization Plan No. 3 of 1947. It should be noted that the authority to supervise and coordinate does not include the power to direct and to control. This was established very clearly in the hearings on the bill, the subsequent committee report and congressional senatorial debate.

Nor does the independent offices appropriation bill of 1955 enlarge the Administrator's power except insofar as it gives him authority to "reorganize and make whatever changes, including the reallocation and transfer of administrative expense funds and authority where applicable, *necessary to promote economy, efficiency, and fidelity* in the operations of the Housing and Home Finance Agency"[1] Discussion in hearings on the independent offices appropriations bill of 1955 between Senator Saltonstall and Mr. Cole, Administrator of the Housing and Home Finance Agency, and the lack of language in the Senate report specifically stating an intention to enlarge the Administrator's power, indicate clearly that the Administrator and all others concerned did not believe the language of the bill was to extend the power of the Administrator beyond his authority to coordinate and supervise.

PART I. EXTENT OF POWER OF HOUSING AND HOME FINANCE ADMINISTRATOR

Senate Committee on Banking and Currency report regarding reorganization Plan No. 3 of 1947. Mr. Flanders for the committee:

"Comparison with Reorganization Plan No. 1 of 1946

"In reporting favorably on the Housing Reorganization Plan of 1947, this committee has acted in full recognition of the rejection by the 79th Congress of Reorganization Plan No. 1 of 1946. The present plan differs in essential respects. These differences go to the very heart of the reasons for the rejection of the 1946 plan, and in the opinion of the committee, satisfactorily meet the objections that were raised with respect to that plan.

"First, the 1946 plan vested undue powers in the Administrator. It provided that the administration of the functions vested in the heads of the constituent agencies should be 'subject to the authority of the Administrator.' That authority was stated to be 'general superintendence, direction, coordination, and control of the affairs' of the overall agency and its constituent units.

"In distinct contrast with these provisions of last year (and also with the provisions of Executive Order 9070 under which the constituent units of the present National Housing Agency are administered under 'direction' as well as 'supervision'), the powers of the Housing and Home Finance Administrator under the 1947 plan approved by your committee are those of 'general supervision and coordination of the functions of the constituent agencies.'

"The constituent agencies under the 1947 plan would have the same status in and relation to the Housing and Home Finance Administrator as they had, prior to the establishment of the National Housing Agency, to the Federal Loan and Federal Works Agencies, respectively, and the Administrators thereof. Operations under these previously existing supervisory and coordinating powers prior to the temporary consolidation of the agencies and functions into the National Housing Agency demonstrated clearly that the powers of the various agencies were adequately safeguarded.

"Second, the 1946 plan transferred permanent housing functions and activities affected by it to the Housing and Home Finance Agency as such or to the Housing and Home Finance Administrator as such. The 1947 plan, on the other hand, transfers such permanent functions and activities directly to the constituent agencies, thus assuring that they will retain their essential individual identity and have full operating responsibility for the functions and activities relating to housing which have been vested in them by the Congress" (S. Rept. 402, 80th Cong., 1st sess., pp. 4, 5).

EXCERPTS FROM SENATE DEBATE ON REORGANIZATION PLAN NO. 3, JULY 22, 1947

"Mr. ELLENDER. * * *

"It will be recalled that last year the President sent to Congress a reorganization plan which, in effect, made the National Housing Agency a permanent agency. Under that plan, which was voted down by the Senate, the Administrator was clothed with full power of direction and control of the entire setup which now is under the National Housing Agency. Not only was he empowered

[1] Italic added.

to control and supervise, but he could tell the Administrators of those various agencies what to do.

"The plan was strenuously objected to by many Members of the Congress. The plan was also opposed, although not openly, by some of the heads of the constituent agencies named above. The plan placed too much power in one person. The plan had the effect of giving complete control to an Administration over all the housing agencies now created by law.

"The reorganization plan now before us is much milder. It simply gives to the Administrator general supervision and coordination of the various housing agencies now under the control of the National Housing Agency. The commissioners of each of the constituent agencies will have the same power that they had prior to the issuance of the Executive order which the President issued in 1942. In the case of the Federal home loan bank, a board of three is created. I feel that unless this plan is adopted the whole housing function of the Government will revert to the confusion which existed prior to 1942."

* * * * * * *

"As I indicated awhile ago, let us bear in mind that the Administrator, under Reorganization Plan No. 3, would not have as much power as the Administrator of the National Housing Authority now has.

"As I indicated awhile ago, the Administrator of the National Housing Agency, the agency which now has charge of all housing, has the direction and the control of all these various agencies. In other words, he is the big boss, and he can tell the administrators under him what to do. But Reorganization Plan No. 3, as I have said, merely gives him the authority to supervise generally the work of all the various agencies, and to coordinate their efforts. Each of the constituent agencies retains such power as it now has under the law. That is about the sum and substance of what Reorganization Plan No. 3 does" (Congressional Record, 80th Cong., 1st sess., p. 9651, July 22, 1947).

"Mr. BARKLEY. * * *

"Another objection is raised to the plan on the ground that it places arbitrary control in the hands of the proposed Administrator under the reorganization plan. Some of us recall the reorganization plan which came before us in 1946, and which was rejected by the Congress. That plan proposed to give to the Administrator specific power to supervise, direct, and control. I think those were the precise words. The Senator from Vermont, Mr. Flanders, will correct me if I am mistaken. I am speaking from memory.

"Mr. FLANDERS. Those are the words.

"Mr. BARKLEY. The words were 'supervise, direct, and control.' Largely because of the power proposed to be lodged in the hands of the Administrator, Congress, not being willing to go that far, rejected the plan.

"Having in mind the previous action of Congress, the President has not followed that course in connection with the present reorganization plan. The Administration is authorized to have general supervision of policy and to coordinate, by which I presume it is meant that he is to bring the various agencies into closer relationship. But they are still left independent in their respective fields, insofar as independence may be necessary, in order that they may function economically and efficiently in the field which they occupy. Certainly there can be no valid objection, as I see it, to the coordination of the functions of all these agencies which are taken under one roof with respect to housing. * * *

"So, Mr. President, there is no fear on my part, and I do not think there is or ought to be any valid fear on the part of anyone that this plan would set up a sort of housing dictatorship, an arbitrary czar over the housing agencies established by the U.S. Government, whether they are in any way related to the private construction of homes, to the lending of money, or to the guarantee of money loaned by private institutions to home owners and home builders," (Congressional Record, 80th Cong., 1st sess., p. 9664, July 22, 1947).

"Mr. MYERS. * * *

"* * * Under this plan (Reorganization Plan No. 3) these agencies would continue to exercise full responsibility for their day-to-day operations. But there would also be adequate machinery, through the Administrator of the House and Home Finance Agency, for general supervision and coordination of their functions. In short, this plan would make possible a balanced housing program, without overlapping or duplication and without interagency bickering

and disputes" (Congressional Record, 80th Cong., 1st sess., p. 9665, July 22, 1947).

"Mr. TAFT. * * *

"Last year I opposed the plan because after we had struggled over certain words, and used the words in our bill 'supervise and coordinate the administration,' without consulting anybody, it was proposed to bestow power on the new Administrator to direct and, in substance, to substitute himself for the man who headed the three lower agencies. That has been corrected; and he is now to have the same functions which were proposed by the original committee and the power to supervise and coordinate the various agencies of the Federal Government" (Congressional Record, 80th Cong., 1st sess., p. 9667, July 22, 1947).

Mr. Taft in these comments appears particularly concerned with the provisions stating that the National Housing Administrator shall have "general superintendence, direction, coordination, and control of the affairs of the National Housing Agency and its constituent units."

It may be added that whereas Mr. Taft opposed Reorganization Plan No. 1 in 1946 he supported Reorganization Plan No. 3 in 1947:

"Mr. TAFT. Mr. President, I wish to speak briefly with regard to plan No. 1, relating to the National Housing Agency. That plan consolidates permanently in one National Housing Agency all the various housing activities of the Government.

"The Wagner-Ellender-Taft bill, Senate bill 1592, was passed by the Senate on April 15, and in that bill the various housing activities of the Government were consolidated in a single national agency. But the two plans are very different. I think that in itself is of some significance. The Senate of the United States deliberately goes about the consolidation of the housing activities in a National Housing Agency. Our subcommittee spent nearly a year in dealing with that problem. There were all sorts of groups.

"This is the problem. There are three main constituent units dealing with housing. There is the Federal Public Housing Authority which builds public housing. There is the Federal Housing Agency, which insures mortgages for individuals on private homes, new homes, and it has been a very important factor in developing the construction of homes by private agencies and private individuals. There is, third, the Federal Home Loan Bank Administration, which was formerly a board. That bank system finances building and loan associations, which in turn lend money to people so that they may build houses.

"The last two agencies are concerned with private building. The Federal Public Housing Authority is concerned with public housing, and there is an intense feeling in the different groups as between public and private housing. I think that feeling is unjustified. As I explained to the Senate heretofore, I think that of our total housing program about 90 percent should certainly be private housing, and there is a place and necessity for a public-housing program, to cover perhaps 10 percent, to take care of low-rent housing.

"Nevertheless, to consolidate these under one man creates the fear on the part of one group that they will be dominated by the other group. The objection to putting them together was based on the opposition of the FHA, the private builders, the real-estate boards, the building and loan associations, and the savings and loan associations, who had the fear that if they were consolidated the man who dominated the whole thing would be a public-housing man. That was essentially the reason. I do not think that was a sound reason. I thought they should be together, but I felt it was important to maintain the independence and the autonomy of each of the agencies as created by law.

"There is a Federal Housing Commissioner who directs the FHA. There was a Board, now one individual, Mr. Fahey, who directs the Home Loan Bank System, which finances the building and loan associations as the Federal Reserve banks finance the private banks.

"I felt it important that those agencies should be practically autonomous, that the functions should be grouped in one agency so that there would not be an overlapping and conflict, that all conflicts might be settled inside the agency; and that the man at the head should be a coordinator, who should try to smooth out the differences and develop a single and unified Government housing policy.

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[1] Further light on Mr. Taft's comments is provided in his discussion of Reorganization Plan No. 1 in the Congressional Record of July 15, 1946.

"In the Wagner-Ellender-Taft bill we expressly provided for these constituent units, and provided that the National Housing Administration should be responsible only for the general supervision of the Administration and the coordination of the functions.

"Furthermore, we expressly provided in the bill, in section 108, as follows:

"In carrying out the respective responsibilities, functions, powers, and duties, the Administrator and the Commissioner, respectively, may—

* * * * * * *

"Appoint such officers and employees as they may find necessary.

"So that the FHA head would appoint all the employees of the Federal Housing Administration, the man at the head of the Federal Home Loan Bank would appoint all his employees, and the head of the Federal Housing Agency would appoint all his employees.

"So also it was provided that each of them, respectively, should make certain contracts and should make expenditures, and have all the administrative powers which are set forth at length on pages 10 and 11 of the original Wagner-Ellender-Taft bill. In other words, Mr. President, these are three autonomous groups.

"The President now comes along and completely disregards what the Senate has already passed on the subject of housing and sets up a National Housing Administration, in which the National Housing Administrator is made the kingpin. He is to be the Federal Housing Administrator, the head of the Federal Home Loan Bank, the head of the Federal Housing Authority, and he is to have complete power of appointment of all the employees. He could operate all these agencies as he saw fit to operate them, and he would thereby deprive the private agencies completely of their autonomous status, which we very carefully, after long study, worked out in the subcommittee on housing and in the Committee on Banking and Currency and, in great detail and at length, wrote into the Wagner-Ellender-Taft bill.

"Mr. President, it is provided that there shall be these constituent units, and that certain functions shall be performed by the National Housing Administrator or, subject to his authority under the provisions of this plan, through such officers and employees of the National Housing Agency as he shall designate. In other words, it provides for the general superintendence, direction, coordination, and control of the National Housing Agency and its constituent units. It is exactly as if he were the Federal Housing Administrator or the head of the Federal Home Loan Bank. The plan further provides for 'the promulgation of such rules and regulations as the Administrator deems necessary to carry out his responsibilities under the provisions of this plan, and the review and approval, to such extent as he deems necessary, of the rules and regulations made by the Commissioners.'

"The private agencies have been specified even in the provisions of the Wagner-Ellender-Taft bill; but I have said they should all be together, and I have said, 'We will protect your autonomous status. Your people, appointed for your particular purposes, your FHA and your building and loan purposes, shall have complete direction and control of the agencies to which they are appointed to be the heads. Appoint your employees; you have the right to appoint them'" (Congressional Record, 79th Cong., 2d sess., pp. 8986–8987, July 15, 1946).

PART II. PUBLIC LAW 428—INDEPENDENT OFFICES APPROPRIATION ACT

The section of this act which affects the authority of the HHFA Administrator is as follows:

"HOUSING AND HOME FINANCE AGENCY

"Office of the Administrator

"Salaries and expenses: For necessary expenses of the Office of the Administrator, including rent in the District of Columbia; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); not to exceed $169,325 for expenses of travel; expenses of attendance at meetings of organizations concerned with the work of the agency; the salary of a special counsel, but not in addition to staff otherwise authorized, at the salary rate of grade GS–18 so long as such position is occupied by the initial incumbent thereof; and transportation expenses and not to exceed $25 per diem in lieu of subsistence, as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2), for persons serving without compensation as members of any advisory committee established

pursuant to title VI of the Housing Act of 1949; $2,868,500, including additional costs of establishing and operating a central staff for investigation and compliance functions for the Housing and Home Finance Agency, and the Administrator's general supervision and coordination responsibilities under Reorganization Plan Numbered 3 of 1947 shall hereafter carry full authority to assign and reassign functions, to reorganize and to make whatever changes, including the reallocation and transfer of administrative expense funds and authority where applicable, necessary to promote economy, efficiency, and fidelity in the operations of the Housing and Home Finance Agency: * * *"[1]

Discussion on this section of the act pertinent to any intended enlargement of the Administrator's power appears in the hearings before the Senate Appropriations Committee as follows:

"Senator SALTONSTALL. Perhaps that is an appropriate point to ask this: During the life of section 608; title 6 of the Housing Act, which relates to mortgage insurance on large-scale rental housing projects, what control did the Housing Administrator have over the Commissioner of FHA in adopting procedures or safeguards through which currently publicized irregularities might have been avoided?

"Mr. COLE. HHFA was organized by Reorganization Plan No. 3 which was adopted in 1947. That gave the Housing Administrator general supervision and coordinating authority over the constituent agencies. I am advised by the Department of Justice and by counsel that the legal effect of that was general supervision which meant that he had no direction or actual control over the constituent agencies.

"He had advisory and supervisory authority to discuss matters with them."[2]

It is submitted that in the Independent Offices Appropriations Act of 1955 Congress did not intend to increase the authority of the HHFA Administrator except in that the act gives him authority to "reorganize and make whatever changes, including the reallocation and transfer of administrative expense funds and authority where applicable, *necessary to promote economy, efficiency,* and *fidelity* in the operations of the Housing and Home Finance Agency:"[3]

Not only does the discussion of Senator Saltonstall and Mr. Cole in the hearings on this section of the Independent Offices Appropriations Act of 1955 indicate this but this conclusion seems to be substantiated further by a lack of any language in the Senate report indicating an intention to enlarge the Administrator's power. It would seem, therefore, that with the above exception the HHFA Administrator continues to have no authority over the constituent agencies beyond the power to coordinate and to supervise.

LEGAL RELATIONSHIP OF HOUSING ADMINISTRATOR TO HEADS OF CONSTITUENTS OF HOUSING AGENCY

A. GENERAL

The Housing Administrator derives his basic authority as head of the Housing and Home Finance Agency from Reorganization Plan No. 3 of 1947 which created the Agency. The Administrator's relationship to the five major constituents falls into three categories. In the case of the programs of the Urban Renewal Administration and the Community Facilities Administration, the statutory powers are vested in the Administrator and delegated by him to the respective Commissioners of the URA and CFA or to the regional administrators. The Commissioners of the URA and the CFA and the regional administrators are appointed by the Administrator.

The Federal National Mortgage Association falls into a second category because the statutory powers are vested in the association as a corporate entity. However, the Administrator is Chairman of the Board and appoints the other members of the Board. Thus, the programs of the FNMA, like those of the URA

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[1] 68 Stat., pt. 1, p. 283, 83d Cong., 2d sess.

[2] Hearings before the subcommittee of the Committee on Appropriations, U.S. Senate, 83d Cong., 2d sess., on H.R. 8583, p. 657.

[3] Italics added.

and the CFA, are in effect administered through the constituent, subject to supervision, coordination, and direction by the Administrator. The degree of direction which the Administrator chooses to give to the day-by-day operations of these three agencies is a matter which the law leaves to his discretion.

The only statutory limitation on the above discretion of the Administrator relates to his so-called nondelegable functions with respect to workable programs for community improvement and other specific urban renewal matters.[1]

The relationship of the Administrator to the Federal Housing Administration and the Public Housing Administration is different in that the statutory responsibility for their basic programs is vested directly in the constituent agency, subject to the "general supervision and coordination" of the Administrator. Also, the Commissioners of these two constituent agencies are appointed by the President, with the advice and consent of the Senate. These differences follow primarily from the historical fact that the FHA and the PHA (including the PHA's predecessor agencies) have been in existence longer than the Housing and Home Finance Agency and its predecessor overall housing agency—the temporary, World War II National Housing Agency.

The significance of the reference to "general supervision and coordination" contained in Reorganization Plan No. 3 of 1947 can best be understood by contrasting it with a provision in Reorganization Plan No. 1 of 1946 which failed of approval by the Congress. The 1946 plan would have provided that all constituent agencies of a proposed, permanent "National Housing Agency" shall be subject to the "general superintendence, direction, coordination, and control" of the Administrator. The legislative history of the 1946 plan reveals quite clearly that the references to "direction" and "control" contributed to the failure of the Congress to approve the plan. The 1947 plan, which omits these words, must therefore be construed in the light of the objections made to the 1946 plan.

The underlying intention of the Congress under the 1947 plan is for the Housing Administrator to supervise the work of the FHA and the PHA for the important, yet limited, purpose of obtaining general coordination of policy and administration in the field of Federal aids to housing and urban development. The Congress by omitting references to "direction" and "control" expressed its intention that the Housing Administrator not interfere on a case-by-case basis in the day-to-day operations of either the FHA or the PHA. (The legislative history reveals that the same intention applied with perhaps greater force to the Federal Home Loan Bank Board, which was a constituent of the Housing Agency under plan 3; but which became independent in 1955.) Of course, an individual case coming to the attention of the Administrator could well be the occasion for his exercising his powers of "general supervision and coordination" by initiating a change of policy in the constitutent agency for all cases similar to the one which came to his attention.

B. LEGAL RELATIONSHIP OF ADMINISTRATOR TO HEAD OF EACH CONSTITUENT

1. Federal Housing Administration

The Federal Housing Administration was consolidated into the Housing Agency by Reorganization Plan No. 3 of 1947, which also provides that the Federal Housing Commissioner shall be appointed by the President by and with the advice and consent of the Senate. The powers of this Commissioner are vested directly in him by the National Housing Act and related statutes and the 1947 plan.

The powers of the Housing Administrator with respect to FHA functions are derived from section 5(b) of the plan, which states that "The Administrator

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[1] Sec. 101(c) of the Housing Act of 1949 contains provisions, added by the Housing Act of 1954, which prohibit the Housing Administrator from delegating to anyone other than an Acting Administrator the following functions:

1. Approving and certifying a municipality's overall workable program for community improvement—such approval being a prerequisite for Federal urban renewal and low-rent public housing aids, as well as certain special mortgage financing aids (available from the Federal Housing Administration and the FNMA) with respect to urban renewal relocation housing and housing in urban renewal areas;

2. Certifying to the FHA the number of units in a community which may receive special mortgage insurance aids under sec. 221 of the National Housing Act, which relates to housing for persons displaced by urban renewal and other governmental activities; and

3. Certifying that the relocation requirements of the urban renewal law have been met.

shall be responsible for the general supervision and coordination of the functions of the constituent agencies of the Housing and Home Finance Agency * * *."[2]

No mortgage can be insured by FHA under section 220 or section 221 of the National Housing Act (relating to urban renewal) unless the Housing Administrator approves a workable program for community improvement, presented by the locality and meeting the requirements of section 101(c) of the Housing Act of 1949, and makes certain findings with respect to the housing involved. The Housing Administrator is prohibited by statute from delegating these powers.

2. Public Housing Administration

The Public Housing Administration was consolidated into the Housing Agency by Reorganization Plan No. 3 of 1947, which also provides that the Public Housing Commissioner shall be appointed by the President by and with the advice and consent of the Senate. The powers of this Commissioner with respect to low-rent public housing, under the U.S. Housing Act of 1937 and related statutes, are vested directly in him by that act and plan.

The powers of the Housing Administrator with respect to PHA functions are derived from section 5(b) of the plan.[2]

No contract for any loan, grant, or annual contributions can be entered into by the PHA until there is presented to the Housing Administrator by the locality a workable program meeting the requirements of section 101(c) of the Housing Act of 1949 and the Administrator has approved the local program. The Administrator is prohibited by statute from delegating this function.

The Housing Administrator also has the power (delegated to him by the President in Executive Order No. 10530 of 1954) to approve the undertaking by the PHA of any annual contribution, grant, or loan and the amending or superseding of a contract for annual contribution or loan.

The PHA administers powers under the Lanham War Housing Act and related statutes with respect to a few remaining war and emergency housing properties. These powers are vested in the Housing Administrator and delegated by him to the Public Housing Commissioner.

3. Federal National Mortgage Association.

The FNMA was transferred to the Housing and Home Finance Agency by Reorganization Plan No. 22 of 1950, which provided that it "shall be administered subject to the direction and control of the Housing and Home Finance Administrator." However, its existing position in the Housing Agency is determined by title II of the Housing Act of 1954 which "created" the FNMA as "a constituent agency of the Housing and Home Finance Agency." The powers of FNMA are vested in it directly by that statute. Under it, (a) the Housing Administrator is Chairman of the FNMA Board of Directors and appoints the other directors, (b) the Board determines the general policies of FNMA, and (c) the Chairman appoints the president and vice president of FNMA and such other officers with such functions as prescribed by the Board.

4. Urban Renewal Administration.

The functions of the Urban Renewal Administration (title I urban renewal, demonstration grants, and urban planning assistance programs) are vested by statute in the Housing Administrator, who appoints the Urban Renewal Commissioner. Except as indicated below, the Administrator has delegated all of these functions to the Urban Renewal Commissioner. The Urban Renewal Administration was established as a Housing Agency constituent unit under such Commissioner by the Housing Administrator's Reorganization Order No. 1 (19 F.R. 9303). The Administrator has retained the following:

(*a*) The nondelegable powers with respect to the certification of a workable program (which is a statutory requirement for an urban renewal loan or capital grant) and with respect to the required determination that the relocation provisions of the urban renewal law have been met.

(*b*) The authority to determine interest rates for title I urban renewal loans and advances.

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[2] These powers of the Administrator were further defined in the Independent Offices Appropriation Act, 1955, which provided that his "general supervision and coordination responsibilities shall hereafter carry full authority to assign and reassign functions, to reorganize and make whatever changes, including the reallocation and transfer of administrative expense funds and authority where applicable, necessary to promote economy, efficiency, and fidelity in the operations of the Housing and Home Finance Agency."

(c) The authority to issue notes or other obligations to the Treasurer under title I.

(d) The authority to make certain findings concerning State or local low-rent housing to be located on urban renewal sites.

(e) Certain functions, relating to the above programs, delegated by the Administrator directly to regional administrators to be exercised subject to instructions and supervision of the Commissioner.

5. Community Facilities Administration.

The functions of the Community Facilities Administration (loan programs for college housing, public facilities, Alaska housing, and prefabricated housing, and advances for public works planning) are vested by statute in the Housing Administrator, who appoints the Community Facilities Commissioners. Except as indicated below, the Administrator has delegated all of these functions to the Community Facilities Commissioner. The Community Facilities Administration was established as a Housing Agency constituent unit under such Commissioner by the Housing Administrator's Reorganization Order No. 1. The Administrator has retained the authority to—

(*a*) Determine interest rates on loans.

(*b*) Issue notes or other obligations to the Treasurer.

(*c*) Change existing commitments or collateral under the Alaska and the prefabricated housing loan programs, which are now in liquidation.

(*d*) Certain authority, relating to the above programs, delegated directly to regional administrators for exercise in accordance with the instructions and supervision of the Commissioner.

One function is delegated directly to the Community Facilities Commissioner by the Commissioner of Education in HEW. This is the function of the Community Facilities Commissioner with respect to architectural, construction, and equipment contracts under the construction program for Federal schools.

Additional functions are, of course, handled directly in the Office of the Administrator without participation by constituent agencies or units.

The CHAIRMAN. I recognize the Senator from Indiana.

Senator CAPEHART. I have no questions at the moment.

The CHAIRMAN. The Senator from Utah, Mr. Bennett.

Senator BENNETT. Dr. Weaver, you have been discussing with Senator Sparkman this fundamental question of integrated housing. For the record, and in order that the committee may have a clearer understanding of your position, I would like to quote to you several things you have written on this subject and then ask you, against that background, to give us a specific explanation for the specific statement.

You have written at length on this subject from different points of view.

In 1948 you wrote a book called "The Negro Ghetto," and on page 10 of the preface you said:

> The ultimate necessity to wipe out residential segregation in a democracy is equally valid in all parts of it.

I emphasize the words "ultimate necessity."

And then on page 360–361 you said:

> Sooner or later the concept of separate areas for racial groups in America must give way if we want to make a rational approach to our housing problem and avoid the constant threat of racial conflict over space in housing facilities. This means that we must start developing communities open to all groups in our population.

Do you still subscribe to what these statements contain?

Mr. WEAVER. Definitely, Senator.

Senator BENNETT. Do you believe today that all housing should be completely integrated for all social groups?

Mr. WEAVER. I think the statements say in one instance "ultimately" and in the other "sooner or later." I think that these processes and

social change take time, and this is why I more or less, when I wrote that, put it in those terms.

Senator BENNETT. And you do not think that as Administrator of this very important agency that you would want to take steps to bring this about immediately?

Mr. WEAVER. I do not think I could if I wanted to, and I do not think I should if I could.

Senator BENNETT. Maybe some of your other writings in the book will help us clear this up.

On page 362 of that same book, "The Negro Ghetto," you said:

> New areas open to minorities can be divided into two groups, those developed by public housing and those developed by private housing. Both are needed, and unless they are forthcoming no other measures for meeting the problem have any chance to succeed.

I am sure that is a factual statement. There are only two kinds of housing—public housing and private housing.

Mr. WEAVER. I do not get the context of this, sir.

Senator BENNETT. As Administrator of HHFA—

Mr. WEAVER. No, I mean of the statement, Senator.

Senator BENNETT. Have we a copy of the book here? Maybe we can read a little before and after what I just read.

This begins under a new paragraph, so there is nothing preceding it in the book. It is under a heading "Techniques of Opening Areas to Minorities." It may be the beginning of a new chapter, because the previous chapter ends in a footnote.

Then it goes on and says:

> New areas open to minorities can be divided into two groups, those developed by public housing and those developed by private housing. Both are needed, and unless they are forthcoming no other measures for meeting the problems of housing have any chance to succeed.

Then you go on to say:

> In considering smaller projects, location becomes an extremely important factor.

So I suppose I have here selected a paragraph where the selection was unfortunate because it is simply an obvious statement of fact that there are only public housing and private housing.

But just assuming there are these two areas, as Director of this important agency you would move in both areas to open them to integrated occupancy?

Mr. WEAVER. Within the limits of the law and within the limits of public policy I certainly should.

Senator BENNETT. Would you like to have a copy of your book before you?

Mr. WEAVER. I have not read it for some time.

Senator BENNETT. I will move on to another publication after this one question.

On page 362, at the bottom, and at the top of 363, this statement appears:

> From the start it must be clearly and firmly stated that since public funds are to be expended, the prevailing nonsegregated city patterns in public institutions must be followed. Then it should be indicated that because the racial complexion of the demand for housing is not fixed, the public housing authority must establish flexible patterns of occupancy which will allow changes in the

degree of majority and minority groups' participation in response to a changing population and changing neighborhoods.

Then skipping down a little way:

Finally, the quality of management is most important. Just as families out of slums need conditioning to encourage their response to the new environment of public housing, so Negro and white occupants who are not accustomed to interracial neighborhoods need guidance.

The manager must be chosen with care. He or she should be convinced of the desirability of interracial living and must be experienced in handling people. The supervisory and maintenance staffs must be equally carefully chosen, and all should be impressed with their responsibility for making the project a success.

The biracial composition of the project should be established from the start, and the pattern desired in the end should be maintained with the entrance of each new group of tenants.

This does not sound to me like a recommendation to let the free movement of people solve the problem. This sounds to me like a managed process of getting interracial living, with the manager in a position to decide whether to admit more from one side or more from the other.

Is that the way you think the problem should be handled?

Mr. WEAVER. No, sir; I think there are three issues in here. The first sentence that you read I think refers to a matter of policy which I have already expressed and which I have expressed many times and which I believe in.

The second relates to the economics of the problem, and that is the fact that very often the market does not divide itself the way that the planners thought the market would divide itself, and you find yourself in a position of having units which are not readily marketable because they were planned for one group and that particular group does not choose or does not happen to respond to living in it.

Senator BENNETT. Well——

Mr. WEAVER. The final paragraph is intended to deal with that problem where you have a situation in which the policy has been one of having open occupancy and trying to delineate how it can be best achieved.

Senator BENNETT. As I read that second one, or as I look back at the language with reference to your second comment, I assume that this refers to housing that is planned to be occupied by what you call a majority and a minority group. I assumed that meant housing that was planned to be integrated from the start with a shift between the two groups.

Mr. WEAVER. In accordance with the market.

Senator BENNETT. And because the market does not always act to produce the pattern, then you think management should act to produce the pattern?

Mr. WEAVER. No, sir. I think that you have to have the flexibility in the planning, because no one can tell unless you have an extreme housing shortage how the market is going to materialize.

Once you set up these solid and these rigid quotas, or whatever you may have, very often the market fools you, and you find yourself in a bad position economically.

This has nothing to do—the language there as it was written and as I meant it—with the matter of the manipulation of the market. Rather, to make you be able to respond better to the market.

The final chapter concerns a situation in which open occupancy has already been decided upon and how best to make it work, which is what I am addressing myself to in that final paragraph.

Senator BENNETT. You say the "final chapter." You mean the final paragraph?

Mr. WEAVER. I mean the final paragraph. I beg your pardon.

Senator BENNETT. In other words, in order to maintain the existence of biracial occupancy and not allow this particular unit to slip into occupancy by either group, then the management should operate to see that both groups are kept there as near to the planned relationship as possible?

Mr. WEAVER. It is rather difficult to delineate this in terms. I think what I am really saying is that if you want to have a pattern the best time to establish that pattern is at the beginning.

Senator BENNETT. And you think it is important to establish a pattern which to me means a kind of planned proportionate relationship between the two groups.

Mr. WEAVER. This I think may be a technique at the beginning and is not one that I would advocate over the long run, because I think the play of the market should have as much freedom as possible, and I think you only do this at the beginning in order to make the market sufficiently flexible to be responsive as time goes on.

Senator BENNETT. Well, now, do you believe that there should be similar management to establish similar flexible patterns of occupancy in private projects not financed by the Federal Government.

Mr. WEAVER. No, I think it would be desirable, but I think that this is an entirely different order of things.

In other words, it seems to me that where Federal aid and assistance are involved this puts the Federal stamp of approval on certain patterns. Where they are not involved, then you have a different situation.

Senator BENNETT. In the declaration of national housing policy passed by Congress in 1949 we find these words:

> 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.

In your opinion, does this goal of a decent home and suitable living environment imply the necessity for eventual complete racial integration in housing?

Mr. WEAVER. I do not think anybody talks—at least I do not think in terms—of eventual complete "any" social patterns, Senator, because I do not think these patterns work out this way.

I think what I am concerned about and what others are concerned about who share my convictions on this is the fact that in many instances, particularly in the North let me add, you have a situation of land use in which without having open occupancy and flexible land use you will never get enough space to house adequately the populations in those cities, particularly the minority populations.

In addition to that, in order that the dollar in a dark hand shall have the same purchasing power as a dollar in a white hand, that dollar has to have access to the total market, and I think these are the concepts that are involved.

When this will result in complete integration in housing is something that I doubt if I will ever live to see or I do not know who in this room will ever live to see.

It is a matter of choice that I am concerned with; equal choice, equal access to the market.

Senator BENNETT. Regardless of the conditions under which the housing was built or the existing patterns or the traditional patterns?

Mr. WEAVER. I think this has a great deal to do with it in terms of the time at which it can be effected and the means that will be used to effect it.

This is an overall goal that I am talking about, and I think, speaking for myself personally, that it is high time that we started walking and maybe doing something more than walking in the direction of that goal.

Senator BENNETT. Moving on now, in 1956 you wrote an article in the Annals of the American Academy of Political and Social Science entitled "Integration in Public and Private Housing." You mentioned several privately financed housing projects which have been developed in the postwar period as integrated projects.

In your opinion, what influence did the low level of vacancies generally prevalent over this period have on the success or failure of establishing these biracial projects?

Mr. WEAVER. I think obviously it was helpful.

Senator BENNETT. As a student of housing markets, do you believe that if vacancies rise still further and if buyer's markets prevail in most communities, this will pose any new problems in establishing new biracial projects or in continuing existing racial patterns in older projects?

Mr. WEAVER. I think it will complicate it.

Senator BENNETT. In this same article beginning on page 91 you discuss a number of privately financed housing projects which had been intentionally integrated. To your knowledge, what types of measures have been taken to assure that interracial patterns originally established in such developments would be maintained over a period of time?

Mr. WEAVER. I think there have been several. I think the most effective have been those of the market.

Senator BENNETT. What others have been used?

Mr. WEAVER. There have been quotas used.

Senator BENNETT. I want to come back to quotas in a minute, so I will go on.

In your opinion, would any of the measures taken in an effort to assure a given composition of racial occupancy be a form of discrimination?

Mr. WEAVER. They could.

Senator BENNETT. If so, would they be legally enforcible or would they be equitable?

Mr. WEAVER. Some would not be equitable. Some would not be legally enforcible. Some would.

Senator BENNETT. Pardon me.

Mr. WEAVER. Some probably would. I do not know the whole gamut so I cannot answer that.

Senator BENNETT. You would probably agree with me that you can do something legally which seems to be aimed at producing equity

and under some circumstances that program itself produces discrimination or inequity?

Mr. WEAVER. I can conceive of that.

Senator BENNETT. In view of the changes which occur over time in the characteristics of neighborhoods in most of our cities, how long would it be possible in your opinion to control the racial composition in any given neighborhood if market forces tend to operate in a different direction?

Mr. WEAVER. Sir, I wrote an article, the last one I did in Land Economics, in which I indicated the fact that it would be impossible to control the market forces by external factors.

However, I also indicated that by certain types of approaches it can be influenced. It cannot ultimately be controlled in my opinion.

Senator BENNETT. Do you remember what those types were?

Mr. WEAVER. I think what I did was to indicate some specific examples of what had been done.

For example, in New York City, in the West Side urban renewal, where we are effectively getting a neighborhood made up of many groups, both economic and ethnic. As to how long that will persist depends upon not only what goes on in that neighborhood but what goes on in the rest of the city.

Senator BENNETT. When you talked to the NAACP in July 1959, the New York Times reported:

> He urged a fight for a Federal policy establishing that housing built with Federal aid or other public funds should be open to all. However, he added, "I'm not naive enough to believe this is going to get integrated housing in many parts of the country."

Are you still naive?

Mr. WEAVER. I still stand by that statement.

Senator CLARK. He said he was not naive, Senator.

Senator BENNETT. Yes.

In your opinion, would this imply in those areas of the country in which integrated housing is not likely there should no longer be any request for Federal assistance for housing programs?

Mr. WEAVER. I do not think I understand your question, Senator.

Senator BENNETT. If there are areas of the country in which we are not going to have a natural process through which integrated housing will come, and yet you say that you would fight for a Federal policy establishing that housing built with Federal aid should be open to all, do you believe that those areas of the country where by practice or tradition there is little likelihood of integrated housing should not be given Federal assistance?

Mr. WEAVER. No, I do not think this follows, because I think what I have said in that statement is that I believe that there should be open access and free access to all housing everywhere where public assistance is involved. However, the naivete comes in in believing that this is going to effect a radical and rapid change in the composition of the housing. It is not.

It simply sets a floor on which an evolutionary process which will take time may operate.

But it sets a floor, and it also gives that moral position which a Federal policy gives for those who want to move in the right direction to do so with some backing.

Senator BENNETT. To pursue this a minute further, if you had an application from a community in an area where you knew that this idea of housing open to all was impractical at this point in time, would you insist that it must be integrated?

Mr. WEAVER. I do not have a law or an order justifying any action at this time, and I cannot tell you how I would administer it, because it would depend upon the nature of the law or the nature of the administrative procedure under which I operated.

I do not think I can answer this because I do not know what would be the ground rules.

Senator BENNETT. When Mr. Abrams testified before the Civil Rights Commission, he was then chairman of the New York State Commission Against Discrimination. He made the following statement:

> Simply outlawing the right of a landlord to refuse housing, while it would be helpful, is not going to solve the problem unless you increase the housing supply and make it available to all people on the basis of their ability to pay.

Do you believe that the requirement of open occupancy in federally assisted housing would increase the supply of housing or tend to diminish it?

Mr. WEAVER. I think the problem here is one of, as I said earlier, reconciling the objective of open occupancy with an effective housing program which would involve increasing the supply of housing.

Senator BENNETT. Given a choice between the two—and I recognize that you will never get an "all or nothing" choice between the two—would you rather have an increase in housing or open occupancy?

Mr. WEAVER. I do not look at it as a matter of a choice, Senator. I think it is a matter of getting both the idea of open occupancy and something to open to make it worth while.

Senator BENNETT. Do you think the establishment of the so-called benign quotas in all federally assisted housing projects, assuming them to be legal, would increase the supply of housing?

Mr. WEAVER. I happen not to be an advocate of benign quotas, so my answer may be a little prejudiced.

I would not think that this would be an answer to any of the problems.

Senator BENNETT. I assume you have read of the U.S. district court decision quoted in the New York Times in January 1961 where the court held that New Rochelle, N.Y., was running a segregated school system. I note that the opinion states that the people of New Rochelle overwhelmingly approved the arrangement in a referendum.

Do you think New Rochelle would undertake public housing and urban renewal programs if they were required to be under open occupancy or if there was compulsory integration?

Mr. WEAVER. New York State has such laws in part, and they do have projects going on in New Rochelle, so I have to answer in the affirmative.

Senator BENNETT. Do you know of any attempts that have been made to use the so-called benign quotas in an effort to control racial occupancy patterns in newly developed or established housing?

Mr. WEAVER. Yes, I do.

Senator BENNETT. Have they been successful?

Mr. WEAVER. To date they seem to have been.

Senator BENETT. But I suppose your objection to them is essentially philosophical?

Mr. WEAVER. No, I do not think that they are effective over the long run.

Senator BENNETT. In the summer of 1960, in the Journal of Intergroup Relations, you published an article with a very interesting title: "Southern Comfort—A Possible Misapplication of Federal Funds." In that you said that the NAACP and other civil rights groups face no problem, that their position is that all housing facilitated by Federal assistance should be open to all racial elements in the population.

Do you fully support that position?

Mr. WEAVER. At that time I was reporting a position, and it happens to be one with which I agree, but I was not expressing my position then.

Senator BENNETT. The NAACP's?

Mr. WEAVER. I was expressing the agencies' and organizations' position.

