HOUSING DISCRIMINATION IN OREGON

## Home Swet Home

### What is Home?

What does "home" suggest to you? To many of us, the word conjures up a feeling of security, comfort, and a place to call your own. Historically, home ownership has symbolized a family's social status and one's economic security.

in the "American Dream." Some Oregonians, even those who can afford to buy their own homes, have been prevented from freely choosing where they live.

Housing discrimination, unfortunately, can be directed at any one of us, Landlards, real estate agents, landers, and insurers.

However, not all residents have had the chance to participate

one of us. Landlords, real estate agents, lenders, and insurers may discriminate because they make negative assumptions about other groups of people or because they are simply unfamiliar with them. Any Oregonian could be wrongfully denied housing because they have children, because of their ethnic origin, or because they have a disability.



Courtesy of the Farmworker Housing Development Corporation.

## go as we are and not be questioned." - Maya Angelou,

All God's Children Need

Traveling Shoes, 1986

where we can

"The ache for

home lives in

all of us, the

safe place

### Fair Housing Is Your Right



A family moving into an affordable workforce apartment located in Lebanon Courtesy of the Farmworker Housing Development Coalition.

The concept of "fair housing" recognizes that people have the right to choose where they live. Good tenants or homeowners are responsible, care about where they live, and are good neighbors. Where they were born, their place of worship, or their sexual orientation has nothing to do with it.

The unfolding of housing discrimination in Oregon parallels events and circumstances in American history. People perceived to be "different" have always been subject to bias in housing in the state and throughout the country. Discrimination in Oregon has been more than personal prejudice. State and federal laws have historically provided institutional sanction.

"We have been willing to throw away the rest of our country, and you thought it was too much. Then, we agreed to take only half of it, and you thought it was too much! Then we agreed to take this small piece. You want us still to take less. We can't do it. It is tying us up in too small a space."

### — Chief Alquema of the Santiam Kalapuya t Champoed in 1851, spoken

at Champoeg in 1851, spoken to Colonel Beverly Allen during treaty negotiations

### Oregon's Long Shadow

What is today called "Oregon" has remained home to more than 60 tribes for thousands of years, each with their own culture, history, and customs. Before settler-occupation, some tribes would travel along the Columbia River and western valleys, following the harvest and migration patterns of the year, while others developed more permanent villages near the coast to fish and hunt.

As fur trappers and farmers began to migrate to Oregon, Indigenous tribes and bands were pushed into smaller and smaller territories through a series of unratified treaties, violence, and intimidation. Thousands died from the spread of foreign European diseases.

Shortly after the signing of the Oregon Treaty in 1846, Congress passed the 1850 Donation Land Act, a policy that promised 320 acres of Native land to single white men and 640 acres to married couples. This incentive brought thousands of settlers through the Oregon Trail, and within five years the population boomed from about 13,000 to over 52,000.



The Forest Grove Indian Training School initially opened in 1880 before moving north of Salem in 1885. Hundreds of Native children from across the Pacific Northwest were forced to live here, separated from their families and cultures. In 1939, it was renamed as the

Chemawa Indian School. Courtesy of the Oregon Historical Society.

Between the 1850s and 70s, the U.S. Army, in partnership with local militias, violently forced Native tribes out of their ancestral lands and into segregated reservations. The Rogue River Wars of 1855-1856 ended in the displacement of Native peoples in southwestern Oregon to the Coast Reservation, today part of the Siletz Reservation. That same winter, 325 Native people from the Table Rock Reservation in Southern Oregon were forced to march a deadly 263 miles north to the Grand Ronde Reservation. This event is remembered by Shasta and Rouge River tribal descendants as the Rogue River Trail of Tears. And the Nez Perce, whose homeland stretches from present-day Wallowa Valley to Washington and Idaho, were forced out of Oregon altogether after increased encroachments of settlers, repeated treaty violations, and assaults from the local militias backed by the U.S. Army.

