

# 'Fair Housing' - The Maneuvering In The Senate

LANSING—The State Senate Thursday gave 22 to 14 approval to the "fair housing bill" (SB 804) sponsored by Sen. Charles Zollar and supported by the Romney Administration. Here is a tabulation of the vote:

Republicans for—11: Oscar Bowmans of Muskegon, Gilbert Burnstey of Ann Arbor, Gary Byker of Holland, Harry DeMaso of Battle Creek, Emil Lockwood of St. Louis, Robert Richardson of Saginaw, Thomas Schweigert of Petoskey, Anthony Stamm of Kalamazoo, Robert Vander Laan and Milton Zaagman, both of Grand Rapids, and Charles Zollar of Eastland.

Democrats for—11: Basil Brown of Detroit, Arthur Cartwright of Detroit, Roger Craig of Dearborn, Raymond Dzendzel of Detroit, William Faust of Westland, George Fitzgerald of Grrosse Pointe Park, Jerome P. Hart, of Saginaw, Garland Lane of Flint, Sander Levin of Berkeley, Michael O'Brien and Coleman Young, both of Detroit.

Republicans against—5: Frank Beadle of St. Clair, N. Lorraine Beebe of Dearborn Heights, James Fleming of Jackson, Robert Huber of Troy, Harold Hungerford of Lansing, George Kuhn of West Bloomfield, Harvey Lodge of Waterford, Gordon Rockwood of Mt. Morris and John Toepf of Cadillac.

Democrats against—5: John Bowman of Roseville, James Gray of Warren, John McCauley of Wyandotte, Stanley Novak and Stanley Rozycski, both of Detroit.

Absent—3 Democrats: Joseph Mack of Ironwood and Charles Youngblood of Detroit.

By TIM RICHARD  
Sunday Editor

In politics, it's a good idea to avoid voting "no" on a hot issue when the pressure is on. Take the teeth out of the bill you don't like; offer some kind of substitute that will swing borderline votes; divide the opposition forces — these are far more gentlemanly tactics.

So it was in the Michigan State Senate last week as Gov. Romney and Senate Republican Leader Emil Lockwood put on the heat for a "fair housing" bill to outlaw bias



SEN. ROBERT HUBER



SEN. GEORGE KUHN

in real estate transactions. They were joined by some Democrats, including a suburbanite, Sen. Roger Craig of Dearborn.

Among those opposed to the administration's bill were a pair of Oakland County suburbanites — Sen. George Kuhn, of West Bloomfield, who represents the Observatory and Plymouth; and Sen. Robert Huber, of Troy. Both are Republican conservatives.

This is a case study in some of the methods Kuhn used in fighting the bill and the arguments for and against his proposed alternatives. It is based on interviews on the floor of the Senate with Kuhn, Huber and Craig along with an examination of the bills.

The Romney-Lockwood leadership made what was considered a politically clever opening move by getting as sponsor of the fair housing bill one of the Senate's most conservative Republicans, Charles O. Zollar of Benton Harbor. The "hot" and "chill" of this maneuver are another story in themselves.

In brief, Zollar's SB 804 lists certain activities that are to be considered "unfair housing practices," excludes some practices, provides for enforcement by the state Civil Rights Commission or local CRCs, and spells out punishments and corrective actions.

The debate went on for more than a week during which Kuhn offered amendments, his own substitute bill, and support for another substitute bill sponsored by Sen. James Fleming, R-Jackson.

THE CIVIL RIGHTS Commission was a major bone of contention.

"A kangaroo court," Kuhn calls it, charging it engages in "undue harassment" of persons charged with bias.

Last year the CRC had 3,320 cases. Eighteen of those cases went to court, and in only 15 did the court issue "cease and desist" orders. In the other 3,315, no court order was issued," Kuhn says.

The lack of formal trials in courtrooms bothers some critics. Both Kuhn and Fleming substitute bills provide for handling of complaints by county prosecutors in circuit courts.

