

Berkeley Apartheid: Unfair Housing in a University Town*

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This essay suggests that in 1962-1963, before Birmingham and the March on Washington, a coalition of Black and White civil rights activists, labor, and religious leaders were in the vanguard of the struggle both on the Pacific Slope and in the nation. Berkeley's battle for fair housing represented an important phase of the civil rights struggle on the west coast and in cities where racial segregation was not based on law, but part of a conspiracy, silent but quite effective, among realtors, mortgage lenders, and renters, against Blacks and other minorities. Encouraged by state antidiscrimination legislation, Berkeley activists embarked upon a fair housing campaign based on surveys of the problem, efforts to enact legislation, and direct action. The irrationality of racists who defended their right to discriminate was one of the most singular aspects of the fair housing struggle. Though they lost at the local level, the coalition of new political forces succeeded a few months later at the state level and represented an effective force in liberal politics in the city for years to come. Because of the stiff opposition and the limits of reformers' liberal fair housing regulations, however, working class and poor African Americans still faced severe housing problems.

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I have not come tonight as a beggar asking for a gift. I have come as your fellow citizen hoping to persuade you to do what, according to my understanding, is constitutionally right and desirable. America is racially separated in housing because the white power structure in our communities has planned it this way. (*Berkeley Daily Gazette*, November 28, 1962, p. 1)

The Negro has not won any of his battles on the majority vote of the people. If left to the electorate, civil rights would have a good chance of defeat. (*Berkeley Daily Gazette*, October 11, 1963, p. 2)

The real issue of the [Black] man on the street is the changing of his mind as to who really owns the world. The attitude is still current that the white folks are in control and they think they own everything. (*Berkeley Daily Gazette*, October 11, 1963, p. 2)

Nationalist and anti-imperialist movements and revolutions in Asia and Africa began before World War II and, after they threw off the yokes of imperialism and colonialism, climaxed with the formation of independent nations. In the U.S., civil rights movements paralleled the nationalist and internationalist movements that sought a realignment among world powers and their former colonies¹.

Civil rights protestors gained momentum from the famous Brown vs. Board of Education decision made by the Supreme Court in 1954—at precisely the time when nationalists embarked upon liberation struggles in

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¹ As the late historian Nathan I. Huggins used to say, it was a matter of people who thought they were the center of the universe moving over to make room for others.

Kenya and Algeria. Many scholars have focused on the movement in the South and the subsequent shifts in power after the demise of legal segregation, but a few have examined civil rights efforts in northern and western cities and, on the Pacific Slope, Los Angeles in particular².

Berkeley's fair housing campaign of 1962-1963 provided a window into the city's civil rights movement and that in the Bay Area and California generally. Since legal racial segregation was not enshrined in this region, the NAACP (National Association for the Advancement of Colored People) and its allies chose to improve housing, employment, and educational opportunities for African Americans in the Golden State and northern cities. Their struggle took place in a series of organized campaigns involving state and federal legislation and judicial decisions, national and Berkeley government sub-committee efforts, civil rights campaigns, civic group reports, and direct action.

This research on Berkeley and its fair housing movement led the author to three conclusions: That despite its reputation as a progressive and liberal university town, the city practiced a form of racial segregation, or apartheid, limiting Black as well as Asian American citizens to residing in the southern and western flatlands of the city and excluding them from jobs in the businesses, banks, downtown stores, and the university—except in menial positions—until the 1960s. A similar point about the entire state was made by Pat Brown's biographer, Ethan Rarick, who contended, "Blacks and whites were sharply divided in California, a divide so complete that it might as well have been decreed by law, as it was in the Deep South" (Ethan Rarick, 2005, p. 250).

Secondly, the author learned from local city and civil rights organizations' investigations how Berkeley realtors thought and operated: Their discriminatory behavior was invisible to Whites but ever so tangible to African Americans. To them it felt like an impenetrable wall. The businessmen and certain citizens were resolute in their determination to enforce discrimination even though in 1959 the state's Unruh Act banned the practice by businesses. Their intransigence on the issue was irrational and partly a result of their own segregation in Berkeley and in U.S. society. It was comparable to that of the Klan and White Citizens Councils down South. I understand that it is difficult to believe that such determination to defy the law took place in a university community and that occasionally some East Bay residents engaged in practices associated with the Ku Klux Klan (Ethan Rarick, 2005, p. 262)³.

Finally, the author came to the opinion that Berkeley's liberal politics and civil rights movement, a multi-racial coalition of progressive labor, civil rights, women's, religious, social, and cultural organizations of the 1950s laid the foundation for the city's progressive politics in the 1960s and wrought considerable change in civic issues and debates. One does not have to look to southern sit-ins for inspiration for the Free Speech

² Douglas Henry Daniels, *Pioneer Urbanites: A Social and Cultural History of Black San Francisco* (Philadelphia: Temple University Press, 1980); Albert S. Broussard, *Black San Francisco: The Struggle for Racial Equality in the West, 1900-1954* (Lawrence, Ks: The University Press of Kansas, 1993); Chris Rhomberg, *No There There: Race, Class, and Political Community in Oakland* (Berkeley: University of California Press, 2004); Scott Kurashige, *The Shifting Grounds of Race: Black and Japanese Americans in the Making of Multiethnic Los Angeles* (Princeton: Princeton University Press, 2008); Thomas J. Sugrue, *Sweet Land of Liberty, The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2008); Patrick D. Jones, *The Selma of the North: Civil Rights Insurgency in Milwaukee* (Cambridge: Harvard University Press, 2009); Mark Brilliant, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941-1978* (New York: Oxford University Press, 2010); Darnell Hunt and Ana-Christina Ramon (eds.), *Black Los Angeles: American Dreams and Racial Realities* (New York: New York University Press, 2010); Daniel Martinez Ho Sang, *Racial Propositions: Ballot Initiatives and the Making of Postwar California* (Berkeley: University of California Press, 2010).

³ It was a Black man's lawn, and the cross burning took place during the Berkeley fair housing campaign. See also "Oakland NAACP Branch Meeting Threatened at YMCA with Bombing", *California Voice*, June 1, 1956, p. 1.

student protestors of 1964. Berkeley CORE (the Committee on Racial Equality) demonstrated, conducted sit-ins, and picketed in and outside discriminating realtors' offices by spring 1962—a full year before the police and dog attacks on Birmingham protestors, the assassination of Mississippi NAACP activist Medgar Evers, and before the March on Washington.

The significance of Berkeley's civil rights campaign was recognized by councilman and professor of City Planning at UC Berkeley, T. J. Kent, Jr. The coalition's successes helps us to better understand the shift in Berkeley's city government and in the accompanying reform movements that preceded the Free Speech, Third World coalition, and other political and social movements of the 1960s and 1970s.

The coalition of liberal reformists who supported fair housing ran into serious obstacles and considerable criticism—so much that petitioners sought to overturn the city council's legislation by submitting it to a vote. It was thus rejected. Working within the system and assuming the playing field level was a major shortcoming of the protestors' strategies. Even when the state passed fair housing legislation, known as the Rumford Act in 1963, the electorate overturned it in 1964. As controversial as their methods and strategies were, they did not solve the housing problems for working class and poor Blacks, and in the mid 1960s more radical Black nationalist groups emerged with a different philosophy.

Berkeley's African American Community

Nothing in its history prepared Berkeley (or the Bay Area) for an enormous increase in its Black population during World War II and the 1950s, when it soared from a few thousand to about one-fifth of the city's population. A UC city government expert predicted that the Black population might reach “one of the highest proportionate concentrations in the state” (*Gazette*, 1960)⁴. The reactions of some residents to the migration and the issues that it raised could be quite extreme, such as the high school students burning a cross on the lawn of the progressive mayoral candidate, Fred Stripp, in spring 1963. To gather data on discrimination and address the problem, which some residents denied in one way or another, the city government and local civil rights organizations conducted a number of surveys and investigations that left a rich treasure trove of material for scholars (*Gazette*, 1963)⁵.

Data from the city's Office of Urban Renewal indicated the significance of the size of the Black population and the extent of racial segregation. In 1960, 21,850 African Americans made up almost 20% of Berkeley's 111,268 residents, and “other races” numbered 7,337 or 6.5%. In census tracts between San Pablo and Martin Luther King Way (formerly Grove) and south of Dwight Way to the city limit (2A, 2B, 2C, and 2D), African Americans made up from 72.8% to 91.4% of the population. In other tracts, 1A (42.5%), 1B (49.9%), 3A (34.9%), 4A (22.7%), and 4E (21.5%), Blacks made up a greater percentage of the population than their average in the city of 19.6%. “Other [non-white] races were also segregated insofar as their percentage exceeded their percentage of the total population (6.5%) in 13 census tracts (1A, 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E, 5A, 5BA, 5BB, and 5E) below San Pablo, south of Dwight between San Pablo and Sacramento, and between San Pablo and Grove north of Dwight Way”⁶.