Senator BENNETT. That is right. Is that still the organization's position?

Mr. WEAVER. As far as I know, it is.

Senator BENNETT. And since you are still chairman of the board, you still support it?

Mr. WEAVER. I support it not only because I happen to be chairman of the board, which position I shall relinquish if I am confirmed, but I support it because I agree with it.

Senator BENNETT. When you speak of "all housing facilitated by Federal assistance," what types of housing programs do you have in mind? "All" is pretty definitive. I judge from what you said you would include urban renewal?

Mr. WEAVEG. Yes, sir.

Senator BENNETT. Public housing?

Mr. WEAVER. Yes.

Senator BENNETT. Housing insured by FHA?

Mr. WEAVER. Yes.

Senator BENNETT. Housing insured by VA?

Mr. WEAVER. Yes.

Senator BENNETT. Would you also include facilities financed by the Community Facilities Administration, which will be under your jurisdiction?

Mr. WEAVER. Yes, sir.

Senator BENNETT. Loans to educational institutions of higher learning? Loans to hospitals?

Would you also include residential quarters in other types of hospital facilities aided by the Federal Government?

Mr. WEAVER. Yes, sir.

Senator BENNETT. Would you include all types of residential accommodations in national parks?

Mr. WEAVER. If they are supported by the Federal Government, which I assume they are, I would.

Senator BENNETT. Since the national parks belong to the Federal Government, everything in the park is provided——

Mr. WEAVER. There are some ticklish problems here of concessions and of who is supporting what. That is why I made that little bit of reservation.

Senator BENNETT. Would you include as federally assisted housing any dwellings with conventional mortgage loans made by lenders whose deposits are shared or shares are insured or guaranteed by the Federal Government?

Mr. WEAVER. I think I would stop at that point, sir. I think this would——

Senator BENNETT. You would stop before that point?

Mr. WEAVER. Yes.

Senator BENNETT. Well, I am glad to know that there is one place which "all" does not quite include.

In this same article you wrote on page 17 that nondiscrimination requirements in urban renewal would probably accelerate the spread of token compliance with school desegregation.

Later on, two pages later, you said:

> The real problem, therefore, is not one of better housing for Negroes versus integrated living. It is whether the decisions of the Supreme Court regarding tax-supported schools are to be evaded in fact through federally supported action on the housing front.

Do you believe that Federal housing assistance should be extended solely on the condition that localities support the decision of the Supreme Court regarding integration in tax-supported schools?

Mr. WEAVER. I would like to see this happen, but I do not think I said it here. I do not think I have ever said it.

Senator BENNETT. I am not saying you said it. The statement I read indicates that there was in your mind a relationship between the integration in schools and the pattern of housing in communities.

Mr. WEAVER. I do not think there is any question about that, sir.

Senator BENNETT. So this leads naturally to the question.

In this same article, on page 19, you wrote:

> Because housing is competitive, there must be a general nondiscrimination clause in urban redevelopment. Otherwise, in any given community the one redeveloper who has the courage to establish democratic patterns of living will be subject to attack and unfair competition from others who advertise and sell racial exclusiveness.

I assume you still believe that nondiscrimination requirements should be attached to Federal assistance for urban renewal?

Mr. WEAVER. I do.

Senator BENNETT. In your opinion, how many other types of federally assisted housing programs should be subject to this same nondiscrimination policy? I think you answered that earlier—everything except houses built by loans supplied from private lenders who may happen to have their accounts guaranteed?

Mr. WEAVER. I would say everything that we outlined and identified, and this was excluded specifically.

Senator BENNETT. In an article entitled "Class, Race, and Urban Renewal" in the August 1960 issue of Land Economics—and I guess this is the article to which you referred earlier as probably one of your latest articles—you state on page 236:

> On the other hand, it would be sheer sophistry to deny that under existing demographic and ecological changes, long-standing racial attitudes and the

current economic forces which operate in the housing market the arrival of increasing numbers of nonwhite families may and often does lead to the departure of previous middle-class whites, this long-recognized phenomenon which has recently been expressed in terms of tipping-point theory which says that there is in any neighborhood a point at which whites will move away when the proportion of the nonwhites reaches a certain size.

This is an expression of your experience or opinion with respect to this movement of people in and out of a neighborhood.

Do you have any idea of where the tipping poing may lie in the average American neighborhood?

Mr. WEAVER. I think the thing that most all the research indicates is that it varies greatly from one city to another city; and from one neighborhood to another neighborhood, I might add.

The only thing we know is that it exists, but we know we cannot measure it until after it has happened.

Senator BENNETT. Well, then, if you say you cannot measure it until after it has happened, there is no way of stopping movement short of the tipping point? In other words, the fellow has got to fall over the cliff before he knows the cliff is there?

Mr. WEAVER. If you look at it as a cliff, I think the answer would be "Yes," Senator.

Senator BENNETT. In this same article you wrote in a footnote on page 240:

> As in all nondiscriminatory legislation, enactment of the law is but a first step. To be effective, such laws need implementation, and that not only involves enforcement but also positive action on the part of minority groups. Thus, the Philadelphia Commission on Human Relations is encouraging Negroes to seek homes in all-white neighborhoods, saying to break the stubborn pattern of segregated housing many Negro citizens must have the courage to live in new neighborhoods.

Do you still believe this is a good policy?

Mr. WEAVER. I do not think I was enunciating policy there. I was trying to be analytical in explaining the fact that law in itself is not the whole answer, and it has to be followed up by action.

If you assume that the law is desirable, then it does become good policy to follow it up.

But at that particular point I was not giving a matter of opinion of values. I was simply trying to present an analytical statement.

Senator BENNETT. If you become head of the HHFA, would you be interested in developing these activity patterns to back up your own administration of the law?

Mr. WEAVER. As I said earlier, Senator, this would be dependent upon the law under which I operated and the administrative policies which controlled my operations.

Senator BENNETT. I have a clipping from the New York Times of January 7 headed "Citizens' Panel Seeks To Settle Racial Dispute in City Housing." According to this article the New York State Committee on Discrimination in Housing is or was trying to act as a mediator between the New York State Commission Against Discrimination and the New York City Housing Authority.

The article indicates that the dispute involved is over the authority's program to promote integration in housing projects by establishing quotas for different races.

Have I the correct understanding of the dispute?

Mr. WEAVER. It is a little more complex than that, but I think this is the bare outline of it. This was the issue as it was posed in the press.

Senator BENNETT. As vice chairman of the Housing and Redevelopment Board of the city, what functions and responsibilities did you have for the development of policy of the City Housing Authority?

Mr. WEAVER. None.

Senator BENNETT. None? You were simply an administrative officer?

Mr. WEAVER. The Housing and Redevelopment Board is responsible for all housing in New York City except public housing.

Senator BENNETT. And the City Housing Authority has no relationship to that board?

Mr. WEAVER. Except as a sister agency.

Senator BENNETT. As a what?

Mr. WEAVER. As a sister agency in the administration.

Senator BENNETT. A parallel agency? I see.

The article states that the authority "must do all it can to encourage racial integration" and that "it is taking affirmative action to achieve integration, thereby carrying out the mandate of the mayor."

The article goes on to state that:

> Critics contend that such activities as holding apartments vacant for whites and raising income limits to keep whites in the project reduce the low-rent housing supply for the nonwhite group that needs it most.

Do you agree with that?

Mr. WEAVER. I was not involved in that controversy, and since I have been in a parallel agency, I would decline to comment on what a parallel agency did.

Senator BENNETT. That is the end of my questions, Mr. Chairman, but for the record, because I have been referring to them, I would like to offer the complete article from Land Economics entitled "Class, Race and Urban Renewal;" "Integration in Public Housing" which was in the Annals of the American Academy of Political and Social Science; and "Southern Comfort—A Possible Misapplication of Federal Funds," from the Journal of Intergroup Relations.

The CHAIRMAN. Without objection, those three articles will be included in the hearing.

(The articles referred to follow:)

[Land Economics, a quarterly journal of planning, housing & public utilities, August 1960]

Class, Race and Urban Renewal

By ROBERT C. WEAVER*

Introduction

URBAN renewal has opened Pandora's Box in several fields. It has occasioned a fresh look at slums; it has given rise to renewed discussion of racial balance in neighborhoods; it has inspired new thought and approaches relative to the racial and class composition of schools in the central city; and of course it has intensified research in the fields of housing, city planning, and municipal government.

Since one of the principal objectives of urban renewal is to attract more middle-class families back into the central city and slow down the exodus of middle-class families from the inlying areas, much of the current discussion about color and class is oriented around these goals. There is, however, a tendency to treat current problems as though they were unique and devoid of historical precedents. Actually, this is not only untrue but dangerously misleading. As Oscar Handlin has most recently pointed out, the flight of older, middle-class families from proximity to the latest newcomers is as old as immigration. What is unique is not the human behavior but the physical limits of the city and the multiplicity of local governments.[1]

Since in many American cities a principal wave of low-income migrants is composed of readily identifiable members of color minorities, there is a tendency to identify the problem as one of race alone.[2] This is inaccurate and unfortunate. Cities which have few non-white migrants are experiencing the same problems[3]—a fact suggesting that this is a class as well as a color phenomenon. Should further proof of this be required, the experiences of Chicago, Cleveland, Detroit, Cincinnati, and a score of other cities with Appalachian Mountain whites will provide convincing documentation.[4]

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[1] Oscar Handlin, *The Newcomers* (Cambridge, Massachusetts: Harvard University Press, 1959), pp. 14-16, 30-5.

[2] See especially Morton Grodzins, *The Metropolitan Area as a Racial Problem* (Pittsburgh, Pennsylvania: University of Pittsburgh Press, 1958); and "Metropolitan Segregation," *Scientific American*, October 1957, pp. 33-41.

[3] Robert C. Weaver, "Non-White Population Movements and Urban Ghettos," *Phylon*, Third Quarter (Fall), 1959, pp. 235-8.

[4] For an interesting account of the Chicago experience, see Albert N. Votaw, "The Hillbillies Invade Chicago," *Harpers*, February 1958, pp. 64-7.

Identification of the decline of central cities with the encroachment of non-whites (and in a few places Puerto Ricans) upon established middle-class neighborhoods reflects our consciousness of color. It does more. Such superficial analysis weakens our capacity to deal effectively with the problems of our cities. The color and class aspects of these problems are frequently intertwined but neither should be ignored. Any workable program must recognize both and learn to deal with each.

On the other hand, it would be sheer sophistry to deny that, under existing demographic and ecological changes, long-standing racial attitudes, and the current economic forces which operate in the housing market, the arrival of increasing numbers of non-white families may, and often does, lead to the departure of previous middle-class whites.[5] This long recognized phenomenon has recently been expressed in terms of a "tipping point" theory, which says that there is in any neighborhood a point at which whites will move out when the proportion of non-whites reaches a certain size.[6]

Many factors are involved in the desertion of a neighborhood. First there is the economic climate. In a period of general prosperity transition is accelerated; the same occurs in a loose housing market. The location of the neighborhood involved is important, too. Factors tending to stabilize middle-class occupancy include proximity to, and identification with, institutional facilities, such as in the area around a university or college or around long-established religious facilities.

Access of minority and low-income families to a formerly white middle-class neighborhood is not always a consequence of whites' desertion of an area in the face of the encroachment of new user groups. Often it results from vacancies caused by the movement of earlier residents and failure of other middle-class whites to replace the former occupants. The cause of the desertion of such neighborhoods is usually the attractiveness of other areas: they may be suburban subdivisions or, as in the case of the East Side of Manhattan, a new prestige location in the central city. Once the vacancy rate becomes high, as it did in New York City's West Side, owners and property managers are happy to substitute new user groups rather than suffer greater losses.

The Impact of Newcomers On the Housing Market

From early days, middle-class Americans have wanted distance between themselves and the newcomer; that desire has been accentuated by two recent developments—the rise of prestige-laden, single-class, homogeneous suburban areas and the identification of color with a large number of low-income migrants. The recent concern of Americans with the quality of education has, of course, occasioned increasing emphasis upon good schools.

As long as there was ample space within the city limits and no effective modes of rapid transportation, most of the outward movement of middle-class families occurred within the city proper. The streetcar, automobile, and bus changed the situation, opening for housing development large areas of virgin land

[5] For an excellent account of this process, even when the in-coming Negroes were middle-class, see Albert J. Mayer, "Russell Woods: Change Without Conflict," in Nathan Glazer and Davis McEntire, ed., *Studies in Housing and Minority Groups* (Berkeley, California: University of California Press, 1960) pp. 198-220. There are, however, in this article and Nathan Glazer's Introduction to the volume, unsupported assertions about the absence of racial prejudice on the part of the former Jewish residents.

[6] Morton Grodzins, *op. cit.*, pp. 6-7. While the author of this concept is probably over-pessimistic due to his involvement with Chicago's experience, his is a useful idea.

removed from the central city. The fact that estates of the wealthy were already located on such lands augmented their appeal to medium-income groups intent on upward social mobility. Real estate operators, developers, and land speculators, readily joined the commuting railroad lines in selling the exclusiveness of these developments.[7] This was the stage when the great impetus to Negro migration occurred during World War I. Low-income colored Americans from the South poured into many Northern cities, replacing, as the new source of unskilled and semiskilled labor, the earlier European immigrants who were no longer available during and after the hostilities. Not only were the newcomers mostly poor and ill-prepared for urban life, but they were also dark skinned. As the readily-identified descendants of slaves, they had the least amount of social prestige of any ethnic group. Race and color joined class in rendering them forbidden neighbors.

Middle-class whites, led by the real estate fraternity, frequently resorted to racial housing covenants and zoning to contain non-whites in a restricted area. Low-income whites, only slightly less undesirable in the eyes of the middle-class, sometimes used intimidation, violence, and threats to assert their Americanism. On the part of the former, this was a manifestation of class as well as racial prejudice; on the part of the latter it was primarily racial. Yet lower-class whites and Negroes frequently shared the same residential areas and faced the same disabilities of poor neighborhoods. Class was often more important than color in neighborhoods which failed to offer prestige or adequate protection and public services to any residents, regardless of race.[8] The early governmental policy of segregation in public housing subsequently served to accentuate color consciousness in low-cost housing at the same time that it reflected the strategic role of authority in establishing racial patterns,

World War II brought in a new stream of Negro, Mexican-American, and Puerto Rican migrants to the urban North and West. It also brought greater residential segregation. This too represented, first, resistance to the expansion of land space available to non-whites and, most recently, abandonment of segments of the central cities to them. Several factors played an important part in this. The federal government through the Federal Housing Administration had facilitated phenomenal expansion of suburban construction, and low down-payments and a longer period for mortgages had made a large part of this available to middle- and lower middle-income families. At the same time FHA accepted the concept of homogeneous neighborhoods and until 1947 the instrument of the racial restrictive housing covenants.[9] Higher incomes during the war enabled a vast number of families to accumulate down payments and sustained prosperity facilitated their meeting monthly carrying charges. At the same time government housing policy made home ownership more attractive than rental[10] and practically all new construction was in lily-white suburbs.

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[7] For an excellent description of this process, see Charles Abrams, *Forbidden Neighbors* (New York: Harper and Bros., 1955) Chapter XII.

[8] Findings of recent research challenge the oft-repeated assertion that the source as well as the center of anti-Negro prejudice and discrimination in this country is in the lower socio-economic classes. See Robert K. Merton, "Discrimination and the National Creed," in R. M. MacIver, ed., *Discrimination and National Welfare* (New York,: Harper and Bros., 1949), p. 111; and National Committee on Segregation in the Nation's Capital, *Segregation in Washington* (Chicago, Illinois: The Committee, 1948), p. 38.

[9] R. C. Weaver, *The Negro Ghetto* (New York: Harcourt, Brace & Co., 1948,) pp. 71-3, 152-3.

[10] Louis Winnick, *Rental Housing: Opportunities for Private Investment* (New York: McGraw-Hill Book Company, 1958), Chapter 3.

Not only was it possible for the upper-middle class to desert the central city but many of lesser means—if they were white—could follow suit. Even the low-income white family could hope for homogeneity—either in the suburbs with a little more money or perhaps in the grey areas of the core city if the expansion of non-whites was contained. Racially homogeneous neighborhoods had achieved a new prestige and this was increasingly apparent in slums and blighted areas where residents sought to emulate dominant racial attitudes.

Rapid movement of whites to the suburbs was but a part of the population trend. For example, over 7,000,000 persons entered the suburbs between 1940 and 1950. While a large volume of long-term residents left the cities, an even larger number of individuals moved from non-urban areas directly to the suburbs. Meanwhile a much smaller number of whites moved into than moved out of central cities while many non-whites entered the in-lying areas. "The process of losing one net migrant to the suburbs actually was the end result of a larger process whereby for each two non-white persons moving into the central city about three white persons moved out."[11]

These movements have brought interesting changes in the housing market. Throughout the North and West, non-whites have acquired a much larger number of housing units and frequently a more diversified and a better quality of housing. In the process they have expanded into many areas which were formerly all white. The Chicago experience of 1940-50 suggests the human components of this development. Those who initiated the movement were long-term rather than newer residents, resulting in no significant changes in socio-economic characteristics;[12] and the first arrivals had had to "pay a premium rental, which they are able to finance only by using residential space very intensively, e.g., by doubling up families in the household or by including relatives or lodgers in the household."[13]

While it is true that only in a quite general sense has succession in Chicago followed a pattern of radial expansion of the Negro community outward from the center of the city, it is significant that:

". . . within both the Negro and the white community, high-status groups tend to share residential areas and to be residentially segregated from low-status groups. Apparently, the selective forces which produce differentiation of residential areas in the urban community operate in somewhat the same way upon the Negro and the white population. This is also in line with the finding that patterns of interarea differentiation with respect to physical characteristics of the area and social and economic characteristics of the residents tend to be maintained under the impact of succession from white to Negro occupancy."[14]

These developments in Chicago, which are fairly typical of larger northern industrial centers, reflect the interaction of many events. Such expansion of housing accommodations for Negroes as took place was facilitated largely by the decline in the white population. It reflected a growing demand for shelter on the part of an expanding non-white population in which a significant number were able to pay higher rents and prices for housing and it enabled some whites to sell profitably and buy new suburban houses. Even where sales were not profitable the availability of Negro purchasers and renters greatly accelerated

[11] Donald J. Bogue, *Components of Population Change, 1940-50* (Miami, Ohio: Miami University, 1957), p. 34.

[12] Otis Dudley and Beverly Duncan, *The Negro Population of Chicago*, (Chicago, Illinois: The University of Chicago Press, 1957), pp. 125, 191, 206, 223, 225.

[13] *Ibid.*, p. 236.

[14] *Ibid.*, p. 298.

the liquidation of property in the central city and the acquisition of new homes elsewhere on the part of previous residents in the core areas. To a degree, this greater effective demand for housing on the part of non-whites sustained property values in many parts of the central city and accelerated the purchase of new homes by whites who were replaced by non-whites, many of whom paid higher prices than could otherwise have been secured.

Had there been less racial segregation in the suburbs, a larger number of non-whites would have joined whites in moving from the central cities to the suburbs and going directly to them rather than to the central cities. Even in the face of a most effective color bar, about one-third of a million Negroes did join whites in the 1940-50 trek to the suburbs. Most of those involved were in the South but there was a pronounced desire of Northern middle-class Negroes to escape from central cities,[15] and there are indications that some of the colored migrants to the North avoided the central city and moved directly to older Negro settlements elsewhere. This seems to have occurred in the industrial cities of New Jersey and the larger cities in New York's Westchester County.

One upshot of residential segregation has been to contain most Negro middle-class families in the core cities.[16] Another, and much more serious consequence for the cities has been the concentration of demand for housing on the part of the growing middle-class Negroes on certain city areas. This too has often sustained property values but it has tended to accelerate the exodus of middle-class whites. Were middle-class Negroes able to compete freely in the total market, their volume in most neighborhoods would have been so slight as to have occasioned little concern. There would have been much less premium payment incident to initial non-white occupancy and white owners would have had less economic incentive to forsake attractive neighborhoods and homes. Even the real estate operators would have had slight impetus to engineer flight of middle-class whites since the principal source of effective demand—the middle-class Negro purchaser—would be more discriminating and less available for any one neighborhood.[17]

For the process described above to have taken place, there would have had to have been a much larger volume of low-priced housing available to non-whites in metropolitan areas. Without such a supply the sheer pressure of numbers occasioned the growth of non-white areas of concentration. In some instances this involved expansion of one or several major Negro ghettos, engulfing surrounding housing regardless of its price or suitability. In other instances it involved the development of new pockets of non-white residential concentration. Invariably, it occasioned over-crowding, undesirably high densities, and blight.

However, in a situation where the supply of low-cost housing available to non-whites is limited, the entrance of middle-income, non-white families into a

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[15] Handlin, *op. cit.*, pp. 125-31.

[16] Actually, this is due to factors other than residential segregation, but it is primarily a consequence of the color line: see Weaver, "The Effect of Anti-Discrimination Legislation upon the FHA- and VA-Insured Housing Market in New York State," *Land Economics*, November 1955, pp. 305-7.

[17] There can be no better illustration of the confusion between emotion and economics than the implications of this analysis. Without a color line, housing in certain areas of the central city would probably have fallen in value. This would have been accounted for in economic terms—architectural obsolescence, loss of neighborhood prestige, age of structure, competition of more desirable facilities and neighborhood location, and resulting weakness in demand for the affected housing. Under conditions of color concepts the experience in these areas is cited (and rightfully) as evidence that non-white occupancy does not necessarily adversely influence property values. See, Luigl Laurenti, *Property Values and Race* (Berkeley, California: University of California Press, 1960).

neighborhood and its subsequent desertion by whites has benefited the mass of colored home-seekers. For, had there been less turnover, there would have been less filtration. This, in turn, would have delayed the improvement in the quality of housing occupied by non-whites. In the present situation of enforced residential segregation in many segments of the housing market, rapid racial transition of desirable housing in parts of the central city has made a larger amount of physically good housing available to non-whites. It has also resulted in more intensive and often socially undesirable occupancy patterns in the areas recently accessible to non-whites and it has made it difficult to sustain the middle-class characteristics of the affected areas, even when higher-income non-whites have attempted to do so. Relatively high vacancy rates, as in Philadelphia and Cleveland, have accelerated racial transition in certain neighborhoods with the result of substantial upgrading in the quality of the occupied housing stock and instability in some middle-class housing areas.

Modern cities can absorb a large supply of low-income migrants without subjecting the newcomers to economic exploitation and greatly augmenting slums and blight only by building more low-rent housing on open sites, solving the problem of rehabilitation without excessive costs and providing a free housing market. The central city has a stake in open occupancy throughout the metropolitan area because it is necessary in order that the market may operate most efficiently. Under conditions of open occupancy a much smaller number of areas of middle-class housing need be threatened by inundation by non-whites and it is possible to make the most effective use of the existing supply of housing—particularly the low-rent sector.[18]

Efforts to Attract Middle-Class Families to the Central City

It is against this background that urban renewal programs' efforts to attract and maintain middle-class families in the central city must operate. Regardless of any social, political, or moral considerations, the economics of the situation require concern for retention of white middle-class families in central cities because their numbers far exceed those among non-whites.[19] In any given locality the problem has three manifestations: creation of new areas in which middle-class families will establish stable communities, rehabilitation or partial renewal of areas which will attract and hold middle-class families, and the arresting or preventing the desertion of middle-class families from existing areas of residence.

In the larger cities of the South new, segregated middle-class Negro communities have been developed. This has been possible for several reasons. In some instances it results from annexation of new areas by the central city after in-

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[18] "This is the economic rationale for open-occupancy (fair housing) legislation. As in all non-discriminatory legislation, enactment of a law is but a first step. To be effective, such laws need implementation—and that not only involves enforcement but also positive action on the part of minority groups. Thus the Philadelphia Commission on Human Relations is encouraging Negroes to seek homes in all-white neighborhoods, saying: "To break the stubborn pattern of segregated housing many Negro citizens must have the courage to live in 'new' neighborhoods." *The New York Times*, March 6, 1960, p. 49.

[19] "What the city needs is a core of upper-middle-class people to support its theatres and museums, its shops and its restaurants—even a Bohemia of sorts can be of help. For it is the people who like living in the city who make it an attraction to the visitors who don't. It is the city dwellers who support its style; without them there is nothing to come downtown *to*." William H. Whyte, Jr., "Are Cities Un-American?" *Fortune*, September 1957, pp. 124-25. Despite significant recent improvement in the economic status of non-whites and a significant increase in the number of middle-class Negroes in urban areas, the number of the latter is not now able, nor does it have a potential in the near future to provide a large or affluent enough population to perform the functions outlined above by Whyte.

formal agreements have been made concerning the color identification of land. Atlanta is a prime example,[20] New Orleans has had somewhat similar experience.[21] In cities like Charlotte, Greensboro, and Winston-Salem, North Carolina, and Austin, Texas, availability of vacant land contiguous to, or in the path of, existing centers of Negro concentration has afforded sites for new, segregated FHA-insured housing. In Houston, Texas, where availability of good housing has made the owning of attractive homes an important source of status among Negroes, there has been an appreciable amount of new construction and a significant source of excellent middle-class housing in a good neighborhood available to Negroes during the last decade.

Clearly, by creation of new segregated areas in most of these cities and restriction of Negro encroachments upon middle-class white neighborhoods to a few locations in others, the impact of the non-white market has had but limited effect upon the desertion of the central city by middle-class whites. In Houston, where there seems to have been a rather loose housing market,[22] Negro expansion into one good neighborhood served to sustain values and thereby accelerated movement of the older residents to the suburbs. However, some of those who sold to Negroes may have replaced other central city whites moving to the suburbs and thereby supported property values elsewhere in the central city.

In Northern cities the establishment of all-Negro suburbs is usually impossible. This is due to the spatial distribution of non-whites[23] and rejection of segregated patterns by non-whites in the North.[24] The latter fact is, of course, supported by legislation: a score of northern states and cities have non-discrimination housing laws, and racial discrimination in urban renewal areas is banned in several states and many cities. In all of these and other cities, the capacity and willingness of Negroes to pay for better housing in middle-class neighborhoods has increased significantly during the last decade at the same time that the low-income non-white population has grown appreciably. Indeed, the growth of non-white urban populations has been much greater in border and northern cities than in their southern counterparts. Thus the pressure of Negroes for more housing has had greater impact in the North than in the South. Also, it has had less outlet via

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[20] Robert A. Thompson, Hylan Lewis and Davis McEntire, "Atlanta and Birmingham: A Comparative Study in Negro Housing," Glazer and McEntire ed., *Studies in Housing and Minority Groups* (Berkeley, California: University of California Press, 1960), pp. 22-40; and "Civil Rights Official Lauds Atlanta's Gentleman's Agreement," *House and Home*, May 1959, p. 91. For a discussion of the implications of the use of new, segregated middle-class Negro housing in the South, see R. C. Weaver, "Southern Comfort: A Possible Misapplication of Federal Funds," *Journal of Intergroup Relations*, Fall 1960.

[21] Forrest E. LaViolette, "The Negro in New Orleans," Glazer and McEntire, *op. cit.*, pp. 124-30; also "Minority Housing," *House and Home*, April 1955, pp. 146-7.

[22] Jack F. Dodson, "Minority Group Housing in Two Texas Cities," Glazer and McEntire, *op. cit.*, pp. 101-9.

[23] See R. C. Weaver, *The Negro Ghetto*, pp. 91, 138, 154-6.

[24] "In certain ways, the North presents more problems for upper-income Negroes than the South, for here the problem is not only to get good housing—and if Atlanta can supply a Negro market for extensive Negro subdivisions, unquestionably this can also be done in nothern cities—but to get good *unsegregated* housing." Glazer, "Introduction," Glazer and McEntire, *op. cit.*, p. 6. Of course, where there is the base of a Negro settlement which originally housed domestics, as on the North Shore of Chicago's suburbs or in cities and towns of Westchester County and Long Island or clusters of industrial workers in suburban towns and cities, growing Negro populations—mostly in ghettos—are developing in northern suburbs. Also, a small number of upper middle-income Negroes have bought homes outside areas of non-white concentration. Current developments suggest that, were the suburbs open to Negroes, they would attract a large segment of the still relatively small number of middle-income non-whites. At the same time, concentration of industry in fringe areas has already attracted a significant number of non-white workers. Many are now commuting from the core areas, but there are indications of a desire for, and a trend to, suburban living on their part. Competent studies suggest that there will be an outward movement of Negroes and Puerto Ricans in the New York City Metropolitan area in response to job opportunities. (Edgar M. Hoover and Raymond Vernon, *Anatomy of a Metropolis* (Cambridge, Massachusetts: Harvard University Press, 1959), pp. 212-13.

expansion into new, vacant areas. The consequence is that Negroes have expanded to a much greater degree into areas formerly occupied by whites in northern than in southern cities.

Efforts to attract and retain middle-class families in the central urban centers of the North and border states must recognize the pressure for housing occasioned by a growing Negro population. Some of these cities also face the arrival of large numbers of Appalachian Mountain whites, Puerto Ricans, and Mexicans. Since the Negro presents problems of class as well as color, concentration upon his impact is fruitful. Glazer, while minimizing the problem of the dark-skinned Puerto Ricans and Mexican-Americans, has set forth the peculiar disabilities of the Negro in American society:

". . . . it may seem far-fetched to consider the implications of a social situation in which Mexicans, Puerto Ricans, and Negroes show roughly the same social constitution as the rest of us. However, in the case of the Negroes such large middle-class groups are already developing. They will change greatly the whole character of anti-Negro prejudice in America. But—and this is the point of this last observation—the Negroes will still be a long way from taking up the status in American society of assimilated European ethnic groups. The Mexicans and Puerto Ricans, because of their physical characteristics, will find it easier to achieve this status."[25]

Survival of healthy, central cities requires recognition and solution of this problem. First, there needs to be an acceleration of the size of the middle-class among nonwhites. Second, this will be achieved in large measure in proportion to the degree that the middle-class Negro is accepted as his immigrant prototype was accepted.[26] Third, unless the achievement of American norms of success on the part of Negroes is rewarded, as it has been among others who started at the bottom of the economic and social scale, there will be a loss of motivation (already apparent among Negroes) with consequences which are inimical to the economic, political, and cultural health of the central city. Fourth, such results would be tragic for the nation—and western democracy—in the world of the cold war and the emergence of Asian and African nationalism.

Northern cities, if they are to maintain a sound economic base, must strive to adjust to continuing in-migration of low-income Negroes, Puerto Ricans, Appalachian whites, and Mexicans. A first step in this direction is to understand the nature of cities and the historical precedents. A second step is to face up to the unique problems of the present migrant groups. These can be summarized in a single statement: All of certain ethnic groups, because of their physical identification, are assumed to be a threat to a middle-class neigborhood, regardless of the individual's or the family's income, education, or behavior. Centuries of slavery, generations of color discrimination, repeated instances of economic disadvantage via perpetuation of a color line, and a liberal amount of guilt have perpetuated color concepts. These are most apparent and effective in situations involving areas of living and schools.

Most liberals and many social scientists advocate heterogeneous neighborhoods. The majority of them would favor a community of homes in which low-, medium-, and upper-income groups lived; as a minimum, they would mix low- and medium-income people. Some have equally strong feelings about racial heterogeneity, affirming that in the modern world it behooves us in the United States to learn and demonstrate how a

[25] Nathan Glazer, *op. cit.*, pp. 11-12. For a more realistic discussion of the Puerto Rican, see Handlin, *op. cit.*, pp. 59-60.

[26] Oscar Handlin, *op. cit.*, pp. 78-80, 100, 103, 117-19.

multi-racial society can live together under democracy. Recently an outstanding land economist has dissented, questioning the innate superiority of multi-income neighborhoods.[27] In this paper no attempt will be made to pass moral, social, or political judgments on this issue; rather, the problem will be treated from the point of view of the survival of central cities. Our orientation will be primarily economic, recognizing that enforced racial residential segregation is under attack and in the process of change in the nation.

From this point of view, it must be recognized that the middle class in America is keenly conscious of the threat of lower-class encroachments. As was pointed out above, this has long been a national characteristic, perhaps an inevitable consequence of a socially mobile people who are status-conscious. During the last quarter of a century, it has become more acute. This leads to the conclusion that many middle-class families will not long voluntarily remain in an area which they believe threatened by lower-class engulfment; few will migrate to such areas. The second fact that has to be recognized is that the white middle class fears neighborhood deterioration on the entry of non-whites—an attitude that has partial roots in the history of decline in city services, lax enforcement of housing codes, and overcrowding in areas inhabited by non-whites. Actually, the degree of this fear is often a function of the speed and intensity of non-white penetration, although it is today an almost immediate reaction upon the first evidence of non-white entry.[28] Most white middle-class families will not long remain in a neighborhood where they are a racial minority. Should they fear this eventuality, they usually act so as to assure its fruition. On the other hand, there are many evidences of whites' accepting a few Negro neighbors, particularly if they are of comparable economic and social status.[29]

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[27] "It is not clear why economically heterogeneous neighborhoods are innately superior to the homogeneous. We do not really know whether economically diverse groups truly mix or merely live side by side. And casual observation indicates that many exclusively high-income or middle-income neighborhoods seem to have withstood neighborhood decline extremely well while many economically-mixed neighborhoods have proven quite vulnerable. The social gains of mixture and the social losses from homogeneity have yet to be demonstrated." (Louis Winnick, *Facts and Fictions in Urban Renewal*, p. 12. Mimeographed: a speech delivered before the Forum of the Philadelphia Housing Association, January 28, 1960). Most planners, however, believe that there are such social gains. A recent forum composed of citizens and professionals who met to consider what neighborhoods should be like "pleaded for variety—variety of housing types . . . available at a variety of prices and rentals so that a varied neighborhood population could result, all races, young and old, rich and poor, and people falling between these extremes". Ironically enough, zoning as currently practiced was considered a chief deterrent to such mixture. (Howard W. Hallman, "Citizens and Professionals Reconsider the Neighborhood," *Journal of the American Institute of Planners*, August 1959, p. 123). For a somewhat similar point of view, see Arthur L. Grey, Jr., "Los Angeles: Urban Prototype," *Land Economics*, August 1959, pp. 237-8.)

[28] This is a most complex phenomenon. Its manifestation varies from city to city, from time to time, and from area to area within a given city. For example, in the color-conscious Washington, D. C. of the present writer's youth, whites did not hesitate to enter Brookland (a suburb of the central city) despite the presence of a few middle-class Negro families. (R. C. Weaver, *The Negro Ghetto*, pp. 290-91.) As Negro incomes rose in the District of Columbia, an increasing number of middle-class colored families moved into Brookland but, until World War II, it remained a racially mixed area. By 1952, non-whites had penetrated adjoining Woodridge and Michigan Park, areas of white middle-class occupancy. The official organ of the Rhode Island Avenue Citizens' Association exhorted whites to remain in Woodridge. (Weaver, "Relative Status of the Housing of Negroes in the United States," *Journal of Negro Education*, Summer 1953, pp. 351-52). But the combined force of the pent-up non-white demand for good housing and the lure of the suburbs in surrounding Maryland and Virginia for whites was too much. Today Brookland is largely Negro, Woodridge and Michigan Park house many non-white families, and Brookland's Negroes are no longer almost exclusively middle-class. The new prestige area for Washington's middle-class Negro families is in the far Northwest, where a relatively few reside among white neighbors.

[29] See, Gus Turberville, "The Negro Population of Duluth, Minnesota, 1950," *Sociology and Social Research*, March-April, 1952, pp. 231-38; Arnold M. Rose, Frank J. Atelsek and Laurence R. MacDonald, "Neighborhood Reactions to Isolated Negro Residents; An Alternative to Invasion and Succession," *American Sociological Review*, October 1953; Davis McEntire, "A Study of Racial Attitudes in Neighborhoods Infiltrated by Non-Whites," *Bay Area Real Estate Report* (San Francisco), Second Quarter 1955, pp. 126-29.

The Impact of Urban Renewal

Urban renewal activity concerned with attracting and holding middle-class households in the central city must be geared to creating neighborhoods which offer good schools, a reasonable degree of cleanliness, protection from violence, and physical attractiveness. They need not be single-class neighborhoods,[30] but there is a limit—a class tipping point—to which they can at the present be heterogeneous from a class point of view. Similarly, they can absorb some minority group families of middle-class attributes as well as some of lower-incomes.[31] The class and racial mix will vary from new urban redevelopment sites, partial redevelopment and rehabilitation efforts, and conservation areas. The greatest flexibility is in the newly reconstructed redevelopment areas—if for no other reason because new areas and new houses have a snob appeal in themselves.

Proximity to an established blighted non-white slum complicates or deters white occupancy in redevelopment projects. Either large-scale demolition, or extra value for the housing dollar, or both are required to offset this circumstance. Chicago illustrates well this situation. The New York Life Insurance Company financed and constructed Lake Meadows, a large redevelopment, medium-cost rental project in the heart of what had been some of the worst of the city's Negro slums. Although it announced open occupancy from the start and, despite the scope of the redevelopment and its inherent desirable location in relation to downtown and in proximity to city-wide health and educational institutions, the attractive new facilities failed to appeal to a large number of white tenants.[32] Intensive efforts and tangible evidences of a new neighborhood achieved 20 percent white occupancy and, currently, 25 percent of the tenants are white.

Prairie Shores was subsequently constructed on the site of a former Negro slum and on the edge of the Negro ghetto. But it was adjacent to Lake Meadows and the upgrading of the neighborhood was well under way. Indeed, the promotion of Prairie Shores describes it as "an entirely new community immediately adjacent to the Michael Reese Hospital campus." In the words of its developer—who incidentally evidenced his commitment to the project by selling his house in the suburbs and moving into Prairie Shores—"people just recognized a hell of a good buy when they saw it." The nature of this buy is indicated by the fact that apartments rented for an average of $33 a room as against $45 to $65 for comparable new accommodations elsewhere in the city. And the first 342 units in the initial structure of this five-building development rented quickly. Seventy-seven percent of the occupants were white but most households were childless and none had children of high school age.[33] As of May 1960, two buildings in Prairie Shores had been completed. Both were fully rented and leases were being signed on a third which will be ready for occupancy in late summer. The racial mix remained about 80 percent white and, while few families with school-age chil-

[30] Those who insist on this will probably move to the suburbs anyway.

[31] For an analysis of the experience of builders of interracial private developments during the last decade, see Eunice and George Grier, *Privately Developed Interracial Housing* (Berkeley, California: University of California Press, 1960).

[32] Lake Meadows is located on a 100-acre site and rented initially from $30 per room per month—about a quarter less than comparable accommodations elsewhere in the city. The first building of slightly less than 600 units attracted only about three percent white tenants. Subsequent special efforts appreciably increased white participation. (Eunice and George Grier, *op. cit.*, pp. 106-7).

[33] "Open Occupancy Builder Lands 77% White Tenants," *House and Home*, March 1959, p. 76.

dren were in occupancy, there were many with pre-school children.

With rare exceptions a small island of medium-cost redevelopment housing in a sea of non-white slums will not attract whites. This was the experience of the attractive—but not relatively competitively-priced—Longwood Redevelopment in Cleveland. An exception was the reasonably priced (single-family, sales house) and slow moving redevelopment project in Richmond, California.[10] On the other hand, redevelopment in an area which is fairly large and marked for total treatment can attract middle-class whites when a minority of non-whites are housed in it. This has been demonstrated in architecturally attractive Capitol Park Apartments of the Southwest Redevelopment in Washington, D. C. and in the Gratiot Redevelopment in Detroit. Both of these are fairly high-rent and that fact alone has greatly limited non-white participation.

