

George Romney, Richard Nixon, and the Fair Housing Act of 1968

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Dr. Robert Weaver, who was Secretary of HUD when Title VIII was being considered by Congress and then when it was enacted, certainly understood Title VIII as addressed to achieving suburban integration for Black families. Perhaps more remarkably, this also was the understanding of the next HUD Secretary and the next President--George Romney and Richard Nixon.

In the 1968 presidential election campaign, Richard Nixon initially opposed the enactment of fair housing legislation, but, after Dr. King's assassination, Nixon supported the legislative compromise crafted by Senator Dirksen. This was perceived as contradicting the views of suburban voters. Nixon certainly understood that the fair housing act was seen as directed against suburbs. His campaign positions were characterized by "hedging": he "did not raise the [fair housing] issue to woo minorities," saying that he would not "campaign for the black vote at the risk of the suburban vote."

After he became president, "Nixon, with an eye toward his suburban constituency, kept the issue of open housing away from the White House." When a White House task force on low income housing recommended linking federal aid to suburban racial integration, Nixon wrote: "I am *absolutely* opposed to this. Knock it in the head now."

Nixon's HUD Secretary, however, focused on attacking "the widening economic gulf between the races, which left many whites residing in comfortable suburbs while poor blacks endured a harsh life in urban slums." George Romney "stroved to move blacks from cities into suburbs." Romney and other "HUD officials had construed the Fair Housing Act very broadly, as a mandate for integration." Romney's General Counsel, David O. Maxwell, wrote that HUD had an obligation to consider the extent to which its every action "will in fact open up new, nonsegregated housing opportunities that will contribute to decreasing the effects of past housing discrimination." Romney stated that "the impact of the concentration of the poor and minorities in the central city extends beyond the city boundaries to include the surrounding community. . . . To solve problems of the 'real city', *only metropolitan-wide solutions will do.*"

Romney advanced not only racial integration but also economic integration, proposing an "Open Communities" program that would condition HUD financial assistance on a community's acceptance of subsidized housing. "His task force, to test this policy, targeted areas with high employment and few dwellings for poor minorities: Long Island, Cook County (Illinois), and the suburbs of Dallas, Boston, Newark, Buffalo, and Los

* Excerpted without footnotes from "Affirmatively Furthering Fair Housing in Regional Housing Markets: The Baltimore Public Housing Desegregation Litigation," 42 *Wake Forest L. Rev.* 333, 386 (2007).

Angeles.” It also targeted, most famously and fruitlessly, Warren, Michigan, “a white, working-class, largely Catholic suburb of Detroit.” “Romney and [HUD Undersecretary Richard] Van Dusen informed Warren officials that their community would not receive a \$3 million urban renewal grant until they accepted low-income housing.” The residents and officials of Warren were not pleased; they protested vehemently.

The upshot of the Warren controversy was that Nixon undercut Romney and supported the efforts by Warren and other suburbs to exclude subsidized housing for minorities. In doing so, however, Nixon affirmed the understanding that HUD's obligation was affirmatively to further equal housing opportunity “on a metropolitan areawide basis.”

The President's statement on equal opportunity in housing, issued on June 14, 1971, stated:

Based on a careful review of the legislative history of the 1964 and 1968 Civil Rights Acts . . . I interpret the “affirmative action” mandate of the 1968 act to mean that the administrator of a housing program should include, among the various criteria by which applications for assistance are judged, the extent to which a proposed project, or the overall development plan of which it is a part, will in fact open up new, nonsegregated housing opportunities that will contribute to decreasing the effects of past housing discrimination. . . . [This] does mean that in choosing among the various applications for Federal aid, consideration should be given to their impact on patterns of racial concentration. In furtherance of this policy, . . . [HUD and all] other departments and agencies administering housing programs . . . will administer their programs in a way which will advance equal housing opportunity for people of all income levels *on a metropolitan areawide basis*.

Sources and for further reading:

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Gautreaux v. Chi. Hous. Auth., 503 F.2d 930, 937 (7th Cir. 1974) (quoting Secretary Romney).