⁴ This expert expected the Black population in the state would reach one million by 1970.

⁵ See the next day's paper on the boys.

⁶ “Selected Data on Changes in Population, and Housing by Race in Berkeley and Neighboring Communities, 1950-1960”, Prepared for Berkeley Council of Social Planning Workshop, March 16-17, 1962, Bernice Hubbard May Papers, Carton # 1, Folder 40, Bancroft Library, UCB, for a detailed account of demographic changes.

If you combine the two groups (African Americans and Asian Americans), they totaled 80% to 90% in 2A, 2B and 2C, majorities in two other tracts, and about 33% in four other tracts⁷. As one would expect who is familiar with Black urban housing patterns, the African American homes in Berkeley were in poorer condition and cost more than the housing of others⁸.

Around campus, on the other hand, Blacks made up only 1.9% of the population or less (0.9%, 0.3%, and 0.2%). Between Telegraph and Fulton, south of Dwight Way to the city limits, African Americans were a mere 1.4%, and in the Berkeley Hills, they were even fewer. Because racial segregation also applied to Asian Americans, they lived among African Americans, so you have a situation in which whites were in fact the most segregated group in the city of Berkeley, and, as at least one observer noted, the university population was even more segregated⁹ (see Figure 1).

Besides its churches, social, newspapers, and other institutions, African Americans formed several political clubs, such as the Appomattox and, after the presidential election of 1952, a number of Democratic clubs, and a Berkeley branch of the NAACP in 1954. Its first president was a Berkeley professor, Fred Stripp, who was also a minister. With their labor, religious, and civic allies, African Americans fought for fair employment legislation and fair housing, in addition to the right to vote in the South. In Berkeley and the Bay Area generally, the NAACP joined with local churches to enroll Black voters, many of them unregistered newcomers, to have a say in local and state politics. The obstacles that they encountered fighting racial discrimination in such cities as Berkeley, Oakland, San Francisco, and Los Angeles were formidable¹⁰ (Crouchett, Bunch, & Winnacker, 1989).

Racism on Linden Street

An African American family head who moved into a Berkeley house on Linden Street encountered a surprising degree of animus in a university town in northern California. What is remarkable is the extent to which white friends, businessmen, and associates of the new resident were severely penalized for their behavior. Letters seeking help from the NAACP revealed that a white professional, a teacher, sought a home loan from the Federal Housing Association late in 1958 with the understanding that he would occupy the Berkeley house. His circumstances changed, and he moved into another part of the Bay Area, renting his Berkeley home to an African American professional¹¹.

⁷ See "Table Population Change by Race in Berkeley, 1950-1960" and "Changes in Concentration of Nonwhites by Selected Census Tracts in Berkeley-1950-1960", in Office of Urban Renewal, City of Berkeley, April 26, 1961, revised October 31, 1961, from Committee on Discrimination in Housing Report, Survey of East Bay Realtors to Determine How, and to What Extent, Realtors Perpetuate Segregated Housing in the East Bay, 1962, written by the Committee on Discrimination, the Berkeley Law Students Democratic Club, and the East Bay Council of Young Democratic Clubs, Bancroft Library, University of California, Berkeley.

⁸ "Survey of East Bay Realtors to Determine How, and to What Extent..." and "Committee Chairmen Explain Fair Housing Ordinance", *California Voice*, March 15, 1963, p. 1: "Our state study showed that minority persons, particularly Negroes, are paying more for worse [sic] housing". "Selected Data on Changes in Population, and Housing by Race...", p. 1.

⁹ "Survey of East Bay Realtors", Map B "Census Tracts and Enumeration Districts".

¹⁰ Lawrence P. Crouchett, Lonnie G. Bunch, III, and Martha Kendall Winacker, *Visions Toward Tomorrow: The History of the East Bay Afro-American Community, 1852-1977* (Oakland: Dharma Enterprises, 1989); Nathan and Scott (Eds). Besides the NAACP, Western Section Papers at the Bancroft, Bancroft Library Oral History interviews with Frances Albrier, William Byron Rumford, and C. L. Dellums chronicle these struggles.

¹¹ Alfred C. Simmons letter to Franklin Williams, January 28, 1959, Carton 3, Folder 17 Cohn case, NAACP Papers, Bancroft Library; D. G. Minto letter, April 30, 1959; Franklin Williams letter May 6, 1959; Jack E. Wood, Jr. letter to Franklin Williams May 21, 1959; letter to Franklin Williams, May 27, 1959, *ibid*.

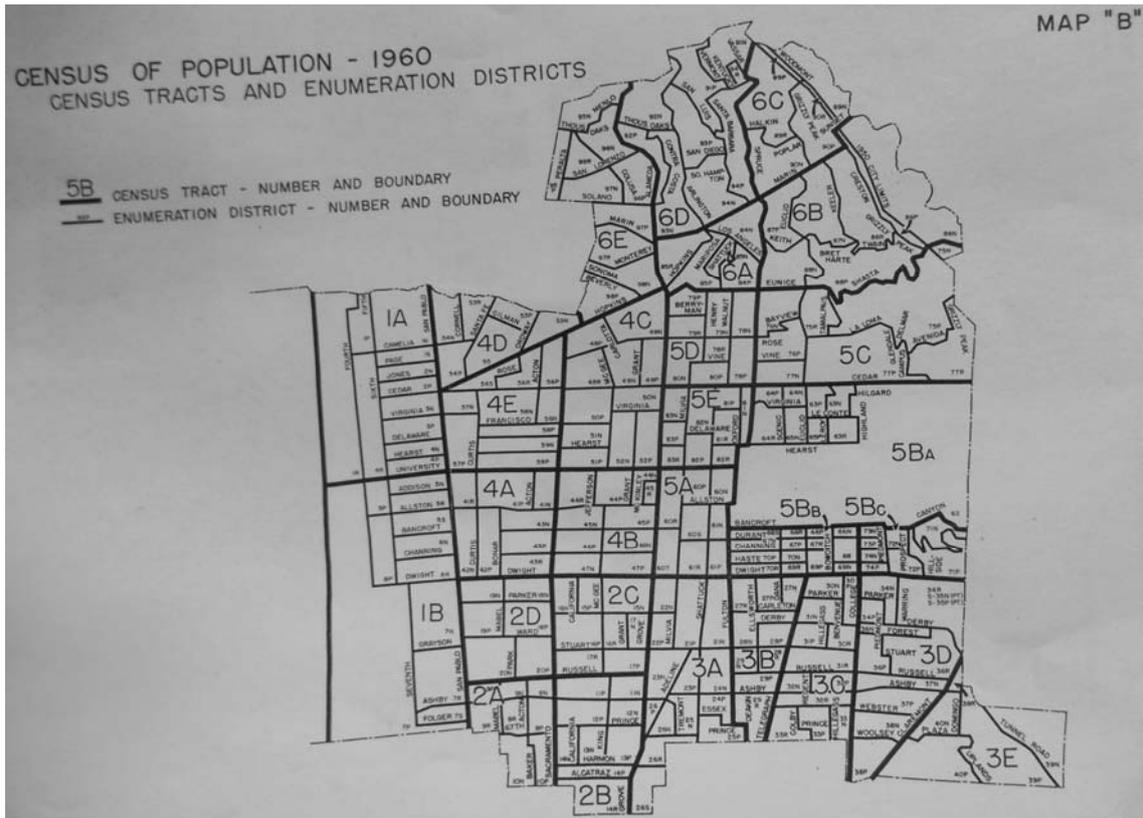


Figure 1. Census tracts and enumeration districts, 1960 (Map "B", Berkeley City Planning Department report (February 1961)).