Partial redevelopment and rehabilitation present more difficult problems. In the first place, frequently the old neighborhood which is the symbol of the threat of lower-class and minority families is not destroyed. Even if a new type of area is planned the physical evidences of the old remain. Where, as in the area around the University of Chicago, there is a sizeable amount of good housing and an enduring institutional base, the possibilities of success are enhanced. The urban renewal plan for the West Side of New York,[11] which also involved spot clearance and a great amount of rehabilitation, is also favorably located. On the north is a large middle-income redevelopment project partially occupied and nearing completion, on the east an attractive predominantly upper middle-class residential strip on Central Park West, on the south a middle-class strip on 86th Street, and on the west a traffic artery.

In the Chicago and New York projects there has been great controversy as to how much public housing will be provided. In both instances the amount has been limited so that low-income families will be a definite minority of those in the areas. New York's West Side will also have a sizeable amount of lower medium-rent facilities or reasonably priced cooperatives, but most of the shelter will be priced so as to attract middle-income households. There is no question that both the New York and the Chicago neighborhoods will be predominantly middle class. Both will have some non-white, low-income families and some non-white, middle-income households. But they will be predominantly middle- and upper-income white communities.

Since conservation areas are subjected to the least amount of physical change, they share characteristics with most of the standard areas of existing housing. While the structures in such areas of the old city may be imposing in size and appearance, frequently they are architecturally obsolete. This may occasion new property uses—rooming houses, conversions to apartments of varying degrees of adequacy, or other forms of multi-family occupancy. Seldom are they suited for small families and their utilization by low-income households usually involves undesirable economic and social consequences.

In some instances the location of conversion areas (in terms of proximity to present concentrations of non-white families) inspires acute fear of minority invasion on the part of present residents. Thus, the possibility of panic selling is real and immediate upon the entrance of non-whites. There is another complicating

[10] "Pilot Project Survives FHA Red Tape, Starts Blighted Area on Road Back," *House and Home*, February 1959, p. 59.

[11] *Urban Renewal* (New York: New York City Planning Commission, undated) and *West Side Urban Renewal Area* (New York: Urban Renewal Board, 1959).

factor. Present residents of these areas have not elected to live with non-white neighbors. The latter have come in after the neighborhood has been established as a racially homogeneous one. Thus there may be a feeling on the part of old residents that they had lost the opportunity to exercise freedom of choice in selecting non-white neighbors. In this regard they differ from those who move into a new or existing bi-racial community.[11] The physical attributes of conservation areas and the process of change involved in establishing racial mixture complicate the process in such neighborhoods.

Thus conservation areas present perplexing problems to those who would attract and hold middle-class whites in the central city. At the outset it must be recognized that many parts of the core city are destined to be occupied by non-whites. Under present conditions they will provide the almost sole supply of housing for Negroes and other non-whites who seek better shelter and are achieving or have achieved sufficiently high earnings to pay for it. In addition, if the past is any indication of the future, many areas of this type will, should they lie in the path of the geographic expansion of existing racial ghettos, be occupied by house-hungry lower-income non-whites.

The degree to which low-income minority families enter these areas depends upon several things. If there is an alternative supply of good housing which better fits the family needs and pocketbooks of non-whites, the process will be delayed. If housing and occupancy standards are enforced—a thing that is unlikely unless there is an alternative supply[11]—this too will slow up racial displacement. And of course the extent to which the central city becomes more attractive to whites will lessen the availability of such housing to non-whites. At the same time, however, the volume of migration of non-whites to urban centers will be a major factor in determining the demand for housing on their part. Finally, in proportion as we continue to concentrate upon clearing slums inhabited by non-whites the process of racial displacement will take place elsewhere in the city.

In recent years there has been a series of attempts on the part of middle-class neighborhoods to stay the departure of whites with the arrival of colored residents. To date, most if not all of these have been delaying tactics at best.[11] Perhaps if such efforts were a part of an over-all program involving new open-occupancy construction, action for spreading the non-white demand over a larger area of the central city, prevention of the engineering of panic selling by real estate operators, better enforcement of housing and occupancy codes and effective action

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[11] Henry G. Stetler, *Racial Integration in Private Residential Neighborhoods in Connecticut* (Hartford, Connecticut Commission on Civil Rights, 1957) pp. 72-5. Of course, as has been observed, when one buys or rents in any neighborhood, one has no vested right in its composition. This was emphatically delineated by the 1948 decision of the Supreme Court which outlawed judicial enforcement of race restrictive housing covenants and in the rise of non-discrimination housing legislation. As a practical matter, however, many people do react to what they consider their freedom of choice in this regard and nothing in the law prevents families from moving away from neighbors they do not like.

[11] "For many years a high-class residential area around the University of Chicago, Hyde Park-Kenwood began developing pockets of slums, then found itself turning from a white to a Negro neighborhood. Concerted community action, with citizen participation on a scale perhaps unmatched in the nation, has done much to slow the drift toward blight. Moreover, the neighborhood set out to do so on a deliberate interracial basis . . . . Leaders of the effort found out how to make the city government help enforce decent living standards. But continuing Negro pressure for more housing raised doubts as to whether the unique and pioneering effort could succeed in the face of overwhelming odds . . . . By the end of 1955 physical conversion of apartments into cell-like slum structures . . . had been stopped cold . . . . But conversion by . . . moving three or four families into one apartment . . . had not been stopped." (Martin Millspaugh and Gurney Breckenfeld, *The Human Side of Urban Renewal* (Baltimore, Maryland Flight-Right Inc., 1958), pp. 31 and 105-6.

[11] *Loc. cit.* See also Mayer, *op. cit.*

to open the suburbs to non-whites, such programs might succeed in maintaining the bi-racial character of some well-located and attractive neighborhoods.[39]

The Role of Good Schools

Up to this point little has been said of family composition and its implications for middle-class residence in the central city. Most of the urban renewal projects mentioned are designed for small families and the most successful of them house few young people of school age. A recent analysis of the demand for renewal and redeveloped housing in downtown Philadelphia eliminates families with children as a source of occupants, suggesting that such families would gravitate to "the massive sections of slums and deterioration that lie beyond the central core."[40] There they would look for single-family houses or garden-type apartments.

Obviously, the needs and requirements of upper- and middle-income families without children are quite different from those who have youngsters. For the latter, schools are important. Among those of large incomes (and to some degree among the less prosperous) the possibility of using private schools may cause little concern for public educational facilities. In many northern cities parochial schools serve a similar purpose.[41]

Most knowledgeable observers consider schools a basic factor in attracting or holding middle-class families in the central city.[42] Indeed in the Russel Woods area of Detroit, concern for education of children seemed to be the most important element motivating liberal families to leave their desirable homes.[43] This too is often as much of a class as a racial phenomenon. In Cleveland, for example, middle-class Negroes entered the comfortable homes in the outlying Glenville section of the central city after World War II. More recently, as large numbers of low-income non-whites have entered the area, some of the earlier Negro residents have moved a second time, entering the more exclusive and prestige-laden Shaker Heights section. Many of those involved explain their action on the basis of the superior schools in the latter location. On the other hand, in Russel Woods and elsewhere, the existence of synagogues and other institutions related to Jewish life and religion was a strong factor in holding the white residents. Provision of similar facilities in the suburbs facilitated subsequent departure of many of these families.[44]

One student of the racial aspects of housing has proposed abandonment of the rule requiring children to attend a neighborhood public school and provison of special facilities for the middle-class oriented families. Thus, heterogeneity in residential patterns would be purchased at the cost of homogeneity in

[39] The same analysis applies to the use of quotas as a means of effecting and perpetuating interracial neighborhoods. Aside from the troublesome questions of their violation of fair housing laws, they do not offer permanent barriers against the economic pressure of a concentration of non-white demand on one or a few locations. (For a description of the case for quotas, see Oscar Cohen, "The Benign Quotas in Housing," *Phylon*, First Quarter (Spring) 1960, pp. 20-29). My analysis suggests that benign housing quotas are as temporary a means of stabilizing bi-racial areas as race restrictive housing covenants were to do the opposite. For a discussion of the latter point, see Weaver, *The Negro Ghetto*, Ch. XIII.

[40] Chester Rapkin and William G. Grigsby, *Residential Renewal in the Urban Core* (Philadelphia, Pennsylvania: University of Pennsylvania Press, 1960), p. 118.

[41] "A significantly high percentage of purchasers in non-homogeneous 'mixed' areas have been found to be families who, if they had school-age children, were sending them to relatively homogeneous (Roman Catholic) schools." (*The Demand for Housing in the Eastwick Redevelopment Area*, Interim Report, June 1956, Table XXIV, p. 42 (Philadelphia) cited by John W. Dyckman, "Comment on Glazer's School Proposals," *Journal of the American Institute of Planners*, November, 1959, footnote 2, p. 197.)

[42] "Studies . . . provide confirmation for the general hypothesis that in certain large northern cities, choice of school is at least as sensitive as choice of residence to the pull of 'homogeneity,' and for some may play an important part in residential choice." (Dyckman, "Comment on Glazer's School Proposals," *op. cit.*, p. 197).

[43] Albert J. Mayer, "Russel Woods: Change Without Conflict," *op. cit.*, pp. 215-16, 219.

[44] *Ibid.*, pp. 212, 216, 219.

public schools.[46] It has been pointed out that special schools of the type suggested might well fail to preserve or facilitate heterogeneity in residential patterns, reinforcing "islands of upper-income white occupancy in an ethnic sea of educational proletarianization."[47] In light of the growing political power of non-whites in northern urban areas such a consequence would sow the seeds of its own destruction —and that of urban renewal in the process.

Public schools are a symbol and an instrument of democracy. While their programs can and should be tailored to meet the needs of students, the whole trend in the nation, as dramatized by the Supreme Court decision of May 1954, is away from racial segregation. This of course is not to say that every child receives the same training but it does call for no arbitrary assignment to schools on basis of color or class. It is compatible with an open system which, within a given school, assigns pupils to educational programs which meet their needs, provided that the system is fluid and based upon some universally applied criteria for assignment. The latter must be a reflection of ability and not social status. The track system now in operation in Washington, D. C. is one which seems to meet these requirements.

But there is still another requirement. It is a system which avoids the implications or consequences of separate identification by tracks. This has been accomplished in one school on the West Coast where there are several curricula for students of differing aptitudes. However, all students of a given grade have a common homeroom or common homerooms, regardless of differences in educational programs. Such arrangement is not only productive of identification with a common institution for all but it is also compatible with the concept of a democratic public school.[48]

Just as most middle-class families, if they have an alternative, will not long remain in a neighborhood where they are a minority so they will not long send their children to a school where they are a minority. Middle-class whites with children will remain in the central city in large numbers only if they have access to a middle-class oriented, educationally satisfactory public school or can afford private or parochial schools. The degree of possible class and racial mix in a neighborhood is lessened, therefore, when school-age children are involved. It can be conceived however that as the number of stable bi-racial neighborhoods increases, tolerance for this type of living will grow. In light of the importance of prestige considerations in the selection of housing, it may well be that this process will be accelerated through the creation of attractive, newly constructed, racially mixed neighborhoods in the central city. The efficacy of the latter will be minimized as long as the suburbs remain essentially racially homogeneous.

Public schools in the central city cannot compete with their suburban prototypes on terms of the latter. The city public schools can never match the snob appeal of many suburban ones. Seldom can they assure the same degree of class or racial homogeneity nor can they equal the spaciousness of the surrounding campus. But they can be good schools. Indeed if they are specialized high schools concentrating on specific fields, they can be better schools. This is demonstrated

[46] Nathan Glazer, "The School as an Instrument in Planning," *Journal of the American Institute of Planners*, November 1959, pp. 191-6.

[47] J. W. Dykman, "Comment on Glazer's School Proposals," *op. cit.*, p. 156.

[48] See James B. Conant, *The American High School Today*, New York: McGraw-Hill Book Company, 1959, p. 74.

by certain technical schools, fashion schools, and performing arts high schools in New York City. Emphasis must be upon high scholastic standards, adequate discipline in the school, and exploitation of the opportunities for cultural enrichment which urban life offers. While these potentialities will not be given a chance to flower if middle-class white parents feel that low-income and minority group children are to be a large element in the student body, they are possible of achievement in a city school which is not homogeneous. Proof of this is the effort prestige private schools have made for years to attract and enroll children of poorer parents and from non-white households. The administrations and parents of many of these schools lament the fact that such enrollment is not larger.

At the same time the central city public school has a unique character to sell—a degree of class and racial heterogeneity which will teach young people to live with other children of varying backgrounds.[11] Many middle-class families are acutely aware of the importance of this in a democracy; in the world today it has even more pressing international implications. Unfortunately, realization of its desirability is far from accepting situations in which there is heterogeneity.[12] This is due largely to fear that some class and racial mixture will lead to an inevitable lowering of academic and discipline standards and an ultimate minority status for white children in the school. It is also manifestation of apprehension lest there may be loss of social status in living in a predominantly non-white neighborhood or having one's children in a school with large Negro enrollment. If, however, the public school is geared primarily to the educational goals of middle-class families, it can and will attract and hold many middle-class white children even though some lower-income and middle-class minority pupils are included.

Another attraction which the school in the central city can have is to afford a richer and more meaningful education. This suggests delineation and exploitation of the educational advantages of the central city. The many cultural institutions located in the central city—its theatres, museums, concerts, and the like—are great assets. The school program should utilize fully and dramatically these facilities of the central city.

With all of this, there will be fear and apprehension on the part of middle-class parents. Over the long run, this can be met only as the living standards, opportunities, and assimilation of those least advantaged in the city are increased. Here too the public schools have a basic but not an exclusive role. In those areas where the schools serve large numbers of migrant, low-income, and minority families, programs need to be developed to accelerate their adjustment to urban life. Included among these are activities for remedial work, the discovery and nurture of talent, curriculum enrichment, reaching parents and involving them in community problems related to schools, and the preparation of teachers who understand the cultural problems involved.

All of these programs and activities will hold only some of the middle-class families now in the central cities. They will be more effective in attracting back to the city others who are exhausted or disillusioned with suburban life. But unless we begin now to deal with them,

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[11] *Ibid.*, pp. 75-6.

[12] The inclination of liberal, middle-class white families to offer lip-service to the desirability of racial heterogeneity in schools results in some peculair situations. Frequently, in an effort to establish the form of bi-racial student bodies, a few non-whites are either admitted or actively sought. This is most prevalent in private schools and the minority group students are "special" in more ways than the obvious. While potential guilt of liberal whites may be assuaged, the non-white symbol of integration may suffer from a forced and artificial feature.

the trend of certain groups away from the city will continue—and probably at an accelerated rate. Certainly, in assessing the potential demand for medium-priced housing in the central city, an important variable is the success we have in creating and maintaining public schools which have an appeal to the families involved.

The Class and Race Mix of the City Tomorrow

This analysis suggests that in northern and border cities there can be a degree of class and racial mixture compatible with attracting and holding middle-class whites. In the expensive and upper medium-rental apartments and sales houses this presents few problems of planning. The income structure assures only token participation by non-whites and of course eliminates the low-income group. If the desirable mix (from the point of view of maintaining large numbers of medium-income families) involves limited participation of low-income households, this too can be achieved by redeveloping or renewing areas large enough to establish their own identity and limiting the amount of low-cost housing. This however implies the responsibility for providing in attractive locations an adequate supply of low-cost units and cessation of such widespread dislocation of families as has typified urban renewal to date.

It is at the level of medium-cost housing that real problems arise. The non-white and particularly the Negro housing market includes a growing number of families ready, willing, and able to purchase or rent such shelter. If the market is open to them in only a few locations at any one time the "tipping point" may soon be reached in any one or two developments. As was indicated above, opening the suburbs to non-whites is one of the necessary prices for attracting and holding middle-income whites in the central city.[10]

Cessation of widespread dislocation of low-income families was suggested in the earlier discussion of high and upper-medium-cost housing. It was proposed there from the point of view of political expediency and equity. It is pertinent to the discussion of medium-cost housing for another reason. As long as large numbers of low-income families are uprooted by slum clearance they are a potential source for the displacement of middle-income families elsewhere in the community. This is especially true when they are colored and limited to a racially restricted market.

A final approach, applicable chiefly to conservation areas, is to perfect techniques for stabilizing racially transitional neighborhoods. To be effective they must be an element in a comprehensive program for expanding the supply of housing available to non-whites at all price levels. Also, it must be realized that there are some neighborhoods which, because of location in relation to the growth of areas of non-white concentration, will not respond to this treatment. This only illustrates that cities are not static institutions. Their physical facilities change and their people move. The problems of class and color can never be solved in any one neighborhood. Today they cannot be solved in the central city. They are problems of metropolitan areas.

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[10] This is a complex matter. It would operate as suggested above by (1) syphoning off some of the middle income demand for housing among non-whites from the central city; (2) removing the attraction of racial homogeneity from the suburbs; (3) reducing the snob appeal of racial exclusiveness since no area could assure it; (4) reducing the threat of "tipping" in any one racially open neighborhood.

If this analysis is valid, it has significance for the kind of cities we may expect in the next generation. While the size and squalor of slums may be decreased we shall not clear all of them. Poverty, rejection, and a certain amount of individual choice[51] will dictate their perpetuation. Through better schools—in terms of plant, quality of teaching and effective programs to reach low-income families—the economic and social status of many slum residents can be raised. If we perfect and apply techniques to give the newcomers a feeling of belonging and provide meaningful assistance to the normal as opposed to the problem family, there can be greater occupational, educational and residential mobility among this group. For these approaches to work, our urban populations will have to be less color-conscious; and anti-discrimination housing legislation affecting the suburbs as well as central cities will be required. We need also to develop more tolerance to variations from established middle-class values and behavior.[52]

American urban centers will not soon, if ever, become a total of class and racial heterogeneous neighborhoods. Realistic and courageous planning, constant progress toward open occupancy, continued economic advancement on the part of the disadvantaged, progress in dealing with transitional neighborhoods, an expanding supply of housing suited to the family needs and pocketbooks of low-income and lower medium income households, good schools, and the development of techniques to upgrade at a reasonable cost much of the existing housing supply will enable our cities to develop and maintain neighborhoods with varying degrees of class and color heterogeneity. But most of these will be predominantly of one income level; some will be almost exclusively non-white; a few will have a small number of medium-income non-whites; and others will be integrated in varying degrees.

What of the central cities? They will survive. Indeed, their demise, largely on the same grounds cited as threatening them today, has been foretold many times in the past.[53] Of course, they will be different. For years to come they will have trouble attracting and holding middle-income white families with children. As long as there are private and parochial schools, some such households will remain. To the degree that redevelopment, renewal, and conserved neighborhoods, as well as areas which are left alone, become or continue to be identified as middle class, there will be middle-income whites with children in the central cities. Good public schools and other satisfactory public facilities will augment the number. Almost equally important will be the success we have in utilizing housing codes and other tools to raise the general level of housing, in developing realistic school programs to raise motivation and achievement in all schools, and in applying effective techniques for accelerating the occupational, residential, and social mobility of the growing number of newcomers who are entering and will continue to enter our cities.

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[51] John R. Seeley, "The Slum: Its Nature, Use, and Users," *Journal of the American Institute of Planners*, February 1959, pp. 7-14.

[52] R. C. Weaver, "Human Values of Urban Life," *Proceedings of the Academy of Political Science*, June, 1960.

[53] Louis Winnick, *Facts and Fictions in Urban Renewal*, p. 18.

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Integration in Public and Private Housing

By Robert C. Weaver

RESIDENTIAL racial patterns assume new significance in light of recent decisions of the Supreme Court banning segregation in public schools. Long before this action, concentration of nonwhites in ghettos had nullified legal prohibitions above the Mason-Dixon line on racially separate schools. After the decisions, residential segregation became a principal proposal for "getting around" the Court's decrees in the South. In all regions of the nation, restriction of colored citizens to certain areas creates de facto separate neighborhoods and public facilities—including schools—thereby delaying participation and acceptance of nonwhites in the educational, political, economic, and social aspects of American life.

Integration in housing, as in other matters, is more than proximity and spatial patterns. It involves casual associations between peoples of different races and color. It is complete when people of minority and majority groups are treated as individuals with no conscious concern for their ethnic background. Had we achieved this state, there would be no occasion for the present issue of THE ANNALS.

Publicly Assisted, Low-Rent Housing

The federal public housing program affords the most complete quantitative data on the movement toward desegregation in housing. From the beginning of the program, there was widespread minority group participation at the same time that the issue of residential segregation was seldom raised in the South and was avoided in the North.[1] By the end of World War II, northern housing authorities had made some progress toward adoption of nonsegregation policies.[2] More recently, the trend has continued at an accelerated rate, including border cities such as Baltimore, St. Louis, Washington, and Wilmington.

Figures presented in Table 1 indicate that local authorities (or states) may adopt open-occupancy policies and still not effect compliance. Where a public housing development is located in, or contiguous to, an existing, established area of nonwhite concentration, it almost invariably becomes an all-minority group project. This is occasioned by the pressure of nonwhites to get into the unit and the disinclination of whites to enter and remain in a predominantly colored community. In practice, it is difficult to maintain a racially mixed pattern of living once the proportion of nonwhite tenants exceeds 40 to 60 per cent. Also, it is more difficult to introduce white tenants into a previously all-Negro or predominantly Negro public housing project than to bring nonwhites into a previously all-white development. Either of these changes presents more problems than establishing integrated patterns of living at the outset.

By March 1955 there were nine states with open-occupancy policies governing

[1] Robert C. Weaver, *The Negro Ghetto* (New York: Harcourt, Brace and Co., 1948), pp. 75–76. Public housing prior to World War II served to strengthen residential segregation in the North.

[2] *Ibid.*, Chap. X; Charles Abrams, *Forbidden Neighbors* (New York: Harper & Brothers, 1955), Chap. XXII.

TABLE 1—TREND TOWARD DESEGREGATION AND SPATIAL INTEGRATION IN FEDERAL PUBLIC HOUSING PROJECTS, 1952–55

YEAR	NUMBER OF STATES		NUMBER OF LOCALITIES				OCCUPIED PROJECTS IN LOCALITIES COVERED	
			With Open-Occupancy Policy					
	With Open-Occupancy Policy	No Policy; One or More Projects Spatially Integrated	Total	One or more projects spatially integrated	No projects spatially integrated	No Policy; One or More Projects Spatially Integrated	Total Occupied Projects	Total Projects Spatially Integrated
1952....	7	12	120	43	77	27	478	210
1953....	8	15	186	71	115	34	694	268
1954....	8	16	226	88	138	39	726	297
1955....	9	18	243	102	141	29	722[a]	341

[a] Decrease in total occupied projects due to disposition of war projects.

Source: Adapted from a table appearing in *Open Occupancy in Housing Programs of the Public Housing Administration, as of March 31, 1955* (Washington, D. C.: Housing and Home Finance Agency, 1955), p. iii.

public housing. An additional eighteen states had one or more localities with a similar policy.[3] As is illustrated in Table 2, the extent of spatial integration varied among the twenty-seven states involved. Progress toward nonsegregated patterns of living reflected the extent of nonwhite concentration in urban centers, the relative size of the Negro population, the extent of local ordinances and administrative rulings, the length of time legislation had been in force, the type of law-enforcement machinery and methods in effect, and the location of sites. In at least two southern cities, spatial integration occurred in response to the play of supply and demand.[4]

In all locations, spatial integration in public housing has brought interracial contacts. The fact that this has occurred in many communities and that it often reflects conscious efforts to change from segregated to racially mixed projects illustrates the possibilities of such actions. Also, of course, tens of thousands of white and nonwhite low-income families have discovered, some for the first time, that interracial patterns of living are practical.

SPATIAL INTEGRATION IN CONNECTICUT AND NEW YORK

Some idea of the degree of spatial integration resulting from state and local antidiscrimination and antisegregation

[3] For a detailed analysis of state and local nondiscrimination laws and ordinances governing public housing, see "Non-Discrimination Clauses in Regard to Public Housing, Private Housing and Urban Redevelopment Undertakings" (mimeographed), Washington, D. C.: Housing and Home Finance Agency, 1955.

[4] The Housing Authority of Rayne, Louisiana, operates a seventy-six-unit project. Of the tenant households, thirteen are Negroes. This situation developed because there were chronic vacancies in the project designed for Negroes at the same time that the white project had a long waiting list.—*Open Occupancy in Housing Programs of the Public Housing Administration* (Washington, D. C.: Housing and Home Finance Agency, 1955), p. 21.

The Executive Director of the Housing Authority of Crystal City, Texas, stated in a like vein, "We had not thought of this as being anything unusual. We had . . . housing units for rent . . . and there were families who needed and wanted them . . . there have been no racial problems. . . ." As of March 1955 the thirty-two-unit project in the city had four Negro tenant families.—*Ibid.*, p. 57.

TABLE 2—EXTENT OF SPATIAL INTEGRATION IN FEDERAL PUBLIC HOUSING PROJECTS, 1955

States		Localities with Spatially Integrated Projects			Projects Housing Whites & Nonwhites				
Open-Occupancy Policy	No Policy But Having Some Spatially Integrated Projects	Total	Open-Occupancy Policy	No Policy	Spatially Integrated	No Pattern[a]	Separate Within Buildings	In Separate Buildings	In Transition to Spatial Integration
Totals 9	18	131	102	29	341	43	4	33	9
	Arizona	3	2	1	3	1		2	
	California	28	23	5	80	4	1	8	2
	Colorado	2	2		14				
Connecticut		14	10	4	26	3		7	1
	Delaware	2	1	1	4				1
D. C.		1	1		5				1
	Illinois	3	1	2	12	2			
	Iowa	1		1	3				
	Louisiana	1	1		1				
	Maine	1		1	2				
	Maryland	1	1		3				
Massachusetts		7	6	1	17	11			
Michigan[b]		2	2		2				
Minnesota		2	2		3	2			
	Nebraska	1	1		3		3		
	New Hampshire	1		1	1	3			
New Jersey		17	16	1	44	5			2
	New Mexico	2	2		2				
New York		12	12		49	1			1
	Ohio[a]	6	4	2	12	1			1
	Oregon	1		1	1	1			
	Pennsylvania	14	10	4	33	4		14	
Rhode Island						3		2	
	Texas	1	1		1				
	Utah	2		2	2	1			
	Washington	5	3	2	15	1			
Wisconsin		1	1		3				

[a] No pattern (too few Negroes in occupancy to form a pattern).
[b] Includes court orders.

Source: Adapted from *Open Occupancy in Housing Programs of the Public Housing Administration*, table on p. iv.

laws may be obtained by probing into racial occupancy patterns in Connecticut and New York—two states for which comprehensive data are available. The statute barring discrimination or segregation in public housing in Connecticut became effective in October 1949. By 1954, 61 per cent of the low-rent projects were spatially integrated; 27 per cent were segregated by building or section; 6 per cent were all-white and 6 per cent were all-Negro. "A shift in occupancy patterns [after passage of the legislation] is particularly noticeable among the low-rent projects. Integration [in occupancy patterns] exists in only four out of every ten projects opened prior to July 1949, whereas it exists in *all* of the projects opened in the more recent period."[5]

[5] *Racial Integration in Public Housing Projects in Connecticut* (Hartford: Connecticut

These results were obtained in a state which, at the close of 1953, had approximately 9,000 low-rent public housing units and a Negro population of about 60,000. All low-rent public housing in Connecticut was financed by the federal government. In contrast, the Negro population of New York State was about 1,000,000 by 1955. In June of that year there were in the state 146 completed low-rent public housing projects, containing 94,802 dwelling units; this housing was financed by the federal government, the state, and New York City. Sixty-eight of these completed developments were in New York City and 78 were in upstate New York. One third of all dwelling units in the program of the state were occupied by Negro families and another 8 per cent by Puerto Ricans.

New York City

Although New York City (as well as most cities in the state) started its program of public housing on a segregated basis, the local authority initiated integration in the late 1930's at the behest of the United States Housing Authority. Today, there are some Negroes in each of the low-rent projects operated by the local authority. The proportion of nonwhites (Negroes and Puerto Ricans) varies from 99.8 per cent to 9.5 per cent. Negroes are most highly concentrated in projects built on sites within established nonwhite ghettos; the next highest concentration is in sites contiguous to established ghettos; the lowest concentration is in projects furthest removed from established centers of nonwhite residence. However, the program has done more than anything else to introduce colored families into new sections of all five boroughs of the city. This is, from the point of view of accelerating spatial integration in shelter, a most important contribution, since it represents establishment of new, democratic patterns of living in scores of neighborhoods where few if any nonwhites resided before the advent of public housing in New York City.

Upstate New York

The situation outside New York City is more complicated. While in 1950 Negroes constituted 9.5 per cent of the population of the metropolis they were only 2.5 per cent of the people upstate. With the exception of Lackawanna, there was no participating upstate city outside of Westchester County in which 10 per cent or more of the population were Negroes. Actually, 95 per cent of the nonwhite households in the state were concentrated in the metropolitan area and Buffalo. In eight of the forty upstate communities having low-rent public housing programs, the nonwhite population was less than .25 per cent. It was less than 2 per cent in seven additional cities.

There are fifteen projects in upstate New York with no Negro occupants; most of them are in communities with few if any colored residents. More than half the upstate projects have fewer than 10 per cent of their units occupied by Negroes, while three have all-Negro occupancy. In Schenectady, low-rent public housing projects which were opened and operated on a segregated basis have been spatially integrated in recent years; this is one of a few local programs where whites were successfully introduced into an established all-Negro project. The first public housing project in Syracuse was planned and originally operated with a Negro wing of some sixty units. Today the number of colored households in the project has more than doubled, and the 20 per cent of the tenants who are Negro live in all

Commission on Civil Rights, 1955), p. 15. The figures cited above do not include Bridgeport, the third largest center of Negro population in the state.—*Ibid.*, Table 5.

parts of the project. There are, however, in some upstate cities, local programs which have only token nonwhite participation in projects removed from centers of Negro concentration, while projects in Negro areas are still inhabited predominantly by colored families.[6]

Buffalo has a varied pattern, including an all-Negro development which was designed and operated as such from the beginning of the program in the city. On the other hand, all other projects in the authority's program have some Negroes; those removed from the center of nonwhite concentration have small proportions, ranging from 2.5 to 7.1 per cent. One project, situated in the downtown area, is becoming increasingly Negro occupied, although it still has a biracial pattern. At the outset, about 15 per cent of the occupants were Negroes; today over 50 per cent of the units are tenanted by Negroes. While whites have moved out into other areas, more and more vacancies have been taken up by nonwhites, many of whom have priority because of their displacement from slum areas which are being developed for low-rent public housing. This may be offset, however, by admission of Negroes into a new project now under construction on what was a vacant site removed from the center of Negro concentration. The situation is symptomatic of a pressing problem, indicating what is so apparent in New York and other cities, that racial patterns in a community's public housing operating under an open-occupancy policy depend, in large measure, upon the location of sites and the timing of the construction of different projects; the latter, in turn, determines whether or not eligible white and nonwhite applicants have the choice of moving into one or several developments.

[6] Recent legislation in New York State, in the form of the first Metcalf-Baker Law, has placed enforcement of the state's nondiscrimination legislation for public housing in the state Commission Against Discrimination. This should accelerate integration.

Urban Redevelopment

A second major publicly assisted housing program is authorized under redevelopment and urban-renewal legislation. In this instance, construction is usually sponsored and financed by private enterprise, often with Federal Housing Administration insured mortgages. The land, however, is acquired (through condemnation, where necessary) by a public agency and resold at a markdown to the redeveloper. Nondiscrimination legislation applies to these programs in New York State, Connecticut, Minnesota, New Jersey, Pennsylvania, and Wisconsin, as well as in Los Angeles, San Francisco, Cincinnati, and Cleveland. Since this is a relatively new program, there is not yet a body of data reflecting racial occupancy patterns. Its initiation, however, is affecting adversely the stability of interracial low-rent housing projects.

About two-thirds of those displaced by redevelopment projects are nonwhites and, as relocation families, usually have a priority on vacancies in public housing projects. Their admittance often upsets the racial balance in projects, hastening a development's becoming all or predominantly Negro. At the same time, displacement of large numbers of nonwhite families incident to slum clearance and public improvements places additional pressures on all transitional neighborhoods. The resulting immediate need for shelter on the part of a large number of colored families offers great economic incentives for doubling up and improvised conversions. Where there are not effective ordinances and occupancy standards, inundation of areas is inevitable and, in its course, racially integrated neighborhoods are threatened.

Publicly Assisted Middle-Income Housing

Some states, such as New York, Connecticut, and Pennsylvania, have relatively small programs of middle-income housing. In the North, this, too, is legally open-occupancy housing. So far, however, the degree of nonwhite participation in middle-income housing has been much less than an analysis of the relative effective demand of nonwhites for this type of shelter would suggest. The one exception is in the no-cash subsidy program of the New York City Housing Authority; here, too, however, while nonwhites are in all such projects, they are, as one would expect, concentrated in the two developments located in or adjacent to Harlem, and the number and proportion of Negroes in other projects decline generally in proportion to the project's distance from existing Negro concentrations. Only one of the privately constructed, limited-dividend projects sponsored by the New York State Division of Housing and located in the New York metropolitan area has more than twenty nonwhite families; some have none. Present administration of the Division of Housing, however, is committed to de facto open occupancy in all future middle-income projects and in existing limited-dividend developments as vacancies occur.

It appears, therefore, that in the North and to a lesser degree in border cities publicly assisted housing is currently accelerating the trend toward spatially integrated living, owing mainly to the contribution which low-rent public housing programs are belatedly making in this direction. On a national front, urban renewal has, so far, been a negative force, serving generally to endanger unsegregated patterns in public housing or initiate new patterns of residential segregation in those communities where it is not prohibited to do so by law. However, where, as in New York City, there is a combination of adequate protective legislation, effective compliance machinery, and strong community consciousness on the issue, urban renewal will ultimately serve, as low-rent public housing has served, to disperse the nonwhite population in the city. Cleveland is starting to use its redevelopment program to break up an evolving Negro ghetto by bringing some of the suburbs back into the central city. As a first step, a redevelopment project on vacant land providing 1,200 units of new housing for both low and middle-income families of all racial groups, is proposed.[7] These examples indicate that the program, despite its performance to date, could become a force for integrated patterns of living above the Mason-Dixon line.

Privately Financed Housing

For some time, whites have been moving out of the central city areas into restricted lily-white suburbs; simultaneously, nonwhites have entered more housing within the borders of the central cities. In the process of this population movement, nonwhites have entered new neighborhoods.

A detailed study of Negro housing in Chicago indicated that the postwar movement in that city is largely a ghetto extension. On the other hand, analysis of block statistics of the 1950 census in Detroit and Washington, while revealing a somewhat similar over-all pattern, indicated that subsequent to repudiation of judicial enforcement of racial housing covenants Negroes with high incomes have bought expensive property in areas where, both because of the remoteness of the neighborhood from centers of colored concentration and because of high selling prices of

[7] "Cleveland; City with a Deadline," *Architectural Forum*, Vol. 103, No. 2 (August 1955), pp. 135–36.

surrounding properties, the chances of total or appreciable nonwhite inundation seems remote at the present.

In Philadelphia, too, there are desirable areas of racially mixed housing which appear to be stable. One of these is a middle-class neighborhood of some thousand homes into which Negroes have recently moved without fuss. Only 80 houses changed hands in the past year; 52 of these were sold to white buyers, 26 to Negroes, and 1 to a Chinese American.[8]

Rent control, while it often delayed the entrance of nonwhites into new areas, has also sometimes served to introduce and stabilize interracial patterns of shelter, as in the following instance.

Upper Riverside Drive in New York City lies in the path of Negro expansion. Prior to rent control, few colored families had entered the area. Rent control, however, prevented eviction of existing white tenants at the same time that it limited the degree that rents could be increased for new occupants. This meant that whites, who normally might have moved out rapidly with the advent of the first colored occupants, remained in tenancy because comparable shelter was either nonexistent or priced out of their ability to pay. The incoming nonwhite tenants could be carefully chosen, and many were able to carry rental charges without resorting to overcrowding or doubling up; owners had little incentive to encourage overoccupancy, since rents were fixed in terms of former single-family use.

Thus, in many apartment houses on the Drive white and colored families of comparable economic and social status have been living together for several years. There are indications that if rent controls continue (as they probably will in Manhattan), these buildings may remain interracial for some time. The volume of middle-income construction completed, under-way, and planned in Harlem and elsewhere in Manhattan will relieve the pressure for medium-priced housing in the Negro market, thereby somewhat limiting the extent to which rents can be raised in existing dwellings in and adjacent to the area. Almost a decade of stable interracial living in upper Riverside Drive area has conditioned both white and Negro residents to such a pattern, so that some of the housing there may continue to be interracial even after rent control has been repealed.

FHA and VA Insured Construction

A final factor in this situation is the growth of nondiscrimination legislation covering credit and Federal Housing Administration and Veterans Administration insured construction. New Jersey has amended the state banking and building and loan association laws to include phrases requiring that mortgages be made without regard to race, creed, or color of the borrower. This should accelerate the purchase of houses by nonwhites outside existing ghettos. Even more significant is passage of the second Metcalf-Baker Law in New York, extending the definition of publicly assisted housing (prohibited to discriminate by the earlier Wicks-Austin Act of 1950) to include FHA- and VA-insured construction. The Connecticut Commission on Civil Rights has recently interpreted FHA- and VA-insured construction as publicly assisted housing, subject to the state's nondiscrimination and nonsegregation statute. New Jersey, too, is considering a bill similar to New York's second Metcalf-Baker Law. This legislation has passed the state Assembly and is now before the Senate.

Those concerned with racial problems in shelter will watch developments in New York State with interest, realiz-

[8] "Report of Church Community Council of Pelham" (mimeographed), Philadelphia, Pa., 1955.

ing that while compliance [9] will not, in itself, solve the housing problems of nonwhites, the impact of the law can be appreciable.

Significance of Spatial Integration in South and North

Prior to the School Segregation Cases, residential segregation was less important in the South than in the North. But when the Supreme Court declared separate public schools unconstitutional, several southern leaders minimized the impact of the decision by observing that residential segregation would soften and often remove the possibility of change. Subsequently, the then President of the National Association of Home Builders, speaking in his native Texas, observed:

> The Supreme Court ruling concerning schools, in my opinion, will have a profound effect on housing at an early date. This is the most recent of a long series of rulings which have concerned the place of the minority groups in American life.
>
> . . . . . .
>
> I have felt for some time that the home building industry must tackle this problem head on and we must plan and provide adequate and good housing for minorities of this Nation in *proper areas with proper facilities* or get ready for Congress and the Courts to seek their solution by decree and statute. . . . If we meet the issue now, plan and provide the Negro with housing on comparable Financial Terms, *but in planned communities*, society will be much better off. I know we will be happier and I sincerely believe they will be happier.[10]

In a word, there are now strong institutional forces in the South dedicated to perpetuation and extension of separate areas of living for nonwhites. This will find its most effective expression in advocacy of more all-Negro, low-rent public housing, clearance of racially mixed substandard areas and their redevelopment into segregated neighborhoods under Title I projects, and promotion of new and much more attractive Negro neighborhoods.[11]

At the same time, the constant production of new housing in suburban areas in the South and the need for buyers and renters to absorb the older units, now somewhat obsolete, render the nonwhite purchaser especially attractive to those who operate in the housing market. Thus, as residential segregation is being developed in newly constructed housing, there is a concurrent movement of nonwhites into new neighborhoods. Here, again, the basic question is the stability of interracial patterns which emerge. It is clear that social, political, and prestige pressures are being exerted upon the whites to move out; economic forces are less clear. In the first place, values in transitional areas do not necessarily fall, as was formerly expected. Then, too, the crafty

[9] Owing to legislative technicalities, the second Metcalf-Baker Law does not have specific compliance machinery. Governor Harriman, however, has appointed a Compliance Committee, which is acquainting the industry with the provisions of the law, informing them of the dimensions of the problem, and urging their co-operation; it is also seeking the support and co-operation of FHA and VA.

