CALIFORNIA TEST CASE: THE CHURCH AND FAIR HOUSING
PROPOSITION 14

California citizens will be called upon this November to choose between legalized bigotry, or the continuation of orderly progress in the field of intergroup relations. The issue involves not only Californians but the nation as a whole and approval of this Amendment will set off a chain reaction which may well establish a precedent for similar action in other states. The California Real Estate Association (CREA), as part of a national campaign to put Real Estate Associations in a position outside the control of laws, has placed an initiative Constitutional Amendment on the California ballot this year. The Amendment would deny to the State legislature, or any local legislative body, the power to enact laws controlling the sale or rental of real property.

The exact language of the Amendment is as follows:

"Neither the State nor any subdivision or agency thereof shall deny, limit or abridge, directly or indirectly, the right of any person, who is willing or desires to sell, lease or rent any part or all of his real property, to decline to sell, lease or rent such property to such person or persons as he, in his absolute discretion, chooses."

By removing tract developers, real estate promoters and landlords from the control of law, this measure would freeze segregation - as a basic "right" - into Article I of our State Constitution.

The amendment is far more than a repealer of the Fair Housing Act

This far-reaching change in California's basic law is designed - according to its proponents - to repeal the recently enacted Fair Housing Law (Rumford Act). By spreading misconceptions about Fair Housing, and then by calling their amendment the "Anti-Rumford Initiative," the CREA is deliberately fostering a hoax. This proposal is not only a repeal of the Rumford Act.

The major effect of this amendment would be to create a new kind of property right - which has never existed before - and vest it in the hands of real estate promoters, tract developers and landlords. It would give them the absolute right to sell or rent to anyone, "as he in his absolute discretion, chooses." Such "discretion" can, and probably will, result in selective discrimination against Catholics, Jews, Greeks, Filipinos, Mexican-Americans, Negroes and anyone else whose exclusion could conceivably satisfy the prejudices of the seller.

This concept is alien to our state and our nation. It is not dignified by legal status in any state - not even Mississippi - in the United States, and in no nation in the western world.
CALIFORNIA CHRISTIANS FACE THEIR GREATEST MORA L CHALLENGE

The Rev. John H. Burt
Rector - All Saints Church - Pasadena

"The greatest single moral challenge ever to confront the electorate in the history of California."

This is the way in which leaders of nearly every branch of the Christian Church describe the proposal of the California Real Estate Association (CREA) to amend the State Constitution in November 1964.

The churches of California are hot "Johnnys-come-lately" to the civil rights scene. They have, in fact, a long history of concern in the area of racial justice in employment and housing. Through the efforts of the California Committee for Fair Employment Practices, composed largely of clergy and labor leaders, FEPC was achieved in the State during 1959, John Anson Ford, leading Congregational layman, was its first chairman. Dropping the word "employment" from its title, this same committee then concentrated on the field of housing and spearheaded the drive for successful passage of the Fair Housing Act, the Hawkins Fair Housing Act, and finally the Rumford Act of 1963 which authorized the State Fair Employment Practices Committee as the appropriate agency to investigate and prevent discrimination in about 70% of California's housing.

The ink of Governor Brown's pen was hardly dry on the Rumford Act, however, before the CREA announced its intention to destroy it. After first considering a simple referendum to outlaw the bill, the reallors decided instead on "larger game," an amendment which would forever tie the hands of all state governmental bodies from legislating in the field of fair housing.

Church leadership was quick to respond to this challenge. Before the CREA had succeeded in circulating the necessary petitions to place the measure on the ballot, nearly every denomination took a public stand in opposition. Bishop Bloy and the Executive Council of the Episcopal Diocese of Los Angeles was one of the first to speak with unanimous voice. Bishops Clarence Haden, James Pike, and Sumner Walters quickly spoke forth. When the CREA Initiative finally qualified in April and there appeared likelihood that it might go on the June ballot, catching an electorate by surprise and failing to give the opposition sufficient time to mount a campaign, over 200 church leaders were among those who converged on Sacramento to persuade the legislature to hold the measure over until November.

At about the same time, the State Councils of Churches in both Northern and Southern California voted to give the bill the top priority. In the south, Dr. Carroll Shuster, United Presbyterian Executive, accepted chairmanship of a special Civil Rights Committee. A co-opted staff, composed of executives from six of the major denominations set up a special office, raised funds, produced brochures, mailed mailings, organized local committees, and staged a series of press conferences.