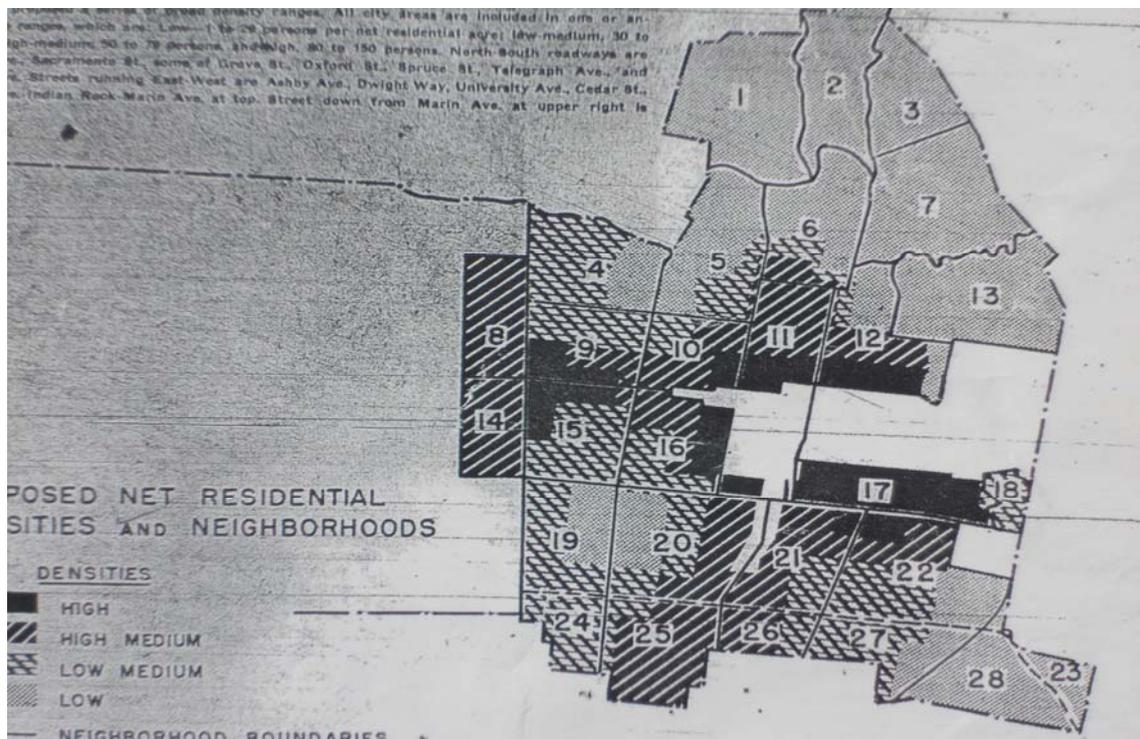


Figure 2. Berkeley neighborhood densities.

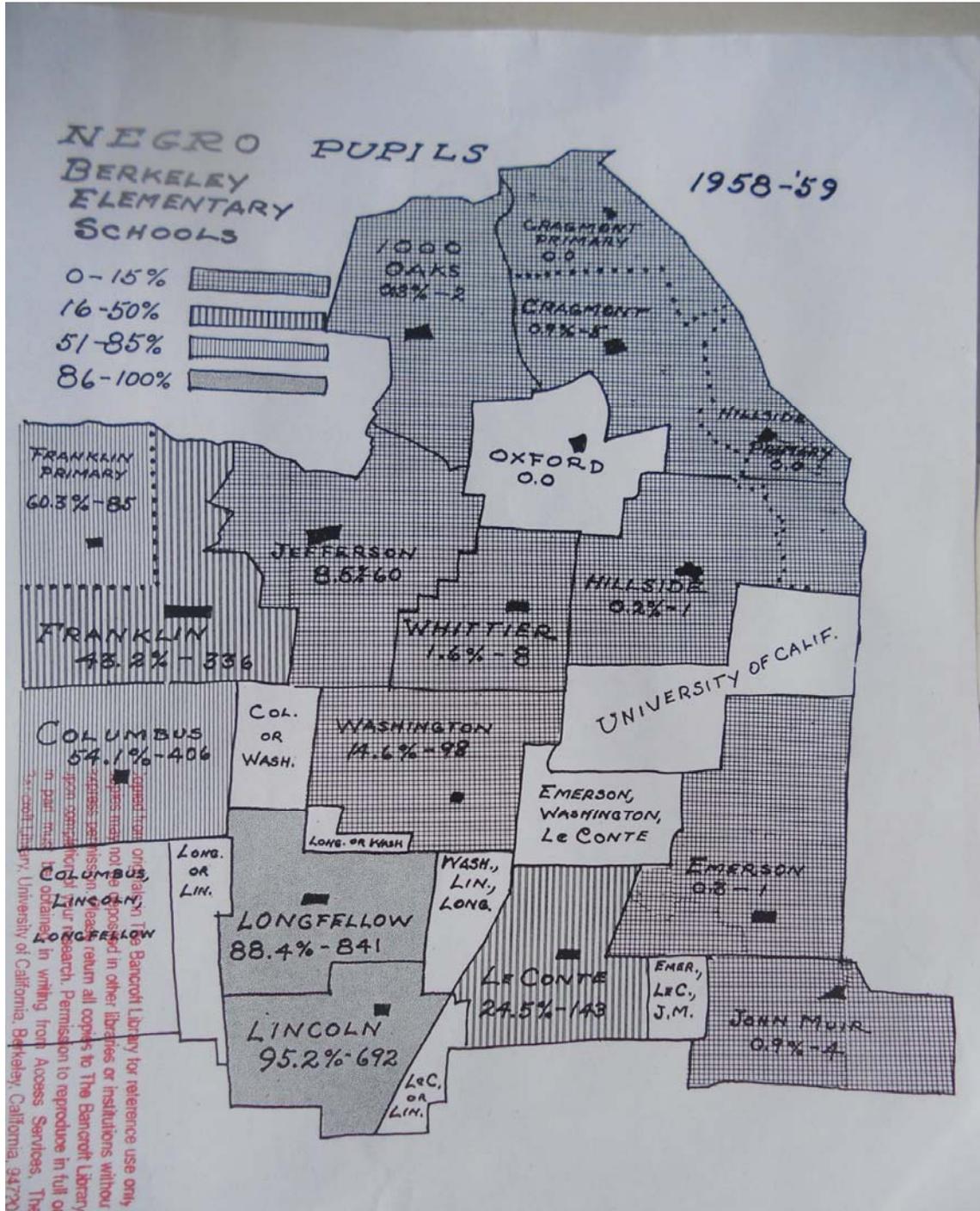


Figure 3. Effects of neighborhood segregation on Berkeley schools, 1958-1959 neighborhood densities¹².

Alfred C. Simmons, the Black citizen who moved in, wrote NAACP West Coast branch regional director and attorney Franklin Williams, reporting the series of incidents that occurred in response to his residency. He

¹² This map is from Appendix G., "Interracial Problems and Their Effect on Education in the Public Schools of Berkeley, California", Report to the Board of Education by an Advisory Committee of Citizens, October 19, 1959. See Racial Composition of Berkeley Elementary Schools, 1960-1961, compiled by Berkeley CORE from data from Berkeley Unified School District CORE Papers, CORE Archive, Carton 1, Chapter Papers, 1953-1967, University of Wisconsin, Madison.

observed wryly that “several coincidences could well produce a best seller if and when such should seem warranted” (Alfred, 1959). Simmons was president of the San Francisco association of department heads and curriculum assistants of the city’s high schools, active in the NAACP, and also a member of the Republican Party’s State Central Committee at a time when most African Americans voted solidly Democratic. As he indicated to Williams, he had acquired “wide experience in the area of human relations and I feel certain that a ‘Gestapo’ of a sort is at work and I believe that the community will eventually want to hear the whole story of Linden Street” (Alfred, 1959)¹³, (In a spring 1963 Committee on Fair Housing Flyer, Simmons is listed as Committee Chairman of Church Contacts)¹⁴.

He contended “unusual influence and pressures are being exerted in [a] way that are not only unethical, but sinister and even infantile”. On moving in, his family and friends celebrated with a “House Bless Ceremony” with “a score of Berkeley and Oakland teachers and administrators”. Mayor Claude Hutchinson, a city Recreation Commissioner, and a Richmond official attended along with families from the neighborhood, a minister from St. John Church, and more than 200 others.

Simmons recounted what followed: the next Tuesday the NAACP office received “a call inquiring [sic] into the status of the property on Linden Street; on the next Tuesday residents met in the middle of the street, and a city official was heard to remark, ‘Well by God, you would think anybody is entitled to ONE MISTAKE’ [emphasis in original]”. Simmons added, “The fact that the mayor came seemed to concern them greatly”. Simmons did not meet “eye to eye [with the mayor] since that day”.

He catalogued the retributions that followed: the minister who attended the house blessing, welcomed them on behalf of his church, and had his youth group invite Simmons’ teenagers to church was transferred to Palo Alto. Another minister who came “of course... is no longer at his assignment”. The bank manager heading the office that made the loan “was immediately transferred to South San Francisco”. Some of the retaliation may have reminded activists of the behavior of Southern racists. A neighbor who befriended Simmons “has been let out from his job. A peculiar coincidence and without very reasonable grounds, He [sic] had been promised a vacation for two years and had made reservations and arrangements”. At the last minute, his vacation request was denied.

Harassment of this man continued perversely. It was August, and he insisted on his vacation and left, asking that his and his wife’s checks be deposited directly in their bank account. His employer sent one check, but not the other, without informing the couple, and, of course, the checks they wrote while they were traveling bounced. The husband’s was deposited in Richmond in the personal safety deposit box of his boss. Simmons concluded, “This seems harassment of a cruel nature. We feel it to be related to Linden Street”.