Huber is a frequent and articulate critic of the CRC.

"It's very biased (against the accused). Something like 65 per cent of the CRC's employees are Negroes. Does that sound unbiased?"

"We have three branches of government — legislative, executive and judicial. The CRC wants to be a fourth branch, not subject to review by the Legislature.

"You (a legislator) write and ask them for something. The first thing they say is, 'we're not under your supervision.' Then they'll answer the question as if they were. They're being real nice now. But this thing is growing. They're after more funds, and

## Two Bills Spell Them Out

# What's An 'Unfair Housing Practice'?

Despite Sen. George Kuhn's disagreements with the Romney Administration's proposed "fair housing bill," both the administration bill (SB 804) and Kuhn's substitute contain virtually identical language on what would be outlawed.

They're also similar in the kind of housing deals that would be exempted from the law.

CHAPTER 2 of both bills defines "unfair housing practices."

It provides that "an owner, a real estate broker or salesman, or any other person" may not rely on "race, color, religion or national origin" for any of the following activities:

- (a) To refuse to negotiate for a real estate transaction with a person.
- (b) To refuse to engage in a real estate transaction with a person.
- (c) To discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services.
- (d) To refuse to receive from, or to fail to transmit to, a person, a bona fide offer to engage in a real estate transaction.
- (e) To represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property.
- (f) To publish or advertise, directly or indirectly, an intent to make a limitation, specification or discrimination.
- (g) To use a form of application for a real estate transaction for the purpose of making a limitation, specification or discrimination.
- (h) To make a record or inquiry in connection with a prospective real estate transaction which indicates the race, color, religion or national origin of a person.
- (i) To offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in the furnishing of facilities or services.

cial assistance in connection with a real estate transaction or for the construction, rehabilitation, repair, maintenance or improvement of real property, or a representative of such a person.

SEC. 204 prohibits the practice of what is commonly called "block-busting." Often employed in Detroit in recent years, "block-busting" means scaring practically everyone in a neighborhood into selling out because of an influx of Negroes.

The section makes it an unfair housing practice for a person who may gain financially to "induce a real estate transaction" by using the following methods:

- (a) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion or national origin of the owners or occupants in the block, neighborhood or area in which the real property is located, or
- (b) To represent that this change will, or may result in the lowering of property values, or an increase in criminal or antisocial behavior or a decline in the quality of schools in the block, neighborhood or area in which the real property is located.
- (c) To retaliate or discriminate against a person because he has opposed an unfair housing practice, or because he has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under this act.

CHAPTER 3 of both bills provides for "exclusions" — that is, the rules about "unfair housing practices" don't apply in some cases. For example:

**JUSTICE IS COLOR BLIND**

**OPEN HOUSING**

**WHY NOT?**

OPEN HOUSING was one of the concerns of high school students who entered a poster

## The State Constitution

"...Nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of his religion, race, color or national origin. The legislature shall implement this section by appropriate legislation."

—Art. I, Sec. 2

"There is hereby established a civil rights commission which shall consist of eight persons...It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin..."

"Appeals from final orders of the commission... shall be tried de novo before the circuit court having jurisdiction..."

—Art. V, Sec. 29

they're trying to extend their power into more areas."

(Michigan's Civil Service Commission, Michigan State University, the University of Michigan and others have similar constitutional status barring legislative interference.)

The Public Service Commission, the Liquor Control Commission and other state agencies are authorized to make legally-binding quasi-judicial decisions, as does the CRC.

Craig, an attorney who is respected in liberal circles, opens his argument by saying the Zollar bill sends cases to the CRC but provides for judicial review.

But the main thrust of Craig's argument is that the Civil Rights Commission's investigative process "lends itself much more seriously to conciliation of the parties... There's a chance to convince a bigot that he's violating the law; there's a chance to show a complainant that his complaint is false."

