

FEDERAL AND STATE AFFAIRS COMMITTEE

March 10, 1969

The meeting was called to order by the Chairman who stated that two Fair Housing bills, SB 16 and HB 1282 were to be considered; that the hearing would conclude at 4:00 P.M. Senator Gaar discussed S.B. 16, and explained that this goes along with the federal law except that it goes further and provides for conciliation; that it had been valuable in the public accommodations legislation and it was felt that it would work in the discriminatory housing practices as well. He stated that to refuse to sell or rent because of color, national origin, etc. would be unlawful and the individual has recourse in the courts; that under certain circumstances complaints may be filed with the Civil Rights Commission which may have a hearing exactly as could be done under the Public Accommodations Act, and the Commission may issue an order. If the order is refused they may then file suit in the District Court. There is also a provision for the Court to appoint an attorney and award attorney fees. He stated that this bill does protect the 4 unit apartments, and less. If there is a local ordinance comparable to the federal law, it will take precedence. There is a penalty for "block busting".

Mr. Everett inquired about Mr. Gaar's position on the Redd case as it might reflect on this proposal. Mr. Gaar stated that case involves licensing and this Act involves human rights and property rights and that there was an inconsistency in the Act that brought this suit about. Mr. Turner inquired if there is any possible way an appeal can be taken without using formal rules of evidence and Senator Gaar stated that in the administrative procedure and the inability to have a trial de novo, would be a violation of due process of law.

Mr. McCray inquired about enforcement, stating that he would like to know why the housing section is taken from the Civil Rights Commission. Senator Gaar stated that in the Committee's consideration, it seemed clear that the Civil Rights Commission and the Advisory Council took the position that the proper method of enforcement was on a local level. Also, that it was their feeling that they should stay somewhat consistent with the federal law. Mr. McCray stated that he felt this put the total burden on the individual and Senator Gaar stated that it did not; that initially the burden is always upon the individual because someone must bring a complaint of violation. Mr. McCray stated that since we already have the Commission to which a considerable amount of money is budgeted, we should use them instead of taking powers and responsibilities away from them.

Representative Davis was introduced to discuss H.B. 1282. Mr. Davis stated that he had compared the federal law

with SB 16 and HB 1282, and he thinks 1282 fits the federal act better. He displayed a pamphlet prepared by HUD in which it is suggested that these problems should be worked out on a local level where they are closer to the problem; that if adequate local legislation is not enacted the federal government will come in and have inspectors running all over the state making their own investigations. He stated that this bill provides for conciliation, as does the public accommodations act and equal employment. He stated that this Commission should be treated no differently from others and that 1282 grants them the proper power to enforce the law.

Representative Love supported this bill, stating that his major concern is in the area of jurisdiction, and urged that the Civil Rights Commission be permitted to do the job that they are set up to do. Rep. Bower, also a sponsor of the bill, stated that we have a reasonable Commission; that it should be used and that he hoped the committee would support H.B. 1282. Mr. Joe Doherty of the Civil Rights Commission, stated that they disagree with SB 16 in regard to the enforcement portion. He cited the history of anti-discrimination legislation and urged that there should be a provision for conciliation; that very few complaints cannot be resolved without court action, but that the Commission should be given the right to investigate and make findings and issue orders if conciliation fails. Mr. McCray asked Mr. Doherty how he rated 1282 with regard to the federal law, and Mr. Doherty stated that it is broader; that 1282 exempts individuals renting rooms in a private home, and four unit complexes; that otherwise it is consistent.

Mrs. Nathan Shechter stated that the position of the Advisory Council has been quite clear; that the bill submitted this year (in fact both SB 16 and 1282) have been submitted to attorneys at the national level and that it is their conclusion that HB 1282 should be passed.

Rev. Jack Bremer appeared in support of Fair Housing Legislation, stating that the Methodist Church had long supported this policy. James Woodson, representing the NAACP stated that his organization supports 1282 and also would support SB 16 if it were amended. Mr. Galen Potts spoke for the Kansas Council of Churches, the Catholic group and the Jewish group in support of this legislation. (see exhibits) Peggy Gatewood, representing the League of Women voters stated that her group supports the premise of enforcement by the Commission. Mark Pagan of the American G.I. Forum stated that his group supports 1282 and favor it over the provisions in SB 16. Mrs. Donald Wilkin, representing Church Women United of Kansas, which includes most denominations and has a membership of over 500 in Kansas, supports meaningful fair housing legislation and that they feel 1282 would provide this. (see exhibits) Rep. Jerry Harper, one of the sponsors, stated that he favors and urges passage of 1282 or SB 16 if it were amended; that from all the discussion one would think we had a Stokely Carmichael in the Civil Rights Commission

when in fact we have a responsible Commission doing a good job, and they should be utilized.

