

Appendix G

ADOPTION OF A FAIR HOUSING ORDINANCE BY THE CITY OF MILWAUKEE¹

In 1960, the Wisconsin NAACP drafted model open housing legislation for consideration by the State Legislature. State legislative activity on open housing spurred opposition from several property owners associations opposed to so-called “forced housing.” In the 1963 and 1964 legislative sessions, State representatives rejected various proposals to ban discrimination in the sale, rental, or financing of private housing. Assemblyman Lloyd Barbee reintroduced a strong open housing bill in 1965. The bill was opposed by the real estate industry and many assembly members. A compromise bill supported by Governor Warren Knowles was enacted on December 3, 1965. The law was limited to buildings of five or more units, or only 30 percent of total housing units in the State. Milwaukee open housing advocates focused their efforts on a City open housing law, in part because single-family homes were not covered by the State law.²

Alderwoman Vel Phillips, at that time the only woman and the only African-American on the City of Milwaukee Common Council, introduced an open housing ordinance in the Common Council four times between 1962 and 1967. The proposed ordinance, which covered the sale, lease, and rental of most dwellings in the City, was defeated each time on a vote of 18 to one, with Phillips casting the only vote in support. In October 1966, Father James Groppi and the Youth Council (YC) of the NAACP joined Alderwoman Phillips in her effort to enact a fair housing ordinance in the City of Milwaukee. The YC began its campaign for fair housing by marching and picketing outside the homes of aldermen, based on the concept of nonviolent direct action encouraged and practiced by Dr. Martin Luther King, Jr. as part of the national civil rights movement. Following a riot in Milwaukee’s inner city in July 1967, the YC decided to keep pressure on City officials by marching from Father Groppi’s parish church, St. Boniface, located in the inner city, across the Menomonee Valley on the 16th Street viaduct to Kosciuszko Park on Milwaukee’s south side. At that time, the Menomonee Valley was seen as Milwaukee’s “Mason-Dixon” line, separating the black inner city from the predominately white south side. The marchers were met by an estimated 13,000 white residents who vehemently, and in some cases violently, protested their presence and fair housing. The civil rights activists vowed to continue their marches every day until the Common Council enacted a fair housing ordinance, and in fact continued marching for 200 consecutive days.

Milwaukee became a focal point in the campaign for open housing that was taking place around the country. At times, up to 5,000 marchers participated in the marches organized by the YC. Due to the heightened interest in fair housing, the Milwaukee Common Council established a committee to develop a City open housing ordinance. The committee met during the Fall of 1967, but failed to develop a

¹ *The summary of the passage of Milwaukee’s fair housing ordinance is based on information from the book, The Selma of the North: Civil Rights Insurgency in Milwaukee, written by Patrick D. Jones, Harvard University Press, 2009.*

² *The Wisconsin Open Housing law has been amended several times since its initial passage. The State law now applies to virtually all housing units and provides protection against discrimination on the basis of age, family status, disabilities, and a number of other factors in addition to race.*

recommended ordinance. In December 1967, the Common Council passed a City open housing ordinance that mirrored the State open housing law.

Also during the Fall of 1967, opponents of open housing gathered 27,000 signatures on a petition for a referendum to prohibit passage of an open housing ordinance by the Milwaukee Common Council. The referendum was scheduled for a vote in the April 1968 election. One month before the election, Judge Robert Tehan ruled³ that the referendum would be “unconstitutional if enacted into law,” and a vote was never held.

Dr. King was assassinated on April 4, 1968. In part to honor Dr. King, the U.S. Congress enacted the 1968 Civil Rights Act, which includes a strong open housing component in Title VIII, also known as the Fair Housing Act (the Fair Housing Act is summarized in Appendix F). On April 30, the Milwaukee Common Council, with seven new members, passed a new City open housing ordinance that offered more protections than the Federal law and covered an estimated 90 percent of dwellings in the City.

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³ *Otey v. Common Council of the City of Milwaukee*, 281 F. Supp. 264 (E.D. Wis. 1968).