"Courts are operating by 'adversary' proceedings — the prosecution on one side, the defense on the other. As soon as you go into court, you draw battle lines." Craig disagrees entirely with the idea that the CRC is biased against the accused.

- "(a) To the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the lessor or a member of his family resides in one of the housing accommodations.
- "(b) To the rental of a room or rooms in a single family dwelling by the owner or lessor if he or a member of his family resides therein."

**Now Anyone Can Afford a HEARING AID**

Wonderful for nerve deafness—just slip it in your ear and hear again as nature intended. Do you hear but do not understand? There is offering these true-life size replicas, that you can wear in the privacy of your home, absolutely FREE. It is yours to keep.

These models are FREE while the limited supply lasts. We suggest you phone KE 7-1840 for yours, or write today.

**NEW LOW PRICE!**

- NO CORDS OR TUBES
- MORE POWER!
- REDUCES WIND NOISE UP TO 75%
- LONG BATTERY LIFE
- SILICON TRANSISTORS

Name.....  
Address.....  
City..... Phone..... State..... Zip.....

**Metro Hearing Aid Center**  
24821 Five Mile Detroit 39

**YOU KNOW HIS RIGHTS**

**WHY WAIT FOR THE LAW TO TELL YOU**

contest on the theme of "social justice" sponsored last week by Livonia Mall.

"Granted that most persons who seek employment with the CRC have some commitment to the integrative process. But that's at the lowest level of work. At the highest level, the people are more in line with the chief executive's thinking."

"The Civil Rights Commission is more easily intimidated by the White Establishment than are the courts. And what Huber misses is that in circuit court, you could draw a Negro judge or a John B. Swanson (former Democratic governor, a liberal)," says Craig.

But while he sees plenty of chances for courts to be more liberal than the CRC, Craig feels the CRC has the advantage of working much faster than the courts. "The courts are so damn slow; they'll just further delay fair housing," he adds.

THE INDIVIDUAL HOMEOWNER is one of the centers of Kuhn's attention.

In his own bill and amendments, Kuhn has tried to get the homeowner who sells his house without help exempted from the fair housing law.

Kuhn cites the State Supreme Court's opinion in the case of Beech Grove Investment Co., which allegedly refused to sell a lot in the Bloomfield area to a Negro couple from Inkster.

Said the court: "There is a civil right to private housing... where... that housing has been publicly offered for sale by one who is in the business of selling housing to the public." In that case, the Negro had read

Continued On Page 7C

**KEEP YOUR EYE ON THE MALL**

APRIL	
MONDAY	SAM FIELD'S ART SHOW in Mail all week. EASTER BUNNY Pull lever for free Easter Eggs, prizes! Have Kidzies include TAKERS! with Easter Bunny Crowley Court.
8	
TUESDAY	LADIES DAY 10 a.m. - 5:00 movie, Cinema L. WEIGHT WATCHERS, Community Room 12:15. See ART SHOW in Mail also LIVE EASTER BUNNY
9	
WEDNESDAY	COLONIAL SENIOR CITIZEN Community Room 12:00 Did you kids get a free Easter Egg yet?
10	
THURSDAY	ART SHOW including pottery, sand and wood-making demonstrations daily in Mail. LIVE EASTER BUNNY giving prizes.
11	
FRIDAY	See exhibits from many artists. ROTARY ANNS in Mail with Easter Liv' ens. EASTER BUNNY is in his funniest pose to see you!
12	
SATURDAY	LARGE ART DISPLAY, one of the most interesting in Michigan. EASTER BUNNY still here. COIN SHOW in Community Room 10:00 to 9 p.m.
13	
	Don't forget to visit the EASTER BUNNY near Crowley's mall.

**Meet You At The Mall!**  
Open MON., THURS., FRI., SAT. to 9 p.m.  
Open TUES., WED. until 5:30

There's always something going on at...

**LIVONIA MALL**  
7 MILE AT MIDDLEBURY