[10] Speech of Richard Hughes before the Texas Mortgage Bankers' Association at San Antonio, Texas, May 21, 1954. Italics mine.

[11] The most dramatic development of this type is Pontchartrain Park Homes in New Orleans. It is "the fanciest minority subdivision in New Orleans (and perhaps the whole Nation)." In kicking off the mammoth sales promotion held in an auditorium-sized exhibit and sales room on New Orleans' Main Street, Mayor Morrison asserted: "The development will be super deluxe, with features that cannot be matched in the City." The subdivision is an excellently located tract of 210 acres. It encircles a 185-acre city park including an eighteen-hole golf course, swimming pool, and playgrounds. Pontchartrain Park adjoins a famed white development of high-priced homes. It will have 1,000 homes ranging in price from $9,725 to $30,000.—"Minority Housing," *House and Home*, Vol. 7, No. 4 (April 1955), pp. 146–47.

white seller may postpone closing a deal in the belief that he can do better if he does not put his house immediately on the market. In the present situation, however, this is at best a delaying influence.

In the North, interracial public housing projects throw white and colored families of similar economic background together under conditions of equality. In a number of instances, also, higher-income Negroes are moving into medium-priced homes, where they, too, become neighbors of whites with comparable social and economic backgrounds. Although many of the pressures which discourage formation of permanent patterns of unsegregated living in the South are found in the North also, their intensity is much less. Most significant, racial mixture in schools, although far from universally approved, is not emotionally charged, and the political powers of the Negro are constantly expanding the scope and efficacy of nondiscrimination legislation in housing.

Suburban housing

The key to the situation in the North, however, probably lies in the racial composition of newly constructed suburban housing. If there are effective legislative actions and if a few of the major producers of new housing establish successful open-occupancy developments, the unsegregated patterns now emerging in the older sections of northern cities will be supported. Of course, destruction of racial ghettos will not immediately result. The majority of nonwhites will continue to live in areas of high concentration, but new patterns will emerge elsewhere, and slowly the Negro and other colored groups may begin to disperse as have other ethnic city groups.

Spatial Integration and Racial Attitudes in Public Housing

Intergroup contacts, per se, need not, and do not always, lead to democratic interracial understanding. Under slavery, for example, there was contact and often affection. It was a fairly stable relationship in many places, but of course there was no equality. The translation of this attitude in post-Civil-War terms was found in the position of the southern conservatives who did not feel the need for total segregation, disfranchisement, and ostracism because they could maintain their position of superiority without these devices. Many among them must have realized that their program would assure the inferior status not only of Negroes but also of poor whites.

A basic question which concerns us, therefore, is the extent to which spatial integration in shelter has facilitated mutual acceptance across the color line. Where contacts have been under conditions of equality, they may be expected to have led to such acceptance and to generation of more favorable racial attitudes, and thus to be steps toward complete integration. Complete integration is used to describe a situation in which white and nonwhite families not only live in a spatially mixed community but also accept one another, associate without self-consciousness, and do not look forward to release from each other as neighbors. Social relations need not be close—just as persons in an all-white or an all-Negro community co-operate on mutual problems without necessarily accepting all, or perhaps any, of their neighbors as social intimates. Obviously, such integration in an apartment in Manhattan would manifest itself quite differently from integration in a suburban community or in a small

town in New England or the Middle West.

There are a few recent, carefully designed studies of racial attitudes in spatially integrated public housing projects. Racial attitudes in completely mixed projects are compared with those where there was partial segregation or separate projects.

A basic, and anticipated, revelation of studies of racial attitudes in spatially integrated public housing units is that opportunities and likelihood of getting to know persons of a different race are greater. This is a matter not only of proximity but also of the acceptability in integrated units of interracial contacts, for different occupancy patterns are closely correlated with differences as to how one is expected to behave. It has been observed also that the influence of living together is strong enough to reverse relationships often encountered in research studies between prejudiced attitudes and such factors as religion or political attitudes. There were, of course, more contacts, and approval of contacts, between children than between adults.

An advance toward complete integration

Spatially integrated projects represent a "real, though limited advance in the direction of integrating Negroes into the total life of the community."[12] Actually, the greatest amount of interaction between white and colored tenants took place in homes of the participants. Neighborly actions, such as helping each other in times of sickness, were most frequent; next were things like having tea and coffee together or minding one another's children. Least frequent were activities extending outside the project, such as shopping or going to the movies together.

The contrast between internal and external contacts and influences found another expression. While both white and Negro parents in public housing developments in Connecticut felt that it was desirable for children of both races to play together, whites, in general, would prefer to live in all-white projects. Although, to date, the integration achieved in some Connecticut public housing projects has been primarily of a physical nature—especially in the case of adults—the present spatial arrangements offer a basis for developing feelings of real neighborliness. Potentialities in the situation have seldom been fully realized, owing largely to a lack of management-staff orientation, failure to encourage tenant organizations, and absence of effective programs for interracial understanding. Results to date, however, suggest that spatially integrated housing may become a real factor in achieving real integration. Since the studies of attitudes now available to us indicate that fear of losing social status is a basic deterrent to such results, it is necessary to look beyond the projects into the larger society which does so much to form attitudes and direct behavior in public housing developments and elsewhere.

Reaction to Negro Neighbors

The classic response to Negro migration into new residential areas has been white flight. This process, so frequent in its occurrence and so dramatic in its consequences, has often blinded the public to the fact that it has never been the universal pattern. Actually, even in cities where the Negro ghetto or ghettos are rapidly expanding, there have been and are middle-income neighborhoods in which whites and nonwhites live side by side. Where the colored population is small, similar areas have maintained stability and whites have not abandoned them.

Washington, D. C., offers an example

[12] *Racial Integration in Public Housing Projects in Connecticut* (cited note 5 *supra*), p. 64.

of the former situation. Because a number of Negroes in the nation's capital have for several generations enjoyed steady incomes, they have long sought and secured attractive homes, thereby anticipating a current national trend. The entrance of colored families into Brookland, a suburb of medium-priced homes in Washington, is a case in point. In this instance, white and nonwhite families of comparable incomes have lived side by side for some sixty years. With the rapid increase in the Negro population and recent significant improvement in economic status, nonwhite demand has exerted great pressure on Brookland—the most desirable suburb occupied by nonwhites prior to 1948. Consequently there was a threat of inundation. Whites in Brookland and adjacent areas, however, resisted the idea of leaving their established homes, and repudiation of restricted housing covenants served to open other desirable neighborhoods to colored purchasers. As a result of these developments, there has been an easement of the pressure of nonwhite demand in Brookland and its environs.

In Duluth, Minnesota, where there is a small Negro population, almost all nonwhites live in neighborhoods that are predominantly white. A recent survey of the Negro population in the city reported that an overwhelming majority of the colored residents did not feel they had been victims of racial discrimination.[13] Similar patterns of dispersion exist in many smaller cities in various sections of the nation.

Acceptance of a few Negro families in an area

In the last decade a new trend is appearing. It finds expression in the entrance of a few Negroes into desirable medium-cost neighborhoods, where they purchase or build homes. Their reception has varied, but there are signs that whites are no longer generally fleeing in fear of inundation or destruction of property values. In Minneapolis, for example, it was reported that when a single Negro family moves into an otherwise white neighborhood there is a tendency to accept or accommodate to him as a neighbor. As in public housing, where whites lived close to, and had contact with, nonwhite neighbors they were more favorable to them and to interracial contacts than those who lived further away, a tendency that was more pronounced in areas where Negroes had been living for at least ten years. Thus, it appears that in northern cities where there is a scattering of Negro families living in predominantly white areas, whites are increasingly accommodating to, and accepting, them as neighbors.

Similar reactions were reported in the San Francisco area. Some 550 white residents in 35 neighborhoods containing not less than one or more than five nonwhite families were interviewed. The neighborhoods were all above the slum level. One hundred and fifty of those questioned had moved into the area after at least one nonwhite family was resident therein. Eighty per cent stated that the presence of colored neighbors made no difference to them. The majority felt that the presence of nonwhites had made no change in property values; 12.5 per cent thought that property values had declined because of the presence of nonwhites, but 19 per cent felt these same values had increased. Most had no contacts or extremely casual contacts with their Negro neighbors; however, it is difficult to determine whether this reflects racial attitudes or the pattern of social relationships in a metropolitan center.

[13] Gus Turberville, "The Negro Population in Duluth, Minnesota, 1950," *Sociology and Social Research*, Vol. 36 (March–April, 1952), pp. 231–38.

> In general [the study records], the findings . . . appear to indicate that the large majority of white residents in the 35 neighborhoods studied have witnessed the coming of non-white neighbors with equanimity. This is not to say that the white residents have looked upon this development with favor, but they have accepted it and adjusted themselves to it with little outward show of disturbance. Indeed, to the large majority of respondents, whether or not a few members of racial minority groups take up residence in their neighborhoods appears not to be a subject of particular importance.[14]

These evidences of acceptance could be expanded, suggesting what *House and Home* characterized as evidence "that some city neighborhoods—at least in the North—are ready to accept immigrant Negroes without fuss."[15] In some places, there is more than accommodation and acceptance: the beginnings of real integration are revealed. One such instance is occurring in Westchester County, where seven Negro families live in a community of forty-five homes valued from $20,000 to $45,000. The nonwhites, like their neighbors, are business and professional people. Colored residents participate rather freely in community affairs, and the current president of the civic association is a Negro doctor.

Although there is no overwhelming body of evidence indicating a break in the color bar in housing, signs of change are appearing. When viewed in the light of general trends away from segregation, it is clear that housing has lagged and is lagging in the development of interracial patterns. At the same time, it has responded to new situations occasioned by successful litigation against racial restrictive covenants, appreciable improvement in the Negro's economic status, desegregation legislation in the North, and the general weakening of the color line. These forces cannot be denied, and already we are moving toward increasing acceptance of Americans as individuals. When we do so on the neighborhood level, substance will be given to antidiscrimination and antisegregation legislation and policies in other aspects of life.

[14] Davis McEntire, "A Study of Racial Attitudes in Neighborhoods Infiltrated by Non-Whites" (mimeographed) (Berkeley: University of California, 1955), p. 4. The study also appeared under the same title in *Bay Area Real Estate Report* (San Francisco), Second Quarter, 1955, pp. 126–29.

[15] "Minority Housing" (cited note 11 *supra*), p. 194.

Robert C. Weaver, Ph.D., New York City, recently appointed state rent administrator, Temporary State Housing Rent Commission, State of New York, was previously the state's deputy commissioner of housing. He has served as consultant to the Housing Division of the Public Works Administration, special assistant to the Administrator of the United States Housing Authority, executive director of the Chicago Mayor's Commission on Human Relations, visiting professor at Teachers College of Columbia University, visiting professor at the School of Education of New York University and director of Opportunity Fellowships of the John Hay Whitney Foundation. He is author of Negro Labor: A National Problem (1946) and The Negro Ghetto (1948).

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Southern Comfort: A Possible Misapplication of Federal Funds

by

ROBERT C. WEAVER

CONCENTRATION OF attention upon school segregation has occasioned neglect of a more basic racial issue in the South. Yet the manner in which this matter is resolved will determine the extent and nature of school integration and the pattern of intergroup contacts in urban areas.

Already there seems to be a division between Northern and Southern attitudes on this issue and among liberals and some Southern Negroes. It is the traditional cleavage between those who state that racial segregation is undemocratic, harmful and cannot be accepted in a democratic society and those who, while they deplore segregation, assert that it cannot be eradicated immediately in the South and that in the interim the legality of separate but equal must be repudiated but practical necessity dictates that the Negro should get better facilities even if segregated. Today the controversy centers about urban renewal and housing.

While this discussion is taking place at a leisurely pace in certain quarters, there is little realization of the basic issues involved among the masses of Negroes or the liberal groups outside the South which are committed to desegregation in the schools. The danger is that patterns of living may be established before the implications and consequences of the determinations are understood either by those most directly involved or by the nation as a whole.

PUBLIC AID AND SEGREGATION

From the beginning of governmental activity in housing, publicly-assisted programs in this field have tended to introduce, extend and perpetuate enforced residential segregation. In recent years, state and local legislation in the North and border states has somewhat reversed the trend. The opposite has been true in the South.

In the first place, southern cities started from a position of much more residential racial mixture.

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Secondly, from the beginning they have insisted that publicly-assisted shelter be racially separate.

Thirdly, because in most southern cities Negroes have relatively little political influence, the colored populations have had but slight voice in the planning and operation of local governmental agencies which set policy and administer programs affecting all.

Finally, the inevitability of school desegregation in southern cities has given impetus to a new and expanded program for residential segregation. Obviously, if during the period of resistance to the Supreme Court decisions on this matter and of token compliance in some of the communities, housing patterns can be manipulated so that colored residents are concentrated in well-defined areas, there can be school desegregation with little or no mixture of the races in public schools.

Urban renewal offers new and undreamed of possibilities in this direction. Its scope is so great that, given sufficient time, it can effect the relocation of a large part of the colored residents of southern cities. And most of the existing concentrations of Negroes and racially mixed areas of living, as well as small clusters of whites or Negroes in neighborhoods predominantly occupied by the other racial group, qualify for clearance. Where this does not suffice to accomplish the end, concentration of highway programs, public improvements, or new industrial islands and commercial centers can go far to complete the process.

URBAN RENEWAL IN SOUTH

In certain southern urban areas, like Winston-Salem, North Carolina and Atlanta, Georgia, the development seems well on its way. In these cities, as well as in Greensboro, North Carolina and Austin, Texas, there has been a *quid pro quo* for the Negro community in that new and extremely attractive areas of housing for Negroes have been and are being created. New Orleans, Louisiana, too, has provided a most desirable site for similar housing.

While it is difficult to determine in each case that this new approach to non-white housing in these and other southern cities was an integral part of the redevelopment program, there can be no doubt that in every instance it can and will make a major contribution to the institutionalization and perpetuation of residential segregation. Also, it appears that the development of desirable residential areas for Negroes usually occurs in cities where the colored population has some degree of political power.

It is against this background that discussion of racial policy in redevelopment is occurring. The NAACP and other civil rights groups face no problem. Their position, recently reiterated after an exhaustive analysis of the problem by the Commission on Race and Housing (composed of outstanding citizens drawn from all regions of the nation and chaired by the Southern-born president of the country's largest savings bank), is that all housing facilitated by federal assistance should be open to all racial elements in the population. This position is mo-

tivated by its proponents' concept of the constitutional rights of Americans as well as by their conviction that in housing, as most other facilities, there is no such thing as separate but equal.

The President's Commission on Civil Rights also faced the issue and decided in favor of a federal open occupancy policy. Similarly, the Federal Housing and Home Finance Agency is constantly concerned with the problem. Southern Negro leaders, conscious of the need for more space and better housing among colored people, are no less troubled. Their dilemma is more acute in that they see real progress in what has taken place in Atlanta, Austin, Greensboro, New Orleans, Winston-Salem and a few other southern cities.

If this is the best deal that could be made in these relatively progressive municipalities of the South, they ask, is it not visionary and foolish to hope for more in the rest of the region. As practical men they are impressed by the argument that a nondiscrimination clause in urban renewal will simply mean that southern cities won't participate and the much-needed improvement in housing standards of Negroes will be delayed. Some feel that this will increase the resistance to compliance with the non-segregation school rulings of the courts in that the impact of compliance will be greater as long as school districts include large areas of integrated living.

ASSUMPTIONS AND ALTERNATIVES

Social issues are usually more complicated than they appear on the surface. The question raised here is no exception. Those who, in all sincerity and concern for the housing of Negroes, advocate less than a national policy of nondiscrimination in publicly-assisted shelter make certain assumptions. The most important is that such a policy will result in a cessation of urban renewal in the South and a continuing neglect of the pressing housing needs of colored residents. Clearly, if this assumption is valid, one has to equate the immediate housing benefits possible under urban renewal against the dangers of further institutionalization of ghettos and *de facto* avoidance of school desegregation.

Actually these are not the real alternatives. Under the renewal program, the federal government takes up at least two-thirds of the public cost; in the highway program, the degree of federal participation is even larger. More important, the decay of the core areas is a real and increasingly recognized threat to central cities. A growing number of those who have entrenched economic, emotional and cultural vested interests in the city, as well as a few of those who live in the suburbs, realize that the downtown areas must be revitalized. They know that federal assistance is a must; many of them have come to recognize that something has to be done to improve and maintain housing standards among Negroes if the program is to succeed. While it is conceivable that public schools, traditionally financed primarily through state and local funds, may continue without a new federal

aid program, it is inconceivable that any city can arrest urban blight in the absence of major federal assistance.

Traditionally, the South has not been hesitant to accept financial aid from Washington. It has, of course, attempted to condition the ground rules so as to avoid modification of the region's racial pattern. But few programs have been so vital to the communities affected as is urban renewal; and few have been so dependent upon federal support. The evidence is far from adequate to support the hypothesis that most cities in the region would elect to forego urban renewal if the financial assistance involved carried a nondiscrimination clause. And as cities outside the South enjoyed a larger part of the funds available, there would develop an increasing amount of pressure for local participation. Regional pride alone would dictate this. Other factors would also operate.

COMPROMISES POSSIBLE

Resistance to widespread school integration will inspire some of the affected cities to devise methods to use urban renewal to assure a minimum amount of racial mixture in the public schools. Thus, the probability is that some of the southern municipalities would attempt to work out a compromise. This would probably be in the form of extending the type of residential pattern that has already appeared in the cities mentioned above. There would, therefore, be more and not less good housing available to Negroes. The main loss would be in the process of school integration. Paradoxically enough, nondiscrimination requirements in urban renewal would probably accelerate the spread of token compliance with school desegregation.

One need not look far to discover what will occur if there is no federal regulation covering racial patterns in urban renewal. Already the results are clear. In *Barnes* v. *City of Gadsden, Alabama,* in the United States District Court for the Northern District of Alabama, there is impressive documentation. The record in this case indicates that both federal and local redevelopment officials were frank and candid in stating that the redevelopment plans contemplated residential segregation and the clearance of Negroes from a well-situated area which they had long occupied.

Throughout the South redevelopment plans and proposals involve either the concentration of displaced Negroes in existing ghettos or the expansion of racial ghettos in response to the pressure of numbers. Seldom will the supply equal the demand, and frequently there will be greater overcrowding after the renewal process gets under way. As in the past, the Negro residents of the affected cities will have little or no say in the matter, and minority group leaders will continue to be ignored in the development of plans and programs which determine the conditions under which they and their following live.

THE POWER STRUCTURE

The assumption of those who fear the consequences of pushing for a federal nondiscrimination clause in urban

renewal—that it will arrest the improvement of housing for Negroes—rests on very weak ground. Such results would follow only if it were conceivable that the patterns of the more liberal southern cities might be duplicated in the rest of the South. As a matter of fact, these patterns involve a vital process—consultation and bargaining with the representatives of the Negro community. This is exactly what the leadership of most southern cities is dead set against doing.

The power structure in many southern cities is increasingly becoming committed to the need for, and the desirability of, urban renewal. The men and women who control the destinies of urban communities are the very ones who stand to lose the most through the continuing decline of the central cities. This is true regardless of whether they own and operate stores and other commercial establishments, support art galleries and museums, control local industries, or are affiliated with educational institutions. Chambers of Commerce and others concerned with attracting new industries are no less directly involved. When the local situation has required them to bargain and negotiate with the Negro leadership, they have done so in order to effect the purposes and goals they desire.

If the issue involved is basic to the interests of the control groups, the latter are usually successful in making their desires known to local political leadership. Either under the guise of reluctant compliance with federal requirements or open action for a larger local objective, the political leaders "act for the good of the community." In either event, consultation and cooperation between white and colored leaders emerges in southern cities when it is required to secure money from Washington.

A nondiscrimination clause in the urban renewal law would accelerate the process. Because of the requirement of open occupancy on sites redeveloped for residential purposes, these elements would attempt to minimize the effect of the provision. In most instances, this would involve provision of new areas of living for nonwhites. Since demolition and relocation precede renewal by several years, a large segment of the Negro population eligible for occupancy on sites redeveloped would find shelter in the newly-provided housing. The success of the latter, however, would require consultation and cooperation with the Negro community. Necessity would, even in the current strained condition of race relations in the South, require reestablishment of communication between the races.

More important, from the point of race relations in the region, the complete institutionalization of residential segregation in the center of the city (a traditionally desirable location of Negro homes) would be avoided. There would be a basis for negotiation and expansion of integrated living expressed in a legal requirement and often based upon token participation in the new development. The schools, too, would often accommodate a few Negro pupils whose presence would

provide the starting point for making more real the legal rights delineated by the courts.

MORE LAND SPACE NEEDED

It is difficult to envision any real improvement in the housing condition of urban Negroes in the South or elsewhere unless the land space and dwelling units available to them are materially increased. That the process is a real possibility in the cities of the South has been demonstrated in the post-war years. Urban renewal, which has a vital appeal to southern as well as northern cities, is the most effective vehicle to extend the benefits elsewhere throughout the region. It will not be so employed unless the federal government sets forth adequate ground rules.

There are, of course, many other considerations which demand such affirmative action from Washington. As the Commission on Race and Housing delineates, it is one thing for private industry to establish and maintain enforced residential segregation and another for the federal government to do the same thing. In the latter situation, the nation puts its official stamp of approval on a pattern which violates the law of the land. It says to the world and to the American people that there are second-class citizens, creating a situation under which a segment of the population is subjected to exploitation and substandard living conditions. The federal government cannot be neutral in this matter. By failing to act, it is supporting forced residential segregation.

Because housing is competitive, there must be a general nondiscrimination clause in urban redevelopment. Otherwise, in any given community the one redeveloper who has the courage to establish democratic patterns of living will be subject to attack and unfair competition from others who advertise and sell racial exclusiveness. And, of course, there can be no national policy which recognizes regional differences in constitutional and legal rights.

MISUSE OF FEDERAL FUNDS?

With or without urban renewal, many southern cities will use every means to accelerate residential segregation. Historically, the continuing existence of racially mixed areas of living in many of the older southern cities and towns has posed no problem of Negroes' participation in most phases of community life. Segregation laws accomplished this. Now that school segregation is doomed, it is inevitable that these urban communities will have a new and intense interest in manipulating residential racial living patterns so as to perpetuate traditional exclusion.

The real problem, therefore, is not one of better housing for Negroes *versus* integrated living. It is whether the decisions of the Supreme Court regarding tax-supported schools are to be evaded in fact through federally-supported action on the housing front.

And the matter is complicated by the very nature of the social and economic forces which operate in the Negro community. The middle- and

upper-class Negro families, which of necessity occupy accommodations provided in any areas of new housing for non-whites, are the households most apt to press for integrated schools. Their children are the ones most likely to qualify for immediate transfer on placement and associated tests. By concentrating these families in separate sections, which in the language of the Texas resident and former President of the National Association of Home Builders, are "in proper areas with proper facilities" e.g., segregated, school integration will be delayed and frustrated in large measure.

There is real Southern Comfort in this possibility. Surely, if it is facilitated by urban renewal and unquestioned by the federal housing agencies, it represents a serious misuse of federal funds.

Senator DOUGLAS. Mr. Chairman, I think President Kennedy has made an excellent appointment. I have known of Mr. Weaver for a number of years as a man with an extremely high reputation. He has been a very efficient and fairminded administrator in New York City and New York State. I have received a number of letters from highly qualified men, such as Governor Harriman and others, testifying to his high character. I expect to vote for his confirmation.

I would like to ask leave to include in the record at appropriate points further statements of mine, a part of which have been quoted.

Senator SPARKMAN. Mr. Chairman, if the Senator wants to do it why not just make it complete. I have no desire to leave out any part. I do not think I left out any part.

Senator DOUGLAS. The Senator was fair. What I did want to point out was that the Bricker amendment was introduced for the purpose of killing the housing bill, and the sponsors of the Bricker amendment would have joined together with the southerners to defeat the measure. The sponsors of the Bricker amendment openly stated if it were passed they would still vote against the bill.

The CHAIRMAN. Will the Senator repeat the request? I did not understand whether you wanted to insert matter in certain places or at the end of your testimony.

Senator DOUGLAS. I think it would be better if it were included at approximately the same place as the insertions made by the Senator from Alabama.

Senator SPARKMAN. Make it a running account.

Senator DOUGLAS. That is right. I just wanted to have the historical background established that this Bricker amendment was an attempt to create a bipartisan coalition in order to defeat the housing bills.

The CHAIRMAN. Without objection, it will be placed where the Senator wants it.

Senator DOUGLAS. The sponsors of the Bricker amendment openly stated that they would not vote for the housing bill even if they were successful in getting their amendment adopted. What they hoped to do was to get the liberal Democrats of the North and West to vote with them on the Bricker amendment and then when this was adopted, they would join with those from the Southern and Border States to defeat the bill itself. The Bricker amendment was therefore a tactical move to defeat urban renewal, slum clearance, and public housing. Had it succeeded we would have had no urban renewal and no further public housing. Most of the public housing projects in northern and western cities are desegregated so the bill which I helped to save not only provided more housing and carried forward urban renewal but also helped to reduce racial tension.

Senator SPARKMAN. We can work it out together.

The CHAIRMAN. Any further questions?

Senator DOUGLAS. No.

The CHAIRMAN. The Senator from Connecticut, Mr. Bush.

Senator BUSH. Mr. Chairman, I have no questions, but I would like to observe, as did the Senator from Illinois, that I think that Dr. Weaver brings excellent qualifications and credentials to this very important post, this gigantic operation, which will go on under his administration. I believe that his long experience in the field, in

perhaps the most difficult part of the field, in one of the most difficult communities in the country, administering a public housing program and federally aided housing programs and State aided housing programs, has given him qualifications and experience that will be very beneficial to him and to his administration.

I am greatly impressed with the warm endorsements he has received from his own U.S. Senators from my neighboring State. I believe that I can assure, Dr. Weaver, that in my State of Connecticut you will find a warm reception and a high measure of cooperation with your administration of these important responsibilities.

Mr. Chairman, in conclusion I ask unanimous consent that following my remarks there be inserted in the record a section from Connecticut law dealing with the subject of discrimination in connection with public accommodations and rental housing.

The CHAIRMAN. Without objection, that will be done.

(The material referred to follows:)

TITLE 53

CRIMES

SEC. 53-35. Discrimination in public accommodations and rental housing, on account of race, creed or color. All persons within the jurisdiction of this state shall be entitled to full and equal accommodations in every place of public accommodation, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons; and any denial of such accommodation by reason of race, creed or color of the applicant therefor shall be a violation of the provisions of this section. Any discrimination, segregation or separation, on account of race, creed or color, shall be a violation of this section. A place of public accommodation, resort or amusement within the meaning of this section means any establishment, which caters or offers its services or facilities or goods to the general public including, but not limited to, public housing projects and all other forms of publicly assisted housing, *and further including any housing accommodation offered for sale or rent which is one of five or more housing accommodations all of which are located on a single parcel of land or parcels of land that are contiguous without regard to highways or streets, and all of which any person owns or otherwise controls the sale or rental thereof.* Any person who violates any provision of this section shall be fined not less than twenty-five nor more than one hundred dollars or imprisoned not more than thirty days or both. (1959, P.A. 113.)

The CHAIRMAN. The Senator from Pennsylvania.

Senator CLARK. Mr. Chairman, I support this nomination. I see no need of ask the nominee any questions. I should like to make a very brief statement.

First, as the former mayor of a large American city, I have had experience which satisfies me that open occupancy works both in private and in public housing. In my city the percentage of Negroes in the city is approximately 25 to 26 percent.

Reference was made by the Senator from Utah to the Philadelphia Commission on Human Relations. It was my honor to appoint that commission in 1952, and a number of the original members still serve. I commend them for the action which it has taken in trying to bring about equal justice under the law.

I commend the nominee for the views he has expressed this afternoon and also for being bold enough to express them in print. I share his views, and I am convinced that the large majority of our fellow Americans also share them.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Beall, of Maryland.

Senator BEALL. Mr. Chairman, I have no questions to ask. I do want to make this observation, if I may.

I had not had the pleasure of meeting Dr. Weaver until last week, but I certainly was very favorably impressed with him then. I have been particularly impressed with him today. His knowledge of housing convinces me that he does know the subject matter. I think he is going to make a very fine, capable Administrator. In my State is the sixth largest city in the country, Baltimore. It will be a pleasure for me not only to vote for Dr. Weaver but to work with him during his administration.

The CHAIRMAN. The Senator from Wisconsin.

Senator PROXMIRE. Mr. Chairman, I have a couple of brief questions for Dr. Weaver.

First, I would like to say that I am delighted with this appointment. I think it is excellent. I feel that Dr. Weaver has a very splendid academic background, which I think is very important. He is a man of thought. He is a distinguished author. Not only is he a man of thought; he is a man of practical action and has shown his ability in the largest city in the country, New York, which has the most complicated and difficult housing problems, certainly, of any American city.

I would join with the distinguished Senator from Maryland in saying the appearance of Dr. Weaver here today has added to my very high esteem for him. He has acquitted himself very well.

Dr. Weaver, you will have as one of the constituent agencies of HHFA the Federal National Mortgage Association, as I understand it, and will appoint members of the Board. You obviously are in a position not only of great responsibility but also of considerable power. I, therefore, would like to ask this for the record. Do you hold any stock, any kind of property interest that might constitute a conflict of interest, in your judgment?

Mr. WEAVER. Senator Proxmire, I sold some 8 or 10 different stocks in companies which had to do with the building industry; building material and the like. I own a few shares in other companies, none of which has anything to do with the building industry. I have some mutual fund shares, which are not directly involved. I have no shares in any company or any stocks in any company which has anything to do with financial activities in the field of housing, except some deposits in some Federal building and loan associations. I do not think that is going to be a conflict of interest.

Senator PROXMIRE. You have no extensive mortgage holdings?

Mr. WEAVER. I have one mortgage holding on one individual house in Washington, D.C., which I sold some few years ago. I own a residence in Washington, D.C., the house in which I was born, which is now rented, and I own a small summerhouse in Connecticut which, unfortunately, is not rented.

Senator PROXMIRE. Thank you.

The CHAIRMAN. The Senator from New York.

Senator JAVITS. Dr. Weaver, I shall not ask you very much in the way of questions, because I think almost everything that you need to

be asked about has been brought out and I have had the privilege of making an affirmative statement here on your behalf.

I would like to join my colleagues in stating that I think your reputation has been enhanced by the way you have conducted yourself under fire, as it were.

I would like to ask you one or two things which relate specifically to what you have already been questioned about. As a Senator from New York, perhaps I know most about those things in terms of fact.

You have been questioned about a critical report on the rent administrator's office by a legislative commission. I would like to ask you whether you, when you went into that job, did not undertake to unravel a good many of the difficulties and problems that existed in that office before you took it over?

Mr. WEAVER. I think this is almost inevitable in a situation of that sort, Senator.

Senator JAVITS. Do you recall that the metropolitan fair rent committee, whose letter addressed to the chairman of our committee I hold before me, took the position as they do in this letter that this legislative commission report, and I quote from their letter, "did not reflect upon Dr. Weaver and was not intended so to do"?

Is that your understanding of their attitude?

Mr. WEAVER. Yes, sir; I think that is true of one of the reports. I do not know whether it is this particular one. I think it is the earlier report, which was not alluded to here. This is the 1959 report. But I think the answer to that is the fact that Mr. Carlino, who is the speaker of the assembly, and who was the chairman of that report, has since said to me, and I think indicated otherwise, that this did not express his personal reaction to me but under the stress of the circumstances this was the sort of document that had to—or that was prepared, let me put it that way.

Senator JAVITS. Is it not a fact in the letter to you of congratulation, in respect of this post for which you are now being considered, Speaker Carlino said, and I quote:

> You must be aware, I am sure, of the genuine warm feeling of admiration and respect I have for you as a sincere, dedicated public official, notwithstanding such differences in political philosophies that might exist between us.

Mr. WEAVER. Yes, sir; I think that expresses it.

Senator JAVITS. You received such a commendation from him?

Mr. WEAVER. I did receive such a letter.

Senator JAVITS. Has it been your practice to follow strictly in your jobs the law and the executive orders under which you operate?

Mr. WEAVER. I think I can fairly say that is true, and I think I have a reputation for so doing, sir.

Senator JAVITS. In your contacts with landlords in rent control and other areas in which you have worked in housing, have you consistently maintained that attitude?

Mr. WEAVER. I have, sir, and I think I have consistently maintained a reputation for having that attitude.

Senator JAVITS. I would just like to state to you that this is the actual statement of the metropolitan fair rent committee in their letter of February 3.

The CHAIRMAN. I want to remind the Senator from New York we are not reading letters into the record or putting them in the record and reading them in connection with an examination. If we are going to put letters in the record we can put all 300 in. Otherwise, with all due deference, the Senator is reading favorable letters into the record when we had an understanding we would not put any letters in the record.

Senator JAVITS. Mr. Chairman, I had no understanding about letters. I happen to be a lawyer by profession. I am questioning the witness on direct examination.

The CHAIRMAN. You are reading favorable letters into the record, when we had an understanding it would not be done. That is what you are doing.

Senator JAVITS. Is it the Chair's statement that this understanding was with me?

The CHAIRMAN. It was with the committee, without any exception made to it. Nobody else has done it.

Senator JAVITS. Mr. Chairman, may I point out that testimony has been read into the record, that speeches have been read into the record, and that long articles written by the witness have been read into the record. If we cannot read into the record what people who ought to know and do business with him said about him, I think it very materially restricts the examination and, Mr. Chairman, I will not be bound by it. I made no such agreement, and I will not be bound by it.

The CHAIRMAN. The Senator may proceed, in the opinion of the Chair out of order, but he may proceed.

Senator JAVITS. Would the Chair be good enough to state the basis for its ruling that it is out of order to ask the witness whether a certain statement was made about him to him and whether he remembers it?

The CHAIRMAN. That was not out of order. The Chair understood that the Senator was proceeding to read into the record some commendatory letters and called his attention to the fact that we have possibly 200 that are not commendatory that we are not reading into the record. We would have to sit here for the rest of the week to read them into the record. It is only in fairness that we do not read any of those into the record. If the Senator wants to read his commendatory letters into the record in spite of our understanding go ahead and do it.

Senator JAVITS. The Senator from New York will state that no agreement was made with him that would restrict perfectly proper questioning of this witness. The gentleman from New York has no desire to indulge in any altercation with the Chair on that subject and will do his utmost——

The CHAIRMAN. I will leave it to the gentleman's judgment whether he is within or without the general understanding about letters. Just proceed in accordance with your own judgment about what ought to be done.

Senator JAVITS. The gentleman from New York will state for the record that he has no understanding of any kind or character about letters or any other restrictions on the questioning of this witness.

The CHAIRMAN. You may proceed.

Senator JAVITS. Thank you.

Dr. Weaver, as I said a minute ago, you have throughout your career endeavored to carry out laws and executive orders in the conduct of your office. Is that correct?

Mr. WEAVER. I have, sir.

Senator JAVITS. And you have tried to build a reputation upon that score; is that correct?

Mr. WEAVER. I have, Senator.

Senator JAVITS. And has that reputation been acknowledged, to your knowledge, by those with whom you have done business, like representatives of landlords and of private developments?

Mr. WEAVER. I think so, sir. In several instances that has occurred.

Senator JAVITS. You have dealt with a lot of lawyers, have you not, in the course of your career?

Mr. WEAVER. I have.

Senator JAVITS. And with committees of bar associations?

Mr. WEAVER. Yes, sir.

Senator JAVITS. And have you tried to earn from them the same kind of respect in terms of your obedience to laws and executive orders?

Mr. WEAVER. I have, and I have been so advised by the bar association of the city of New York.

Senator JAVITS. The State of New York and other States have laws with respect to discrimination in housing which is aided in any way by the Federal or State Governments; you said a minute ago that New York had such a law; did you not?

Mr. WEAVER. Yes, sir.

Senator JAVITS. How in your view, if you are confirmed as Housing and Home Finance Administrator, would you cooperate with those States?

Mr. WEAVER. I think the current Federal policy has been one of cooperating with these States in enforcing these nondiscriminatory laws. I should certainly continue that policy and attempt to enrich it with what I hope would be good administration.

Senator JAVITS. You said also, if I remember your words—I noted them down—that the law cannot determine the way people behave. Will you be good enough to enlighten us as to precisely what you meant by that?

Mr. WEAVER. I mean by that that the law sets forth the basis of morality. It sets forth the basis of rights, and it sets forth the basis for opportunity. The matter of the enjoyment and of actually taking advantage of the opportunity and of the equality is a matter of individual action and not of group action or action by the State.

Senator JAVITS. In your administration of your office, assuming you are confirmed, will you just as fully and actively enforce laws and Executive orders which do not agree with the ideas that you expressed in these articles that were read to you or even with your personal ideas, so long as you hold the job, as you would laws and Executive orders which do agree with your personal ideas and previous expressions?

Mr. WEAVER. I would enforce all such laws, and I would have no alternative, it seems to me. But when the law and my conscience conflicted that I would then feel it was necessary for me to relinquish the office.

Senator JAVITS. Mr. Chairman, I would like the record to note that in deference to the views of the Chair, my own feeling notwithstanding that I am not so bound, I have refrained from in anyway reading the letter into the record. I am sorry that the Chair was exercised about it or that I was, but I do hope that the answers of the witness the Chair will feel, were certainly pertinent to the examination to which he was subjected.

The CHAIRMAN. I appreciate that statement of my colleague. He must bear in mind that the Chair has urged other Senators not to put letters in, and it would be unfair to them if we broke the rule unless there was some urgency.

The Chair recognizes the Senator from Missouri.

Senator LONG. Mr. Chairman, as you know we have in Missouri no particular segregation problems in our schools or in our cities. We do have a rather extensive housing program in the city of St. Louis; where the Negro population is one of the largest of any city of that size in the country.

I have never had the pleasure of seeing Dr. Weaver until today. I have never had the pleasure of meeting him. So any views that I may have on his nomination are based purely on what evidence I have been hearing here today.

I do not think any of us could help but have the feeling that this gentleman is highly qualified for this position. I do not know of anyone in this country who has had the experience in housing in as many forms as apparently this witness has had. I am particularly impressed by that experience. I am particularly impressed, too, by the line of questioning that my friend from New York brought out, that Dr. Weaver certainly, although it might be in conflict with his personal or private views, would administer this office on the basis of the laws and Executive orders that would be in effect at that time.

With that thought in mind, unless I hear other further testimony during this hearing which would give me some reason to change, I have every reason to and I will support this nomination.

I have no other questions, Mr. Chairman.

The CHAIRMAN. We now go to the distinguished lady from Oregon, Mrs. Neuberger.

Senator NEUBERGER. Mr. Chairman, I really have no questions, but I would like to make a comment on some of the testimony that has been given.

The statement made this morning by Dr. Weaver should prove heartening to everyone interested in the problem of housing. His understanding of the relationship between housing and the overall national economy was of particular interest to me and it will be to my home State of Oregon. There the crux of the unemployment problems that we face is in the lumber industry, and I might say that the relationship between housing and lumber is too well known to require explanation.

I am sure the people in Oregon have not known of Dr. Weaver's qualifications for this position, and so I will enjoy telling them that I have every confidence that he will be interested in the housing program as we visualize it.

But I do not want you to think that I am looking at it from the purely economic standpoint. Your statement of equating housing with people I thought pointed up special needs of various sections of the population in relation to housing. I am glad that you consider housing more than shelter and that the questions of urban renewal and transportation are intimately connected with this.