The FHA sanctioned the teacher who originally applied for the loan. They believed he obtained the loan under fraudulent circumstances, and therefore informed him:

“This is to advise you that any applications for mortgage insurance under the programs of the Administration submitted by you or any firm in which you have ten percent (10%) interest, will be rejected on the basis of an Unsatisfactory Risk Determination made by this office on April 30, 1959”. (Minto, 1959)

¹³ Alfred C. Simmons letter of January 28, 1959, to Franklin Williams. Carton 3, folder 17, NAACP Papers, Bancroft Library.

¹⁴ A. William Amerson, Chairman, Finance Committee, Committee for Fair Housing letter, William Byron Rumford Papers, Carton 2, Bancroft Library; Co-Operating Service Organizations included the Berkeley Political Action Committee, the Charles H. Houston Law Club, C. O. R. E., C. S. O., East Bay Democratic Club, H. O. M. E., and the NAACP Berkeley Branch, *ibid*.

This was another case for Williams and the NAACP. If Whites were willing to do this to other whites to enforce their racist beliefs, what chance did even an educated African American have?¹⁵

The State Campaign for Fair Housing

The state government sought to understand conditions the NAACP and other progressives protested. Late in 1958, for example, the Commission on Race and Housing announced its conclusions from its three-year study, and they were rather alarming. Seventeen million Blacks, more than one-tenth of the nation's population, were the victims of a prejudiced real estate industry. The commission was able to connect the dots and concluded, "Compulsory racial segregation is the basic inequality which underlies or stimulates other forms of discrimination". Furthermore, "No one can be said to be really free unless he can freely choose where he can live". The *California Voice* reported that this was "the most definitive study" of discrimination in housing ever done, and the NAACP welcomed it as affirmation of its findings and programs.

The Fund for the Republic supported the project, and the composition of the commission was particularly significant for students of the civil rights struggle in the west. President Clark Kerr of the University of California chaired the commission. Henry R. Luce, editor-in-chief of *Time* magazine, was a member, along with Charles S. Johnson, the former president of Fisk University, also a leading African American sociologist, and California businessmen completed the committee, while Professor Davis McEntire, Professor of Social Welfare at UC Berkeley, headed the research unit.

The commission attacked the myths advanced by realtors and many white property owners. As the West Coast NAACP observed, these myths "have not simply evolved. They have been nurtured and fabricated by real estate forces with a finesse and efficiency that puts to shame the accomplishments of professional hate groups". For example, it was not true that whites did not tolerate Black neighbors, as interracial neighborhoods existed in the U.S., where Blacks and Whites bought and sold homes with no decline in property values. In some instances, Blacks moved into neighborhoods where property values actually increased. Some changing neighborhoods declined when Blacks moved in, but they were already declining.

Indeed, the commission charged, "It is the real estate brokers, builders, and mortgage finance institutions which translate prejudice into discriminatory action". Mortgage lending institutions, in fact, "provided major support" to racial discrimination: they lent to non-Whites, but only in certain areas, and they refused to finance homes for Blacks in white neighborhoods.

The president of the National Association of Real Estate Boards, of course, disagreed. H. Walter Graves insisted, "The association has no policy on minority housing. When the Supreme Court made its ruling, we were the first to remove the policy from our code of ethics". Veteran California NAACP and women's club activist Tarea Hall Pittman and labor leader C. L. Dellums responded that "positive correct action" on the part of the real estate board was needed, not the pious defense that they removed racial clauses from their codes. The commission concurred, urging, federal, state, and local government, the housing industry, and voluntary associations to "take definite steps to purge our national life of the evil of housing discrimination".

Several NAACP chapters convened in autumn 1959 at Asilomar, a seaside YMCA retreat where progressives and civil rights activists met from time to time in the 1950s. Jack E. Wood, who was housing secretary for the NAACP, claimed that housing discrimination was the basis for other kinds of discrimination.

¹⁵ D. G. Minto, Director, letter to Mr. Gerald S. Cohn, April 30, 1959, Carton # 3, NAACP Papers, Folder No. 17; letters to Franklin Williams, May 21 and May 27, 1959, *ibid.*; Williams letter of May 6, 1959, *ibid.*, and January 8, 1959, *ibid.* Folder 19.

“De facto segregation prevails in many communities throughout the north because of discriminatory housing practices”. In fact, he claimed, “a vicious nation-wide pattern of discrimination” led to the emergence of ghettos and all the problems of vice, crime, disease, and demoralization. They conducted workshops for conventioners from California and throughout the nation and discussed the problems specific to different regions of the nation (*California Voice*, 1959).

With the 1958 election of the first Democratic Party governor in decades, Pat Brown, and of a state legislature dominated by the Democrats for the first time in years, these politicians undertook an aggressive campaign of civil rights reform. The Unruh Act, passed in 1959, was one of the new state laws banning discrimination by businesses, such as realtors and apartment house landlords. Bigots hoped the Supreme Court would overturn it, but it was reaffirmed instead. These changes fired up local civil rights activists, not only members of the NAACP, White and Black, but labor, civic, women’s and other progressive organizations.

The Investigation and the Evidence

Since the extent and depth, not to mention the viciousness, of prejudice was denied or unknown to skeptics, city as well as citizens committees, including CORE, the NAACP, and the JACL (Japanese American Citizens League) conducted independent investigations. About this time Berkeley’s city council appointed a subcommittee to conduct its own study of housing discrimination. The Citizens Committee to Study Discrimination in Housing in Berkeley and Segregation produced a report that was very clear on the fact that a conspiracy to segregate existed in Berkeley, as Rev. Nichols maintained. Several Boalt law school students conducted their own investigations and arrived at conclusions similar to the others.

The Citizens Committee, other organizations, and law school students not only interviewed prospective tenants who had been turned down, but sent out teams of Black and White couples, “testers”, who approached realtors in the city to obtain evidence of discrimination because, though it clearly existed, it was very difficult to prove without reliable testimony. Many white Berkeleyans were unconvinced on the subject of racism in housing and, of course, African American testimony was not credible with such skeptics¹⁶.

In one test, eight couples approached realtors separately, with African American and white couples stating similar needs and having identical assets; the results?: the Blacks encountered discrimination in each and every case—eight times. Case histories compiled by the housing office verified the negative experiences of Blacks and other non-whites.

Some realtors’ responses were rather blunt, providing evidence of how comfortable they were as bigots that they could say things like: “I don’t rent to Negroes or beatniks”. Another asserted, “I can’t rent to Negroes because we have small children in the building”, revealing his belief that Blacks were somehow dangerous around children. One might easily conclude “There is no doubt... that managers and landlords discriminate fearlessly and deliberately”¹⁷.

¹⁶ “Housing Discrimination in Berkeley [1962]”, the second report; “Survey of East Bay Realtors to Determine How, and to What Extent, Realtors Perpetuate Segregated Housing in the East Bay” (1961), Boalt Law School Report on Discrimination in Housing, was done by the Committee on Discrimination in Housing, the Berkeley Law Students Democratic Club and the East Bay Council of Young Democratic Clubs; the law school students included later city councilman and judge Henry Ramsey.

¹⁷ J. L. Pimsleur, “The Battle of Berkeley”, *This World* in the San Francisco Sunday *Chronicle* March 17, 1963, p. 3. The discrimination against the eight couples was originally reported on page 3 of “Housing Discrimination in Berkeley [1962]”, City of Berkeley, Citizens’ Committee to Study Discrimination in Housing in Berkeley, A Report by a Citizens Committee to the Community Welfare Commission Berkeley, Ca., July 1962, Bancroft Library; another copy of the report that is more complete, including the appendices, can be found in the Institute of Government Studies, UCB.

The city commission relied on other committees to corroborate its own findings. The Encampment was an organization that conducted controlled tests for Citizenship, CORE, and the JACL. In July 1961 the Encampment ran tests for discrimination by following up on 37 ads in the *Gazette*. This organization found discrimination in 14% to 38% of the cases—one within one block of campus, and two that advertised through the university, even though it required signing a non-discrimination agreement. When the JACL telephoned regarding 117 apartments advertised in the *Gazette*, making 141 calls, 80% (94) were not available to Blacks. As the *Chronicle* reporter concluded, Berkeley “is one of the most cosmopolitan communities on earth—yet one of the most provincial” (Pimsleur, 1963).

University officials and others feared that UC Berkeley’s international reputation would suffer because of local racism. Students who had “no difficulty” finding housing in northeastern cities encountered a situation in Berkeley that caused them both “surprise and shock”. Foreign students, many of them Asians, particularly complained, and they made up about two thousand residents—one-third of them were non-white. “Several landlords assertedly informed the [foreign student] couple flatly that they would not rent to Negroes under any circumstances”. They had been told there might be some difficulties, “But we never dreamed it would be this bad. We will not come back to Berkeley”.