One of the first major efforts was a "Religious Witness for Human Dignity" rally which brought out 15,000 persons to hear the Rev. Dr. Martin Luther King and Dr. Myron Cole, outspoken president of the Council of Churches in Southern California. Major appearances of Dr. King before similar massed audiences were held during the spring in San Francisco, Fresno and San Diego. Among the most impressive demonstrations of protest was the march of 35,000 persons up Market Street to the Civic Center in San Francisco on July 12th on the eve of the Republican National Convention. Currently, Civil Rights leaders are calling for continuing demonstrations of the kind, possibly to be scheduled on the fourteenth day of each month. In this and many other ways the churches and their councils are joining forces with the Civil Rights Movement and the blue ribbon, bipartisan committee appointed by Governor Brown, now called "Californians Against Proposition 14." As the difficult but necessary task of organizing precinct-by-precinct began it was evident that church leadership was playing a decisive role.

Yet, for all this zeal, it is only fair to admit that church leaders are not successfully bringing along the majority of their congregations in the struggle. The ministers of Glendale, an all-Caucasian suburb of Los Angeles, for example acknowledged in July that 30% of their congregations favored the discrimination amendment and resisted clergy efforts to oppose it. A Sierra Madre rector saw his parish split down the middle when he offered the use of his church buildings for a discussion. Opponents threatened to withhold 90% of their offerings. Tension was aroused when the Dean permitted CORE to hold an educational program in Grace Cathedral, San Francisco. The Rev. Charles Eldon Davis, Chairman of the Department of Christian Social Relations for the Diocese of Northern California, reports that throughout the state a majority of Episcopal clergy wish to appear neutral on this issue; therefore, they keep a respectful silence.

A Roman Catholic human relations committee, composed of laity does great work in Southern California. In the Archdiocese of San Francisco, Fr. Eugene Boyle, Chaplain of the Catholic Interracial Committee has provided tireless leadership in close cooperation with all the major faith's a role which began at the 1962 San Francisco Conference on Religion and Race. The Pastoral letter of the Most Rev. Floyd L. Begin, Roman Catholic Bishop of Oakland is one of the strongest statements heard by any congregations in the state.

A June opinion poll showed a substantial majority of Californians still willing to write fair housing legislation from the state by supporting this Constitutional amendment. Passage of the CREA measure will indicate that despite the vigorous efforts of many leaders in the church, prejudice and fear are not to be unraveled.

Churchmen in California are being called to witness to their faith in this time of moral crisis. While some are withdrawing their support, others are finding deeper meaning in the Gospel of Jesus Christ. Suffice it to say the Churches of California will never again be the same.

"The proposed constitutional amendment, Proposition 14, is not solely a referendum on our fair housing law. It goes far beyond that. It is an attempt to change our basic constitution by adding a section which would prevent the state, cities, counties or courts from enforcing equal rights in the field of housing. This radical proposal is being supported by misrepresentation of our law and by denying that Proposition 14 is aimed against Negroes, Mexican-Americans and other minorities. But the real purpose is clearly legal discrimination against our minority citizens. Will we say to them, 'We don't want you!'? Will we provide a legal civil rights procedure for grievances in the field of housing? Or will we allow no remedy but the pistol line? This is the decision which must be made."

Edmund G. Brown
Governor of California
How Eichler sells open occupancy with no fuss

Eichler Homes is one of the half-dozen best-known homebuilding companies in the U.S.—for its design standards, its merchandising, its position as the biggest builder of $25,000-plus houses, its diverse projects in California. And, not least of all, Joseph L. Eichler and his son, Edward, are widely known as pioneers in selling on an open-occupancy basis. Many industry people have wondered why, and how, and with what failures and successes. Among those interested have been Administration officials concerned about housing minority groups.

To find out what so many want to know, HUD sent Marshall Kaplan of its division of urban studies to interview Ned Eichler on the evolution of the Eichler policy and its effect on Eichler’s operations. Here, as a House realizes the Eichlers’ experience may be atypical in view of their almost unique position in the industry. But few could doubt that there are lessons aplenty for everyone in housing in the Kaplan-Eichler question-and-answer report. Here is the verbatim report (necessarily abridged from its original 11,000-word version).
Q. How many acres have you had since you started in 1948?
A. Almost 200 acres.
Q. I would not say out of about 700 acres, a year, about 30 to 40 acres are sold in Nagro. Maybe twice as many in Nagro go up as in economics wise.

Q. Do you always sell lots under an open occupancy basis?
A. No. We always have some date that we always sell to Orientals. I think the five years that we sold to Oriental in 1951 in Palo Alto. This was at first this time ever came up. Some people in this neighborhood got a little upset when he made the deposit and before he moved in; I was nothing of any great proportion.