I must say that I am very delighted to support the confirmation of Dr. Weaver.

The CHAIRMAN. The Chair recognizes the distinguished Senator from Texas, Mr. Blakley.

Senator BLAKLEY. Mr. Chairman and members of the committee, I should like to begin by recognizing my own position as the junior Senator on the committee. I have a great deal of reluctance in this position to take a stand or to bring out information which I think ought to be brought out. I hope that I may have the indulgence and the consideration of the chairman and of the members of the committee in doing this.

The CHAIRMAN. The Chair would remind his colleague that there was once a man named Abou ben Adhem who thought he was low on the totem pole, but when the scroll was written he led the list. We will be glad to hear from you.

Senator BLAKLEY. Dr. Weaver, I have been genuinely impressed by your biography, and I have also been further impressed by your biography, and I have also been further impressed with your attitude, your personality, and as I think anyone would recognize, your ability, your forthrightness. I approach you in this questioning with the notion that you may have the understanding that I would recognize your viewpoint, I would recognize and respect your right to have that viewpoint, and in bringing out these things I am going to proceed on that basis.

Would you let us here have some judgment about whether your private viewpoints and your positions would have any bearing in the administration of this high office to which you have been appointed.

I would recognize also that your appointment has been made by our President. I respect him. I respect his right to make appointments, and I recognize that he has perhaps dealt with these things to some degree. But I feel that I, too, even as a freshman and junior Senator, have some obligations to undertake the development of some of this information.

Dr. Weaver, I understand that in the 1930's and 1940's you had a variety of associations with a number of organizations which had been cited by the Attorney General or by congressional committees. I wish to go into this point solely because of these relationships and the possibility that they may have some influence on a person who would occupy the Office of Administrator of the Housing and Home Finance Agency.

I wonder, too, with your record and your accumulation of knowledge, you being a man of such ability, if in the course of your life

and in the course of accumulating these abilities and this knowledge, whether you would not retain out of your beliefs, founded upon your education and your associations—if your attachments during the course of your life up to now would not have some bearing upon your development. Do you think that would be true?

Mr. WEAVER. I am not sure I understand the question.

Senator BLAKLEY. I realize that that question rambles quite a bit. But to be specific, do you not think that a study at a given time or an experience at a given time that would have had an impression upon you might not be carried with you through the balance of your life or at least for a considerable period?

Mr. WEAVER. I am sure that all of these have been. I do not know why one should take precedence over the other.

Senator BLAKLEY. I do not mean to say precedence. I mean to say they would be an accumulation and be evaluated by you according to your impression.

Mr. WEAVER. I assume this is the experience that makes a man the man that he is.

Senator BLAKLEY. That answers the question.

I should like to begin my questioning on this point, Dr. Weaver, with the National Negro Congress, which was cited as a subversive and Communist organization by Attorney General Clark in his letters to the Loyalty Review Board released December 4, 1947, and September 21, 1948, and which appear in the Civil Service Release No. 385. I realize, of course, that this probably is all old information to you and you have dealt with it many times, but it is somewhat new to me.

I understand that in October 1937, at the Second National Negro Congress in Philadelphia, you served as discussion leader on a panel on the "Federal Housing Program and the Negro." Is this correct?

Mr. WEAVER. Yes, sir; this is correct.

Senator BLAKLEY. I understand that in October of 1938 you accepted an invitation to speak—and I assume you spoke—at the Eastern National Conference of the National Negro Congress at Baltimore; is this correct.

Mr. WEAVER. I do not remember. Let me say this in answer to both of these questions.

In the first place, as far as the first is concerned, I accepted this invitation at the time when I was a public official. I cleared it with the agency with which I was working, and I felt that I was in fairly good company because the President of the United States, Franklin D. Roosevelt had sent greetings. The then Republican mayor of the city of Philadelphia greeted the conference in person. The then lieutenant governor of Pennsylvania addressed the conference. The president of Tuskegee Institute addressed the conference, and the head of the Catholic Labor Organization sent greetings. So it seems to me this was pretty good company.

Now, as to the Baltimore meeting——

Senator BLAKLEY. Could I stop you there? There were also some other names involved in this organization. I would ask you were they there or if you knew about their sponsorship. A man by the name of Mr. William Z. Foster who was chairman of the Communist Party, Mr. Earl Browder, and Mr. James Ford who had in the program printed

for the meeting a commendation for the National Negro Congress. Did you have any association with any of these people?

Mr. WEAVER. Most of them I did not know, I do not know now. But I didn't pay much attention. But I thought the other people whom I did have contacts with were also going to appear on the program.

Senator BLAKLEY. You are a man of great experience and great acquaintance and great knowledge. Would it have occurred to you to have had any interest in any Communist affiliation or infiltration into the National Negro Congress when you took this speaking date?

Mr. WEAVER. I felt that if I was in the company with which I was that I didn't have to do it. It seemed to me if the President of the United States sent greetings, and the mayor of a large city and the lieutenant governor were on the platform that it was not either becoming or necessary to look to see whether or not the sponsorship was subversive.

Senator BLAKLEY. This job, Dr. Weaver, that you are now being appointed to, is a job that you will need to do yourself. Unfortunately the great President Franklin D. Roosevelt's Cabinet officer, Mr. Ickes, will not be able to be here to determine whether you are going to make up your judgment correctly or not in this job of the administration. So what I would like to do is to get from you your point of view on the way you would make up your judgment and decisions in matters affecting this appointment.

Mr. WEAVER. I think the record should show that the National Negro Congress was thought of in Washington in 1935, at a meeting which I did not attend. It was born in Chicago in 1936 at a meeting which I did not attend. The Second National Negro Congress was held in Philadelphia in 1937, where I, together with other governmental officials, accepted an invitation to participate.

As far as I know that, and perhaps this Baltimore meeting, were the only contracts that I have ever had with the National Negro Congress. I was not a member and not a supporter of it. If you will recall, this was the time when many groups were following the approach of becoming articulate champions of Negro rights, and it was a part of my job to interpret to these groups—and there were many of them—what was going on in the Federal Government. This is the extent of my involvement in the National Negro Congress, Senator.

Senator BLAKLEY. Were you ever a member of the National Negro Congress?

Mr. WEAVER. Not to my knowledge.

Senator BLAKLEY. Would you not know if you were a member?

Mr. WEAVER. This happened is 19— over 25 years ago, over 20 years ago anyway. I know I was never an active member; and as far as I know I do not know whether I even had membership. I was never affiliated with the National Negro Congress, let me put it that way.

Senator BLAKLEY. Would you be a member and not know anything about it?

Mr. WEAVER. It all depends upon what membership involves.

Senator BLAKLEY. Do you permit your name to be——

Mr. WEAVER. My name was never used.

Senator BLAKLEY. Attached to organizations of this kind?

Mr. WEAVER. My name was never attached to the National Negro Congress.

Senator BLAKLEY. It is attached to this program.

Mr. WEAVER. Yes, sir, together with other names, which I think is very good company.

Senator BLAKLEY. Did you make any effort to know about what sort of organization it was when you made this speaking date?

Mr. WEAVER. I think if you will look into the history of the National Negro Congress you will find, as I did, that up until the meeting in 1940, which was the third meeting, the National Negro Congress was not actively involved in a Communist-front accusation, though accusations were always made that there were many people involved, and interestingly the Second National Negro Congress had more preachers and more people indigenous to the Negro at it than any of the others.

Senator BLAKLEY. Does that mean that maybe by definition preachers might not be associated with people or organizations that have been cited? Is that your judgment?

Mr. WEAVER. I think the Negro churches had a pretty good history of being anti-Communist.

Senator BLAKLEY. But not altogether?

Mr. WEAVER. I do not think any organization is altogether in that position.

Senator BLAKLEY. I have here a note that in 1939 a special Committee on Un-American Activities characterized the National Negro Congress as a Communist-front movement and stated that its officers were outspoken Communist sympathizers. That does not seem to track with your notion that it was sort of an anonymous organization.

Mr. WEAVER. I think if you will look at your dates, Senator, you will find that was 1939.

Senator BLAKLEY. I did say 1939.

Mr. WEAVER. The second meeting was held in Philadelphia. The third in 1937, this was when I was on the program. No meetings were held in 1938 or 1939.

Senator BLAKLEY. This is the same organization; is it not?

Mr. WEAVER. I beg your pardon?

Senator BLAKLEY. The same organization?

Mr. WEAVER. Yes. The organizations I think in this period were rapidly in flux, and it may well be that in 1939——

Senator BLAKLEY. That was sort of a characteristic too of Communist organizations; was it not?

Mr. WEAVER. Definitely, but they are not Communist at the beginning very often.

Senator BLAKLEY. Do you mean by that then that the meeting in 1937 may not have been Communist in the beginning?

Mr. WEAVER. I mean——

Senator BLAKLEY. (continuing). I am going by the program here that carried an ad by Mr. William Foster, Mr. Earl Browder, and Mr. James Ford as officers of the Communist Party sending commendations and warm fraternal greetings to the National Negro Congress.

Mr. WEAVER. I mean that the National Negro Congress in its 1937 meeting had enough respectable sponsorship and enough respectable backing to get people for whom I had great respect and with whom I would not hesitate to share the platform anywhere.

Senator BLAKLEY. But you also shared it with some others, did you not?

Mr. WEAVER. I think these were the principal speakers.

Senator BLAKLEY. Let us go a little further then, Doctor.

On January 3, 1940, the Special Committee on Un-American Activities again cited the National Negro Congress as being an affiliated Communist activity organization. Were you aware of these citations by the special committee of the Un-American Activities Committee in January 1940 when you accepted an invitation to appear on the panel of the Third National Negro Congress in April of that year?

Mr. WEAVER. Where was this held?

Senator BLAKLEY. I will get it for you. This was reported out of Washington—the Third National Negro Congress in session Friday evening at 8 o'clock in Washington.

Mr. WEAVER. I do not think I appeared on that program, sir.

Senator BLAKLEY. This news item does list you, Dr. Robert C. Weaver.

Mr. WEAVER. I do not think I appeared on that program.

Senator CLARK. It occurs to me the Senator should identify what he is reading from. This is an anonymous accusation. What is the Senator reading from?

Senator BLAKLEY. I will be glad to do that. This is a news item out of Washington. It is a special to "The Daily Worker." Is that all right?

Senator CLARK. I do not think it is considered a very reliable sheet around here, Senator.

Senator BLAKLEY. Well, that identifies it. Is that satisfactory to the Senator from Pennsylvania?

Senator CLARK. I think the source is now very clearly in the record, and I am very happy that it is.

Senator BLAKLEY. Dr. Weaver, you now say you were not present at this meeting?

Mr. WEAVER. No. I recall, if this is the third meeting of the National Negro Congress, this was the meeting when A. Philip Randolph raised the issue of Communist domination, resigned from the national committee, and with him practically all of the other liberals who had been in the organization resigned. As I recall, I was sitting in the audience, but I do not remember being on the program. And the reason I remember it was because of the dramatic speech Randolph made at that time. Otherwise I would have no way of telling you whether I remembered it or did not.

Senator JAVITS. Would the Senator give us the date of it?

Senator BLAKLEY. April 23.

Senator JAVITS. Of what year?

Senator BLAKLEY. 1940.

You have just now, Dr. Weaver, spoken of A. Philip Randolph, former president of the National Negro Congress, and his attitude with reference to it and his resignation from it. What were your

impressions of the National Negro Congress? You say you do not think you were on the program but you do say you were there. What were your impressions of it?

Mr. WEAVER. By 1940 it had been common knowledge that there was a very serious split in the congress and that there were accusations of Communist domination. I went very much out of curiosity and interest to hear A. Philip Randolph, who happens to be a remarkable orator and man of great standing in the Negro community and I think in the labor community, because I understood this was going to be a stirring speech. And it was.

Senator BLAKLEY. But you were conscious of the fact even then by that time that the National Negro Congress was heavily infiltrated with Communists?

Mr. WEAVER. I was conscious of the fact these accusations had been made. I was not in a position to evaluate them one way or another because——

Senator BLAKLEY. But you had made no effort to evaluate?

Mr. WEAVER. I had made no effort, no.

Senator BLAKLEY. Were you at that time connected with the Federal Government?

Mr. WEAVER. I was, sir.

Senator BLAKLEY. Was it not your duty to ascertain about these Communist affiliations, being an officer of the Federal Government?

Mr. WEAVER. Definitely it was not. There were several divisions of the Federal Government more capable than I.

Senator BLAKLEY. I don't mean to investigate, but from your standpoint as a public servant did you not feel you should ascertain your associates?

Mr. WEAVER. They were not my associates.

Senator BLAKLEY. Well, they were there with you anyway, were they not?

Mr. WEAVER. They were against me then because the line had shifted.

Senator BLAKLEY. Did you permit your name, do you recall, to go into any of these notices, these advance notices regarding this congress?

Mr. WEAVER. I had nothing to do with the advance notices of the congress.

Senator BLAKLEY. Did you have any knowledge that your name was associated with some of these advance notices; attracting attention to it?

Mr. WEAVER. If it was, it was without my knowledge. The only thing my name could possibly have been used was the time I was on the program.

Senator BLAKLEY. If it were circulated publicly, did you publicly repudiate it?

Mr. WEAVER. I did not know about it publicly at the time except insofar as the program was concerned.

Senator BLAKLEY. Dr. Weaver, I understand that the name of R. C. Weaver, 1206 Kenyon Street in Washington, D.C., appears on the list of members of the Washington Book Shop, more accurately, the Washington Cooperative Book Shop. This is in 1941. Was this you?

Mr. WEAVER. Yes, sir. May I explain my connection there?

Senator BLAKLEY. Yes, sir; if you care to.

Mr. WEAVER. I joined the Washington Book Shop because I buy books quite frequently and they offered a 20-percent reduction. I participated in it only as a purchaser. But in 1941 there was a dispute about the program and management of the book store. At that time I attended a membership meeting and publicly resigned from the organization. I now read from the Washington Post of May 21, 1941 verbatim:

At the stormy session, the resignation of nine members of the Bookshop was flung at the platform by Corienne Robinson, administrative assistant in the Office of Racial Relations, U.S. Housing Authority, who asked the presiding officer whether "only one side of the question" was going to be heard. * * * About 300 persons attended the meeting, at which a split came when Dorothy I. Cline attempted to get the floor to read a resolution. It would have protested against the recent withdrawal of the Bookshop from the Cooperative League by action of the Bookshop's board of trustees and would have urged that the board be divested of its powers of office. * * *

Thereupon Miss Robinson announced to the presiding officer, David Wahl the resignation of herself, Miss Cline, Henry Lee Moon, Betty MacDonald Miller, Robert C. Weaver, John Sacks, Lucille Breyer * * * et cetera.

Then the Washington Daily News of the same date reports as follows:

Said Corienne Robinson, spokesman for the group—

and this is the statement we made—

We declare emphatically our support of the constitutional form of government in the United States and disavow any action which seeks to state or imply our support of any totalitarian government, Nazi, Fascist or Communist, against all of which we are unalterably opposed. We consider continued membership in the Bookshop inconsistent with this position and hereby submit our resignations.

Senator BLAKLEY. That is a very nicely prepared statement, Dr. Weaver. Who was this lady that introduced it; that made it?

Mr. WEAVER. Miss Robinson, who happened at one time to have been my secretary.

Senator BLAKLEY. You did not make this declaration yourself?

Mr. WEAVER. The declaration was made and signed by all nine of us.

Senator BLAKLEY. Was signed but not presented?

Mr. WEAVER. She presented it for the nine of us. We had signed it and it was submitted at the meeting.

Senator BLAKLEY. Well, then, you do think that the Bookshop itself was a rather radical organization; is that right?

Mr. WEAVER. I certainly think it was an undemocratic one the way it was operated. We did not have a chance to express our opinions and there were certain activities with which we were not concerned and with which we did not agree and therefore we withdrew.

Senator BLAKLEY. You say to me that your only activity in the Bookshop was one of getting books?

Mr. WEAVER. This was the only membership meeting I ever attended.

Senator BLAKLEY. Were you there?

Mr. WEAVER. Beg pardon?

Senator BLAKLEY. You were at the meeting?

Mr. WEAVER. Oh, yes; I was there.

Senator BLAKLEY. How did you accumulate all the information about them to make this wonderful statement you made if you had never had any other——

Mr. WEAVER. I beg your pardon?

Senator BLAKLEY. You said you subscribed to the statement which you just now read.

Mr. WEAVER. Yes.

Senator BLAKLEY. And you had never been to a meeting or ever associated with any of them prior to that time?

Mr. WEAVER. It happened that Miss Robinson and others I knew had been going to meetings and called this matter to my attention and had urged me to go.

Senator BLAKLEY. Oh. You made that judgment solely at this time on the information you got from your secretary?

Mr. WEAVER. On the information I got from people in whom I had absolute confidence.

Senator BLAKLEY. I understand, sir, that in October 1945—and as I go along, I recognize that your information and recollection of these things is better than mine, so any time you can correct me, I will be very glad to have it done:

I understand that the October 1945 issue of the magazine New Africa contained a list of endorsers of the program of the Council on African Affairs which had appeared in the September 1945 issue of the magazine. I understand that the name of Robert C. Weaver appeared on the list of endorsers.

Did you endorse the program of the Council on African Affairs?

Mr. WEAVER. I did, sir.

Senator BLAKLEY. The Council on African Affairs was cited as a subversive and communist organization by Attorney General Clark in his letters to the Loyalty Review Board released December 4, 1947, and September 21, 1948, and it also appears on the Civil Service Commission form, with which you are familiar.

At the time you endorsed the program of the Council on African Affairs, what was your impression of the council from the point of view of Communist membership and influence and adherence to Communist principles?

Mr. WEAVER. I was approached on this matter by a gentleman whom I had known for years as a staff member of the national board of the YMCA. He is a man of great learning, a man of great personal charm. He presented the matter to me as the matter of a stand on Africa, a stand to which I subscribed 100 percent. At that time I had no knowledge of any infiltration. Subsequently, I have read and seen evidence that implies that such existed. But at that time if there were any, I did not know it.

Senator BLAKLEY. Then your participation in it was without knowledge——

Mr. WEAVER. Yes.

Senator BLAKLEY. I certainly would not want to use the term "ignorance" with a great man like you, but you acted without proper investigation, let us say?

Mr. WEAVER. Let me say in this area I may plead ignorance at this time as all of us did in this period.

Senator BLAKLEY. You may plead it, but it will not be the truth, I can tell you.

Mr. WEAVER. I might add this was my only contact with this particular organization.

Senator BLAKLEY. Yes. And you did satisfy yourself afterward that it was a Communist organization?

Mr. WEAVER. I must say I withdrew for the reason that I began to question some of its activities and subsequently. I read information which would have made me withdraw if I had not already been with. drawn.

Senator BLAKLEY. Being the great public character that you are, do you not feel that having identified yourself with this sort of an organization you had some obligation to the public and to your friends and to your following to repudiate it publicly?

Mr. WEAVER. I would have, sir, if my affiliation had been anything that was significant. It was one of a series of a large number of names in a rather inconspicuous place and I do not think anybody likes to call attention to the fact that he has been a dupe. I certainly did not want to volunteer that information if people did not find it out otherwise.

Senator BLAKLEY. To go a little further, sir, I understand from an article from the Daily Worker of February 8, 1939, that the Negro People's Committee To Aid Spanish Democracy circulated a letter urging that the embargo be lifted and that you endorsed this program. Is this correct?

Mr. WEAVER. This is correct.

Senator BLAKLEY. The House Committee on Un-American Affairs in March of 1944 cited this committee as a Communist front. What were your impressions of the Negro People's Committee To Aid Spanish Democracy with respect to Communist membership and influence and adherence to Communist policies and principles at the time you endorsed that?

Mr. WEAVER. This was presented to me in terms of being against fascism, being against the Italian conquest of Ethiopia, and it was sponsored by a group of other signers in whom I have absolute confidence. One is the president of a State college. I would rather not use their names because it is bad enough to have mine involved in this.

Senator BLAKLEY. Pardon me for interrupting you, Doctor, but do you agree a good many times people get on these lists?

Mr. WEAVER. I was on this one.

Senator BLAKLEY. Did you know whether the committee endorsed Communist policies and principles?

Mr. WEAVER. I had no idea.

Senator BLAKLEY. You did not know?

Mr. WEAVER. This was back in 1939 and I just did not think anything of it.

Senator BLAKLEY. From your later knowledge and information, would you consider this committee one of extremely radical——

Mr. WEAVER. I think it deserves citation, sir.

Senator BLAKLEY. Yes.

On September 20, 1944, a dinner was held in honor of Ferdinand C. Smith, secretary of the National Maritime Union, CIO. The program printed for the dinner includes the name of Dr. Robert C. Weaver. Is it correct that you were a sponsor of this dinner?

Mr. WEAVER. I do not have the slightest idea. I can only say this, that I knew Mr. Smith at that time. This was a time when we were having great difficulty in getting labor unions, even during the defense effort and afterward, to accept Negroes as members. The National Maritime Union was one of the outstanding unions as far as its record was concerned. It happened Mr. Smith was an outstanding person in pushing that particular situation. And it might well be I would have gone to that dinner for Mr. Smith; not on the basis of his ideology, but on the basis of the job he had done as a labor leader and particularly as one of the few outstanding labor leaders at that time who had a record of really fighting for equality of opportunity for his Negro members.

Senator BLAKLEY. Would you then say, Dr. Weaver, that you did go to the dinner?

Mr. WEAVER. I could not say. I do not know.

Senator BLAKLEY. Would you say that you did sponsor it?

Mr. WEAVER. I do not know.

Senator BLAKLEY. You do say you did commend him at that time?

Mr. WEAVER. I thought commendably about him at that time. As to whether or not I did it publicly at that meeting, I do not know.

Senator BLAKLEY. You did not repudiate the position at all, did you, Doctor?

Mr. WEAVER. What position?

Senator BLAKLEY. That you were one of the sponsors of this testimonial dinner?

Mr. WEAVER. I do not know. I cannot remember. I cannot say whether I was or I was not, because I do not recall.

Senator BLAKLEY. You do not recall having been there or being a sponsor?

Mr. WEAVER. No. But I do not recall not having been invited or not having been there or not being a sponsor either.

Senator BLAKLEY. You do not even remember there was such a dinner held?

Mr. WEAVER. Absolutely not.

Senator BLAKLEY. Do you remember whether or not there was such a man as Ferdinand C. Smith?

Mr. WEAVER. Yes. I have just expressed my opinion about Mr. Smith.

Senator BLAKLEY. And you were an admirer of him whether you went to the dinner or not?

Mr. WEAVER. I was an admirer of him as a labor leader; yes, sir.

Senator BLAKLEY. Yes. Do you know if it was correct that Smith was ejected from the National Maritime Union on the grounds of communism?

Mr. WEAVER. I know Smith was involved in a union fight on communism and as I recall, he did not win. And I think it is because—again I do not recall all of the details, but I know they had a great split after this, of course, in the union, and that Mr. Smith was not on the winning side.

Senator BLAKLEY. You were pretty well acquainted with him, were you?

Mr. WEAVER. No; I was acquainted with him more by his works than personally.

Senator BLAKLEY. You were an admirer of his, were you not?

Mr. WEAVER. I do not think I met the man more than four or five times in my life.

Senator BLAKLEY. You were an admirer of his?

Mr. WEAVER. I was an admirer of what he had done in this particular field, yes, in his labor union activities.

Senator BLAKLEY. I believe you say that you did not know that your name was listed as one of the sponsors?

Mr. WEAVER. Of what?

Senator BLAKLEY. Of this dinner?

Mr. WEAVER. I said I could not answer whether it was or was not; that I did not recall.

Senator BLAKLEY. If you had been asked to have your name printed as one of the sponsors, would you have agreed; with your great admiration for Mr. Smith?

Mr. WEAVER. This is a question, sir, I do not think I can honestly answer. If I had known then what I know now, the answer would have been "No." Not knowing it then, I do not know.

Senator BLAKLEY. Doctor, I hope I am not worrying you here. I have got to work this out to satisfy myself.

I understand that the Workers Book Shop of New York City, which has been described by the House Un-American Activities Committee as a Communist Party bookstore, published a list of books entitled "Books of Lasting Value," in which your book "The Negro Ghetto" was included. Did you know about this?

Mr. WEAVER. No, but anytime anybody would list my book as of lasting value, I do not think I would repudiate it.

Senator BLAKLEY. If they would sell a few more copies, that would help too?

Mr. WEAVER. That is right, and my publisher would appreciate it too.

Senator BLAKLEY. Therefore, you would be pleased to have the book listed in any bookshop if it would provide for the sale of additional copies?

Mr. WEAVER. I do not think I would get excited about it one way or the other. I simply would have no control over what any bookshop, regardless of its ideology, would say about what I had written. And I certainly would not go and tell them not to say it because they might have some members who might read it, and I might be able to indoctrinate them.

Senator BLAKLEY. Then you would not be displeased if your book were prominently displayed in a Communist-identified bookstore?

Mr. WEAVER. To be honest, I would have to say I would not be displeased if my book were prominently displayed anywhere.

Senator BLAKLEY. In a Communist bookstore, fully identified Communist bookstore in this country?

Mr. WEAVER. In the first place, I do not know whether it is a Communist bookstore or not.

Senator BLAKLEY. I asked you a question, Dr. Weaver.

Mr. WEAVER. I beg your pardon.

Senator BLAKLEY. I have just asked you a question.

Mr. WEAVER. What is that?

Senator BLAKLEY. Would you be pleased if your book were prominently displayed in a bookstore known to be a Communist bookstore?

Mr. WEAVER. I do not know what you mean by displeased. I certainly would not actively—I would not try to get it done. I would not be too happy about it. But——

Senator BLAKLEY. Dr. Weaver, do you have no feeling about anything you are or anything you do, being concerned with—being associated with communism—do you not have any displeasure about that?

Mr. WEAVER. Of course. I have always tried to keep myself from being associated with communism.

Senator BLAKLEY. Would that not be an association?

Mr. WEAVER. Look, the fact that one of the most respectable bookstores in New York—I will not mention the name—has a book by a Communist author does not make that a Communist bookstore any more than that a Communist bookstore may have an author's book makes the author a Communist.

Senator JAVITS. Mr. Chairman, a point of order.

Senator BLAKLEY. Mr. Chairman, I want to finish my questions and then the Senator from New York can take all the time he wishes.

The CHAIRMAN. I think the Senator from Texas should finish.

What was the question? The chair was thinking about one he was going to ask later.

Senator JAVITS. Mr. Chairman, I could not agree more that each party should have the right to finish asking his questions.

The point of order I was making was that I noticed at this point the witness was speaking and the Senator from Texas was speaking at the same time and I was just trying to call it to the Chair's attention.

Senator BLAKLEY. I want to apologize for any discourtesy in interrupting the witness.

The CHAIRMAN. It was unintentional, I am sure, but let the witness finish answering and then ask the next question.

Senator BLAKLEY. I was trying, Dr. Weaver, to get a direct reference to the question I asked and not an analogy or reference.

I asked the question if you would feel in any way displeased if your book were prominently displayed in a bookshop that identified itself as being a Communist affiliate organization in this country?

Mr. WEAVER. I think that the question is slightly changed because I think now it is in terms of the bookshop identifying itself in those terms. Up to this time I have been talking in terms of a bookshop which was identified whether I knew it or did not know it.

I think there is a slight difference here. I would not be too happy about the latter circumstance. I do not know of any such bookshop.

Senator BLAKLEY. Sir?

Mr. WEAVER. I do not know of any such bookshop that does so identify itself, but maybe there is one.

Senator BLAKLEY. If it has been identified as that sort of a bookshop——

Mr. WEAVER. When? When has it been identified? At the time or subsequently? I think this makes a difference.

Senator CLARK. If the Senator would yield, I think the record shows that the Post article was in 1941. That is when Mr. Weaver resigned and it wasn't until 1947 or 1948 that the Attorney General placed this on his list.

Senator BLAKLEY. This was cited by the House Un-American Activities in 1961.

Mr. WEAVER. My book was published in 1948, sir.

Senator BLAKLEY. Yes, of course——

Mr. WEAVER. 1961? There are no copies around. It has been out of print for 2 years.

Senator BLAKLEY. I saw one the other day.

Mr. WEAVER. It has been out of print for 2 years. I have the plates. I bought all the leftover copies, unfortunately at a reduced price.

Senator BLAKLEY. Maybe you can resell it.

Mr. WEAVER. I hope so.

Senator BLAKLEY. I understand the August 1948 issue of Masses and Mainstream, the successor to "New Masses," a Communist magazine, appears to review your book "The Negro Ghetto." Did you know about this review?

Mr. WEAVER. I do not know whether I did or not, sir. I read about 250 reviews. If it came to my attention I probably did read it. Do you know who wrote it? I might be able to identify it better.

Senator BLAKLEY. Yes. This seems to be by J. Crow, realtor.

Mr. WEAVER. Who?

Senator BLAKLEY. J. Crow, realtor.

Do you know J. Crow?

Mr. WEAVER. I did not know he wrote book reviews.

Senator BLAKLEY. Yes, sir. This book reviewer seems to have been J. Crow, realtor. He went under another name sometimes, I suppose. I do not know who the reviewer was.

Mr. WEAVER. I could not identify it, sir, unless I knew the author.

Senator BLAKLEY. Dr. Weaver, since we have this reference out of the way here, I understand you made a trip to Russia along about 1945 to 1946?

Mr. WEAVER. 1946.

Senator BLAKLEY. 1946. On the UNRRA Study of Economic Rehabilitation in the Ukraine?

Mr. WEAVER. Well, no. I was there as a member of the UNRRA Mission to the Ukraine, United Nations Relief and Rehabilitation.

Senator BLAKLEY. I have been referred to an article in the Civil Liberty News in Chicago dated December 15, 1946, which appears to be a report by you on your experiences in Russia during your study and the report is entitled, "No Race Problem in Russia—Robert Weaver."

Did you write this article?

Mr. WEAVER. I do not know, but that was my impression while I was in Russia, that they did not have a race problem.

Senator BLAKLEY. You do not know whether you wrote this article or did not write it?

Mr. WEAVER. No. I could identify it if I saw it probably, but just from the title I do not. I have written some 75 articles. It is hard to remember them all.

Senator BLAKLEY. I will make this available, Mr. Chairman, for the committee if they want it all put in. I was not thinking of making the record cumbersome, but if any of this is wanted, I will put it in.

The CHAIRMAN. If the Senator thinks it should be printed it may be done. If he makes the request, the Chair will grant the request.

Senator BLAKLEY. I would like to read some of this, Dr. Weaver, and see if you could recollect whether you did actually write it or not. This is an excerpt, you understand. The whole article is available here:

To the Soviet citizen it seems much more logical and fair to liquidate an enemy of the state than to deny a black man equal rights because of the color of his skin.

Mr. WEAVER. This is one sentence out of context. I could not identify it by any possibility.

Senator CLARK. Mr. Chairman, in an effort to be helpful I wonder if it would not be fair if the Senator from Texas let the witness at least look at the article so he could tell whether he wrote it or not.

Senator BLAKLEY. Indeed I agree [handing document to witness].

Mr. WEAVER. Senator, this is a short article, I think four or five or six paragraphs, but I would not want to burden anybody by his having to listen to it all—I would not want to read it all myself—but there is a possibility I did write it. I think it comes from a reputable magazine. I do not feel, however, that one sentence quoted out of context in a short article can really express the point of view of the author.

Senator BLAKLEY. Mr. Chairman, I ask unanimous consent that the whole entire article be placed in the record and be available for the whole committee.

The CHAIRMAN. Without objection, it is so ordered.

(The document referred to follows:)

[Civil Liberties News, published by the Chicago Civil Liberties Committee and the Illinois Civil Liberties Committee, Nov. 15, 1946]

"NO RACE PROBLEM IN RUSSIA"—ROBT. WEAVER

[EDITOR'S NOTE.—Dr. Robert C. Weaver, longtime Government employee and first executive of the mayor's commission on race relations, and now on the staff of the American Council on Race Relations, wrote the following article on his return to Chicago from an UNNRA study of economic rehabilitation in the Ukraine.]

If I ever had any doubts that minority problems can be solved, my recent trip to Russia, dispelled them.

The Soviet Union, which was rife with anti-Semitism and national hatreds before the revolution, is today relatively free from intergroup tensions. Conflicts between these groups are unknown, and the man in the street in Russia cannot understand how the United States can claim to be a democratic nation and still persecute its darker citizens. To the Soviet citizen, it seems much more logical and fair to liquidate an enemy of the state than to deny a black man equal rights because of the color of his skin.

The Soviet Union has solved its minority problems by legislative, economic, and educative methods. Expressions of nationality or racial chauvinism are punishable by law, and I was told of the application of the law. A Negro newspaper man in Moscow told me that, once when he was riding on a train from Moscow to Stalingrad, several Americans, who were assigned space in his compartment, objected loudly to his presence. Despite the fact that these Americans were engineers, and vital to the industrial development of the Soviet Union, they were promptly removed from the train and arrested.

But it is not by law alone that the job of generating appreciation for the differences in the peoples who make up Russia has been achieved. Existence of full employment and the presence of an elaborate system of social security have removed the economic causes for the intergroup tensions and rivalries. Studied action to include all ethnic and nationality groups in the affairs of the nation have put a visable stamp of official approval upon equality of opportunity. And the Communist party, which is the professional leadership of the nation, has not compromised with prejudice. Any member guilty of racial or nationality chauvinism is summarily dismissed from the party.

More important than any of these measures is the use of education and propaganda to encourage understanding between groups in the Soviet Union. In the schools, in trade unions, in the cultural activities throughout the nation, care is taken to set forth what each ethnic and nationality group has contributed to the growth of the Russian people and to the development of mankind. Media of mass education, sometimes called instruments of propaganda, have been enlisted to spread the facts and create a receptive frame of mind.

Russia has shown the world that group prejudices and conflict can be modified. Its success suggests the instruments which can achieve results. The methods of capitalism and our form of democracy differ from those of the Soviet Union, but in Russia's handling of minority problems we can find valuable methodological tools—tools which are equally applicable to our society but which will require refinement and redirection.

The CHAIRMAN. The Chair wishes to call attention to the fact that three other public witnesses have been waiting to be heard and they cannot be heard today, so we will have to go over until tomorrow. The Chair, with all due deference, wanted to ask one or two questions himself. He yielded to other members of the committee.

So in view of the fact that all of us have other things to do besides sitting in on these hearings, the Chair wants to make the suggestion that we recess until 10:30 tomorrow morning.

Senator CLARK. Mr. Chairman, not that I want to object, but I wonder if our friend from Texas could not complete his examination so that the chairman could open the questioning tomorrow?

The CHAIRMAN. If the Senator from Texas wants to finish up this afternoon, he may, but I do not think he should be rushed. We did not rush anybody else.

Senator BLAKLEY. I believe I would be able to conclude here in 5 or 10 minutes.

The CHAIRMAN. Then we will extend the hearing.

Senator BLAKLEY. Dr. Weaver, I have another article here by you, so the paper shows, which was printed in the Michigan Herald, that also treats with this same subject matter. And I would like to ask you if you were acquainted with the publisher of the Michigan Herald, Mr. Hugo Beiswenger.

Mr. WEAVER. It does not ring a bell with me. Is this a newspaper?

Senator BLAKLEY. A newspaper.

Mr. WEAVER. And does it appear over my byline?

Senator BLAKLEY. The article appears over your byline, yes, sir. It is a reprint from the Negro Digest.

Mr. WEAVER. Oh, I did write an article in the Negro Digest and this may be that article.

Senator BLAKLEY. But you had no knowledge of the reprint?

Mr. WEAVER. None at all. My permission was never asked for it nor was it granted.

Senator BLAKLEY. I would like to ask just another question of you, Dr. Weaver. In your travels in Europe—I mean in Russia—on this mission you were in, and according to the tenor of this article that we have here, you were quite impressed with the Russian system of dealing with the different races; is that right?

Mr. WEAVER. I think it would be more accurate to say with what seemed to me—and subsequent events have shown that I either did not see it as well as I might have seen it or things changed very rapidly about the way they have handled their minority problems.

I think this should go in the record: When I came back from Russia, like most people—after all I was one of the few people who had been in postwar Russia, and I signed up for a speaking tour on Russia. I went out and met a friend of mine who was an old hand at Russia and spent an evening with him and he told me I could not have seen what I saw and I canceled that tour and stopped writing articles because I am afraid you see in Russia about as much understanding as you take there, and I did not take too much.

Senator BLAKLEY. You think your articles may really not have been as wise on reflection, as they were at the origin? Is that what you mean?

Mr. WEAVER. I think they were absolutely honest, but I do not think they were too sagacious.

Senator BLAKLEY. Well then, from the standpoint of the attitude of the Soviet Union and its action with respect to the students that went over there, would you express now a viewpoint of what you see in the administration of the Soviets and their attitude toward race relationships?

Mr. WEAVER. I do not know again whether I understand your question, but all I know about this is what I read in the papers and it certainly does not coincide with what I wrote in those articles. Either what I wrote was not right, or else a lot has changed since I wrote.

Senator BLAKLEY. Dr. Weaver, as Chairman of the Board of the NAACP and with longtime service in this connection, have you ever observed any Communist influence in the NAACP?

Mr. WEAVER. I think the NAACP has had a very brilliant history in opposing communism. There have been efforts at infiltration, and I would like, in answering that, to read if I may, Mr. Chairman, excerpts from "Masters of Deceit" by J. Edgar Hoover, who, I think, is a man that may be listened to in this connection. May I do so?

The CHAIRMAN. You may do so if it does not run us too late.

Mr. WEAVER. No, it is only two paragraphs:

> The party has made vigorous efforts to infiltrate the National Association for the Advancement of Colored People. This organization in 1950 authorized its board of directors to revoke the charter of any chapter found to be Communist controlled.

I still quote:

> The NAACP's national leadership has vigorously denounced Communist attempts at infiltration. In 1956 when the NAACP and other organizations sponsored a national conference on civil rights in Washington, the party attempted to move in and started promoting the conference. The NAACP countered by screening delegates. Similarly in 1957 in the Prayer Pilgrimage for Freedom in Washington, the party again attempted to move in and tried to

exploit the pilgrimage as a rallying point for unity. NAACP leaders publicly told the Communists that they were not welcome and steps were taken to keep them off the platform.

Senator CLARK. What was the date of that, Mr. Weaver?

Mr. WEAVER. This is published by Henry Holt & Co. in 1958.

Senator CLARK. And it is Mr. Hoover's book.

Mr. WEAVER. Yes. "Masters of Deceit" is the title, pages 246 to 247.

Senator BLAKLEY. Dr. Weaver, do you think that as the Housing and Home Finance Administrator you could handle that job and also be chairman of the board of the NAACP?

Mr. WEAVER. No, sir. When my nomination was announced, I publicly stated that at such time—and if I were confirmed—I would immediately resign from the chairmanship of the NAACP.

Senator BLAKLEY. But would your ideals and your viewpoints and your beliefs in reference to your work in the NAACP have any effect whatever on causing your decisions or making your judgments as the Administrator of the Housing and Home Finance Agency?

Mr. WEAVER. The NAACP has been fighting for democracy for 50 years and I think that this is a good background.

Senator BLAKLEY. They have been fighting the cause from their viewpoint?

Mr. WEAVER. Yes, sir.

Senator BLAKLEY. From their viewpoint. Would you adopt that viewpoint as a basis for making your decisions?

Mr. WEAVER. I do not know what you mean by "their viewpoint." I would think that their viewpoint is one of equality of opportunity. And if this be it, as I believe it is, this would be a guiding principle with me in anything I do.

Senator BLAKLEY. Dr. Weaver, would you agree that the viewpoint as expressed by you and as generally supported by the NAACP might be controversial as to being the universal viewpoint by all people?

