



Office of the Attorney General
Washington, D. C. 20530

April 30, 1998

MEMORANDUM FOR ALL DEPARTMENT OF JUSTICE EMPLOYEES

FROM:

THE ATTORNEY GENERAL

SUBJECT:

A MESSAGE FROM THE ATTORNEY GENERAL ON
THE 30TH ANNIVERSARY OF THE FAIR HOUSING ACT

Three decades ago, in April 1968, Congress declared:

"It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States."

The Fair Housing Act became law only days after the tragic assassination of Dr. Martin Luther King, Jr. Cities across the country, including the Nation's Capital, had erupted in racial violence following Dr. King's death. Passage of the Fair Housing Act in those dark days provided a sign of hope that the terrible divisions that sparked the violence could be healed. Dr. King's message of fundamental fairness would live on in the laws of the United States.

After 30 years, fair housing — the right to live wherever one wants and can afford — remains the heart of the American dream. As we mark this important anniversary of the Fair Housing Act, those of us charged with enforcing it understand that its promise has yet to become a reality for far too many. Thus, it is important today to recommit ourselves to the national policy and moral imperative that housing be made available to all citizens on the basis of equality and fairness.

We cannot permit race, color, religion, sex, national origin, familial status or disability to be the factors that determine whether an individual can rent or buy a home. We must bring down the discriminatory barriers that persist in home sales, apartment rentals, home mortgage loans and property insurance.

Throughout my tenure as Attorney General, I have made the fight against housing discrimination among my highest civil rights priorities. Discrimination sometimes is very ugly—when force or violence is used to frighten people away from the homes they seek. We have been very aggressive in fighting these kinds of hate crimes. Just in the last few years, the Civil Rights Division has prosecuted vandalism and cross burnings, invasions of homes, shootings and firebombings in 21 states ranging from New York to California and Maine to Mississippi.

We have also been aggressive in pursuing less violent, but equally illegal, forms of discrimination. It is still all too common for an African-American who is looking for an apartment to be told that nothing is available at the desired time, or in the right size, or price range. This applicant will go away disappointed, but totally unaware that the color of his/her skin made all the difference.

To detect this kind of "discrimination with a smile," the Department of Justice has developed a testing program, using individuals of various races to compare whether housing providers give them the same information about price, terms, and availability. Often, we find, they do not. Since the creation of the program in 1992, the Department has filed 46 cases based on evidence developed through the testing program. As a result of these actions, nearly all of which have been settled, thousands of housing units have become available on a nondiscriminatory basis and millions of dollars in damages have been paid to victims of discrimination or in civil penalties.

We have made significant progress in the last 5 years in the area of fair lending and home insurance. The Department has brought and settled 15 major cases to end discriminatory home mortgage and insurance practices in marketing, underwriting, and pricing. I am very pleased to see that other enforcement entities have also begun to focus on these issues. The bank regulatory agencies, the Department of Housing and Urban Development, and state agencies have all become more active in the last few years. Our cooperative efforts mean more and more people can pursue their dream of homeownership free of discrimination.

We share enforcement responsibility under the Fair Housing Act with the Department of Housing and Urban Development, which handles thousands of individual complaints of discrimination. Under Secretary Andrew Cuomo's leadership, HUD has dramatically stepped up its fair housing enforcement efforts. He has pledged

to double the number of enforcement actions over the next few years. With Secretary Cuomo, I share a vision of "One America" and together we are steadfast in our commitment to make the 30 year old promise of the Fair Housing Act come true for all Americans.

Finally, I commend the dedicated federal employees whose hard work over the years has helped many individuals obtain their rights to equal opportunity in housing.