The hearing was adjourned and the Committee recessed for a short period and reconvened. The Chairman stated that he would like to take action on SCR 8; that he had previously announced there were to be no public hearings; that everyone had already heard all of the arguments pro and con; that they were all getting pressure and he would just as soon get rid of it so other business could be taken care of.

Mr. Buchele moved that the resolution be recommended favorably. Motion was seconded by Mr. Winters and carried by a vote of 14 yes to 5 no. Representative Harper asked to be recorded as voting against the motion.

The meeting was adjourned.

March 10
exhibits

SPEAKERS IN SUPPORT OF H.B. 1282

~~March 3, 1969~~

Mr. James Davis - State Representative

Mr. Robert Watson - Kansas Commission on Civil Rights

Mr. Joe Doherty - Kansas Commission on Civil Rights

Mr. Clarence Love - State Representative

Mrs. Ruth Shechter - Kansas Advisory Council on Civil Rights

Mr. William Harris, Jr. - Kansas State Branch NAACP

Mr. Mark Pagan - American G.I. Forum, State of Kansas

Mr. Vincent DeCoursey - Kansas Catholic Conference

Mrs. James Rose - Kansas Council of Churches

- Kansas Mental Health Association

Mrs. Jean Pavela - Kansas City, Kansas Human Relations Commission

Mr. Jerry Harper - State Representative

Mrs. Donald Wilkinson - Church Women United of Kansas

Rev. Jack Bremer, United Methodist Church, Kansas
East Conference

Mr. Al Cornell, Topeka Human Relations Comm.

KANSAS CIVIL LIBERTIES UNION

an Affiliate of the
AMERICAN CIVIL LIBERTIES UNION

March 10, 1969

LEGISLATIVE MEMORANDUM # 1

To: Members, House of Representatives

From: James E. Seaver, Chairman
Mrs. Lee Derman, Legislative Counsel
2845 Ohio, Topeka 66603

Subject: HB 1282

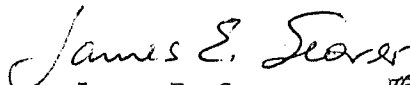
THIS BILL IS APPROVED.

We regard this bill, which amends the Kansas Act Against Discrimination to extend the prohibitions against discrimination against minority groups into the area of housing, as a fair and realistic piece of legislation.

We believe that there is ample evidence that minority group members and particularly Negroes find it more difficult to rent, buy, or finance housing of their choice because of discriminatory practices. They are thus denied in the state of Kansas a part in the life of this community which they merit as citizens and as human beings.

Fears of property loss and forced association with unwanted neighbors that always arise when legislation of this kind is proposed, are, in our view unwarranted and have been shown to be unrealistic in communities where fair housing legislation has been passed.

The assumption that property rights are absolute and that this legislation violates them is also unwarranted. As we in the Civil Liberties Union understand particularly well, freedom and justice, under our constitutional form of government always require the balancing of the rights and interests of some groups with those of others. Passage of HB 1282 will do much to balance the rights of property owners against the rights of would-be minority group and Negro buyers who lack only the qualification of the right skin color.


James E. Seaver
Chairman

SPEAKERS IN SUPPORT OF H.B. 1282

March 10, 1969

- Loma Lloyd*
- ✓ Mr. James Davis - State Representative
 - ✓ Mr. Robert Watson - Kansas Commission on Civil Rights
 - ✓ Mr. Joe Doherty - Kansas Commission on Civil Rights
 - ✓ Mr. Clarence Love - State Representative
 - ✓ Mrs. Ruth Shechter - Kansas Advisory Council on Civil Rights
 - Mr. William Harris, Jr. - Kansas State Branch NAACP
 - ✓ Mr. Mark Pagan - American G.I. Forum, State of Kansas
 - Mr. Vincent DeCoursey - Kansas Catholic Conference
 - Mr. Galen Mack - Kansas Council of Churches
 - Kansas Mental Health Association
 - ✓ Mrs. Peggy Gatewood - League of Women Voters of Kansas
 - Mrs. Jean Pavela - Kansas City, Kansas Human Relations Commission
 - Mr. Jerry Harper - State Representative
 - Mrs. Donald Wilkins~~on~~ - Church Women United of Kansas
 - ✓ Rev. Jack Bremer - United Methodist Church, Kansas East Conference
 - Mr. Al Correll - Executive Director, Topeka Human Relations Commission

✓ James Woodson NAACP
- Galen Potts 3 3 1/2

I am Mrs. Donald Wilkin of Topeka, Legislative Chairman and member of the State Executive Committee of Church Women United of Kansas. We are a department of the National Council of Churches, and include women from many denominations, organized into units within cities of Kansas. Nationally there are units within 50 states and in nearly 3,000 communities. In Kansas there are units in 75 communities, representing over 500 churches. We are a movement of volunteer women engaged in a program of fellowship, study, and responsible Christian action.