Mr. WEAVER. I do not think equality of opportunity is controversial, Senator.

Senator BLAKLEY. The matter of viewpoint would be controversial; would it not?

Mr. WEAVER. The method of achieving it might be controversial, but not the objective.

Senator BLAKLEY. Would you say the question of quality would be one of opinion?

Mr. WEAVER. The question of equality?

Senator BLAKLEY. The question of desirability. I did not say "equality," I said "quality."

Mr. WEAVER. I am lost again, Senator. My earlier statement was that I felt the position of the NAACP was one of equality of opportunity. This was a principle and an objective which I accepted, and this is one which I feel I would be motivated by no matter what I did, and that is that there should be equality of opportunity. And I do not think this is in any way inconsistent with the Constitution or with the law of the land, both of which I would be guided by, obviously.

As a matter of fact, I think they delineate it.

Senator BLAKLEY. Do I underdstand you now to say that in making your judgments in your office of the Housing and Home Finance Administrator, you would reach them according to your own beliefs and

your own ideals and your own interpretation of what you believe to be the law of the land and what would bring about equality?

Mr. WEAVER. Senator, I said earlier and I believe it very strongly—and I think I have done this in the past in other public offices—my actions will be determined by the law of the land, by the acts of Congress, and by such action as the President may take to express the administration policy.

Senator BLAKLEY. The law of the land as you interpret it?

Mr. WEAVER. I would assume that the law of the land where there would be legal problems would be interpreted by my General Counsel since I am not a lawyer.

Senator BLAKLEY. But you would have certain decisions to make and interpretations to make and acts to go on based on those interpretations? Is that not right?

Mr. WEAVER. If I understand you, the answer is "Yes."

Senator BLAKLEY. Mr. Chairman, just one more question.

I would like to ask this about your administration of this office: In some of the articles I have read about here that you have written, you seem to have an opposition to restrictions and covenants, deed restrictions and covenants and things of that sort—which have to do with property rights.

Mr. WEAVER. Yes, sir.

Senator BLAKLEY. Would you in your administration deny Federal support in any of these agencies if there were these restrictions?

Mr. WEAVER. If I did, I would be following the policy which now exists because after the Supreme Court outlawed race restrictive covenants in 1948 the Housing and Home Finance Agency took a position of outlawing them in their activties. These are the existing policies and procedures of the Agency, sir.

Senator BLAKLEY. You would not insure any housing loans that had any restrictions, any deed restrictions?

Mr. WEAVER. Unless I am mistaken the FHA has that regulation at the present time.

Senator BLAKLEY. Do they have that also in view of the fact that they do provide in some areas for a housing situation with respect to this?

Mr. WEAVER. Yes, sir. This is my understanding.

Senator BLAKLEY. That is all, Mr. Chairman.

The CHAIRMAN. The committee will stand in recess until 10:30 tomorrow.

(Whereupon, at 5:10 p.m., the committee recessed, to reconvene at 10:30 a.m. on Wednesday, February 8, 1961.)

NOMINATION OF ROBERT C. WEAVER

WEDNESDAY, FEBRUARY 8, 1961

U.S. SENATE,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C.

The committee met, pursuant to recess, in room 5302, New Senate Office Building, at 10:38 a.m., Senator A. Willis Robertson (chairman) presiding.

Present: Senators Robertson, Sparkman, Douglas, Clark, Proxmire, Williams, Muskie, Long, Neuberger, Blakley, Capehart, Bennett, Bush, and Javits.

The CHAIRMAN. The committee will please come to order.

Just before the recess yesterday afternoon the chairman announced that he had several questions that he wished to ask the witness. They will be brief and dealing primarily with the views of the witness concerning the Government control over various types of housing.

Doctor, on yesterday the distinguished Senator from Utah placed in the record an article that you wrote in June of 1960 and published in a magazine relating to group racial relations under the title of "Southern Comfort" and so on. I do not remember the exact title. You remember the article, sir?

STATEMENT OF ROBERT C. WEAVER—Resumed

Mr. WEAVER. Yes, sir.

The CHAIRMAN. Did that article accurately reflect your present views on the subject of open occupancy?

Mr. WEAVER. I would say in general. I do not remember every word and phrase in it but in general I would say it does, sir.

The CHAIRMAN. In fact, as I recall your testimony, you not only reiterated the views on what we might call desegregation in housing mentioned in that article but you went on to say, as I recall, that you favored Government restrictions in every type of housing except the housing that might be built by a private individual with money loaned by a bank whose accounts were covered by the FDIC.

Mr. WEAVER. I think, sir, what I said was that I favored that any type of housing which received Federal aid should be open to all citizens.

The CHAIRMAN. Well, I thought you said that you would not try to stretch the strong arm of the Government to the thin technicality of Federal aid being granted to a homebuilder simply because the money that the bank had loaned him was insured up to $10,000.

Mr. WEAVER. That was right, sir.

The CHAIRMAN. All right. Then we understand each other on that phase. I just wanted to have it clear.

Mr. WEAVER. Yes, sir.

Senator SPARKMAN. And likewise the savings and loans, which would be under FSLIC.

The CHAIRMAN. Same principle.

Senator SPARKMAN. You mentioned FDIC. You mean FSLIC also?

The CHAIRMAN. That was what the witness mentioned. The same principle would apply to savings and loans. Or am I wrong? It would apply to savings and loans and not to the banks?

Senator BENNETT. Both.

Senator SPARKMAN. It would be both.

The CHAIRMAN. I understood he mentioned banks. Of course, the same principle applies to savings and loans.

And last year, as I recall, there were more new starts financed by conventional loans than by the Government.

Doctor, at the risk of some repetition, I should like to read some excerpts from the New York State Legislative Commission report on your activities and those of Mr. Abrams as rent administrators. I understand they were directed to you as well as to him.

This is taken from the 1957 report, page 18, a copy of which was furnished you on yesterday. I am sure you are quite familiar with it.

I read from page 18:

> With recurring frequency the courts have reproved and restrained the arbitrary assumption of power by the housing rent commission not authorized by law. It should not be necessary to hail the State rent administrator into court in order to curb his repeated ill-fated attempts to usurp legislative power.

Then follows a list of cases that held that you had been capricious, arbitrary, and without any legal authority in the action taken.

If there is no objection—I do not want to read all these cases—I would like to put them in the record at this time.

(The cases referred to follow:)

Florell Equities, Inc. v. *Weaver*, 2 App. Div. 2nd, 542; affirming 155, N.Y.S. 2nd, 212, which held to be invalid a regulation of the Rent Commission, prohibiting an owner from applying for an increase until he had owned the property for one year, as being "contrary to the statutory intent, the challenged regulation attempts to impose an arbitrary standard . . ."

340 East 57th Street Corp. v. *Weaver*, 3 Misc. 2nd, 356; affirmed 2 App. Div. 2nd, 676; affirmed, 2 N.Y. 2nd, 799, which held to be invalid a regulation rejecting use of sales price solely because of a prior hardship increase.

Goldstein v. *Weaver*, 155 N.Y.S. 2nd, 185, which reversed the promulgation of a regulation which rejected the consideration of a sale price solely because it was a stock sale.

Abrams v. *Abrams* and *Tishman* v. *Abrams*, 1 App. Div. 2nd, 800 affirming 152 N.Y.S. 2nd, 548 which reversed the Commission for refusing to consider the salary of an employee as an item of operating expense, although such employee was hired as a result of a reduction of Union work week.

See also In Matter of *Flatbush Real Estate Board* v. *Weaver*, N.Y.L.J. 2–8–57; *Grant Morris Management Corp.* v. *Weaver*, N.Y.L.J. 10–9–56; *Abrams* v. *S. A. Schwartz Co.*, N.Y.L.J.; 3–5–1957, holding that Administrator exceeded his power and dismissed application for an injunction to compel landlord to make capital improvement costing $22,000 in a building worth $50,000. "Nowhere in the four corners of this act . . . do I find any power or authority for the Court to direct an owner to make a major capital improvement."

NOTE.—The Administrator's appeal in the Florell Case, *supra*, was argued before the Court of Appeals while the Legislature was in session and had not been decided. We assume, however, that the view of the Appellate Division

majority will be sustained because that determination was in harmony with the action of the Legislature in rejecting enactment of similar proposals in the past. (See Assembly Bill, Introductory No. 1073, Print No. 1088, January 18, 1956.)

The regulations of the administrator, as amended to March 31, 1955, were reviewed and approved by the Commission in its 1955 report (See Legislative Document (1955) No. 73) accompanied by the admonition that

"No need for a change in the regulations has been demonstrated."

Despite this virtual mandate to maintain the status quo a host of substantive amendments were adopted beginning within a few weeks after the Legislature adjourned. Challenges to many of these reversals of prior policy are still pending in the courts. These include regulations virtually nullifying the formation of cooperatives; the calculation for increases by voluntary leases where a tenant prematurely cancels his two-year agreement, the payment of a stipend to displaced tenants, the prohibition on an adjustment of rent even where agreed to by a tenant for the provision of new equipment such as a refrigerator solely because at some previous date similar equipment had been installed for an earlier increase, and similar challenges.

Under these circumstances the Commission belives it inappropriate to approve the regulations as amended subsequent to March 31, 1955 in order that the courts may review the propriety of these changes.

The CHAIRMAN. That is in that report, is it not?

Mr. WEAVER. Yes.

The CHAIRMAN. Then I find this statement in the 1959 report at page 8:

During the period of time elapsed from 1954 to the end of 1958 a policy of administering housing rent controls evolved which was manifestly unfair to both tenants and landlords. That policy was evidenced by the deliberate promulgation of a myriad of confusing regulations. These rules seemed to complicate procedures and had the effect of defeating the clear intention of the legislature in enacting the residential rent control law.

Many such regulations were struck down by the courts as arbitrary and unreasonable.

By superimposing such a policy on the plain language of the law, the administrators were enabled to hinder, delay, or defeat applicants otherwise entitled to the benefit of the law in order to cater to their prejudgements or their individual political or economic theories.

Then follows a long list, four pages, of court decisions.

You are familiar with that part of the report?

Mr. WEAVER. Yes.

The CHAIRMAN. I ask unanimous consent to put all these decisions in there. I do not want to read them all.

Senator JAVITS. Will the Chair yield at that point?

The CHAIRMAN. Yes.

Senator JAVITS. I am a little bit embarrassed by the position of the Chair yesterday with respect to letters because I do not have a letter before me from the landlords' organization of New York City, expressly dealing with the 1957 report.

The CHAIRMAN. In view of this statement, the Chair will be only too glad for the Senator to read it into the record for that purpose.

The Chair does not want to be unfair to either the witness or to any member of his committee. Everybody is going to be recognized, and we do not want any testimony presented here that is not based upon facts.

The Chair was reading an official report.

Senator JAVITS. I will bide my time, Mr. Chairman.

The CHAIRMAN. Thank you.

It is understood those court decisions will go in sustaining that allegation.

(The court decisions referred to follow:)

Brief Statutory History of Rent Control.

Residential rent control became effective in the City of New York on November 1, 1943, and, in some areas outside of the City (Buffalo, for example) on July 1, 1942. The original federal regulations derived from the Federal Price Control Acts. The President signed the Federal Emergency Price Control Act on January 30, 1942 (Pub. L. 421, 77th Con.; 50 U.S.A. App. §§ 901–946). That law vested the O.P.A. Administrator with authority to establish maximum rents for housing accommodations (§ 2(b)). The Federal Act was held constitutional relative to rent control purposes on March 27, 1944 in *Bowles* v. *Willingham*, 321 U.S. 503.

The Stabilization Act of 1942 was enacted on October 2, 1942 (56 Stat. 767) and extended the Price Control Act, *supra*, from July 1, 1943 to June 30, 1944. On July 1, 1944, Congress extended the Stabilization Act as the "Stabilization Extension Act of 1944" (58 Stat. 632) which extended price and rent control to July 30, 1945. The Emergency Control Act was further extended from year to year until June 30, 1947 as follows:

From July 1, 1945 to June 30, 1946 (by § 1, Public Law 108, 79th Congress); from July 25, 1946 to June 30, 1947 (by Price Control Extension Act of 1946, Public Law 548, 79th Congress, § 2). The hiatus from July 1 to July 25, 1946 found New York State tenants protected by the so-called State "Standby" Law (Chapter 274, Laws 1946).

From July 1, 1947 to May 1, 1950, Federal Rent Control was administered under the Federal Housing and Rent Act (Housing and Rent Act of 1947), Public Law 129, 80th Congress, from July 1, 1947, to February 29, 1948, and from March 1, 1948 to March 31, 1949, the Housing and Rent Act of 1948, Public Law 464, 80th Congress.

The last Federal Extension effective in New York State was the Housing and Rent Act of 1949, effective April 1, 1949, Public Law 31, 81st Congress, which extended rent control to June 30, 1950, and provided an option for the State to take over controls pursuant to Section 204J, an option exercised by the State of New York on May 1, 1950, by the enactment of Chapter 250 of the Laws of 1950.

In the 1957 Report (Legislative Document (1957) No. 22, p. 18) several illustrations were given of arbitrary action of the then Rent Administrator and of restraint over such action ordered by the Courts. The number of such illustrations have been added to, as witness, the following:

In *Baker Evans* v. *Weaver*, 5 App. Div. 2nd, 310, the Court reversed the Administrator for considering inflated 1928 acquisitions costs in determining the value of hotel property. In reversing, the Court held: "Such action is arbitrary and unreasonable."

In *Matter of Ward West Corporation* v. *Weaver*, NYLJ 4/11/57 the Court rebuked the Administrator for reducing maximum rents where ordered alterations by Building Department necessitated removal of tenants and Administrator refused to permit removal and reduced the rents. The Court stamped the action of the Administrator as "Unwarranted * * * on the face of the record before the Court".

In *Rosenbloom* v. *Weaver*, NYLJ 9/11/57, the Court rebuked the Administrator for reducing a maximum rent and declared the action "arbitrary and unreasonable."

In *Consiglio* v. *Weaver*, NYLJ 9/11/57, the Court reversed the Rent Commission holding the action taken to be "unreasonable and arbitrary and not in accordance with the facts as shown by this record."

In *Kiki* v. *Weaver*, 169 NYS 2nd 859, the Court reversed the action of the Administrator who refused to issue a certificate of eviction in order to permit the creation of more accommodations by subdividing a large apartment. In rebuking the Administrator the Court held: "The purpose of the Emergency Housing Rent Control Law is to alleviate conditions resulting from the shortage of housing accommodations. *The effect of the Administrator's order as far as appears from the record is to increase such shortage.*"

In *Matter of Rubenstein* v. *Weaver*, 178 NYS 2nd 885, the Administrator was rebuked for fixing an arbitrary 25% allowance for a landlord to account for the installation of furniture. The Judge termed the order of the Administrator as "unrealistic and arbitrary."

In *Sheridan* v. *Weaver*, NYLJ 10/13/57, the Court criticized the Administrator for denying a certificate of eviction a second time despite the Court's comment in a prior proceeding. Because the Administrator refused to abide by the Court's original remand directive the Court said: "In spite of these directions, the Administrator on the same proof still retains the conclusions *indubitably predicated upon specious, unwarranted and arbitrary grounds. It is regrettable that this court must call these requirements so forcibly to the attention of the Administrator.*"

In *Lloyd* v. *Weaver*, NYLJ 10/4/57, the Court reversed the Administrator in a case where the cost of rewiring a building had been amortized over a seven year period but in a subsequent hardship proceeding the same cost was allocated at twenty years. The Court held: "The Administrator admits that he encourages landlords to improve their property by giving them accelerated return of the cost of improvements * * * the *Administrator* as in the instant proceedings nevertheless *altered his prior order so as to whittle away the benefit given to the petitioner* in that proceeding. * * * The Court concludes that * * * the order is arbitrary and unreasonable."

In *Kaplan* v. *Weaver*, the Appellate Division lectured the Administrator for unwarranted delay, 4 App. Div. 2nd 865, and stated: "We find it appropriate to comment that the Rent Commission should have proceeded with expedition, which it clearly did not."

In *Fidellow* v. *Weaver*, 168 NYS 2nd 977, an application for decontrol was denied by the Administrator on an interpretation of a regulation as not permitting decontrol where pullman kitchen is neither recessed nor semi-enclosed. After remand by Court, Administrator *amended the regulation* and then denied decontrol on basis of amended regulation. *In directing decontrol* the Court held: "It is the *Court's opinion that it would be a sham if the Administrator could remand proceedings on an issue such as exists herein and thereafter on his own initiative amend the regulations to cover the situation, and then use the amended regulations as a basis for denying petitioner's contention on the ground that the law no longer covers the situation.*"

In *Costa* v. *Weaver*, 168 NYS 2nd 529, after denial by the Administrator to issue a certificate of eviction, the Court held: "*Under all the circumstances, the determination is arbitrary and capricious.*"

In *83 Corporation* v. *Weaver*, NYLJ 11/8/57, the Administrator was reversed, the Court holding: "*The determination is arbitrary* and contrary to law."

In *Management Holding Corp.* v. *Weaver*, 169 NYS 2nd 763, the Administrator was reversed for refusing to evaluate property in a hardship proceeding on the price paid solely because of the existence of an underlying lease. The Court held: "In refusing to accept the sales price as the basis for valuation and in denying a hearing or examination of the facts which petitioners attempted to adduce as a basis for its requested increase, the *Administrator's action was illegal, unreasonable and arbitrary.*"

In *Matter of Nathan* v. *Weaver*, NYLJ, 1/28/58, landlord had installed furniture into an apartment and applied for a rental of $90 per month furnished, with the consent of the tenant. Thereafter, according to landlord, tenant removed some of the better items of furniture and the Administrator fixed the rent based solely on the furniture which the inspector found in the apartment. The court, in reversing the Administrator, held as follows:

"Respondent expressly refused to pass on this issue (whether tenant had deliberately removed furniture). His reasons are two-fold. First that he is not equipped to determine whether the tenant engaged in tortious or criminal conduct and second that his determination is of the rental value of the apartment with the furniture he finds in it. These reasons are not valid. Respondent has frequently called attention to his power to pass upon the facts and been sustained in the right. *He cannot limit the duty within the range of facts necessary to perform his functions to those he finds it agreeable to determine.*"

In *Fierro* v. *Weaver*, NYLJ 2/27/58, an application for certificate of eviction had been denied although petitioner's wife was shown to be 63 years old, suffering from a nervous condition, and her husband 73 years old and almost blind. Petitioner requested the apartment for their daughter to care for the property. Upon denial of the certificate, Special Term reversed and held:

"It seems to this court that the undisputed evidence indicates that the landlord is seriously ill, that her husband is almost totally blind and that the task of caring for the premises and performing the necessary chores is extremely onerous for them. *The finding that there is no immediate and compelling need is unreasonable and arbitrary.*"

In *Lamm v. Weaver*, 171 NYS 2nd 889, a certificate of eviction had been denied although petitioner showed that the premises had been purchased in October 1956 to supplement their income and to provide a home, that petitioner's husband was 59 and sustained a compound fracture of the skull as the result of an accident in 1955 which also left him with a disabled leg; that in order to care for the premises he must walk eleven blocks from his residence and the record further showed an admission by the tenant that originally he promised petitioner he would vacate. The court held as follows:

"*On this record, I am of the opinion that the determination of respondent is arbitrary and capricious.* Certainly to require that the words 'immediate and compelling' be construed to mean solely a matter of life or death is to strain the ordinary and natural meaning of those words."

In *Matter of Fifth Avenue, Inc.* v. *Weaver*, NYLJ 4/30/58, the Administrator denied decontrol and an original proceeding had been remanded. Nevertheless, decontrol was again denied and the court in reversing held as follows:

"The first proceeding was remanded to the Administrator for action consistent therewith. The Administrator thereupon reopened the proceeding and directed the tenants to produce copies of the income tax returns together with withholding statements and cancelled checks for the period of tenancy (to establish professional use). Despite this direction the tenants did not personally attend the hearings and the attorney who appeared in their behalf presented no proof, nor did he offer any explanation for the absence of the tenants or the documents demanded. The failure of the tenants to appear personally and testify or produce relevant documents gives rise to the presumption that such testimony or documentary evidence was withheld because it would prove unfavorable to the tenants. *Under such circumstances and particularly in view of the order of this court in a prior proceeding, the determination of the Administrator is arbitrary and unreasonable and should be vacated.*"

In *Dicmac Holding Co.* v. *Weaver* (165 NYS 2nd 789; 10 Misc. 2nd 121), unanimously affirmed without opinion 167 NYS 2nd 430, 4 App. Div. 2nd 859, the Administrator was reversed on two grounds, namely (1) for reducing maximum rents originally established to secure a 6% return because of elimination of a roof garden which the owner had been required to dismantle by the Building Department. The Court held:

"The illegality of the structures previously discontinued as a facility by the landlord cannot give rise to a rent reduction in favor of the tenants. *The orders of reduction in the circumstances are arbitrary, capricious and unreasonable.*"

In *Silberman v. Weaver*, NYLJ 5/23/58, the Administrator was reversed for refusing to decontrol a structure which had been a two-family house and on which the owner had spent $3,000 in converting into a three-family house. The court held:

"The argument that additional housing accommodations are not created in the case where the premises which have been illegally occupied as a multiple dwelling are converted by substantial structural alterations and changes to legal occupancy, is not tenable, and a holding to the contrary would discourage property owners from providing additional legal accommodations in premises where were illegally occupied by more families than the certificate of occupancy authorized."

In *Lese v. Weaver*, 181 NYS 2nd 588, the Commission was reversed for refusing to accept the sale price as a valuation base. The Court held:

"It is difficult to appreciate any abnormality in a transaction where a savings bank extends a first mortgage of $100,000 * * * *the Court therefore concludes that in refusing to accept the sales prices as a basis for valuation, the Administration acted arbitrarily, unreasonably and illegally.*"

In *Burd* v. *Weaver*, NYLJ 6/17/58, the Administrator was reversed for refusing to decontrol an apartment predominantly used for commercial purposes at the request of both the landlord and the tenant. The court held:

"It appears that the landlord and tenant both applied together for an order of decontrol. She (the tenant) testified that she earned all of her income therefrom (the apartment). * * * In addition she submitted a certificate of authority to collect City sales taxes and a copy of her 1954 tax return, but failed to show her 1956 tax return on advise of her personal counsel. *Upon examination of all of the facts herein, it is concluded that the action of the Administrator was arbitrary and capricious.*"

In *Matter of Bayview Hotel, Inc.* v. *Weaver*, NYLJ 8/29/58, the Administrator was reversed and admonished for failing to make proper and clear findings. The Court held:

"It is the function of the respondent to evaluate the evidence in the first instance and to make findings which permit intelligent review of his determination. * * * *In other words the court should not be required to speculate as to the reason for the administrative ruling.* Accordingly, the respondent's determination is annulled and the matter remitted to the Administrator for the purpose of rendering a new decision by September 15, 1958."

In *Matter of Bajart* v. *Weaver*, NYLJ 10/21/58, the Administrator was reversed for rejecting the purchase price as the valuation in a 6% return proceeding solely because the cash payment was less than 15% although it appeared that the only way the purchaser could have paid a greater amount in cash above the existing mortgages was to increase the purchase price. The court held:

"There is no question that the mortgages involved in the sale were bonafide mortgages existing at the time of the purchase. * * * The requirement by the Administrator that in every real estate sale there must be 15% cash involved without taking into consideration all the other circumstances of the sale is an *arbitrary standard.* The ruling that the petitioner must have 15 % cash in the property to obtain the relief sought before the Administrator is *arbitrary, capricious and unreasonable.*"

In Matter of Soltzer v. *Weaver*, NYLJ 12/12/58, the Administrator was reversed for refusing to accept the purchase price in the following language:

"The price consisted of the amount of already existing mortgages. However, the only attempt in the instant case to justify the respondent's finding that a payment of less than 15% makes the financing terms abnormal consists of statements in his brief. *There is nothing in the record itself to support respondent's position.*"

In *Matter of Gregna* v. *Weaver*, 7 App. Div. 2nd 750, the Administrator was reversed for denying a certificate of eviction against the remaining tenant of a two-family house. The Court held:

"Appellant is not adequately housed and has established an immediate and compelling necessity for the apartment for his own use and occupancy, and *the contrary finding by the State Rent Administrator was capricious and arbitrary.*"

In *Fifth Avenue Estates Inc.* v. *Weaver*, NYLJ 2/11/59, the Administrator was reversed for including a mother-in-law in temporary occupancy of a luxury apartment as one of the occupants to defeat decontrol. The court held:

"Respondent contends that her intentions (the mother-in-law) and her mental attitude are irrelevant and that the only determinative fact is that she occupied the apartment. If the respondent is really serious in that contention, he is grieviously misled as to the meaning of a regulation he himself promulgated. The logical extension of his reasoning would mean that any tenant that was threatened with decontrol could prevent that eventuality by the simple expedient of having some member of his family who did not live in the apartment occupy a room for the night of September 17, 1957. *This is patently absurd.*"

(In the excerpts from opinions of the courts cited the italics are supplied.)

Many similar cases can be cited.

The CHAIRMAN. Again I quote from page 13:

The blame for the partial failure to ameliorate the housing shortage in dwellings should be charged to the Housing Rent Commission and its slanted administration of the residential rent law during the last 4 years. Almost every conceivable obstacle was devised and placed in the path of those owners who were ready, willing, and able to rehabilitate buildings but were unable to comply with the arbitrary and intolerably complex regulations of that Commission. All too frequently, and only when an applicant presents sufficient resources to challenge the Commission by lawsuit, the courts have repentedly held the action of the Commission to be arbitrary, capricious, unreasonable, and unauthorized by the statute.

But repeated court rebukes failed to change the policy under which obsolescences and failures to reconstruct or rehabilitate buildings containing housing accommodations multiplied and tended further to diminish the already critical shortage of habitable space.

One of the primary causes which have contributed to that condition has been the reluctance of owners to apply for permission to rehabilitate buildings and is directly traceable to the inexcusable and studied delays practiced by the Commission in processing applications.

The past activities of the Commission have been in derogation of the statute and have neither protected tenants nor new or rehabilitated housing accommodations.

You remember that language?

Mr. WEAVER. Yes.

The CHAIRMAN. Well, Doctor, this report was signed, as I understand, unanimously by the Republican members of the New York State Legislature on an official commission. I would frankly say that a statement of that character signed by members of the Virginia Assembly would be considered to reflect on a man's character and on the manner in which he would discharge the duties of a sworn office.

Am I correct in understanding from you that this is just the way New York politicians talk, or perhaps I should say New York State Republican politicians, and that these harsh comments do not mean a thing and we should pay no attention to them?

Mr. WEAVER. Well, sir, I think two things. In the first place, as I tried to explain yesterday, rent control is highly controversial in New York State, and there is always a majority and a minority report. These reports read as though they were not written about the same subject. They certainly have different points of view.

And invariably the minority report is signed by the Democratic members, the majority by the Republican.

There is a minority report which apparently has not reached this committee and which I think answers many of these charges.

Secondly, I would like to point out that the facts of the matter are as follows:

The number of cases in which the commission was reversed during my tenure of office was something like 2 or 3 percent, which I do not think is a bad record considering that we had thousands of cases in litigation going up before us.

Finally, I think that it will be brought out subsequently that the very people who signed this report have been very praiseful of my administration of rent control in New York City as well as the people who were on the other side of the bargaining table.

I would rather, sir, not get into answering specifically your question on New York politics, but I would rather, if you permit me, stand on the record from these people who are identified in that report and who will be identified subsequently.

The CHAIRMAN. Doctor, I can understand the embarrassment in which you are placed because one of your outstanding supporters is a New York statesman. I would not call him a politician. But I will now yield to the distinguished Senator from New York to either alibi for or explain away what his Republican colleagues have said about this nominee.

Senator CLARK. Mr. Chairman, could I intervene for a minute?

The CHAIRMAN. I have yielded now to the Senator from New York.

Senator JAVITS. I yield to the Senator from Pennsylvania.

Senator CLARK. I am sure the chairman on reflection would want to change that last sentence that really is—I just ask the chairman in all good conscience not to use the word "alibi" or whatever the other

derogatory comment was made about another Member of the Senate. I am sure he did not mean that.

The CHAIRMAN. What language would you suggest?

Senator CLARK. I am sure I can leave that to the good judgment of the eminently fair chairman.

The CHAIRMAN. Would "explain" be satisfactory?

Senator CLARK. I think that would be very nice.

The CHAIRMAN. The chairman says "explain."

Senator JAVITS. If the Chair will allow me to state, I think that Dr. Weaver's confirmation by this committee hangs on no such fragile thread as what words the chairman uses to me, and I think I can take care of myself.

Mr. Chairman, the Metropolitan Fair Rent Committee is the landlords' committee in New York, and I say that of personal knowledge because as attorney general of the State of New York I engaged in many controversies with them, including a controversy on the constitutionality of commercial rent control in New York, a case which I tried myself in the New York courts, so I speak from personal knowledge.

This committee is represented by Robert S. Fougner, who is their lawyer, and writes under date of February 3, 1961, to the chairman of this committee, and I quote from the letter as follows, speaking of Dr. Weaver:

> Unlike many administrators who act oblivious to statutory intent and judicial directive, he scrupulously heeded the admonitions which charted his path.
>
> It was his misfortune that he inherited a chaotic situation from a predecessor whose antiproperty owner attitude was only matched by his desire for publicity. Accordingly, it took Dr. Weaver an understandable amount of time to remedy the irreparable injuries accomplished by his predecessor. This, to a great degree, explains the justifiable critical report of the 1957 legislative commission on the operations of the office. In our judgment it did not reflect upon Dr. Weaver and was not intended to do so.
>
> We still believe that the law, which is relatively unchanged, is unfair but we admire the forthrightness and the principles of equity and justice which Dr. Weaver brought to the office. We might say that the spirit of fairplay pervaded his thinking far more than one normally expects from administrators of police power laws.

Mr. Chairman, I have no statement to make with respect to the activities of Dr. Weaver's predecessor, which are not in issue here.

The CHAIRMAN. Before you leave that letter, may I ask you a question?

Senator JAVITS. Certainly.

The CHAIRMAN. I understood that letter in defense of Dr. Weaver said that he had inherited a mess from Mr. Abrams, who, as I understand, is in the back of the room.

Did he inherit a mess or was that slightly in error? Was there a mess there at any time?

Senator JAVITS. Mr. Abrams is not before this committee for any purpose. It would be most unfair and invidious of me to make any comment whatever about him.

He is a distinguished citizen of New York. He was one of our highly respected administrators. And if it is an issue he will be well able to answer for himself.

Mr. Chairman, I also would like to quote from a letter addressed to Dr. Weaver by Joseph F. Carlino, speaker of the assembly, who

was the chairman of the commission whose report the Chair referred to. It is dated January 19, 1961, and the sentence that is pertinent reads as follows. I will be glad to offer the whole document.

You must be aware, I am sure, of the genuine warm feeling of admiration and respect I have for you as a sincere, dedicated public official, notwithstanding such differences in political philosophies that might exist between us.

Thank you, Mr. Chairman.

The CHAIRMAN. The Chair announces as far as he knows there are only three other witnesses and they will be very brief. We have the time to permit members of this committee who want to ask some further brief questions to do so before we conclude this hearing.

We will just start from my left and go around.

Does the Senator from Wisconsin wish to inquire?

Senator PROXMIRE. I have no questions.

The CHAIRMAN. Does the Senator from Pennsylvania wish to inquire?

Senator CLARK. I have no questions.

I made a statement in executive session yesterday about Congressman Walter's attitude toward this nominee which I assume will be in the printed record. I see no need to repeat it in the public session if that is the case.

The CHAIRMAN. In view of the fact that the Senator wants that statement be made in executive session, the Chair is forced to put in the record, the records of the House Un-American Activities Committee dealing with this particular subject, only the records dealing with this nominee, that were put under the seal of the Clerk of the House in the Congressional Record in 1956 by Representative Gathings.

Senator CLARK. Will the Senator yield?

The CHAIRMAN. I yield.

Senator CLARK. I have no desire to participate in an unfair smear of this nominee. If the chairman——

The CHAIRMAN. Wait a minute now.

Senator CLARK. If the chairman will withdraw his statement that he desires to put this material in the record I will withdraw my request to have my statement made in executive session appear in the record.

The CHAIRMAN. We are agreed.

The Senator from Illinois.

Senator DOUGLAS. I had intended to put certain material in the record which shows a fine attitude in some of these matters. But in view of the fact that the chairman is going to withdraw material I shall not put this material in.

The CHAIRMAN. All right. The Senator from Alabama?

Senator SPARKMAN. No questions.

The CHAIRMAN. The Senator from Utah?

Senator BENNETT. No questions.

The CHAIRMAN. Senator Long?

Senator LONG. No questions, Mr. Chairman.

The CHAIRMAN. The Senator from New York?

Senator JAVITS. No questions.

The CHAIRMAN. The Senator from Texas?

Senator BLAKLEY. Mr. Chairman, at page 113 of yesterday's transcript I asked about a review of Dr. Weaver's book "The Negro Ghetto" which appeared in the magazine "Masses and Mainstream." I am not sure that this was put in the record, and I would like to have it in the record, and, therefore, I ask unanimous consent that it may be put in the record.

The CHAIRMAN. Is there objection?

The Chair hears none. It is so ordered.

(The review referred to follows:)

[From Masses and Mainstream, August 1948]

J. CROW, REALTOR

The Negro Ghetto, by Robert C. Weaver, Harcourt, Brace; $3.75

There have been four dynamic components in the history of the American Negro people during the last fifty years. These are the Negro's entry into cities (particularly, though by no means exclusively, outside of the South), his proletarianization, his unionization and simultaneously the growth of a Negro bourgeoisie. The latter still remains very small, but its reality may be indicated by the fact, for example, that there were, in 1946, about 85,000 urban Negro families in the Northeastern and Northcentral States earning $5,000 or more per year.

These phenomena are complexly related to the Negro ghetto, some tending to enlarge its area and others simultaneously working toward its destruction. Of additional and direct significance is the current disintegration of the lower- and moderate-income homebuilding industry, and the historic neglect of Negro housing.

The data concerning this shame of America are collated skillfully, accurately and fully by Mr. Weaver. His book is noteworthy, too, for its demonstration that this shame results from the coldly calculating policy of the propertied classes. He shows that the responsible parties are "the well-organized real estate dealers, homebuilders and home finance institutions" catering to the most bigoted section of the American population, "the residents in exclusive, middle- and high-class neighborhoods."

It was a member of this elite, an officer of the Brookland-Dahlgren Terrace Protective Association, who told his fellow-leeches in the nation's capital last year: "You're having a scourge here. You see colored real estate agents scurrying up your street. It's too bad you can't take a nice healthy club or crowbar and lay them in the gutter where they belong." It is the textbook of the National Association of Real Estate Boards which defines objectionable purchasers as "a 'Madam' who had a number of 'call girls' on her string, a gangster who wanted a screen for his activities by living in a better neighborhood, and a colored man of means who was giving his children a college education and thought they were entitled to live among whites."

The work is important, too, for making clear the fact that federal, state and city housing authorities have generally tended to reinforce the pattern of segregation and have not begun to make any real contribution toward meeting the housing needs of the Negro people. However, and this is of equal importance, Weaver does show that in specific instances, where will, initiative, courage and intelligence were present, nonsegregated public housing projects have been conducted with a marked degree of success.

The book is weak in failing to clinch for the reader the integral relation between a satiated dog-eat-dog economy and the whole social pattern of divide-and-rule of inhumanity, of exploitation, within which pattern the Negro ghetto is a logical design. This analytical weakness in terms of causation results in a very hesitant and verbose attempt at formulating a program for action. Instead of developing and underscoring the necessity for creating a grassroots mass political movement designed to unseat the present power-wielders, the volume closes with a page of pious phrases about the need for "a more equitable distribution of income."

This is a real disappointment, but it must not obscure the services Mr. Weaver has rendered all students of society in his carefully documented presentation of the essential data concerning the millions of Americans today penned up within the Negro ghetto.

HERBERT APTHEKER.

Senator BLAKLEY. Also yesterday, at pages 117 and 118 of the transcript, I asked Dr. Weaver about an article which appeared over his name in the Michigan Herald for February 16, 1947. The paper indicated the article was reprinted from the "Negro Digest."

I would like to make sure that this article is in the record, and I ask unanimous consent that it may be.

The CHAIRMAN. Is there objection?

The Chair hears none.

(The article referred to follows:)

[From the Michigan Herald, Feb. 16, 1947]

A NEGRO GOES TO THE SOVIET UNION

(By Robert C. Weaver)

Mr. Weaver recently returned from the Soviet Union where he worked with the United Nations Relief and Rehabilitation Administration. He is director of community services of the American Council on Race Relations. During the war he was director of Negro Manpower Service of the War Manpower Commission.

I had been in the Soviet Union 3 months when a Russian said to me, "You are not an American—you are a Negro, aren't you?"

Automatically, I answered, "I am both."

After the incident passed, I realized how revealing it had been. It demonstrated that, like most Negroes in the United States, I consider myself an American, while as a matter of fact the color of my skin makes me a peculiar sort of an American—a citizen without full rights. The question also reflected the popular Russian idea of the status of Negroes in the United States, derived from the extensive discussion of atrocities and discrimination against colored Americans reported in Soviet newspapers.

RACE IS NO HANDICAP

Being a Negro is not a handicap in the Soviet Union. Occasionally it becomes troublesome because there is a tendency to glorify a representative of a race which is oppressed in the leading capitalist nation. For one who asks no more than he be accepted as a human being, with no special treatment because of the accident of his antecedents, this was at times a bother—especially when the novelty wore off in a few weeks.

But the Soviet Union, as far as I saw it, does not have color prejudices. And that was a breath of fresh air.

Russia under the Czars was free of color prejudices; but Czarist Russia did have other prejudices. The persecution of the Jews is well known, and the many nationalities which make up the nation harbored intense hatreds toward each other. Soviet Russia has done an exceptional job in wiping out these expressions of group chauvinism—and it has done it in a generation.

German occupation rekindled anti-Semitism in certain sections of Russia, but the Government has been and is watching the situation and gives every evidence of being prepared to cope with the problem.

FOSTER UNDERSTANDING OF THE PEOPLES

Russian communism has created a feeling of belonging on the part of the vast majority of the citizens of the Soviet Union. The inclusive system of social security, involving socialized medicine, homes for the aged and children's feeding programs, has combined with full employment to remove fear and absolute want. In a society with more jobs than workers, opportunities for rapid advancement, and adequate social security, the economic causes for group an-

tagonisms have been reduced to a minimum. At the same time, a positive program to foster understanding and appreciation for the various peoples who make up the Soviet Union serves to make the most of this favorable climate for intergroup understanding.

National languages and customs are encouraged and nurtured by the Government, and action is taken to develop the natural and human resources of "backward peoples." The universality of the Russian language (which is coexistent though subordinated to local languages), the hope of creating a new way of life, and national patriotism supply the unifying forces. They are supported by the various nationalities in the high councils of the nation and in local administration of economic, social and cultural programs.

Schools, media of information, and workers' organizations, all under the control of government, are used to encourage appreciation for the differences between nationality groups. The contributions of each nationality toward the development of mankind and the development of the Soviet Union have been carefully assembled and disseminated throughout the U.S.S.R.; as a result, different peoples have come to be proud of their backgrounds and culture and to appreciate that in variety there is cultural fertility.

The Soviet Union has an official policy against racial and nationality prejudices and discrimination; expressions of group chauvinism are punishable by law. Yet, this law is seldom invoked. For the most part its very existence is effective. When prejudice asserts itself, an initial effort is made to educate the offender through personal conferences, social and economic pressures, and reference to Soviet law. Usually that education is effective because it is well known that there is a strict government policy to bring the offender in line.