Q. Do you have any plan?
A. No, we don't have any plan.
Q. From that time, we sold to a considerable number of Japanese. What interest do you have in the subdivisions around Palo Alto. We were selling the bulk of the lots at $1,000 to $1,600.

Q. What was the community reaction in your selling to Orientals? Any pressures, any changes in standards?
A. No, no community reaction at all.

Q. When did you begin to sell to Negroes?
A. In the fall of 1954. We had started a subdivision in Palo Alto for 243 houses. It was called "the Alto"—and probably the first one in the country—in which there were to be planned community facilities—a nursery school, swimming pool, and a park. We had committed ourselves to a higher price rate in volume, in $18,000 for $19,500. The subdivision was eventually sold, but I don't know about nowadays or today without some gross manoeuvre. I was working in the office one night when I noticed some discrimination in the "set of you house". They would sell houses to Negroes, but only when they were not to discriminate in the "set of you house". I never heard this question before I had done some personal selling, but for more than 20 years, I was told, "I don't know what you mean."

Q. What salesmen were in your office at that time?
A. I don't know. I was always with some of our top salesmen.

Q. What was the attitude of the Negro in your subdivision?
A. I don't know. I was always with some of our top salesmen.

Q. What was the reaction of the Negro in your subdivision?
A. I don't know. I was always with some of our top salesmen.

Q. When did the Negroes move in your subdivision?
A. About a year later, a couple of doctors who had house purchased by our subdivision in Marin County came to see me in Palo Alto. We had sold them 3rd of 60 acres on 60,000 square feet, which were very good land. The doctor had a personal problem and he didn't think he could live there because his wife was unhappy. Would we buy the house and house the house back from them? We did, and we sold it to another Negro.

Q. What was the reaction of the Negro in your subdivision?
A. I don't know. I was always with some of our top salesmen.

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Q. What did you do?
A. I don't know. I was always with some of our top salesmen.
Q. Did you at any time have your advances to say to anybody in Negril or did they gradually into the process until you got more...?
A. No, we talked about it, but decided not to follow. We were nowhere near any kind of similar situation, and we didn’t even know how to do it. We never had to face it...I suppose there might be a point under certain conditions when a builder would have to face that.

Q. Most examples of insured, open- occupancy house developments are not in place on the former of the Negril plots. You have built in the central city. In San Francisco you have built right in the middle of the city. Have you considered putting smaller houses in the city...
A. We have a subdivision in San Francisco consisting of townhouses priced from $29,000 to $32,000 (June, Dec.) It is in an old site at the city right near an old public housing project built before World War II and one of the units with about one-third Negro occupancy. This city has several thousands of Negroes. It is a class distinction, a problem. We have indeed been asked about all kinds of projects which when completed will have 300 to 600 people in it. We have, of course, said yes.

Q. What is the average price of your homes?
A. Yes. As to price, before some recent Riders sub-divisions have been only slightly above the average price in our projects. I don’t think even in a lower price range, that is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, but it is a useful statistic, 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"THERE ARE NONE HERE, SO WHY SHOULD I BE CONCERNED?"

By the Rev. Robert D. Xible, Rector
Trinity Church, Nevada City, California

In December 1963, Nevada County had only one Negro family in residence when the petitions for the repeal of Civil Rights Legislation began to be circulated by real estate officers and members of the extremist groups. This county is almost a white ghetto. During the Christmas season an article appeared in one of the local papers telling people where they could sign these petitions.

On January 2, I sent a letter to both our local papers urging the Christians of the community to weigh heavily the theme of 'Peace on Earth, good will to all men' against a proposal which stood in direct opposition to this. Ten two papers handled it differently. One made it into a news article and ran it on the front page with a head-line and hacked it up with a very strong editorial. The other paper ran it in "letters to the editor" and editorially attacked me for speaking on political issues. Letters pro and con ran heavy for a month.

Since that time adult groups in Trinity have been discussing these issues. We have had extremists come in to debate. There have been a few additional news articles on the morality of willful segregation.

Quite a few persons within this parish and others in the community are presently working to change opinions and calm fears. So far the real estate interests are solidly standing together and spreading quite a lot of slander. Unfortunately, no other church group in this town has thus far made any stand on the civil rights issue.

Our next step will be taken in September.

