

Fair Housing— The Battle Goes on

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Massachusetts

By passing the Fair Housing Act of 1968, Congress took a major step toward realizing the ideals of equal opportunity and equal justice that are at the heart of our American democracy.

The decade of the 1960s saw extraordinary progress in civil rights and in the battle against discrimination in all its forms. The Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968 were giant achievements by the Congresses of those years. In many respects, the Fair Housing Act was the most difficult of the three achievements because housing was such a tough nut to crack. For many people, it seemed a little “too close to home.”

Housing discrimination was a serious injustice on its own terms. However, it also led to other evils. Local public schools were typically neighborhood schools. Segregated neighborhoods led to segregated schools that were often separate and unequal.

President Lyndon B. Johnson asked Congress in 1966 and again in 1967 to pass a fair housing bill, but Southern Senators who opposed fair housing blocked action with a filibuster. Those of us who supported the fair housing bill did not have enough votes to prevail.

As the 1968 session of Congress began, the prospects for action seemed unlikely. Fortunately, one person—Clarence M. Mitchell, Jr.—had the vision to see beyond past failures, and the persistence to push for a fair housing bill and make it happen. Mitchell was the Washington director of the National Association for the Advancement of Colored Peoples and a mainstay of the Leadership Conference on Civil Rights. He convinced Democratic Senator Walter Mondale of Minnesota and Republican Senator Edward Brooke of Massachusetts to offer a bipartisan fair housing amendment to a pending bill that protected civil rights workers.

To succeed against the anti-civil rights filibuster, we needed a strong coalition of Northern Democrats and Republicans. In February 1968, two attempts to end the filibuster failed, but the number of Senators supporting the bill was growing. At the end of February, Senator Everett Dirksen of Illinois, the Republican leader, agreed to a compromise on fair housing that was almost as strong as the Mondale-Brooke proposal.

The critical votes in the Senate and the House took place in the midst of historic events in the country. In early March the Kerner Commission released its report on civil disorders, including its stark warning that we were “moving toward two societies, one Black, one White—separate and unequal.” Three days later, on March 4, 1968, the Senate succeeded in breaking the filibuster against fair housing. It was an historic moment. In 50 years, the Senate had tried to break a filibuster 41 times, and the effort had succeeded only 7 times. This was the eighth time. Three of those eight successful votes involved major civil rights bills.

On April 4, 1968, Rev. Martin Luther King, Jr., was tragically assassinated in Memphis, Tennessee, and riots broke out in cities across the country, including Washington. On April 10, while the city was still in crisis, the House approved the Senate version of the fair housing bill and sent it to the White House, where President Johnson signed it into law on April 11.

In the years that followed, it became apparent that the 1968 Act was not strong enough. It authorized the Federal Government to mediate discrimination charges but not to hold hearings before administrative law judges or sue in court. Beginning in 1978, bills were introduced in Congress almost every year to strengthen the enforcement provisions of the 1968 Act by giving both the Federal Government and victims of discrimination the right to enforce the Act in court. In 1980 Congress came close to enacting these strengthening measures. The House approved a strong bill, but it was defeated by yet another filibuster in a lame-duck session after President Ronald Reagan’s election. Sadly, 8 more years would pass before Congress finally approved this needed legislation to strengthen the 1968 Act.

In addition to providing stronger enforcement, the 1988 Act also broadened the scope of the 1968 Act to cover various financial transactions involving residential real estate. The Act also prohibited housing discrimination against persons with disabilities and families with children.

Housing discrimination is unacceptable, and I am proud to have played a role in strengthening the Federal law prohibiting it. No American who wants to rent an apartment or buy a home should be turned away because of bigotry. Housing discrimination has no place in a Nation dedicated to “liberty and justice for all.” And more than ever today, when we say “all, we mean “all.”

Author

Senator Edward M. Kennedy has represented Massachusetts in the United States Senate since 1962 when he was elected to finish the term of his brother, President John F. Kennedy. Senator Kennedy gave his maiden speech in the Senate on the Civil Rights Act of 1964 and has been a leader in the effort to strengthen the Nation’s civil rights laws ever since. He was the chief sponsor of the Fair Housing Act amendments of 1988.