Soviet officials do not claim that prejudice can be legislated away, they realize, however, that laws can reduce discriminations and establish institutions which will accelerate, if not assure, the efficacy of education against group prejudice.

I had a conversation with a professor of literature at the University of Kiev which illustrated how the government of the Ukraine approaches the problem of racial chauvinism. "What would happen," I asked, "if a member of your faculty were guilty of anti-Semitism?"

My friend replied, "If he were a young teacher, he would be dismissed as soon as his guilt were established. But were he an older man who had established a reputation as a teacher or a scholar, the administration of the university would attempt to educate him out of his prejudice. If the attempt were unsuccessful, the older man, too, would ultimately be dismissed. Fortunately, however, few if any of the older teachers are anti-Semitic." This testimony was impressive because it came from the lips of a scholar who was himself a Jew and keenly aware and resentful of any expressions of chauvinism.

The success of the Soviet Union in diminishing and removing group antagonisms has deep significance for the United States. The challenge of this achievement by a modern state is inescapable.

Increasingly as the United States exerts its influence in the affairs of the world, its failure to achieve similar success will embarrass the diplomats of the Nation as they mouth the idealism of democracy. Color prejudice and discrimination stand as an indictment of the American way of life and may well become a deciding factor in determining what system of living the majority of the people of the world will elect in the next few decades.

From the distance of Russia, removed as I was from the repeated frustrations of the color-caste system of the United States, the race problems of America took on the proportions of a world issue.

Senator BLAKLEY. In order to make clear the kind of treatment which the U.S.S.R. gives to Negroes, I should like to insert in the record at this point an open letter to the African governments from the executive committee of the African Students Union in the U.S.S.R.

This is printed in the AFL-CIO Free Trade Union News for December 1960.

This article, I might add, begins with a reference to—

the deceits, the threats, the pressures, the brutality, and the discrimination with which the Soviet administrators and strategists have so often handled African and other foreign students in the U.S.S.R.

Mr. Chairman, I ask unanimous consent that this be put in.

The CHAIRMAN. Is there objection?

Senator CLARK. Mr. Chairman, reserving the right to object, I wonder if the Senator from Texas would advise his colleagues on the committee what possible relevance he thinks a statement of this sort has to the qualifications of this nominee for the office to which the President of the United States has nominated him.

Senator BLAKLEY. I feel that the record should contain this information.

I think the members of the committee will be able to review the record and make their own conclusions with reference to its weight.

My purpose, and I would be frank to say, is that I would like to determine the influence and the attitudes of Dr. Weaver's writings and references with reference to the Soviet Union and their treatment of minority peoples.

Senator CLARK. Would the Senator yield?

Senator BLAKLEY. Yes, I yield.

Senator CLARK. The Senator is a lawyer, of course. Does the Senator think the material he has just offered for the record is relevant?

Senator BLAKLEY. I think it is material.

Senator CLARK. I have no objection.

The CHAIRMAN. Without objection, it is so ordered.

(The article referred to follows:)

AFRICAN STUDENTS IN U.S.S.R. DENOUNCE DISCRIMINATION, DECEIT, BRUTALITY

[From the AFL–CIO Free Trade Union News, December 1960]

(Following is the full text of an "open letter" to all African governments from the executive committee of the African Students Union in the U.S.S.R.)

In the name of all loyal Africans, the Executive Committee of the African Student Union in Moscow wishes respectfully to call the attention of all African governments to the deceits, the threats, the pressures, the brutality and the discrimination with which the Soviet administrators and strategists have so often handled African and other foreign students in the U.S.S.R.

We further wish to stress the great danger communism is to true Africanism. We hate colonialism and racial discrimination in any form, wherever it may appear. New and dangerous forms of colonialism and discrimination are being fostered by the Communist system and by Soviet strategists and are a grave threat to the future of Africa. This new colonialism is being advanced subtly by deceitful Communist propaganda and subversion, and unsubtly by Communist-caused violence and efforts to cause chaos in Africa. For Soviet leaders to pose before the world as "champions" of "oppressed Africa" while they oppress millions in their own contry and their satellites is hypocrisy at its worst.

NUMEROUS CONFLICTS

During the past year there have been a series of conflicts between Soviet authorities and African students following which Soviet propagandists have presented their own perverted story to the world through their tremendous propaganda apparatus. In their effort to obtain credence for their falsehoods and to mislead African leadership, they tried to buy the endorsement of African students in the U.S.S.R. and to exert other pressures on African students to attest to falsehood. The Soviet authorities have unfortunately succeeded in a few cases, but the great majority of African students in the U.S.S.R. have preserved their integrity and loyalty to their land of birth.

The decision to present the case against communism to African and world opinion was taken in secret executive session in Moscow by representatives from Algeria, the Cameroons, the Congo, Ghana, Guinea, Kenya, Mali, Morocco, Nigeria, Sudan, Togo, Tunisia, UAR, and Uganda. Members of the executive committee were given the duty of presenting the case when they got out of the Soviet Union.

Our accusations are directed against the Communist rulers, not against the friendly Russian people we met and some of whom we came to love, not against the mother of four who ran out in the streets to welcome African students on a controlled tour and in parting said "Tell your people in Africa that there are more people here to be liberated than in Africa," and not against the Pasternaks, great and small, of Russia who compassionately seek the brotherhood of man. No, we accuse the disastrous ambition of Communist dictatorship and its bureaucracy that have brought terror and fear to much of the world. The cases that follow show the true nature of Communist "friendship" for African peoples.

The story of Mr. S. Omor Okullo, of Uganda, has been written in some detail by his friends who remained behind in the Soviet Union and who saw the great lengths to which the Soviet administrators would go to villify anyone who tried to tell the truth about the Soviet Union.

In the first place, Mr. Okullo and other African students have made statements to the Western press not because "they had joined the imperialist camp" as the Soviet propagandists claim, but instead because free opinion is muzzled in the Soviet Union, because the servile Soviet press cannot publish any dissenting point of view, and because the mockery of democracy that operates in this totalitarian dictatorship does not recognize the individual.

When Mr. Okullo was "expelled" from the Soviet Union, African students who remained demanded an explanation from Soviet authorities who claimed that Mr. Okullo was expelled for stubbornness, reaction, spying and for association with Western diplomats. The Soviet authorities could not substantiate these charges—nevertheless they wanted Mr. Okullo out of their country. Mr. Okullo left the Soviet Union and told the world what he saw there.

The Soviet press then came up with the fantasy that Mr. Okullo was expelled for failing his exams and for immorality. The charge of immorality in whiskey drinking is simply not true. As all of Mr. Okullo's friends know, he never drinks anything but an occasional glass of beer. Furthermore, Mr. Okullo passed all exams he took last year, and this year had had no exams before he was expelled.

It is true that Mr. Okullo, along with many other Afro-Asian students, appealed to African and Western Embassies for help to leave the Soviet Union. This could scarcely be otherwise considering the constant threats, denial of freedom and insults to which they were subjected. Out of respect for Soviets, however, no Western representative has granted scholarships directly to Afro-Asian students in Moscow—instead they advised them to apply from their own countries. Yet the Soviets have illegally brought many people to the Soviet Union in the name of help to Africa. Many of these people cannot leave now that they want to and Soviet propagandists exploit them against their wishes.

SOVIET SLANDERS

The Soviet propaganda machinery followed up the false charges against Mr. Okullo with several letters to African leaders and organizations in an effort to cover up the truth. Moscow radio officials came to the university offering large sums of money to buy the consciences of African students against Okullo. These officials were angrily rebuffed by students from the Congo, Kenya, the Sudan, Mali, Togo, Uganda, Guinea, Ghana, the Cameroons, the UAR, and Nigeria who knew the truth, and who accused the propagandists of wanting to broadcast more falsehoods to the African peoples to cause still more divisions in their ranks.

The propagandists finally found a fellow traveler in Abdel Halim of the Sudan, who hardly knew Mr. Okullo, and who was pressured into making false accusations against him. Then the so-called Soviet Afro-Asian Solidarity Committee, an instrument of Soviet propaganda, came up with a vilifying press conference after bribing a few Arab students. In this conference everything Soviet was the best in the world, yet many of those students the Soviet propagandists used to testify were even then trying to escape the Soviet Union and get scholarships in the West.

Finally the Soviet propagandists paid two Somali students, Mr. M. A. Dunkaal and Mr. A. M. Omer (who themselves had tried unsuccessfully to get scholarships in Great Britain where they would prefer to be) to go to London and make a false statement to the Daily Worker (July 27, 1960) against Mr. Okullo.

STUDENTS EXPLOITED

There are many cases we could cite of Cominunist deceitful exploitation of African students without their knowledge or consent. We choose one that occurred recently to Mr. Theophilus Okonkwo, who has just gotten out of the Soviet Union to tell this story. In early June he was exercising in the Moscow University gym and a Russian student took a picture of him in a boxing pose; perfectly innocent so far, but then a few weeks later a friend put the August issue of the New Times in front of him and said look what they've done to you. There, in a full page picture was Mr. Okonkwo in the boxing pose, but now the Soviet propagandists had blatantly dubbed in broken chains on his wrists and a white man with a whip falling back in terror. Without Mr. Okonkwo's knowledge or consent, the Communists had spread this propaganda construction in a number of Communist magazines through the world. Mr. Okonkwo's protests to the Soviet authorities were, of course, to no avail.

Mr. Benjamin Omburo from Kenya, who is still in the Soviet Union, has courageously asked us to tell his story to the outside world. He wrote a letter of complaint on August 19 to the Soviet authorities, but they showed callous indifference.

Mr. Omburo was at a bus stop with a Russian girl when, in Mr. Omburo's words written in the above letter, "a policeman approached us and demanded the right to speak to the girl. I explained that I am a student at the Moscow University. I gave him my address and telephone to check, but I refused to let him put questions to the girl unnecessarily. After all, the girl had committed no crime. The girl is a student. The police used force to drag us to the telephone room, took the girl's address and called for more police. The police who came were hostile, primitive, and completely inhuman.

"When I claimed I was concerned in the affair and that I should also go to the police station with the girl, they mauled me, beat me, pushed me, and left me wet and muddy on the road. I feel that the police demanded the girl's address because she was with me, a black man. If not for this reason, why then don't the police stop every girl with a boy and inquire of their address?"

Mr. Omburo's is not an isolated case of Soviet brutality. There was, for example, the case of the Somali student who got into an argument with a Communist student at a party. The student mobilized the help of three friends, who made friendly gestures to the Somali student and at the end of the party invited him to their rooms. Unsuspecting, he followed. They led him downstairs where there was no light, and beat him unconscious.

On arrival, many of us were lavishly welcomed and feted, as a result of which some of us were impressed and made statements and broadcasts favorable to the Soviet Union that we came to rue. Initially, a number of us, embittered by the ignoble aspects of colonial rule, had looked upon communism, before we knew it face to face, as a panacea for all of our ills. Under such conditions, the so-called Afro-Asian Solidarity Committee extorted promises from African students and took so many of the photographs which were sent to African peoples to sway their sympathies. But the scales gradually fell from our eyes. We saw how the attitudes of the Soviet administration changed toward us if we said "No" to anything, or suggested that everything in the land of Marxist-Leninism was not perfect.

AFRO-ASIANS HUMILIATED

More important to Africa we saw many and deep forms of discrimination under the Soviet system. Foreign students, especially Afro-Asians, have encountered shocking humiliations. Hundreds of fine Soviet students have been punished for their association with foreigners. At Moscow University Chemistry Faculty Irina Alexandrevna told Soviet students they would be ashamed of themselves for intimacy with African people who are "low down in the West" and who had been brought to the Soviet Union to be impressed with the Soviet way of life. It was unthinkable that the Soviet students should allow themselves to be influenced by such people.

At the first Medical Institute, Dean Kuzin and the head of the Russian language department told foreign students that they could not study in the Soviet Union as in capitalist countries where students study at their own expense and therefore do things on their own initiative. The Soviet Union finances its students to do what they are told to do. The Soviet Union finances the African students so they, too should do what they are told.

They pointed out that foreign students were taking the places of many Soviet students, but despite this and their colonial oppression, the foreign students still held to their "Capitalist" ideas. This, of course, meant freedom to disgrace. Soviet wives of nearly all Asian students, and even those of some students from Czechoslovakia and Poland, were refused certificates on graduation and were not given employment. Those who applied to leave the Soviet Union were subjected to so many pressures, including penalties on relatives.

There is hardly any foreign student who has not come to grips with the intransigence of the Soviet administration, especially in his relations toward Soviet citizens. Soviet women married to foreigners are often not allowed to return to their country again. Afro-Asians married to Soviets remain in the Soviet Union. An African student and a Soviet girl in love applied for a marriage license. The Ministry of Higher Education ordered him to leave the Soviet Union within three days and the girl disappeared. Students from Ghana and the Cameroons received threatening and insulting letters from Russian students. When consulted, the University authorities did nothing about it. Another Ghana student was so ridiculed and disgraced by student hooligans belonging to the Communist Youth Organization, Komsomol, that he lodged an official complaint with the Ghana Embassy in Moscow.

We have also observed that the Soviets have not accepted the Chinese, and vice versa, except as political brothers. The many thousands of Chinese here seldom go in the company of the Soviets—they hardly fraternize except in anti-Western gatherings. We fail to see any deeply-rooted feelings in their relations, and what is more, the Chinese know it.

Soviet writers on Africa paint false pictures of the African situation to the Soviet people in an attempt to strengthen their faith in their system. Professor Potekhin, the so-called Soviet Africanist, in his book on Ghana, written after a fortnight's visit, painted such a false picture of Ghana and displayed such ignorance of the African situation that West African students came to Moscow from Britain to correct him. Neither the Soviet press nor Mr. Potekhin, himself, took notice of their comments.

The same Soviet correspondent freely toured in Senegal, and Mr. Vyolovich, in Vechernaya Moskva of August 10 compared senegalese Africans to chimpanzees he saw at the Zoo Park in Dakar, and described the masses as poor and diseased. Yet, the Soviet authorities do not allow visitors into the stinking slums in their country where poverty, disease, and ignorance are rampant. They prepare showcases for visitors, who go home without seeing the Soviet Union as it really is. The Soviets export propaganda sheets to every country in the world, but refuse free import of foreign literature * * *, coexistence indeed!

The height of discrimination was reached when the Soviet authorities announced their Friendship University plans. To build a separate university for Africans, Asians and Latin Americans is an insult to these people. It violates the traditional concept of a university as an open institution for learning, irrespective of race, religion or origin. We not only see this as an attempt to segregate these students and offer them lower standards of education, but we also see in this a further attempt to insulate Soviet people from contact with foreigners.

We see in this proposal a propaganda stunt which has ignored the opinion of African leaders. Africans want universities in their own land—universities with African traditions and African outlook. We cannot continue indefinitely to travel to cold countries and stay for long years away from home. If African governments must send their students to the Soviet Union, they should stipulate the conditions under which these students study and ensure that their people are not subject to undue or humiliating pressure from Soviet authorities.

Look around the world today—wherever Communists' guns have thundered, they have stayed and exploited. Communism has never been voted freely into office in a single country. The new Communist brand of colonialism is well marked in European satellites. East German and Hungarian courage against Soviet tanks is well remembered. The Communist hand in the Congo chaos, and exploitation of it, has been clear.

We consider it our duty to warn African leadership against communism and its dangers. Communism is subtly trying to penetrate Africa. The infiltration is going on vigorously, and it must be countered now. It must be admitted that for long, Africa had few encounters with the Communists. It is only natural, therefore, that before we deal with them we must study their history, know their methods, read their language, and be prepared to match them. We have had glaring examples of what dangers there could be in dealing with the Communists, on the basis of their propaganda, rather than on the basis of what they really are, and what their motives are.

African students who have studied Soviet strategy have seen how it looks only to its own profit and power interests, and that their friendship-for-African slogans are pure propaganda, lacking sincerity and genuineness. To substantiate this, we refer to what happened between President Nasser of the U.A.R. and Premier Khrushchev, when the former refused to toe the Communist line. We refer to the Communist reaction against African students when they refused to sign Moscow's Afro-Asian solidarity protest, condemning President Nasser.

We refer to the refusal of the Soviet authorities to allow African students to demonstrate against the French atom bomb tests in the Sahara. The Communists refused to allow us to demonstrate, because at the time Khrushchev was preparing to visit France to try to split the Western line and extort economic and political concessions from France. In all of our home countries, and many other countries of the world, there were protest demonstrations. We could make none in the land of Marxist-Leninist justice—the land of Africa's greatest friends.

There is little doubt that the Communists cherish the disastrous ambition of world conquest. The questions then arise—Shall we allow another partition and domination of Africa by foreign ideologies and interests? For the confidence we need to rebuild Africa, must we be led by philosophies inspired from outside Africa?

One thing is clear—we do not want communism in Africa. We cannot be loyal to any organization that would pervert Africanism. We require the support of peoples of good will everywhere in our struggle for freedom, for respect, and for happiness. We want support for the justness of our cause, however, and not in exchange for subservience.

Free African states can pull their resources together to help other African countries in bonds to win their freedom. We do not want Korea, Vietnam, Indochina, and other division lines in Africa. We want to constitute a zone of our own influence and culture. We cannot compromise with colonialism or imperialism in any way or form, and we cannot accept force, deceit, subversion, and terrorism as means of spreading ideologies.

We do not want cultural exchanges which permit Communists to make propaganda and cause confusion in other countries, while insulating their people from contact and free information. We strongly oppose staffing African Embassies in the Soviet Union with Soviet agents, whereas Soviet Embassies do not employ foreigners. Also, Soviets must not be allowed to handle our secret transactions. This calls for immediate coordination and collaboration among African peoples in matters of diplomacy and foreign relations. Training of linguists and diplomats must be accelerated and must proceed forthwith on a large scale. An African school of law and diplomacy is a sine qua non.

We are committed to the fight against imperialism and colonialism, but are we going to do it by allowing the Communists to confuse the issue, create more trouble, and cause us more bloodshed? Are we winning our freedom to sell it to the strategists in the Kremlin? God forbid.

African leaders will judge for themselves the acceptability of regimes which were born by force and bloodshed and which use force and bloodshed to continue in power. They will weigh the profitability of a system that disrespects African philosophy and leadership and that seeks to submerge forever the remains of the sacred heritage of African culture. We reaffirm our faith in African leadership and in the African way of life.

For the Executive Committee of the African Students Union in the U.S.S.R.:
Theophilus Okonokwo, Nigeria; Andrew Amar, Uganda; Michel Ayik, Togo.

The CHAIRMAN. Does that conclude the questioning?

The Doctor wants to make a statement.

Mr. WEAVER. I would like the record to show that the article which I wrote about the Soviet Union was written and published I think in

1947 or 1948. It therefore reflected an opinion which I had of a situation which I had observed in 1946.

There is no doubt that the whole Soviet policy toward minorities has changed materially in the intervening years, and, therefore, I should like to point to the contrast between the materials which are being cited in connection with my article and the materials that were covered by my article.

Senator JAVITS. Mr. Chairman?

The CHAIRMAN. The Senator from New York.

Senator JAVITS. I think it would be best if I asked unanimous consent to have the two letters from which I read included as part of the record, and accordingly I ask such consent.

The CHAIRMAN. Is there objection?

The Chair hears none.

(The letters referred to follow:)

THE ASSEMBLY,
STATE OF NEW YORK,
Albany, January 19, 1961.

Hon. ROBERT C. WEAVER,
New York, N.Y.

DEAR MR. WEAVER. Because I have been wrapped up in the multiple details of organizing the 1961 assembly, and because I have been awaiting a final decision in Washington regarding the position ultimately you are to occupy on the new frontier, you might think I have neglected to express my very hearty congratulations upon your designation by the President-elect. You must be aware, I am sure, of the genuine warm feeling of admiration and respect I have for you as a sincere, dedicated public official, notwithstanding such differences in political philosophies that might exist between us.

With all good wishes to you in whatever capacity you ultimately serve, I am

Cordially yours,

JOSEPH F. CARLINO, *Speaker.*

METROPOLITAN FAIR RENT COMMITTEE,
New York, N.Y., February 3, 1961.

Re Dr. Robert C. Weaver.

Hon. WILLIS A. ROBERTSON,
Chairman, Senate Committee on Banking and Currency,
U.S. Senate, Washington, D.C.

DEAR SENATOR ROBERTSON: It is with sincerest regret that I am compelled to advise you that for personal reasons, to wit the need to have some minor surgery at the hospital, I will be unable to accept the opportunity to testify on behalf of Dr. Weaver. May I, therefore, at this point state, on behalf of the writer and our entire committee that our experiences with Dr. Weaver as State rent administrator convinced us that he is a man of utmost fairness, temperance, and integrity.

Our property owners have been frustrated by what we consider the unfair continuance of the rent-control statutes long after the rest of the country has been relieved from the burden. The statutes under which Dr. Weaver operated were not to our liking. To some extent and on occasions modifications of the law and court decisions were also not to his liking. Unlike many administrators who act oblivious to statutory intent and judicial directive, he scrupulously heeded the admonitions which charted his path.

It was his misfortune that he inherited a chaotic situation from a predecessor whose antiproperty owner attitude was only matched by his desire for publicity. Accordingly, it took Dr. Weaver an understandable amount of time to remedy the irreparable injuries accomplished by his predecessor. This, to a great degree, explains the justifiable critical report of the 1957 legislative commission on the operations of the office. In our judgment it did not reflect upon Dr. Weaver and was not intended so to do.

We still believe that the law, which is relatively unchanged, is unfair but we admire the forthrightness and the principles of equity and justice which Dr. Weaver brought to the office. We might say that the spirit of fair play pervaded his thinking far more than one normally expects from administrators of police power laws.

It is with sincere regret that I must decline the opportunity to appear but my family justifiably believes that they have a prior claim in seeing to it that I attend to my health problems at this time.

Thanking you for your courtesy and with respectful regards, I am,

Faithfully yours,

ROBERT S. FOUGNER.

Senator JAVITS. Mr. Chairman, I would like to express to my colleague, Senator Clark, my appreciation for his graciousness.

The CHAIRMAN. Any other comments or congratulations?

If not, we thank you.

Senator Capehart.

Senator CAPEHART. I have not been able to attend many of these hearings because of my health, but I just want to say that I think you can and will make a good Administrator, and I personally want to cooperate with you. I think we all do, if you are confirmed.

Mr. WEAVER. Thank you, sir.

Senator CAPEHART. I know I will. I will appreciate the opportunity to cooperate with you.

Mr. WEAVER. Thank you, Senator.

The CHAIRMAN. That about completes the record.

Senator DOUGLAS. Mr. Chairman, before the hearing is completed I would like to make a comment on the material advanced by the Senator from Texas; namely, that a book written by Dr. Weaver was reviewed in a publication of more than questionable loyalty.

I want to say that an author has no control over who reviews his books. When a man writes a book, it goes out to the world. Any magazine, any newspaper can review it.

It is well known that this is the fact.

The fact that Dr. Weaver's book was reviewed by this, I guess, Communist publication has not the slightest bearing upon Dr. Weaver's own opinions in the slightest. And I think if you reach this point you go pretty far. You could say books by J. Edgar Hoover which are reviewed in the Communist journals reflect upon Mr. Hoover, which we all know to be absurd.

I believe the record should be cleared up on this point before it is closed.

The CHAIRMAN. If that is all, Doctor, we thank you.

Senator BLAKLEY. Mr. Chairman?

The CHAIRMAN. The Senator from Texas.

Senator BLAKLEY. With great respect for the comment of the distinguished Senator from Illinois, this review I feel would speak for itself, and it is not an entire endorsement of Dr. Weaver's position. As a matter of fact, it takes issue with him to some degree. And I think it is a review which speaks for itself and it is only as a factual matter that I have sought to put it in the record.

The CHAIRMAN. We thank you, Dr. Weaver.

Mr. WEAVER. Thank you.

The CHAIRMAN. The Chair will recognize Mr. William S. Harps speaking I understand for the National Association of Real Estate Brokers in behalf of this nomination.

The Chair does not personally know Mr. Harps. I will call him again. Mr. Harps is present; he will please come forward.

Mr. Harps does not appear, and so we will pass on to the next witness. That will be Mr. Oscar H. Brinkman, speaking in opposition to the nomination on behalf of the National Apartment Owners Association.

Is Mr. Brinkman here?

STATEMENT OF OSCAR H. BRINKMAN, THE NATIONAL APARTMENT OWNERS ASSOCIATION

Mr. BRINKMAN. I am here.

The CHAIRMAN. Please give the reporter your name and address, and you will have the privilege of inserting in the record an extended statement, if you have one prepared, but under the rules of the Reorganization Act of 1946 we hope that you will attempt to limit your oral remarks to 10 minutes.

You may proceed.

Mr. BRINKMAN. Mr. Chairman, I should like to say that this organization which I represent is a very large one in its geographical coverage, and we feel that we are entitled to as much time as necessary to state our position. And I really do not feel that it would be fair to limit us to 10 minutes when the proponents of this matter have been given a much longer time.

However, if I am cut off before——

The CHAIRMAN. On this subject of equal time, Dr. Weaver was the man to be voted on. He took less than 10 minutes. All the rest of it was questions.

The Chair has put no limitation upon the length of questions that might be asked you.

You have a 14-page statement that you can insert in extenso in the record. The Chair merely suggested that you proceed for 10 minutes in summarizing this statement, because nobody so far has been recognized for more than 10 minutes, and then if you cannot finish it in that time you can ask unanimous consent to go further.

You may proceed.

Mr. BRINKMAN. With the understanding then that the committee may be willing to have such of the statement as I am not able to read in 10 minutes inserted in the record, I shall proceed.

The CHAIRMAN. The Chair gives you that assurance.

Mr. BRINKMAN. Thank you.

The CHAIRMAN. That is a standard practice of this committee. Where we put a 10-minute limitation on, we always accept the extended statement.

The Chair does not want to be unfair. He realizes that it is difficult to present a 14-page statement in 10 minutes. But you can certainly hit the highlights of it and then ask for questions.

Senator CLARK. Mr. Chairman, will the Senator yield?

I am in complete accord with the chairman in this regard, but I do hope the witness will not start to read his statement and then at the end of 10 minutes ask for unanimous consent to continue until he completes his reading.

The CHAIRMAN. The witness may proceed.

Mr. BRINKMAN. I am going to proceed with the statement as best I can, and if the committee does not want to hear the rest of it that is a matter for the committee to decide.

The CHAIRMAN. It is not a question of what the committee wants to do. The committee is under a time limitation, and no Senate committee these days can let a witness appear and speak as long as he would be willing to speak. Time limitations of the Senate have to be imposed.

You may proceed.

Mr. BRINKMAN. My name is Oscar H. Brinkman, and I am co-chairman of the Legislative Committee of the National Apartment Owners Association, Inc., a nonprofit organization.

On behalf of its officers and membership, I thank the Senate Banking and Currency Committee for this opportunity to present our views in opposition to the pending appointment of Robert C. Weaver as Administrator of the Housing and Home Finance Agency of the U.S. Government.

The organization which I represent here today is a national one representing owners of rental housing in approximately 40 States. Its membership not only includes individuals who own apartment houses and other residential rental property but also many affiliated local associations of such property owners. I am informed that this is the first time in its existence since 1939 that our association has requested an opportunity to be heard on any Presidential appointment to a Federal office.

We desire to be heard so that members of this committee and through them the other Members of the Senate, and the executive branch responsibile for the pending appointment may be properly and fully informed.

We believe that a serious and tragic mistake would be made by confirmation of the appointment, with great injury to the present national administration and to the public, through the subsequent economic and political consequences.

Let me say at this point that we have given the matter of our appearance here a great deal of consideration. It was with real reluctance that our officers, members of our executive committee, and directors came to the conclusion that it is the absolute duty of our organization to oppose the confirmation of Mr. Weaver. We know that our appearence here against him may be considered by some people as evidencing racial bias and an anti-Negro action. This is most unfortunate, for nothing could be further from the truth.

Our organization has not bars or obstacles to membership based on race, creed, or color. We have adopted no policy, taken no stand against the rental or sale of property to any person because of race, creed, or color. Some of our individual members and members of affiliated associations have built, sold, or rented property to Negroes.

Our policy on this matter, as expressed in a resolution adopted at our annual convention in Oakland, Calif., in September 1960, is expressed in these words:

Whereas the preservation of property rights is a basic precept in our American philosophy of life, we must protect such rights from attacks from all angles. * * * It behooves all local and State associations to oppose any laws or ordinances which will in any way restrict the owner from renting, selling, operating, and managing his property in accordance with his best judgment.

It is largely because we believe the pending appointment is a threat on the Federal level to the rights of private ownership and control of property that our organization is appearing here today.

We have approximately 58,500,000 dwelling units in this country. Protection of home values is of tremendous importance in the individual citizen homeowner. His largest single asset is generally his home. Any forced, unwanted, and undesired social reforms enforced on housing could affect the social and financial welfare of our immense homeowning population.

The first and last desire of our organization is to make sure that there is appointed as Administrator of the Housing and Home Finance Agency a person who will protect not only the sanctity of the individual home but the investment of the great middle class of this country.

Historically, this great middle class invests its life savings in homes or homes for rental. This is not an investment of the rich but an investment of the small people who have sacrificed and saved so that they might have a home of their own for their old age or that they might have a few rental units from which they can derive some income for their later years of life.

I have said, and I reiterate, that we are not opposed because of any racial bias to the appointment of Mr. Weaver. We are opposed to confirmation of his appointment on three principal grounds:

First, because we believe he does not have sufficient knowledge or experience to properly supervise the Government's vast activities in housing, with their tremendous impact on private investment in and construction of housing.

Second, because we believe his record as State rent administrator in New York indicates that he is temperamentally and otherwise unfitted for the much larger tasks of the Federal office to which he has been nominated.

Third, because we believe that some of his past associations or connections with certain radical organizations raise serious question as to his judgment.

I am trying to abbreviate this here.

The CHAIRMAN. Do not abbreviate it too much. Other members of the committee have indicated that they were in sympathy with Dr. Weaver's viewpoint. The Chair is not disclosing any secret when he says he is in sympathy with your viewpoint.

You may proceed.

Mr. BRINKMAN. Our members are men of long and successful experience in residential construction and rental ownership and management. Their judgment is that if some of the principal policies that Mr. Weaver has advocated, and for which we believe he now stands, are put into effect, there will be a further reduction in housing construction during this and succeeding years instead of an increase.

I am going to interpolate here—I think three members of this committee have lumber industries in their States, including Mrs. Neuberger and Mr. Proxmire and the Senator from Maine, Mr. Muskie. I am willing to predict now that if the policies that may be advocated under this new administration of housing are put into effect as outlined in Mr. Weaver's book, there will be a great shrinkage of the industries in those States—the lumber industry.

Senator CLARK. Please do not leave Pennsylvania out.

Mr. BRINKMAN. I am not familiar with the lumber industry in Pennsylvania.

I know it is a great steel State. And, incidentally, steel is greatly used in housing, and it may be affected by the policies that we think are wrong.

There will be more unemployment in Pennsylvania I am sure if the policies advocated by Mr. Weaver are put into effect.

If Mr. Weaver has had any practical experience of a private business nature in these fields, we are not aware of it.

It may be said Mr. Weaver has had some experience in housing because of his service as State rent administrator in New York for several years. We call attention to the fact of the court decisions in New York which the chairman has already inserted in the record. Not the utterances or pronouncements of a political committee of the legislature but the statements of the court itself, the courts of New York, which are generally regarded as among the best courts in the country, indicating that this man's, Mr. Weaver's, administration of the Rent Act has been arbitrary, has been outside of the law.

I am going to read you some of the quotations from the court's opinion, not what the political committee said about him. The courts said of Mr. Weaver's actions as administrator:

Such action is arbitrary and unreasonable.

Action of the administrator "unwarranted * * * on the face of the record before the court."

Unreasonable and arbitrary and not in accordance with the facts as shown by this record.

Unrealistic and arbitrary.

Arbitrary and capricious.

The determination is arbitrary and contrary to law.

The administrator's action was illegal, unreasonable, and arbitrary.

Those are some of the expressions of the courts of the State of New York, not of a political committee.

And Mr. Weaver said only 2 percent of his decisions had been set aside. I want to point out that there are many thousands, tens of thousands of small owners of property, rental property in New York, people of little means, having one or two apartment units, the top of their house or two or three units in their house, who could not afford to take his decisions to court. They were helpless. They had to take what was handed to them by this administrator.

So, naturally, there were not as many of these court decisions which would involve costly procedure in court as there might have been if a larger number of property owners had taken court action.

We do not merely have to guess what Mr. Weaver's policies will be nor how he will go about making them effective. We have witnessed his activities through the years, and we have his own words embodied in his book entitled "Negro Ghetto."

That book, in sum and substance, is a 369-page blueprint of a determined plan to force—and I underscore "force"—racial integration of housing throughout the United States. The plan is to be implemented, in part, by more public housing.

On page 369 of his book you will find his statement, and it is the last and most significant statement in the book, and I quote now:

More housing available to minorities and patterns of interracial living must be established in existing neighborhoods as well as in newly developed communities.

He is going to force interracial living, patterns of living, in communities established as well as newly developed. He advocates laws to enforce this. He advocates city ordinances to enforce this integration.

He vigorously denounces real estate dealers, homebuilders, and home finance institutions, and these are the people with whom he would deal as head of the great Government agencies holding the purse strings and having a whip hand over the entire residential building industry of the Nation.

Who in such businesses would have the courage to resist the edicts of an administrator of an agency having life-or-death power over financing of residential sales and construction?

Years ago Mr. Weaver denounced the FHA for failing to promote racial integration in housing. If his appointment is confirmed, FHA will be one of the immensely powerful agencies under his general supervision.

He has served as chairman of the board of directors of the National Association for the Advancement of Colored People.

Yesterday I heard a quotation from a book by Mr. J. Edgar Hoover saying that the National Association of Colored People had tried to eliminate Communists. There is testimony before the Florida and Georgia legislative committees, which I have here and which I am sorry I cannot here introduce in the record, showing—I hope to find the figures in a minute—that that organization at one time at least—and we do not charge that it is a Communist organization—but showing that it was heavily infiltrated by Communists. Perhaps they have got them out now.

Here are the figures, now. Sworn testimony was received by the Florida Legislation Investigation Committee on February 10, 1958, at the State capitol in Tallahassee, that this organization, which is not—underscore "not"—a Communist front had 236 officers of whom 145 or more than 61 percent had been involved, in one way or another, with Communist enterprises, for a grand total of 2,200 affiliations of public record.

The CHAIRMAN. May I interrupt you at that point to say a member of the committee who was keeping time on you—I was not keeping time on you—said your 10 minutes was up.

Mr. BRINKMAN. Is my 10 minutes up?

The CHAIRMAN. May I finish?

Senator CAPEHART. Mr. Chairman, I ask unanimous consent that he may proceed for another 10 minutes?

Senator CLARK. Mr. Chairman, reserving the right to object—and I shall not object—it occurs to me that all the witness is doing is reading his prepared statement, as I hoped he would not. We can read it and probably have read it just as well as he can read it. If the chairman wishes to permit him to continue, I have no objection.

The CHAIRMAN. The chairman was going to say he had agreed to recognize a witness from Virginia in opposition to this, speaking for the Home Builders Association of Richmond, Va., and the chairman was going to suggest that we just put his statement in the record and give this witness the 10 minutes that the witness from Virginia, had he been here, would have had.

Is there objection to his proceeding for 10 minutes?

Senator CLARK. I am quite content to yield to the chairman.

The CHAIRMAN. You may proceed for another 10 minutes.

Mr. BRINKMAN. I think I can finish in perhaps 5 or 6, Mr. Chairman.

The CHAIRMAN. You had better take the full 10.

Mr. BRINKMAN. We ask the members of this committee to consider the practical effect of such policies to force integration of housing, public housing, things of that kind which he has advocated, from the standpoint of industry and employment in their own States. Would those policies be helpful in stimulating construction and employment, or will they be harmful?

We answer that question with several others: How likely is a builder to construct 100 homes or to develop a large apartment project in Pennsylvania or any other State, New York, Alabama, Maine, Michigan, Connecticut—how likely is a builder to construct 100 homes—if he is required to racially integrate the project, regardless of the sentiment of the people of the locality?

How many homes can he hope to sell under such conditions, or how many apartments can he hope to rent and keep occupied?

How much financing can be obtained from banks, insurance companies, or savings and loan associations for the building project where there is uncertainty as to the extent of occupancy after completion?

We are sure, without the shadow of a doubt, that the effectuation of Mr. Weaver's policies as set forth in his book would stifle residential construction not only in many localities but in large areas of the country. The effect would be a dwindling of the demand for lumber, steel, pipe, plumbing fixtures, and a thousand or more other things that go into residential construction. The slump might ultimately be as severe as that which occurred during the great depression of the 1930's. Indeed, it was the downslide of the real estate market late in the 1920's which helped bring about the 1929 economic crash.

We ask the members of this committee to seriously consider the economic dangers involved in the policies Mr. Weaver has long espoused and the effect on their own constituencies before it is too late. It may be said that the principle of racial equality is involved. But there is also involved the great principle of the right of American citizens to control their own property, free of Government dictation.

Do the members of this committee favor forced racial integration of housing regardless of the wishes of the majority of their constituents?

I heard Mr. Weaver state here yesterday that in effect he would abide by the law and by administrative action or action of the President. What does that mean? Does that mean that if a man wants to get an FHA loan or a builder wants to get FHA loans for a building project that he must agree to fully integrate the project? If that might be done perhaps by administrative action without any authority

from Congress, I think Mr. Weaver is entering a domain of legislating for his agency or through the White House instead of coming to Congress for such authority as is required in this great building and housing construction industry.

Many things can be done by executive action or administrative action that are not authorized by law, or many things have been done in that way contrary to the desire and wishes of Congress or a majority of them.

If the members of this committee of the Senate and of the House wish to restrain that growing trend toward Presidential power above the legislative power, now is the time to do it in passing on this nomination.

We believe that the FBI has not had time—we are not certain of this—but we believe it has not had time to make the thorough investigation that should have been made. We do not know when it was requested to make the investigation, how much time it was given. Its report has not been given out. We think that report should be made public.

I am not going into the matter of Mr. Weaver's radical affiliations. They have been set out in some detail in the record.

I am going to close now in about 1 minute with this statement:

We believe that no more important nomination will come before this committee for consideration during the present session of Congress. Our firm conviction is that a mistake, based on lack of proper information, has been made in the selection of Mr. Weaver for one of the most important of all Federal offices.

We believe that Mr. Weaver is not sufficiently qualified for the position to which he has been nominated, and we are convinced that great economic harm may result from the appointment, if confirmed.

We believe that the members of this committee will perform a public service if they suggest to the Chief Executive a reconsideration of the appointment.

If there is any doubt in the minds of members of the committee about the wisdom of the appointment, we believe further hearings should be scheduled, here, in New York, and in Chicago, where Mr. Weaver has lived and worked, so that all the facts about his career, his attitudes, and his associations may be fully developed. There is no need for haste by the committee in making a decision on the appointment; the Government housing agencies are in full operation under the laws enacted by Congress.

This is not a time of immediate "emergency" in the housing industry. But it is a time for sober consideration of the nature and ability of the official who as administrator of the Government's immense housing activities is obligated to impartially serve the interests of all the people of this Nation.

I thank you again, on behalf of the members of the National Apartment Owners Association, for your courtesy and consideration.

And may I ask that this statement be inserted in your record of these hearings in full as furnished to the committee?

The CHAIRMAN. Without objection, it will be so ordered.

Are there any questions?

