ment, and other), *and white and nonwhite families.* (*The nonwhite breakdown may be eliminated for any community in which it is a substantiated fact that all housing resources, public and private, are fully available to all families without regard to race.*) * * *" [Emphasis added.]

Morality aside, this posture was certainly legal when the program guide was published in August 1962. However, by the following year, it had begun to be recognized that at least the urban renewal program should require a prohibition on racial discrimination. A Federal court had so held,[6] and the Urban Renewal Administration (URA) had issued a public statement on June 25, 1963, banning the listing of segregated housing accommodations by local relocation agencies. This statement recognized that the URA "has a responsibility for seeing" that families displaced by urban renewal "are assisted in finding housing accommodations that are free from racial or other such restrictions." Unfortunately, the proposed plan announced in 1963 was never put into effect by the HHFA.

The fact remains that what was a forward-looking proposal in 1963 has become a mandatory requirement under title VI of the Civil Rights Act in 1964. The great displacement impact of Federal construction and acquisition programs chiefly affects the metropolitan communities of the Nation, where housing segregation remains a fact of life.

A great number of metropolitan areas benefiting from Federal financial assistance presently have no legal prohibitions against racial discrimination in private housing. Almost half of the 30 largest cities in the United States are without such laws covering either the central city or affecting their suburban environs. Three of these cities (Chicago, St. Louis, and Washington, D.C.) have housing ordinances which cannot reach the adjacent suburbs. In 10 others, neither the central city nor its suburbs are covered by prohibitions against racial discrimination in housing: Atlanta, Baltimore, Dallas, Houston, Kansas City, Memphis, Milwaukee, New Orleans, Phoenix, and San Antonio.

In those cities which today do not prohibit housing discrimination, persons displaced by Federal programs such as urban renewal and highway construction are necessarily subjected to racial discrimination until community patterns are broken by legal prohibitions on segregation. For it is admittedly beyond the capacity of Federal agencies to insure that, as a result of Federal actions, thousands of displaced families will find adequate housing within the narrow range of choice presently provided by segregated housing practices.

Under the Federal highway program, there is no regulation requiring mandatory relocation assistance to the people displaced by eminent domain. Urban renewal regulations do require relocation aid, but up to this very moment local public agencies are meeting this Federal requirement with segregated housing in many communities. Thus, despite the mandatory title VI guarantee that no one shall "be subjected to discrimination under any program or activity receiving Federal financial assistance," under presently prevailing conditions most of the one and a half million Negro citizens estimated to be displaced by federally financed construction and acquisition activities in the 8 years following the 1964 Civil Rights Act will be forced to relocate in racial ghettos. There, they will pay a higher proportion of their incomes for accommodations that are smaller, more overcrowded, and of poorer quality than those of the rest of the population.[7]

There can be no question that such programs as Federal highway construction and urban renewal are subject to the affirmative requirement of title VI. These are two of the largest Federal assistance programs, with Federal money going directly to pay for the acquisition of the land from which citizens are displaced. Thus, title VI requires an immediate change in policy and administrative practices of the concerned Federal agencies to guarantee each displaced family a free choice of housing relocation unhampered by artificial restrictions of race, color, or natural origin.

II. FEDERAL ASSISTANCE TO PRIVATE HOUSING

Private housing benefits materially and tangibly from a variety of significant forms of Federal financial assistance. Before a house is ever constructed, the builder knows that among the absolute necessities for the marketability of his houses are adequate water and sewers, electricity and access. Beyond these direct necessities is a larger area of vital supporting community services: hospitals, libraries, public schools, recreational services, parks, neighborhood facilities, and similar amenities. While not absolutely necessary for the habitability

[6] *Smith* v. *Holiday Inns of America, Inc.*, 220 F. Supp. 1 (D.C. Tenn. 1963).

[7] "The Heart of the Matter: More Housing for Negroes," Chester Rapkin, the Mortgage Banker, February 1964.