All these investigatory bodies, including Boalt law students, came to the same conclusions. In their report, the law students claimed “for purposes ranging from personal prejudice to feelings of self and group-appointed guardianship of the community, local realtors are actively engaged in perpetuating the separation of the Berkeley area into segregated racial districts”. Whites were steered away from Black neighborhoods, and Blacks were frustrated in their attempts to acquire accommodations outside of the flatlands of south and west Berkeley¹⁸.

White applicants were advised and cautioned along these lines:

(1) Investment in Black and “transition” neighborhoods was “risky”; (2) Black students overran the local schools in certain neighborhoods; (3) In these areas it was “dangerous” to go out at night; (4) A “knife crowd” existed among Black students at Berkeley High School; and (5) “Bad” Blacks overran certain areas.

Prospective Black home buyers and tenants faced these challenges: (1) we have no listings; (2) higher quotes for properties than whites were given for the same property; (3) showing properties that cost far more than clients requested; (4) taking down the client’s information and then throwing it away; (5) discourteous conduct; (6) being steered toward Black neighborhoods; and (7) maintaining owners refused to sell to African Americans.

Berkeley’s Fair Housing Initiatives

The 1963 campaign for fair housing was not the first time the issue was reviewed by Berkeley voters. Early in 1959, just a few months after the state commission’s housing report, and modeling their legislation after a New York City law, a local group known as United Socialist Action (USA) sponsored a fair housing measure in Berkeley that even the NAACP opposed, calling it a bad law, and it was outvoted three to one by the largest percentage of citizens that ever participated in an election in the city’s history (Dave Adrian, 1959). A few years later, the local housing struggle reached new levels, both in terms of direct action and in working

¹⁸ Boalt Law School Report on Discrimination in Housing, p. 1. The law students’ research teams conducted “interviews” in November 1961 (Pages 3-9 of this report summarized what took place when the Black and White couples, respectively, approached realtors, some of them quite well known).

through the city's political system. NAACP, CORE, and other civil rights protestors held rallies, engaged in sit-ins and picketing, and filed lawsuits in 1962 and 1963. Their unrelenting actions frustrated and wearied many voters, especially those who opposed these direct action tactics as well as fair housing legislation, and led them to extreme statements that expressed a measure of irrationality that was impressive evidence of their rather limited commitment to democratic principles.

In the early 1960s, CORE sent veteran organizers to different northern and west coast cities. Genevieve Hughes Houghton, a CORE field secretary and former Freedom Rider, came to Berkeley to assist protestors in organizing, according to Berkeley Professor Charles G. Sellers, Jr., who was also a Freedom Rider in summer 1961¹⁹. In this university town CORE had two branches, the city chapter headed by professor Sellers and a separate university chapter. The city branch, joined no doubt by students, held a series of rallies in downtown Berkeley in spring 1962. They conducted a sit-in in the offices of Eyring Realty Co. on May 12 after a White couple was informed of accommodations that, shortly thereafter, and in a planned maneuver on CORE's part, were not offered to a Black couple. About 50 demonstrators began picketing outside. Then the realty company caved in, the Black couple was permitted to view the house, and the protestors withdrew.²⁰

The bigoted realtors were insincere and tricky. CORE maintained that when White and Black protestors approached them, "Although the committee members were courteously received, our missions accomplished no results lasting longer than one week". They discovered "Discrimination was as readily apparent in the tests which were conducted following the committee visits as before". Nor did private efforts succeed in getting them to cease discrimination. They were obstinate, as if it were their constitutional right to discriminate.²¹

Later that month demonstrators held another mass rally near City Hall protesting housing discrimination. Rev. John Mangram, former chaplain at Tougaloo College, an historically Black institution in Mississippi, spoke, indicating the links between the southern and west coast civil rights struggles. Another rally was held in early June, when they announced they had

"Tested, negotiated, picketed, and even sat-in on local real estate firms. As a direct result of our continued pressure, there has been a break-through, Mason-McDuffie, Berkeley's largest realtor has issued a public statement announcing that they will no longer discriminate in renting homes or apartments"²².

CORE tested this firm and found no discrimination, but other realtors resisted.

In July 1962 CORE forced Nakamura Realty to capitulate after five months of protests, and the realtor promised it "handles only non-discriminatory rental listings and non-discriminatory housing sales listings". This was after CORE asked supporters not to do business with Nakamura, to join its picket lines, to phone or write protesting to the realtor, and requesting the city council and their state assemblyman to support fair

¹⁹ Author's interview with Professor Charles G. Sellers, Jr., April 12, 2013, Berkeley, Ca. Despite two interviews with Professor Sellers, the author learned of his involvement as a freedom rider from the roster available on the internet at <http://www.pbs.org/wgbh/americanexperience/freedomriders/people/roster>. This was accessed on March 27, 2013. Various religious leaders, some American Friends Service Committee members from Berkeley, and Bay Area college students joined the freedom riders in spring and summer 1961.

²⁰ Flyer of May, 1962, Berkeley CORE, 1806 West Street, Berkeley 2, Ca., to Marvin, CORE Archives, Carton 1, Chapter Papers, 1953-1967, University of Wisconsin, Madison, WI. "CORE 'Sits In' On a Realtor", clipping, CORE Archive, Carton 1, Chapter Papers, 1953-1967, University of Wisconsin, Madison.

²¹ Speech of 1962, CORE Archives, Carton 1, Chapter Papers, 1953-1967, University of Wisconsin, Madison, WI.

²² Press release of May 27, 1962, Berkeley Chapter of CORE, ATTN: Tony Salotto, CORE Archives, Carton 1, Chapter Papers, 1953-1967, University of Wisconsin; press release, June 2, 1962: "We Won a Housing Battle".

housing legislation. When they retested Nakamura, they discovered evidence of its duplicity and discrimination despite the promises to cease. CORE also began to extend its activities to job discrimination, as it led a protest against the International House of Pancakes because it did not hire African Americans, or in their words, “We don’t hire colored girls for work on the floor”²³.

With this background of conflict over housing discrimination and the resulting protests, and changes, the city council felt confident to pass one of their committee’s recommendations on fair housing legislation for the city. 17th District Assemblyman W. Byron Rumford supported the city council’s January 1963 decision on fair housing and pointed out that they could follow the example of Toledo, Pittsburgh, and New York City by adopting such legislation. He claimed that if it were passed, he would use it as a model for the state law. Father Paul Scanlon, representative of Berkeley’s Roman Catholic clergy agreed: “All men are equal in the sight of God” (*Gazette*, November 28, 1962, p. 1).

Chancellor Edward W. Strong of UC Berkeley noted the university was quite interested in the city’s efforts to study and control housing discrimination, and the representative of the board of directors of Berkeley’s realty board also supported the measure, but he hoped “you never have to enact the penal provisions of the ordinance”. Cooperation, he thought, could work things out, but court ordered penalties would only increase conflict.

The fair housing proponents included individuals and organizations of various kinds from throughout the Bay Area. This coalition was indeed impressive---multi-ethnic, multi-racial, and including the major religions. For example, they included a Black fraternity, Alpha Phi Alpha, the Association of Real Property Brokers, and the Bay Area Urban League; in Berkeley alone, there was the Berkeley-Albany Council of Churches Board of Directors; the Berkeley City Council; the Berkeley Committee on Fair Housing; Berkeley Federation of Teachers; Berkeley Friends Meeting; League of Women Voters of Berkeley; and Berkeley Political Action Committee. Other organizations included the California Social Workers Organization, Alameda Chapter; Central Labor Council of Alameda County, AFL-CIO (The American Federation of Labor and Congress of Industrial Organizations); Congress of Racial Equality; East Bay Board of Rabbits; JACL; and the University YWCA, among others.²⁴

Rev. Roy Nichols of Downs Memorial Church and a member of Berkeley’s board of education spoke quite eloquently on the matter when the city debated the issue of fair housing:

“I have not come tonight as a beggar asking for a gift. I have come as your fellow citizen hoping to persuade you to do what, according to my understanding, is constitutionally right and desirable. America is racially separated in housing because the white power structure in our communities has planned it this way”. (*Gazette*, 1962)

The proposed law possessed five main provisions, it was unlawful: (1) for a housing accommodation owner to refuse to sell, lease, or rent to someone because of race, color, religion, national origin, or ancestry; (2) for an owner to discriminate against someone because of race, color, etc. in housing accommodations,

²³ Letter of Tadashi Nakamura, [July 1962], CORE Archives, Carton 1, Chapter Papers, 1953-1967, University of Wisconsin; CORE Protests Housing Discrimination” flyer [July 1962], CORE Archives, Carton 1, Chapter Papers, 1953-1967, University of Wisconsin, WI; CORE reported “77.35% of their listings were distributed on a white-only basis”; flyer “Don’t Patronize This Restaurant”, Carton 1, CORE Archives, University of Wisconsin, Madison.