Church Women United of Kansas wishes to express our support for meaningful fair housing legislation for Kansas. We believe House Bill No. 1282 would provide this type of legislation by granting the Civil Rights Commission the power necessary to remedy discriminatory practices when found to exist.

We would suggest the inclusion of a section in the bill which would permit religious organizations or fraternal organizations to give preference to their own members in dwellings they operate for other than commercial purposes, unless such membership is restricted on account of race, color, ancestry or national origin.

CHURCH WOMEN UNITED OF KANSAS
Mrs. Harry Snell, President
Mrs. Donald Wilkin, Legislative
Chairman

Galen Potts
Ks Council of Churches

STATEMENT OF KANSAS CATHOLIC CONFERENCE, KANSAS COUNCIL OF
CHURCHES AND ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH SUPPORTING
FAIR HOUSING LEGISLATION

March 10, 1969

The following policy statement reflects the joint concern of the Kansas Catholic Conference, the Kansas Council of Churches and the Anti-Defamation League of B'nai B'rith in the area of open housing legislation. Specifically, in the matter at hand, it is intended that strong "open occupancy" legislation be translated into open housing action in the communities of our state.

It should be made clear at the outset that there is no intent to mis-represent the respective constituencies in combined influence of these three organizations. They cannot, and do not, claim to represent all churchmembers in the State of Kansas. Further, it is acknowledged that they may not speak for every individual churchgoer represented in their respective judicatories. Still, their combined thinking on matters of policy vital to the state is seen to be a meaningful voice.

The Kansas Catholic Conference is the policy body for three hundred fifty-two parishes, representing more than three hundred sixteen thousand Kansas Catholics. The Kansas Council of Churches is a council of twelve Protestant denominations with a combined church membership figure of nearly four hundred ninety thousand. The Anti-Defamation League of B'nai B'rith represents the policy position of the Jewish organization.

We believe that in the struggle for human equality, it is imperative that discriminatory practices be eliminated in all areas of our various social institutions and national practices. To achieve this goal, we regard it as our obligation to labor, directly, for legislative action which will assure advances in the cause of civil rights throughout the social order.

We believe all people are entitled to freedom of residence wherever their economic means and personal wishes may indicate. Ghetto housing is a documented fact of American life. Not only do we refute the notion of the inevitability of such a human condition, but we contend that such constriction of residence freedom among minority group members must be abolished swiftly and forever. Slum housing -- whether defined as sub-standard facilities or restricted areas of residence, and whether located in urban, rural or suburban environs -- can only breed individual despair and the collective deterioration of the human spirit.

As concerned citizens we are required by faith and conscience to participate in the decision making process in behalf of the victims of inequality. Thus, we consider it urgent that an "open occupancy" law be enacted: a strong measure applicable to individual property owners, realtors, and lending institutions.

During the 1968 session of the legislature we jointly asked that this state make a guarantee to its citizens that none would be denied the right to buy or rent homes because of race, religion, color, or national origin. After a valiant effort by many the measure failed by the narrowest of margins. The need for the legislation has not lessened.

We are grateful that bills have been introduced which would implement the right to housing that is now implicit in federal law. It is our belief that a truly meaningful "Fair Housing" law must contain enforcement powers by the Civil Rights Commission equal to its regulatory powers over discriminatory acts in employment and in public accommodations.

For this reason we are before you, today, asking support for legislation which will not only define the rights of persons to purchase or rent property, but will also contain provisions making enforcement an essential part of the law itself. We are, therefore, earnestly requesting Kansas legislators to enact a law under which all of the citizens of Kansas can be assured equality in opportunity to rent or buy housing -- any housing -- within their economic means, and not have access to it denied by reason of race, religion, color or national origin.

Respectfully submitted,

Edward J. Hunkeler
Archbishop of Kansas City, Kansas
Chairman, Board of Governors
Kansas Catholic Conference

Edward J. Nelson, President
Kansas Council of Churches

Anti-Defamation League of B'nai B'rith
Harold Adler, Regional Director