Senator PROXMIRE. Mr. Chairman, for the record, I would just like to ask Mr. Brinkman a couple of questions on his representation of this organization.

You said, Mr. Brinkman, that the National Apartment Owners Association is a very large organization.

Mr. BRINKMAN. No, I did not say that. I said a rather small organization but it has members affiliated, members in about 40 States.

Senator PROXMIRE. I see.

Mr. BRINKMAN. It has some thousands of members. I would not consider it large compared with the United States Chamber of Commerce or the CIO.

Senator PROXMIRE. Would you say 5,000, 10,000? I just want to get an idea.

Mr. BRINKMAN. Oh, let's say 15,000; 10,000 or 15,000; 12,000 to 15,000.

Senator PROXMIRE. You say you appear on behalf of its officers and membership. What was the specific authorization that you have from the membership or from the officers to appear here?

Mr. BRINKMAN. To come down here and oppose this nomination.

Senator PROXMIRE. Who? Was there a meeting of any group?

Mr. BRINKMAN. This was a meeting of the directors and executive committee officers.

Senator PROXMIRE. A meeting of the executive committee of the National Apartment Owners Association?

Mr. BRINKMAN. That is correct, and I have their names if you wish to insert their names.

Senator PROXMIRE. I would like to have the names.

Mr. BRINKMAN. Yes, I will be glad to, if you will pardon me a moment.

The CHAIRMAN. Without objection, that information will be furnished for the record.

Senator PROXMIRE. Yes. I do not want to detain the witness any longer.

(The information requested had not been received at the time of going to press.)

Senator PROXMIRE. Mr. Chairman, I would appreciate it if I could pursue this just a minute because I do want to make it as clear as I possibly can.

I also want to find out, Mr. Brinkman, what action, if any, the membership, the 15,000 members, has taken with respect to this specific nomination.

This nomination was made a few weeks ago, and I am wondering if there was any mail poll or any kind of poll of your membership or if it was taken by your executive committee alone.

Mr. BRINKMAN. The action taken by the membership was taken in the convention, in Oakland, in which they opposed any attempts at preventing owners from fully controlling their property.

In accordance with the authorization or the opinion expressed at the national convention which was attended by several hundred members, the executive committee felt warranted and fully justified in taking the action it did.

Senator PROXMIRE. Several hundred members attended a convention in Oakland, Calif.?

Mr. BRINKMAN. That is right.
Senator PROXMIRE. Before the nomination of Mr. Weaver?
Mr. BRINKMAN. That is right.
Senator PROXMIRE. Not knowing whether Mr. Weaver would be nominated or not. And they went on record simply against, in principle, a principle which has been interpreted by the executive committee to warrant them to authorize you to appear before this committee and oppose him? Is that correct?
Mr. BRINKMAN. That is correct. And, furthermore, there was discussion at the national convention. A meeting was held at night and there was quite a lengthy discussion of this matter of racial integration, and the overwhelming sentiment—I do not believe there was any opposition at all—was that forced racial integration—that is, forced rather than voluntary—should be opposed at State and local levels.
Senator PROXMIRE. How large is the executive committee, without giving me the names, roughly? Five members? Ten members? Twenty members?
Mr. BRINKMAN. About eight members on the executive committee.
Senator PROXMIRE. Thank you, Mr. Chairman.
The CHAIRMAN. Any further questions?
Senator JAVITS. I wonder if we could have the names and addresses of the officers of the organization?
Mr. BRINKMAN. I will furnish the names of the officers.
Senator JAVITS. And their addresses. Where it has its principal place of business.
Mr. BRINKMAN. I will be very glad to.
Senator JAVITS. Where does it have its principal office?
Mr. BRINKMAN. Right here in Washington.
Senator BENNETT. Mr. Chairman?
The CHAIRMAN. The Senator from Utah.
Senator BENNETT. Mr. Brinkman, in your testimony, if you can turn back to it——
Mr. BRINKMAN. Yes, sir; I have it.
Senator BENNETT. You say:

> We are informed that there were some rental-housing owners in New York who liked the operation of rent control. I refer to owners of so-called luxury or high-rent apartments, who, we are informed, virtually dominated one of the organizations ostensibly dedicated to reform of rent control.

Then you go on to say:

> At least one official of such an organization derived a large income from his legal representation of rental-housing owners in matters of controls.

We had a letter submitted as testimony to the committee today signed by its legal representative. Are you in a position to identify that organization as the source of the letter which the Senator from New York put in the record?
Mr. BRINKMAN. I do not like to do that, because the information I have is what a lawyer—and I am a lawyer myself—would call hearsay information. I will explain that in a little more detail.
We have two or three organizations in New York that are affiliated to some extent with our organization. They represent the small property owners in New York, the small housing owners, rental-housing

owners. They feel that the larger organization does not fully represent the small owners; that it represents the big owners, who are in a very advantageous position because much of their property is exempt. The luxury apartments in New York are exempt from rent control.

They feel that the actions of the larger organization or the organization which represents the large apartment owners in New York have not been in accordance with the best interests of the small property owners.

But I am saying this based on information they have given me verbally and orally and they have also informed me that an official of a very large so-called landlords' organization in New York, without using the name, has derived large fees, a very large income, from his representation of the larger and perhaps some of the medium-class apartment owners.

I would be very glad to give the name of that organization and of the man in charge of it to the chairman of the committee for use to hand on to the other members, but I do not like to make this statement of my own knowledge because I have no direct knowledge of it. As I say, it is merely what has been told me by the other organizations in New York.

Therefore, I do not like to name names, but if I am required to I will.

But I claim the privilege of not being required to do that. If the committee requires me to do it, I will do it.

Senator BENNETT. The name is already in the record.

Mr. BRINKMAN. I have not identified the organization, but if I am required to I will do it. But I will claim the privilege of having done so.

Senator BENNETT. I have no power to require you, and I will not push it any further.

Mr. BRINKMAN. As I say, I would be glad to furnish the name to the chairman for such use as he wants if he wants me to do it.

The CHAIRMAN. The Chair understands you will be glad to furnish it if you are required to do it?

Mr. BRINKMAN. What is that?

The CHAIRMAN. Or furnish it to me?

Mr. BRINKMAN. Yes; I can furnish it to you.

The CHAIRMAN. The Chair thanks you but the Chair does not want any part of the information.

Are there any further questions?

If not, we thank you.

Mr. BRINKMAN. Thank you.

(The prepared statement of Mr. Brinkman follows:)

STATEMENT OF NATIONAL APARTMENT OWNERS ASSOCIATION, INC., BY OSCAR H. BRINKMAN, COCHAIRMAN, LEGISLATIVE COMMITTEE

Mr. Chairman and members of the committee, my name is Oscar H. Brinkman, and I am cochairman of the legislative committee of the National Apartment Owners Association, Inc., a nonprofit organization. On behalf of its officers and membership, I thank the Senate Banking and Currency Committee for this opportunity to present our views on the pending appointment of Robert C. Weaver as Administrator of the Housing and Home Finance Agency of the U.S. Government.

The organization which I represent here today is a national one representing owners of rental housing in approximately 40 States. Its membership not only includes individuals who own apartment houses and other residential rental property but also many affiliated local associations of such property owners. I am informed that this is the first time in its existence since 1930 that our association has requested an opportunity to be heard on any Presidential appointment to a Federal office.

We realize that every President has the undeniable right to choose such people as he desires to work with him in the Government during his term of office. However, we believe that the pending appointment, which our organization opposes, may be the result of a lack of information supplied to the President or his advisers on appointments. We desire to be heard so that members of this committee, and through them the other Members of the Senate, and the executive branch responsible for the pending appointment, may be properly and fully informed.

We believe that a serious and tragic mistake would be made by confirmation of the appointment, with great injury to the present national administration and to the public, through the subsequent economic and political consequences.

Let me say at this point that we have given the matter of our appearance here a great deal of consideration. It was with real reluctance that our officers, members of our executive committee, and directors came to the conclusion that it is the absolute duty of our organization to oppose the confirmation of Mr. Weaver. We know that our appearance here against him may be considered by some people as evidencing racial bias and an anti-Negro action. This is most unfortunate, for nothing could be further from the truth. Our organization has no bars or obstacles to membership based on race, creed or color. We have adopted no policy, taken no stand, against the rental or sale of property to any person because of race, creed, or color. Some of our individual members and members of affiliated associations have built, sold, or rented property to Negroes.

Our policy on this matter, as expressed in a resolution adopted at our annual convention in Oakland, Calif., in September 1960 is expressed in these words:

"Whereas the preservation of property rights is a basic precept in our American philosophy of life, we must protect such rights from attacks from all angles. It behooves all local and State associations to oppose any laws or ordinances which will in any way restrict the owner from renting, selling, operating, and managing his property in accordance with his best judgment."

It is largely because we believe the pending appointment is a threat on the Federal level to the rights of private ownership and control of property that our organization is appearing here today.

We consider the appointment of the Administrator of the Housing and Home Finance Agency of the greatest importance. Whosoever occupies that position can, if he is unwise, greatly influence, dictate, or direct policies that may destroy the value of the largest single asset of the United States. Therefore, a person put in this position should have the highest qualifications of ability, integrity, and loyalty.

We have approximately 58,500,000 dwelling units in this country which are very conservatively worth no less than $350 billion. This is larger than any class of industry. Protection of home values is of tremendous importance to the individual citizen homeowner. His largest single asset is generally his home. Any forced, unwanted, and undesired social reforms enforced on housing could effect the social and financial welfare of our immense homeowning population.

We believe that every member of this committee will agree that the appointment of a proper director or Administrator for the Housing and Home Finance Agency is of utmost importance to the welfare of this country because of the great scope of the Federal Government's housing activities. The annual report of the Housing and Home Finance Agency, made by its Administrator last year, covering its operations and those of related Government housing agencies, occupied 365 pages of the official publication which I have here. It accounts for billions of dollars in Government spending, home mortgage insurance, and other activities.

The first and last desire of our organization is to make sure that there is appointed as Administrator of the Housing and Home Finance Agency a person who will protect not only the sanctity of the individual home but the investment of the great middle class of this country. Historically, this great middle class invests its life savings in homes or homes for rental. This investment is not in most cases an investment of the rich, but an investment of the small people who

have sacrificed and saved so that they might have a home of their own for their old age or that they might have a few rental units from which they can derive some income for their later years of life.

I have said, and I reiterate, that we are not opposed because of any racial bias to the appointment of Mr. Weaver. We are opposed to confirmation of his appointment on three principal grounds:

First, because we believe he does not have sufficient knowledge or experience to properly supervise the Government's vast activities in housing, with their tremendous impact on private investment in and construction of housing.

Second, because we believe his record as State rent administrator in New York indicates that he is temperamentally and otherwise unfitted for the much larger tasks of the Federal office to which he has been nominated.

Third, because we believe that some of his past associations or connections with certain radical organizations raise serious question as to his judgment.

Bearing on all these points is a fact of which the members of this committee are aware, of course: That the present national administration greatly desires to stimulate residential construction, both that there shall be more and better housing and to increase employment.

Our members are men of long and successful experience in residential construction and rental ownership and management. Their judgment is that if some of the principal policies that Mr. Weaver has advocated, and for which we believe he now stands, are put into effect, there will be a further reduction in housing construction during this and succeeding years instead of an increase.

With that slump, there will be a reduction in employment both in the building trades and in industries which ordinarilly supply the myriad materials, equipment, supplies, and appliances that go into new and renovated dwellings.

As to Mr. Weaver's lack of experience and qualifications for the position to which he has been appointed, we remind members of this committee of the tremendous ramifications and many facets of the Housing and Home Finance Agency. The man who heads it should be familiar with banking, as related to mortgages; mortgage financing, home construction, multifamily housing developments, and urban planning and renewal, in their practical aspects and not merely their political implications. If Mr. Weaver has had any practical experience of a private business nature in these fields, we are not aware of it. Yet he has been designated to head an organization of 16,000 people concerned with this vast field of industry and finance and must formulate their policies and direct their efforts. Without direct knowledge of these intricate and highly technical fields of work, an Administrator, even though well intentioned, can create the greatest general confusion as well as disaster to individual homeowners and rental property owners.

It may be said, however, that Mr. Weaver has had some experience in housing because of his service as State rent administrator in New York for several years.

The simple fact is that continued so-called emergency rent control in New York over a long period of years, and to the present day, has increased and intensified the growth of slums. The city of New York, with State and Federal financial aid, has tried to alleviate the condition created by rent control continued for political purposes, by building a huge conglomeration of public housing. This and other so-called aided housing is largely tax exempt. It imposes an increased tax burden that rests heavily upon hundreds of thousands and even millions of citizens in New York who derive no benefit whatever from the subsidization of the rents of the minority who enjoy public and other "aided" housing.

Mr. Weaver has defended and advocated rent control, public housing, and other subsidized housing. His willingness to espouse rent control coupled with enforced decorating and maintenance shows a complete lack of understanding of the basic economic principles involved. Such a practice can only lead ultimately to bankruptcy of all private rental housing, and its ultimate socialization by the State. Many people in many places throughout the Nation lost their properties during the years of Federal rent control because of inability to carry their mortgages with rents frozen and ever-increasing costs of operation. The same situation can develop again in a time of so-called emergency if Government housing activities are administered by men who either do not understand the economics of the private housing industry or lack regard for the rights of private ownership.

Years ago, William Z. Foster, Communist author of a book entitled "Toward Soviet America," wrote:

"In a Soviet system, the Negro will have the most complete equality * * * economically, politically, socially. He will have ample land, confiscated from the great white landlords."

The destruction of private property rights is, of course, the continued aim of the Communist Party. The destruction of property values, through continued or restored rent control and other abrogations of the constitutional rights of the owners, is a step toward the eventual communization of all property.

In the words of a famous Democratic statesman now gone but fondly remembered by many millions of good Americans of both major parties—and I refer to former Gov. Al Smith, of New York—"Let's look at the record," and particularly the record of Robert C. Weaver as State rent administrator of New York only a few years ago.

Bear in mind that much of the savings of the middle class is in the form of the ownership of small rental properties. Continued relentless rent control is one way of destroying such savings. Another way of destroying the property of the middle class is through the continued large-scale construction of cheaper, competitive public housing, whose occupants are subsidized through taxes levied on the owners of private property.

Looking now at the record in New York, we find Legislative Document No. 22 of 1957, a report of the New York State Temporary Commission To Study Rents and Rental Conditions. On page 18 the report stated:

"With recurring frequency the courts have reproved and restrained the arbitrary assumptions of power by the housing rent commission not authorized by law. It should not be necessary to hail the State rent administrator into court in order to curb his repeated ill-fated attempts to usurp legislative power."

Then follow, in footnotes, citations of court cases in which Mr. Weaver was involved as administrator, including one about which the report states "The court said the action of the administrator was 'arbitrary, capricious, and without reasonable basis.'"

The report further states: "The attempts to amend the law in two particulars, as contained in the bill sponsored by the rent administrator, are calculated to circumvent two decisions of the courts. One such decision invalidated a regulation promulgated by the administrator which had disregarded the sales price which the law required him to consider in evaluating property."

Looking further at the record, we turn to legislative document No. 45, dated March 25, 1959, being a later report of the New York State Temporary Commission To Study Rents and Rental Conditions.

Stating that rent control was then in its 16th year, the report stated (pp. 8 and 9):

"During the period of time elapsed between 1954 and the end of 1958 a policy of administering housing rent controls evolved which was manifestly unfair to both tenants and landlords. That policy was evidenced by the deliberate promulgation of a myriad of confusing regulations. These rules served to complicate procedures and had the effect of defeating the clear intention of the legislature in enacting the residential rent control law. Many such regulations were struck down by the court as arbitrary and unreasonable. By superimposing such a policy on the plain language of the law, the administrators were enabled to hinder, delay, or defeat applicants otherwise entitled to the benefit of the law, in order to cater to their prejudgments or their individual political or economic theories."

There followed in the report citations of numerous court cases in which Mr. Weaver was a party, as administrator. Among the comments or declarations of the courts on actions in rent control cases were these which are quoted from the report:

"Such action is arbitrary and unreasonable." "Action of the administrator 'unwarranted * * * on the face of the record before the court.'" "Unreasonable and arbitrary and not in accordance with the facts as shown by this record." "Unrealistic and arbitrary." "Arbitrary and capricious." "The determination is arbitrary and contrary to law." "The administrator's action was illegal, unreasonable, and arbitrary."

There are 3½ pages of fine print in the report citing court cases to which Mr. Weaver was a party as rent administrator, and in which his actions or decisions were severely criticized. The committee reported "Many similar cases can be cited," and further stated:

"The blame for the partial failure to ameliorate the housing shortage in dwellings should be charged to the housing rent commission and its slanted administration of the residential rent law during the last 4 years. Almost every conceivable obstacle was devised and placed in the path of those owners who were ready, willing, and able to rehabilitate buildings but were unable to comply with the arbitrary and intolerably complex regulations of that commission. * * * The past activities of the commission have been in derogation of the statute and have neither protected tenants, nor facilitated new or rehabilitated housing accommodations."

We are informed that there were some rental-housing owners in New York who liked the operation of rent control. I refer to owners of so-called luxury or high-rent apartments, who, we are informed, virtually dominated one of the organizations ostensibly dedicated to "reform" of rent control. Many of them were enabled to escape its rigors, and its peculiar operations aided them in escaping competition with older apartment properties that could not be upgraded because of rents held down below an economic level of proper maintenance. And we are informed that at least one official of such an organization derived a large income from his legal representation of rental-housing owners in matters of controls. In other words, we are told that rent control was a source of very considerable profit for him.

We have given this committee only a brief summary of what occurred in New York under Mr. Weaver's administration of the rent-control law. But it is sufficient to raise the ominous question: "What will happen if such a man is placed in top charge of all the immense housing activities of the U.S. Government, involving scores of millions of people and billions of dollars in funds and property?" How will he use the power placed in his hands?

We do not have to merely guess what Mr. Weaver's policies will be, nor how he will go about making them effective?

We have the witness of his activities through the years, and we have his own words embodied in his book entitled "The Negro Ghetto." That book, in sum and substance, is a 369-page blueprint of a determined plan to force racial integration of housing throughout the United States. The plan is to be implemented, in part, by more public housing.

But Mr. Weaver does not merely insist upon racial integration of new housing. Turn to page 369 of his book and you will find the statement: "More housing available to minorities and patterns of interracial living must be established in existing neighborhoods as well as in newly developed communities." He advocates (p. 318) city ordinances and State laws "requiring that all public and publicly aided private housing be open to all racial groups. * * * Even more significant would be the contribution of such legislation in the field of publicly aided, privately financed housing * * *"

He vigorously denounces real estate dealers, homebuilders, and home finance institutions—and these are the people with whom he would deal as head of the great Government agencies holding the purse strings and having a whip hand over the entire residential building industry of the Nation.

Who in such businesses would have the courage to resist the edicts of an Administrator of an agency having life-or-death power over financing of residential sales and construction? Years ago Mr. Weaver denounced the FHA for falling to promote racial integration in housing (pp. 71 and 72, "The Negro Ghetto"). If his appointment is confirmed, FHA will be one of the immensely powerful agencies under his general supervision.

He has served as chairman of the board of directors of the National Association for the Advancement of Colored People (NAACP), the militant and radical organization which has conducted a widespread fight against racial segregation in schools. If Mr. Weaver succeeds in establishing "patterns of interracial living * * * in existing neighborhoods as well as in newly developed communities" (p. 369, "Negro Ghetto"), the racial integration of schools will be furthered.

We ask the members of this committee to consider the practical effect of such policies on their own communities and States, from the standpoint of industry and employment. Will those policies be helpful in stimulating construction and employment, or will they be harmful?

We answer that question with several others: "How likely is a builder to construct 100 homes or to develop a large apartment project if he is required to 'racially integrate' the project, regardless of the sentiment of the people of the locality? How many homes can he hope to sell under such conditions, or how many apartments can he hope to rent and keep occupied? How much financing can be obtained from banks, insurance companies, or savings and loan associations, for the building project, where there is uncertainty as to the extent of occupancy after completion?"

We are sure, without the shadow of a doubt, that the effectuation of Mr. Weaver's policies as set forth in his book would stifle residential construction not only in many localities but in large areas of the country. The effect would be a dwindling of the demand for lumber, steel, pipe, plumbing fixtures, and a thousand or more other things that go into residential construction. The slump might ultimately be as severe as that which occurred during the great depression of the 1930's. Indeed, it was the downslide of the real estate market late in the 1920's which helped bring about the 1929 economic crash.

We ask the members of this committee to seriously consider the economic dangers involved in the policies Mr. Weaver has long espoused—and the effect on their own constituencies—before it is too late. It may be said that the principle of "racial equality" is involved. But there is also involved the great principle of the right of American citizens to control their own property, free of Government dictation.

Do the members of this committee favor forced racial integration of housing, regardless of the wishes of the majority of their constituents? Do the members of this committee favor a policy of using public money and Government financing to pressure social changes objectionable to a majority of people in many localities and States?

It may be said that the Administrator of the Housing and Home Finance Agency cannot effectuate the changes in social customs he has advocated, without specific authority from Congress.

This is a dangerously fallacious assumption.

We have called attention to the fact that the courts of New York have declared, in case after case coming before them for decisions, that the State Rent Administrator exceeded his authority, disregarded the law, acted in an arbitrary manner and contrary to the facts. Is there any reason to believe that his policies and attitude would be different in the high Federal position for which he has been nominated?

The history of the human race and its various governments is replete with instances of men who have declared "I am the State, my word is law," and taken similar attitudes of disdain for the enactments of legislative bodies.

Under date of December 31, 1960, Garnett D. Horner, staff correspondent of the Washington Evening Star, reported from Palm Beach, Fla., that Mr. Weaver said, on the occasion of his appointment by the President that he (Weaver) favors "open occupancy and nondiscrimination" in housing financed with the aid of Federal funds. The report continued: (and I quote)

"Mr. Weaver was asked if he planned action to require that any housing constructed with the aid of FHA mortgage insurance be open to Negro occupancy. He replied that it is 'premature' to say what techniques may be used to achieve his objectives, but said 'I certainly favor the idea of open occupancy and nondiscrimination in housing.'"

As members of this committee are aware there have been reports recently that the administration intends to attain some of its objectives by so-called executive action bypassing the legislative branch of the Government. How true these reports are, we do not know. We do know, from court decisions, Mr. Weaver's mode of action in New York.

Our anxiety about Mr. Weaver's course of action as Administrator of the Government's top housing agency is increased by some of his past associations. He has been closely associated in recent years with the activities of a militant racial organization previously mentioned. Sworn testimony was received by the Florida Legislation Investigation Committee on February 10, 1958, at the State capitol in Tallahassee, that this organization which is not a Communist front had 236 officers of whom 145 (or more than 61 percent) had been involved, in one way or another, with Communist enterprises, for a grand total of 2,200 affiliations of public record.

It is not charged that Mr. Weaver is a Communist, and he has publicly stated that he has not been a member of the Communist Party.

He was, however, listed as a discussion leader of a panel on "The Federal Housing Program and the Negro" at the second National Negro Congress, held in October 1937. We are informed that the Communist publication, the Daily Worker, of April 24, 1940, page 3, reported that Dr. Robert C. Weaver, Race Relations Director of the U.S. Housing Authority, would be among those participating in panel discussions at the third National Negro Congress. That organization was later placed on the subversive list issued by the Attorney General of the United States.

A membership list of the Washington Bookshop, subpenaed by the Special Committee on Un-American Activities of the U.S. House of Representatives in 1941, contained the name of one R. C. Weaver, 1206 Kenyon Street, Washington, D.C. The Washington Bookshop was placed on the U.S. Attorney General's list of subversive organizations in 1942. Mr. Robert C. Weaver was quoted on page 15 of the Chicago Daily Tribune of October 5, 1944, as stating: "I once belonged to the Washington Bookshop, but resigned about 4 years ago because of the organization's internal control."

These and some other relations of Mr. Weaver with radical organizations raised a question as to his judgment of men and of groups engaged openly or covertly in public affairs. As Administrator of the Housing and Home Finance Agency Mr. Weaver would have an influential voice in the selection of personnel controlling and directing the Government's immense housing activities. A question this committee should consider, we believe, is what kind of men and women is Mr. Weaver likely to select or endorse.

In conclusion, we believe that no more important nomination will come before this committee for consideration during the present session of Congress. Our firm conviction is that a mistake, based on lack of proper information, has been made in the selection of Mr. Weaver for one of the most important of all Federal offices. We believe that Mr. Weaver is not sufficiently qualified for the position to which he has been nominated, and we are convinced that great economic harm may result from the appointment, if confirmed.

We believe that the members of this committee will perform a public service if they suggest to the Chief Executive a reconsideration of the appointment.

If there is any doubt in the minds of members of the committee about the wisdom of the appointment, we believe further hearings should be scheduled here, in New York, and in Chicago, where Mr. Weaver has lived and worked, so that all the facts about his career, his attitudes, and his associations may be fully developed. There is no need for haste by the committee in making a decision on the appointment; the Government housing agencies are in full operation, under the laws enacted by Congress.

This is not a time of immediate "emergency" in the housing industry. But it is a time for sober consideration of the nature and ability of the official who as Administrator of the Government's immense housing activities is obligated to impartially serve the interests of all the people of this Nation.

I thank you again, on behalf of the members of the National Apartment Owners' Association, for your courtesy and consideration.

The CHAIRMAN. The Chair called as a witness a representative of what he understands to be the Negro National Association of Real Estate Brokers of Brooklyn, William S. Harps.

He left a statement with the Chair on yesterday. He did not get back.

The Chair asks unanimous consent to put that statement in the record.

So ordered.

(The prepared statement of William S. Harps follows:)

NATIONAL ASSOCIATION OF REAL ESTATE BROKERS, INC.,
Brooklyn, N.Y., February 6, 1961.

SENATE COMMITTEE ON BANKING AND CURRENCY,
Senate Office Building,
Washington, D.C.

GENTLEMEN: We, the members of the National Association of Real Estate Brokers, Inc., wish to express our unqualified approval of the nomination of Dr. Robert C. Weaver as Commissioner of the Housing and Home Finance Agency.

We feel that this nomination is a pointed example of President Kennedy's aim of appointing the best qualified man to the job. In our opinion, Dr. Weaver's preparation for this high office is unexcelled. A brief résumé of the qualifications which influenced us to support him are as follows:

After completing his early education in the public school system of the District of Columbia, he matriculated at Harvard University where he received his bachelor's degree with honors. Later he received the doctor of philosophy degree in economics, also at Harvard.

His experience in the field of housing and Government administration has been extensive, beginning with the PWA Housing Division of the Interior Department in the early days of the New Deal. Later he was Assistant to the Administrator of the U.S. Housing Authority, which was established in 1937.

During World War II, he served with the National Defense Advisory Committee, the War Production Board and the War Manpower Commission where he facilitated recruitment and employment of essential Negro war workers in war production industries throughout the Nation.

During Governor Harriman's administration in New York, Dr. Weaver served as a member of his cabinet in the capacities of vice chairman of the New York State Housing Board and administrator of the New York Temporary State Housing Rent Commission.

He is currently vice chairman of the New York City Housing and Redevelopment Board.

During Dr. Weaver's career, he has made permanent contributions to the general fields of knowledge in labor and housing. Books he has authored include "Negro Labor, a National Problem," in 1946, and "The Negro Ghetto," published in 1948. Further, he is the author of extensive published articles on housing and urban renewal.

He is a recognized authority in the field of intergroup relations in which he has had extensive administrative experience, both on Federal and municipal levels. He has taught at Teachers College, Columbia University, and at New York University, and has served as consultant and in administrative capacities for several philanthropic funds and foundations.

While attaining this vast experience so pertinent to the field of housing, he has served with honor and has earned and maintained a reputation for integrity and sound balanced judgment.

We welcome this opportunity to present our views before your committee and sincerely hope that Dr. Weaver will be confirmed by the Senate with dispatch.

Respectfully submitted.

WILLIAM S. HARPS.
Washington Representative.

The CHAIRMAN. On yesterday the Chair agreed to recognize Kenneth I. Doran, of Richmond, speaking for the homebuilders of Richmond.

The Chair asks unanimous consent to put his statement in the record.

The Chair hears no objection, so that will be ordered.

(The prepared statement of Kenneth I. Doran follows:)

RICHMOND, VA., *February 8, 1961.*

Senator A. WILLIS ROBERTSON,
New Senate Office Building,
Washington, D.C.:

As you have been informed by Mr. Foster of your office, the weather has prevented our return to Washington today to make a public statement in regard to the hearing for Dr. Weaver. It is my understanding that this wire will be made a part of the record of this committee. My name is Kenneth I. Doran, 506 West Drive, Richmond, Va. I am a mortgage banker. Am here representing the Home Builders Association of Richmond, L. Clarke Jones, Jr., president, a group of homebuilders, mortgage bankers, and building suppliers with membership numbering in excess of 250. I am appearing in opposition to the confirmation of Robert B. Weaver as Administrator of the Housing and Home Finance Agency.

Since this appointment was first mentioned in the newspapers and in the homebuilding industry our group has given the matter serious thought, taking into consideration the racial question involved as well as the net effect of this

appointment on the homebuilding industry in our area. We hold nothing against Mr. Weaver because he is a member of the Negro race; in fact, we commend him for having received a fine education and advancing himself as high in life as he has. We come here, however, with a deep concern over the effect of this appointment. It is our belief that the designation of a man with Mr. Weaver's background as the head of the agency handling the entire Federal housing program will have a net detrimental effect on homebuilding throughout our area, and perhaps throughout the entire United States, and will possibly inject into this field emotional feelings regarding integrated housing and in short will involve our mortgage bankers, homebuilders, and building suppliers in questions of civil rights wherever the Federal Government is involved in the industry. We feel, furthermore, that there will be a reluctance among lending institutions that supply the bulk of capital necessary for the overall expansion of housing to go forward in a progressive sense in financing housing where there is a fear of forced integration and a desire to avoid emotional conflicts in localities. Our locality certainly would be one locality so affected, in our opinion.

We have not had the facilities, nor the time, to check all of Mr. Weaver's writings. We have ascertained that the two books that he has written have been concerned with the problems of the Negro race—one in the field of labor and the other book, "The Negro Ghetto," in the field of housing and living conditions where Dr. Weaver is against members of the Negro race living together in particular areas, which he calls "Ghetto." We have ascertained that he has written numerous articles and practically all of these articles have been concerned with greater rights for the Negro. We feel that Dr. Weaver's chief concern, as reported in his writings, has been not what to do with housing after it is built but mainly whether Negroes have the right to live in that housing side by side with whites. We feel that his fundamental concern should be with how to build more houses and where to get the capital with which to advance our housing program. If the Federal Government through Dr. Weaver fosters a program of forced integration, we feel that our area will be extremely adversely affected. This can touch our pocketbooks as mortgage bankers and builders, and we come here to state that with all the competent available men that there are in the United States the President has made a poor choice in placing a man with a background such as Mr. Weaver's in one of the most delicate spots in the entire Federal Government.

He has advanced himself in the NAACP to the position of chairman in that organization and on various occasions we have ascertained has publicly espoused their cause. As chairman of the board of that association he no doubt reflects its uncompromising views respecting integration both in schools and in the housing program. Representing such a group Mr. Weaver could not be expected to reverse his field as the new housing Administrator. We are very much afraid that if theories of the NAACP are put into effect through the Housing and Home Finance Agency our group in housing throughout the United States will suffer.

Respectfully submitted.

L. CLARKE JONES, Jr., *President*,
KENNETH I. DORAN, *Treasurer*,
THOMAS T. VINSON, Jr., *Executive Secretary*.

The CHAIRMAN. The Chair has a letter from our colleague on the committee, Senator Williams, who, to save the time of the committee, asks it be inserted in the record. Without objection, that will be done.

U.S. SENATE,
COMMITTEE ON BANKING AND CURRENCY,
February 7, 1961.

DEAR MR. CHAIRMAN: I would just like to add my voice to those of many others who welcome and support the nomination of Dr. Robert C. Weaver, of New York, to be Administrator of the Housing and Home Finance Agency.

It's been my good fortune to meet Dr. Weaver and to discuss with him, on occasion, many of the problems and programs with which he would deal as HHFA Administrator. His understanding of these problems and programs is the understanding of a man who has dealt with them at many levels over an impressive number of years. He is well equipped to find new methods of cooperation among Federal, State, and local agencies; he is prepared to help us find new directions for many programs which have a direct impact upon our cities and suburbs.

Mr. Chairman, it is obvious that this Congress will consider many new proposals to cope with metropolitan area problems with which, at this moment, we really have only a limited acquaintance. It has already been suggested that the HHFA will increase the range of its efforts in those areas; the administration has already amply demonstrated a deep interest in this or a similar effort to coordinate present programs. Such a development will certainly be welcome, and I am happy to add my statement in support of Dr. Weaver.

HARRISON A. WILLIAMS, JR.

The CHAIRMAN. Is there anyone else who claims the right to testify?

STATEMENT OF JAY CRESWELL, ORLANDO, FLA.

Mr. CRESWELL. Mr. Chairman, is an ordinary citizen allowed to talk? I do not represent anybody except myself as a citizen of the country.

The CHAIRMAN. The Chair did not understand.

Mr. CRESWELL. I am just a citizen of the United States. I do not represent any organization. I would like to speak.

The CHAIRMAN. Well, under the Constitution even a citizen has the right to petition. You may come in and petition.

You will understand that you get only 10 minutes.

Mr. CRESWELL. Yes, sir.

The CHAIRMAN. Will you please give your name and address?

Mr. CRESWELL. My name is Jay Creswell. My home is in Orlando, Fla.

The CHAIRMAN. You may sit down.

You come from a fine State. We will be glad to hear you.

Mr. CRESWELL. Thank you, sir.

I would like to clear my status. When I lived in Indiana I was able to talk to Senator Capehart at any time, and he answered my letters, and I was always able to talk to him, and he gave me great courtesy.

Since I have been living in Florida, I cannot talk to either of my Senators or my Representatives. I tried for 4 years and never have been able to do so.

About 4 years ago there were nine colored men came to my home. They were the presidents of colleges, the presidents of colored church organizations; outstanding men in the colored population. They asked me to get into this problem of the exclusion of colored people in buying property and buying homes.

On the day that I undertook that problem I talked to the qualified FHA mortgagee people, and there was not a single one of them in my area of the country who would accept a colored mortgage.

I talked to the bankers, the people on construction loans, and not one of them would accept a colored application for buying land.

Since that time I have been in communities all through the South, starting at Baltimore and going on through the southern tier of States, and we have tried consistently to buy land, to arrange for permanent mortgages, to arrange for interim construction loans, and to get colored housing built on similar terms.

An ordinary white person, a white builder, can start a subdivision and get a commitment from the FHA in a relatively short time when they know that the land is proper and the building is proper and the plans are proper and the individual has a proper income.

You take an identical community, identical situation, identical land, identical plans, and the door is blocked and there are all types of changes, changes of commas, changes of periods, changes of this, that, and the other thing, and regulations. It is a matter of intent.

We have in many of our cities now a situation where all of the land is controlled and a line has been drawn around it and the colored people are concentrated into a narrow area, and the land prices have gone from $1,000, $2,000, $5,000, $6,000, $8,000 an acre.

Right here in this hearing and in the publicity we have heard a debate on the policies of these United States of America. That policy is already set. The Congress has said that every citizen of this Nation is entitled to a decent home and a decent living environment.

We have also said in the Employment Act of 1946 that it is a duty of this Congress and this administration to use everything in their power to see that a man has a right to work not only in the employment of other people but also in private business.

We have 60 percent of the people in these United States who have good homes. We have 30 million homes that have been built because we have used the FHA principle of determining what the risk factor is. We have taken a charge of a half of 1 percent. And in that period from 1932 up to the present time that has been operated at a profit. It is no longer a matter of a financial risk and a loss to sell homes to people on the basis of their character and their work. We have 40 percent of the people who cannot qualify for FHA because they do not have adequate income.

When it comes to a question of the availability of land and the availability of money and the availability of the fiancing, we have, unfortunately, had a period where we have thought that it was wise to control inflation by limiting the amount of credit. As soon as you limit the amount of money, the banking and financial people give that credit that is available to the highest type people, which means that the people who have not been able to buy land and get money are increased. There are more and more of those people who cannot get money.

I want to have Senator Capehart hear me because he has been listening to me for years.

The CHAIRMAN. Senator Capehart said this would be more pertinent on housing legislation than it would be on this legislation. That is what he told me.

Mr. CRESWELL. Fine.

We talk about housing legislation and the obstacles that are put in the way of this come right down to facing the fact that we are debating whether or not a colored man shall have a right to buy a home any place that he wants to. The Congress has already set the policy that any person may buy a home at any place. Any person may have a job any place. That has already been established by the Supreme Court, and the Congress.

To come here and debate this point as to whether or not this man should have a job because he is a colored man or because he is going to do this, that and the other thing as far as integration is concerned is beside the point. That has already been decided.

I testified that I have personally talked to the leaders of colored people in all of these communities, and when they heard that this man was nominated for this position there was rejoicing and thanking God in the church for this man is a man of integrity. This man is a man of intelligence and ability, and he is a loyal American.

And when the colored people heard that this man was going to go into this job they rejoiced, and there was rejoicing all through the land.

Last night I talked to colored families around here who were going back from a feeling of rejoicing that we were moving forward. They were going back into a feeling of desperation that they were being abandoned because we have had 3 or 4 days of questioning of one of the finest men of their race.

I hope I made my point.

Senator BENNETT. How do you make it 3 or 4 days since yesterday morning?

Mr. CRESWELL. That is a statement of enthusiasm. Let's say in the period of the conversation in the newspapers and the debates back and forth from these various organizations.

Senator BENNETT. Are you saying that the members of the committee have no right to ask Mr. Weaver questions about his statement in order to bring out his opinions and his——

Mr. CRESWELL. No, sir; I as a citizen expect the Senate to ask him every question all the way through, and from what I have learned of this man I would expect him to sit here and tell you the absolute truth about every one of those points. I never saw the man before this morning.

Senator BUSH. Mr. Chairman, may I ask a question? I would like to ask the witness this question. You spoke about the group of colored leaders that came to call upon you at your home in Florida,

Mr. CRESWELL. Yes, sir.

Senator BUSH. Why did they do that? Why did they select you? We do not have any background on you. Why did they come to you to ask you to take this leadership position?

Mr. CRESWELL. That is a little story I will be glad to tell you. I did not like the way Henry Wallace was running the Department of Commerce, and I told him so, so very much to my astonishment he enlisted me to come to Washington and see him, and he asked me to serve on the Small Business Advisory Committee. Then Secretary Harriman asked me to come back—and I am a Republican. My job on that committee was to help the small businessmen with their financing, and through many years we got better laws and better legislation to help small businessmen, through Senator Capehart's work, and my work, too. During that period, all of those years, I helped many colored people with their financing problems. When I sold my business and retired to Florida I spent all of my time in helping small businessmen.

The colored people that I had helped told the other colored people that I was a man who was willing to fight for them, so they came to me, and I got bullet holes in my window and they kicked my dog and threw dirt on my lawn to prove I helped the colored people. You don't help people in the colored States and not duck.

Senator JAVITS. Mr. Chairman, I just wanted to state to the witness—I have no questions to ask him, but I do this notwithstanding the observations which have been made that it is a desirable thing when a citizen feels moved to speak that he should speak, whether we are for or against this. I feel the same way, and I want to say so on the record.

The CHAIRMAN. We thank you.

The first amendment relates to freedom of the press. Is there any member of the press who wishes to be heard? If not, these hearings are now ended, and we will go into executive session.

(Whereupon, at 11:47 a.m., the committee convened in executive session.)

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(One Mat. Required)