²⁴ “Organization for Fair Housing” listing in *Fair Housing Reporter*, Published by Citizens for Fair Housing in the Interest of Fair Play and Democracy in Berkeley, Bernice Hubbard May Papers, Carton # 1, Folder 33, Bancroft Library. For a listing of individuals who supported the Berkeley fair housing initiative, “We Urge You: Vote For Fair Housing,” *Gazette*, April 1, 1963, p. 18.

furnishing of facilities, services, etc.; (3) for the owner to make oral or written inquiry concerning, race, color, etc. of a prospective purchaser or tenant; (4) for a person, bank, mortgage company, or financial association to discriminate concerning applications for financial assistance, or to make written or oral inquiry concerning an applicant's race, color, etc.; and (5) for any person to aid, abet, incite, compel, or coerce someone to commit acts or practices made illegal by the fair housing provisions (*Gazette*, December 5, 1962, p. 2).

Despite the city's passage of fair housing legislation in January 1963, its opponents quickly organized and solicited sufficient signatures to put the measure on the ballot in time for the election in April. In reality, the realtors, mortgage brokers, and other business interests used the initiative to overturn the city council's legislation. Now voters were able to reject fair housing and, in effect, the new coalition of political forces that they regarded as contrary to their interests.

The Berkeley Public, The Mayoral Candidate, and Fair Housing

It may be difficult to believe that apartheid existed in light of its claim to be the only city to adopt voluntary school busing to promote integration, but the fair housing initiative placed on the ballot in spring 1963 polarized citizens as few other issues had done. This was the case for the community as well as the university. When a *Gazette* reporter stood on a corner in downtown Berkeley questioning voters concerning their views on the issue, she discovered only four who chose to express their opinions, give their names, and have their photographs taken though she tried all day long.

She found the unwillingness to cooperate "unbelievable". "Where were all the letter writers? Where were all the people who so freely gave their views privately and publicly?". The *Gazette* had received hundreds of letters on the issue. For many supporters, it was a question of Berkeley leading the way in the civil rights struggle. "No one seems to be 'on the fence'. You are either 'for' the ordinance or you're 'against' it" (*Gazette*, March 25, 1963, p. 1).

Her first prospect "looked at me as if I had a hole in my head" (U.S. idiom). After two and a half hours of inquiries, only two people cooperated. Three more hours produced only one more willing subject, and "Dozens of insults. Flat refusals. Derisive laughs. Earnest answers from earnest people who refused to allow their views made public". What was most peculiar was the fact "This response [came] from persons of all ages, both sexes, representatives of minority groups, including Orientals and Negroes".

At city council meetings and in newspaper articles, opponents of the fair housing measures voiced a number of reasons for their stance. One conservative council member explained: "I'm against discrimination, but the way you are going about this is repulsive. Let's stop this push, push, and push and give the Rumford Bill a chance first". Furthermore, he considered the Welfare Commission of the City, to which the report would be sent, as "prejudiced and biased" (*Daily Gazette*, October 1, 1963, pp. 1-2).

The secretary of Berkeley Citizens United based its opposition on the right of individuals to dispose of property as they wished. Indeed, she maintained, "floods of lawsuits would result from passage of such ordinances, many of which would be 'nuisance type' complaints". She believed the ordinance was an attempt to legislate "social equality", and such attempts always failed.

Educational Research Associates, presumably a citizens group (it had a Berkeley post office box instead of an address), in a statement released shortly before the election, claimed the ordinance "virtually tears up the Bill of Rights. It destroys all the important protections of individual rights". This group's statement contended the law prevented one from helping a member of his own ethnic group, and, furthermore, would "exempt

certain powerful interest groups". The "full force" of the law fell on the small property owner. Finally, it made the statement, in an extreme claim characteristic of the right, "Administrative justice is the first step down the well travelled [sic] road to totalitarianism". Nonetheless, the Board of Directors of Temple Beth El supported fair housing, maintaining this was "in the spirit of the Jewish tradition of opposition to such discrimination" (*Gazette*, March 23, 1963, pp. 1-2).

One Berkeleyan, ignoring the different city subcommittee and civic group findings, complained, "This will create antagonism among citizens which does not now exist". Another asked:

"Would such a law end the race problem? Having used the mailed fist once, you would be forced more and more to the courts and the police. The cost of government would increase, which I protest. We already have too many bureaucrats breathing down our necks, yet we cannot even afford enough police to make the streets of Berkeley safe for pedestrians."²⁵ (Pimsleur, 1962)

Some were quite irrational in their vehemence. "Let them earn their privileges like other immigrants... I never had a Cadillac". A political candidate complained, "This is a Communist attempt to stir up racial antagonism... a plot to Congoize our city". A realtor maintained, "The day I have to sell to a Negro... and ruin this fine district, I'll close up and get out of the real estate business". Another realtor observed that if passed, the ordinance would cause the city to lose money because of tax losses from property decline and the losses businesses would sustain.

As Berkeley voters considered the initiative ordinance on fair housing in March 1963, mayoral candidate Wallace Johnson evaluated the legislation that, though passed by the city council, was turned over to the electorate by disgruntled opponents. Johnson opposed Berkeley's fair housing initiative and opined, "The decision as to whether local or state legislation is the best approach to reducing housing discrimination is in the hands of our fellow citizens in the referendum, and in the hands of our legislators in Sacramento", where he thought it properly belonged. Of course, there was no guarantee the state bill would be passed at this time; it could easily suffer the fate of earlier versions (*Gazette*, March 14, 1963, pp. 1-2).

He complained that some local political candidates contended it was a question of fair play vs. discrimination, and how they often referred to reports of beatings of Blacks over the right to vote and attend integrated schools down South. They also passed out pamphlets about the local victims living in the city's ghettos. Johnson accused critics of "downgrading our beloved Berkeley. Why do they speak of Berkeley as if it were Oxford, Ms... to get elected?" Don't they realize, he asked, that the city possessed "an enviable record of progress in interracial harmony?"²⁶(*Gazette*, March 20, 1963, p. 1).

Johnson was quite proud of Berkeley's success in relations between Blacks and whites. "Any realistic observer knows that there is some racial discrimination going on in Berkeley, but any fair-minded citizen also knows that there is a lot of non-discrimination going on". This is indeed a strange statement from a city official. It is a way of diminishing racism—like claiming there is a lot of robbery and mugging taking place, but most citizens are law abiding.

²⁵ J. L. Pimsleur, p. 7; see "Housing Discrimination in Berkeley [1962]", City of Berkeley, Citizens' Committee to Study Discrimination in Housing in Berkeley, Report to the Community Welfare Commission, A Report by a Citizens Committee to the Community Welfare Commission Berkeley, Ca., July 1962.

²⁶ For the opinion of then mayor Claude B. Hutchinson, who called this a "bad law", see "Mayor Takes Stand on City Housing Ordinance," *Gazette* March 20, 1963, p. 1; "If adopted, it will take away not only your rights, but the rights of all the people of Berkeley. It will tend to divide rather than unite us".

He listed some interesting facts concerning the African American population: the very fact that 26% of Berkeley was of “colored racial origin” was prima facie evidence that it was a “hospitable, friendly city” from his vantage point. Furthermore, he maintained, the Citizens Report on Housing Discrimination in Berkeley “does not document a single case of a Berkeley home owner denying the rental or sale of his home, face-to-face to a Negro applicant”. Only two borderline cases based on hearsay existed!

Most interesting, he offered evidence from the KDIA radio station that Black residents were particularly well off, even compared to white city-dwellers. The local station estimated that “69% of the Negroes in Berkeley own their own homes (a much higher percentage than in Oakland or San Francisco)”. Indeed, “this Negro home ownership is probably higher than home ownership by whites”. If you drove around Berkeley, you would find Black home owners possessed “neat homes, well-kept lawns and other evidences of pride of ownership”.

The Defeat of Fair Housing

The voter turn out represented a Berkeley record of 82%, higher than that with the 1959 fair housing bill. This indicated how much the fair housing issue galvanized Berkeley voters, as it did California citizens and realtors after passage of the Rumford fair housing law. This did not, however, bring out the best aspects of their character or their citizenship (*San Francisco Chronicle*, April 2, 1963, p. 10).

One of its opponents, a representative from the Citizens League for Individual Freedom, declared, “This shows that unfair housing ordinances with threats of fines and jail sentences against private property owners is not the solution to grave social inequities which exist among our population.” He asked that the governor hold a conference to research the issue.

Some fair housing opponents vowed to fight against discrimination, nonetheless. Wallace Johnson, the new mayor, declared his support for “prompt and effective justice in housing disputes” (*Chronicle*, April 4, 1963, p. 1). He supported state legislation over local efforts as in Berkeley, which he contended had put together a bad bill. Certain parts of Rumford’s bill had their appeal to Wallace.