SOME PERTINENT QUESTIONS AND ANSWERS

by Morris Sanderson

Dr. Sanderson, a chemist by profession, when asked why he decided to work in this new area, replied, "Unless prevailing attitudes toward racial groups can be changed, we will inevitably have more and stronger demonstrations. Harassment will grow and our society will become less stable." Continuing, this stalwart layman commented, "The denial of justice to any group eventually will cause revolution - violent or non-violent in expression. The civil rights movement in the main commands respect for its non-violence, discipline, dignity and effectiveness."

"I believe it is the responsibility of the individual to take a stand and work for justice for all citizens." The three following questions are among the most frequently asked of Dr. Sanderson and other churchmen as they execute their responsibility in the area of human relations.

1. Demonstrations

How can we understand and defend these demonstrations that we read about? If they continue, I will vote for the Initiative.

The responsible "demonstrations" which we read about in our papers and see reported in the news media are a means of registering a protest against the oppression and the unjust administration of law which has been taking place within our society.

Our Church teaches and defends certain kinds of "demonstrations" and deplores others.

Our Church teaches that an act of violation of law for the express purpose of determining the constitutionality of that law or ordinance is within the duty and the responsibility of the concerned Christian and the concerned citizen. To test the constitutionality of law it is necessary to violate the law, be arrested under the provisions of that specific law, and through judicial procedure, determine whether the law will be upheld by the courts of the land. This is the kind of demonstration, our Church indicates its respect for the system of law and the courts which we have in this country.

Our Church teaches that we should understand our brother when he takes part in an act of civil disobedience in response to the dictates of his conscience. It does not call all of us to this service -- it calls us to be understanding of our brother when he is called. Each of us has probably taken part in such an act. We did it when we exceeded a speed limit as we rushed an injured friend or neighbor to the hospital for the treatment of that injury. In so doing we knowingly violated law in response to the sensitivity we had for the injury of our brother. We knowingly violated law to get a problem of pain to a place of treatment. We, in that particular instance, were acting as an "agent of reconciliation" for a physical injury.

continued on p. 20
In exactly the same manner, we have large numbers of our population today who are sensitive to the "injury" which has been inflicted on our racial minorities. And laws are being knowingly violated to rush that "injury" to the place where it can be treated. That place may be our legislative halls, our schools, our business firms, and our Churches. Christians, who are called to be instruments of reconciliation in the world, will be involved in this kind of a demonstration. We are called to be understanding of our brother and to assist him in acts of reconciliation as members and servants of the Church. -- Now just as there are "ambulance chasers" in our midst who follow behind the ambulance and do so for the "thrill" rather than for any system of values, we can expect to find "thrill-seekers" attaching themselves to the responsible acts of this kind of a demonstration. The "thrill-seeker" is deplored -- the true act of reconciliation is joined and understood.

Finally, our Church teaches that we minister to all. Thus we should not be surprised to find Presbyterians ministering to demonstrators even as they minister to other segments of our society.

To draw the equation that because we are having demonstrations one is inclined to vote in favor of the initiative is drawing an improper equation. The initiative is a step away from -- a road block -- to reconciliation of our social injury. A "yes" vote would make reconciliation almost impossible, it would enhance the "injury". Clear thinking rather than confused thinking is necessary for any convinced Christian.

2. Communist infiltration

Isn't this whole civil rights issue Communist inspired?

The fear of communism seems to come from a lot of propaganda which has been distributed by right wing groups.

Communism and communist influence can be detected by a simple test. Is the program one which leads to maintenance of the tension and the conflict in our society or does it lead toward a reconciliation of the tensions, the conflicts, the injustices. The program of the responsible civil rights groups, the program of the Church, the program of the United Presbyterian Church seek to reconcile the injustice and the attitudes which lead to tension and conflict in our society. They are the opposite of communist ideology and practice. Each person who fears communist techniques and infiltration should examine issues on this basis. And if he is afraid, call the FBI for service rather than go on in his fears.

3. The Church and Politics

What business is it of the Church to be taking a stand on a political issue?

Our Church teaches and believes that we are a part of a community of God to be instruments of His reconciliation, love, grace, and judgment in our real world and in our time. This is the great mission of the Church -- to proclaim in word and in deed that we are all creatures of God. The Church in making its witness, its proclamation of the gospel, must speak in the context of real time and real issues. The racial crisis of our day is but one of the many to which we address ourselves as "agents of reconciliation." Christianity is not a series of acts which we label as "This do" -- rather it is the grateful response and the continuing and courageous proclamation of "because an Event has happened." Because we are creatures of God, redeemed by the ineffable Event of Christ, we see all men as equal in His sight. (My thanks to Evelyn Underhill for the capsule bit of theology which is expressed above!)