A representative from San Francisco’s Council for Civic Unity, which supported the initiative, reminded citizens, “While we have voted out the ordinance, we have not voted out the problem of discrimination”. Efforts should be renewed to address the problem (*Chronicle*, April 2, 1963, p. 10).

The defeated mayoral candidate Fred Stripp pointed out that they still had a 5-4 liberal majority on the city council, even though the city had, in his estimation, disgraced itself. Mrs. Frankie Jones, NAACP president, was also optimistic: “It is not our feeling this is a defeat. We expect to go forward to our aim of fair housing in Berkeley”. The number of people who supported the ordinance encouraged Reverend Nichols. However, he added, their numbers were too small to achieve their goals.²⁷

Rev. Nichols concluded, “When the issue of integration is placed directly in front of the American people, as represented in Berkeley, the majority of the people are against it”. Now, he claimed, Black folk know where they stand. Meanwhile, 35 local clergymen vowed to continue in their efforts for fair housing.²⁸

²⁷ “Winners in Berkeley Vow to Fight Housing Bias”, *Chronicle*, April 4, 1963, p. 10; the election controversy spread beyond Berkeley’s borders; see “Housing Bias Fight Spreads to LA”, *ibid.* Councilman Tom Bradley maintained a fair housing law was “absolutely necessary to end de facto segregation”. On Stripp, “Dr. Fred Stripp Candidate for Mayor in Berkeley”, *California Voice*, February 8, 1963, p. 4. Stripp was a Berkeley minister with an integrated congregation as well as a UC professor and the first president of Berkeley’s NAACP.

²⁸ “Winners in Berkeley Vow to Fight Bias”, *Gazette*, p. 10.

Councilman Wilmont Sweeney, part of the majority of city council members who supported the measure, was optimistic. He believed the election campaign to be “one of the best things that ever happened to Berkeley. It’s made people here look at the problem”.

Taking into account the comments of Rev. Nichols and Councilman Sweeney, progressives saw where they stood. Moral appeals to a sense of fairness and decency did not work for them in Berkeley, and Proposition 14 suggested what Assembly Speaker Jesse Unruh observed, that their defeat “indicates that we have not done a good job of educating the people on the necessity of this type of legislation”. He displayed a measure of optimism, assuming that education was an effective tool. All that mattered to property owners, however, was their right to discriminate. They, in fact, corroborated what Minister Malcolm X pointed out when he spoke at UC Berkeley in October 1963, as well as on countless other occasions, that because Whites did not want integration, the Nation of Islam to which he belonged argued for separation (*Gazette*, October 11, 1963, p. 1).

Rev. Nichols realized the opposition was entrenched, and Sweeney and Unruh saw the election as part of a longer struggle, involving education and new legislation. If a liberal university town could find substantive reasons to oppose fair housing legislation, what chances did African Americans stand in other California communities or in the South? What was most disturbing was the fact that real estate agents thought they could violate the law with impunity while presenting themselves as supporters of law and order.

The Rumford Act was passed by the state legislature in June 1963 shortly after the assassination of NAACP leader Medgar Evers in Mississippi. During the last few weeks before its passage, CORE activists, Blacks and non-Blacks, actually sat in for several days in the Capitol building despite Rumford’s wish they would go away. Proposition 14, supported by voters in November 1964 despite tremendous opposition from civil rights and civic groups, politicians, and Hollywood celebrities and because of support from business and real estate interests as well as conservative citizens, passed easily. To Berkeley’s credit, its residents voted against Proposition 14.²⁹

Berkeley’s opposition to Proposition 14 can perhaps be explained by changes in the minds of its citizens and by national events. One month after the April election, TV viewers witnessed the Birmingham demonstrations and the authorities’ use of water hoses and police dogs against children. In late August that year White and Black citizens participated in the March on Washington, their collective unity embodying the dream of an integrated equalitarian society. Just a few weeks later four Black girls died in the bombing of the Sixteenth Street Baptist Church in Birmingham, Ala., and in November President Kennedy was assassinated. These national tragedies, and the fact that Congress passed the Civil Rights Act in summer 1964, could have no doubt affected the thinking of Berkeleyans, but more research is necessary to comprehend the reasons they opposed Proposition 14.

At the same time, we must recognize that in April 1963, the intransigence of Berkeley’s voters, followed up by that of the state voters’ support of Proposition 14, indicated that they perceived property rights as one of their most fundamental rights. Passage of Proposition 14 meant that they could discriminate against anyone they did not like and the state would never be able to do anything to prevent this, thus sustaining a class of

²⁹ Gretchen Lemke, “Afro-Americans in Berkeley, 1859-1987” (Oakland: Visions Toward Tomorrow, 1987, p. 46), Berkeley Public Library. The *Gazette* (October 23, 1964, p. 9) did not support Proposition 14; so did the Berkeley Board of Education, which maintained segregated housing led to segregated schools and serious educational problems; see the *Gazette*, October 21, 1964, p. 1.

second-class citizenry. They were not particularly concerned about the fact that this ironclad adherence to their rights infringed upon the rights of others.

Conclusions

This work maintains that west coast events were in some ways as important, as pivotal, as the Montgomery Bus boycott and the Greensboro sit-ins in the nation's history. The west coast strike of 1934, the University of California loyalty oath controversy, which went on for several years, student demonstrations against HUAC in San Francisco in 1960, and the Free Speech Movement of 1964 stand out as having singular importance in the nation's history as well as California's. They foreshadowed the crises the nation would face during the late 1960s³⁰.

The Berkeley struggles for fair housing also revealed a portrait of political activities in a situation where Jim Crow was the custom, supported by business, real estate interests, homeowners, and other citizens, but not by law. If an allegedly liberal city and university community, progressive voters though, can oppose fair housing, a significant step towards the goal of integration, what hope was there for the rest of the nation? Proposition 14 revealed how voters had dug in their heels to fight any structural changes in the society and equal opportunities for African Americans.

In order to understand the mindset that opposed fair housing, it is necessary to consider the very irrationality of the opposition as a main component. It is also important to understand it as an effect of segregation. As historian Adam Green contended, segregation in the North was psychologically worse than in the South, where "As demeaning and denigrating as those experiences were, human contact took place in the South". Some Berkeleyans were concerned because they knew this kind of interaction did not take place in their city, and it did not happen for their children until they entered the city's single high school.³¹

Rumor of a Black student "knife crowd" at Berkeley High was a good example of the irrationality that played such a major role in some whites' thinking. It was supposed to be a threat to students, and Whites in particular. No reports verifying this problem were reported in the newspaper; Nor did they surface in citizen debates or in reports by the various committees charged with evaluating school problems. Because of their lack of contact with African Americans, not to mention their indoctrination through exposure to the teaching of history and to a lifetime of Hollywood film propaganda and other media, Whites were willing to believe

³⁰ The controversy concerning the loyalty oath for UC professors was quite complicated and controversial in the 1950s; it was overturned finally in 1958; "Supreme Court Bars Tate Loyalty Oath Enforcement", *Gazette*, June 30, 1958, pp. 1-4. George R. Stewart, *The Year of the Oath: The Fight for Academic Freedom at the University of California* (Garden City, N.Y.: Doubleday and Co., Inc. 1950). Robert Cohen and Reginald E. Zelnik (Eds.), *The Free Speech Movement: Reflections on Berkeley in the 1960s* (Berkeley: University of California Press, 2001).

³¹ "Adam Green: A Historian Tells His Own Story", CORE (Winter 2013) (Supplement to the *University of Chicago Magazine*), p. 10. Actually, the Rumford Act's effects were grossly overstated: Martinez Ho Sang, pp. 62-63: "It is... important to note that the Rumford Act exempted properties consisting of four or fewer units and only covered single-family houses that were owned occupied and financed by a government loan. In other words, a vacant or rented single-family home (e.g., an investment property) was exempted from Rumford coverage even if it was publicly financed; duplexes, triplexes, and fourplexes were exempted entirely. One estimate suggested that the Rumford Act covered only about 25 percent of the nearly 3.8 million single-family homes in the state and less than five percent of the 857,000 duplexes, triplexes, and fourplexes. Other than investing authority in the FEPC, its primary impact was to extend coverage to 99 percent of the 738,000 apartment buildings of five units or more. In other words, most individual homeowners remained entirely unaffected by the provisions of the Rumford Act; none of their 'rights' were abridged by its provisions". Also, it dealt with renting and sales only; no relief was provided for those who could not afford living outside the ghetto. The Rumford Act was not meant to bring about widespread integration or solve the "endemic housing crisis" in California.

anything that was to the detriment of Blacks.³² Is it likely that there were a series of stabbings and these were not reported? In fact, the town's high school principal maintained in 1958, "Last semester was one of our best. We had only one report of where a student tried to extort money from another". No mention of stabbings was made (*Gazette*, 1958, p. 11).

The irrationality of Berkeley's voters is also reflected in the fact that opponents of the fair housing initiative strongly disliked the fact that a person might be ordered to ignore his or her prejudices and racism or be punished by the law. This was most offensive: That a Black person or other minority might not only appeal, rejecting what Whites considered to be their right, and then have their way, and possibly even inflict penalties (for a misdemeanor comparable to jaywalking)—this was more than any white person should have to bear. This denial of Blacks' rights is a reminder that during the state's first few years, Blacks, Asians, and native Americans could not vote or testify in court when whites were involved (Delilah Beasley, 1969).

Indeed, the arguments that bigots used successfully against fair housing in Berkeley echoed those made by slaveholders in the nineteenth century insofar as they prioritized their individual property rights over others' civil rights. These claims also foreshadowed some of the ideas that some Californians used to determine policy issues and propositions on affirmative action and immigration in the late 20th and early 21st centuries.

One also detects a certain sense of privilege among property owners when it came to the rights of others. Professor Martinez HoSang uses the term "white privilege" to identify this phenomenon. One businessman who lived in an integrated neighborhood claimed he got along with all kinds of people. On the other hand, he stated with no sense of the contradiction, "If my children were young at this point, I'd move out". Moreover, "the Negroes certainly would help the situation by not trying to force themselves down our throats all the time"³³.

Significantly, President of UC Clark Kerr, who lost his position shortly after Ronald Reagan was elected governor in 1966, had some insights on the nature of this mindset that he encountered in his memoirs.

I was too accustomed to rational thought within the academic community...verifying facts, clarifying issues, calculating costs and benefits, trying to apply good sense and consider all aspects and consequences of actions. I was not accustomed to a more irrational world of emotions, of spontaneity, of sole adherence to some political faith. (Gade, & Kawaoka, 2005)

Kerr encountered the same world that fair housing supporters confronted a few years earlier, and one that still dominates public discourse in the U.S. in the 21 century.

Progressives in town and at the university, some of them veterans of struggles against academic freedom and McCarthyism, were galvanized by unyielding local racism. The Southern civil rights movement influenced them without a doubt, but local issues loomed large as deserving attention and redress—and housing and quality of education were at the top of the list. Some of these individuals went on to support a busing scheme to integrate the schools and joined the anti-draft and antiwar movements that were particularly strong in the Bay

³² For a contemporary critique of the approach of history textbooks to African Americans, see *The Negro in American History Textbooks: A Report of a Study of the Treatment of Negroes in American History Textbooks Used in Grades Five and Eight and in the High Schools of California's Public Schools* (Sacramento: California State Department of Instruction, 1964); a panel of Berkeley historians, including Professors Winthrop D. Jordan, Lawrence W. Levine, Robert L. Middlekauff, George [sic—actually Charles] G. Sellers, and Kenneth Stampf wrote the report. Donald Bogle, *Toms, Coons, Mulattoes, Mammies, and Bucks: An Interpretive History of Blacks in American Films* (New York: Continuum, 1994 ed.) for Hollywood film stereotyping.

³³ Martinez Hosang, p. 59: California property owners' "investments in whiteness forged a racial geography in California as segregated and asymmetrical as almost any region in the country". Terry Hansen, "Cooperation Solution to Tensions", *Gazette*, February 28, 1958, p. 13.

Area.³⁴

Furthermore, study of Berkeley's fair housing debate revealed once again how the nation's problems with racism were national, not regional as some would prefer to believe, and that liberal legislation alone would not bring about integration. Historian Thomas Sugrue pointed out that NAACP officials feared that, having overturned legal segregation, Southerners would—like Northerners—depend upon custom to achieve segregation.

Indeed, alleged supporters of democracy did not intend to include African Americans in that society if it meant, from their point of view, White property owners must give up their prejudices and racism. Major educational strategies were needed to bring the electorate around, and the full support of civil rights and civic organizations were required to oppose the efforts of the realtors, lenders, and businesses to not only overturn the Rumford Act, but to prevent any future legislation in the area of proscribing the rights of property owners.

The new coalition of different civic, labor, and political organizations was multi-racial, a significant departure in local elections. By the late 1950s, Black voters represented a voice to be reckoned with. If about half of the 26,000 non-Whites were voters, and 90% supported fair housing, this would account for approximately 12,000 of the 20,000 votes. This means about 8,000 Whites voted for fair housing while 22,000 opposed the measure. Considering they made up nearly half of the voting population of 50,000, the fair housing coalition represented a powerful force in Berkeley politics, and they were responsible for many of the reform measures adopted in the 1960s and later years. They were, in fact, unrelenting in their direct action campaign, some of them going to Sacramento to sit in the Capitol until the fair housing law was passed.³⁵

In another effect of the fair housing campaign, opponents of the Rumford Act organized as they had rarely done before in California politics—convincing the electorate to pass Proposition 14, which carried in all but one county. No longer could the conservatives and bigots operate sub rosa, with coded expressions and careful steering of clientele, so they sought to defeat legislation that did not permit them to discriminate with their own legal strategies. Within a few months of the passing of the Rumford Act, they formed civic groups to overturn it.

The Citizens Council, “purportedly a white supremacist group”, was one organization formed in the aftermath of the Rumford Act's passage. “Are you positively dedicated, as a matter of personal choice, of the principle of the social separation of the races?” was the first question asked prospective members (Larry, 1964). The keynote speaker at the Alameda County Citizens Council meeting of 500 in October 1964 was an administrator from the White Citizens Council in Jackson, Ms. (Larry, 1964). Eight hundred UC CORE and other demonstrators infiltrated their invitation only meeting at the prestigious Claremont Hotel, heckled speakers inside the meeting room, and sang and chanted in the hallway and outside in the parking lot—some of them wearing white sheets.

California state labor reforms and efforts at civil rights legislation, often at the local level as well as the state, produced major changes in the politics of Berkeley. New electorates and new coalitions, the Berkeley Caucus and the Black Caucus, for example, not only addressed racism, but elected four Black council members—half the city council—in the early 1970s as well as two Black mayors during that decade—each of

³⁴ “Presentation to the Berkeley Board of Education on De Facto Segregated Schools” by the Berkeley Chapter of the Congress of Racial Equality, CORE, on May 1, 1962, summarized the organization's analysis and approach to the education problems in Berkeley; CORE Archives, Carton 1, Chapter Papers, 1953-1967, University of Wisconsin, Madison, WI.

³⁵ Professor Charles Sellers was one of them; author's interview, April 12, 2013.

whom was reelected (Brian & Masugi, 2004).

Yet as eventually became evident, liberal reforms had their limits. It was good that they targeted the bigots rather than the victims of racism, but their acceptance of the political system as a fundamentally fair one was flawed. In general proponents of independence in African and Asian countries did not labor under this illusion, and if U.S. reformers had been more aware of these anti-colonialist critiques, they might have incorporated them in their strategies.

Related to this was the fact that many reformers believed that the white majority's situation, aside from their bigotry, was mainly that of positives—successful businesses, nice homes, intelligent children—while the minority's was one of negatives—poor housing, single-parent households, poverty, crime, vice, etc.. This gave the majority group a sense of well-being and superiority that was undeserved; by the same token it gave some African Americans a sense of inferiority and an acute awareness of a condition generally lacking the good things in life. African American culture, however, possessed many positives just as the model television couple, Ozzie and Harriet, did not accurately characterize the majority group.

Moreover, the city's housing problems were complicated by the fact that many Berkeley Whites were working class, less educated than Blacks, and fearful of them as a group, and were thus quite likely to move over the hills to the suburbs as African Americans came into their neighborhoods. Many local African Americans were educated, some having attended college and professional schools, as well as ambitious, and did not correspond to the stereotypes of Blacks that were engrained in the heads of Whites. The emergence of Black power in the mid-1960s derived in part from these shortcomings of liberalism, and the formation of the Black Panther Party brought home these facts of life in the East Bay and, eventually, the nation (Bloom & Martin, 2013).

Even with the Supreme Court's affirmation of the Rumford Act in 1967, large numbers of middle-class Blacks did not move into the hills and other neighborhoods of the city. Only a few prosperous African Americans were able to do so. In other words, fair housing utterly failed to deal with the problems of working class and poor Blacks—it was not intended to do this.

With the sudden escalation of real estate values in the late 20th century, Berkeley's Whites found the flatland homes to be the most affordable in the city. One of the ironies of the Berkeley fair housing struggle is that it permitted Whites to integrate predominantly Black neighborhoods, a phenomenon which in cities such as New York and Washington, D. C. were known as gentrification and involved the purchase and remodeling of homes and apartment buildings, often converting them into condominiums, and raising the prices to the point where resident African Americans could no longer afford them.

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