Then, the Dawes Act of 1887 divided reservation land across the U.S. into individual plots, opening millions of acres of previously collectively managed tribal land to non-Native settlement. In 2010, the *Cobell v. Salazar* class-action lawsuit against the U.S. government settled for \$3.4 billion, more than half of which



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## Shaping Racial Values

### An Agricultural Paradise

Oregon's early political and economic systems were established with the intention of creating an agricultural paradise in the West where white farmers could settle without the competition of Southern plantations. While settlers from Northern free soil states generally opposed slavery, many early Oregonians feared that the presence of any African American people, enslaved or free, would establish class distinctions and threaten the economic opportunities of white laborers.



Settlers in Tillamook County. Courtesy of the Oregon Historical Society.

As a result, a series of exclusion laws passed between 1844 and 1857 declared Oregon a free state, but made it "unlawful for any Negro or mulatto to come in or reside" in Oregon.

**George Washington** Bush (1790-1863) settled in Oregon in 1844. Bush's friends and neighbors petitioned the U.S. Congress to protect him from Oregon's Black **Exclusion Laws.** In 1855, Congress passed a special act specifically allowing the Bush family to retain their land claim. Courtesy of the Oregon

Historical Society.



#### A "Free" State

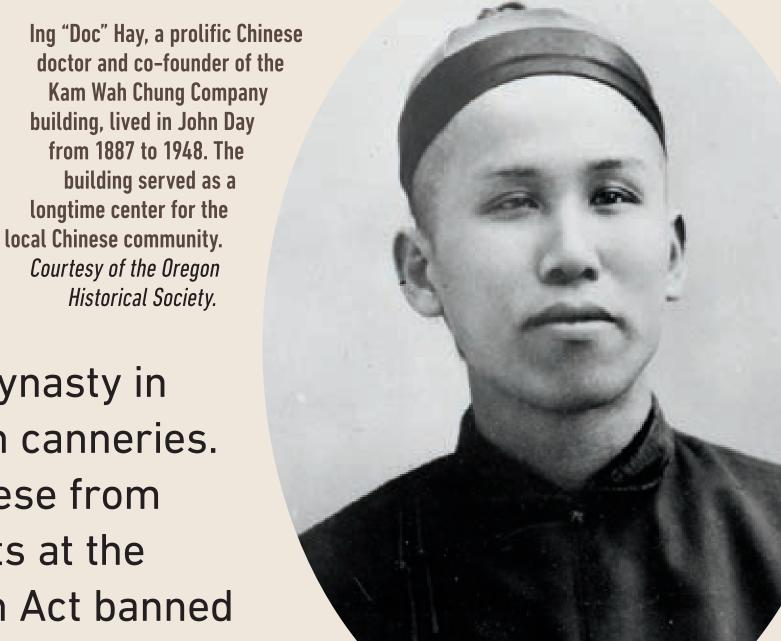
Oregon joined the Union in 1859 as a free state with an exclusion clause in its constitution: "No free Negro, or mulatto, not residing in this State at the time of the adoption of the constitution shall come, reside or be within this State, or hold any real estate." In 1926, Oregon voters repealed the constitutional provisions relating to the exclusion of African Americans. However, it was not until a ballot measure in 2002 that the racist language was finally removed from the Oregon Constitution.

## America's First Civil Rights Act

Federal, state, and local efforts to counter housing discrimination began after the Civil War. The 1866 Civil Rights Act marked the birth of the legal battle to end discrimination. Oregon's exclusion laws became unconstitutional. Citizenship and civil liberties were extended to all persons (with the exception of Native Americans, who would not be granted citizenship until 1924). "All persons born in the United States . . . are declared to be citizens . . . and such citizens without regard to race . . . shall have the right, in every state and territory . . . to make and enforce contracts . . . to purchase, lease, sell, hold and convey real and personal property." 1866 Civil Rights Act

"Aliens Ineligible to Citizenship"

Chinese men first ventured to Oregon after the collapse of the Manchu Dynasty in 1853. They worked as miners, on the railroads, and, later, in Astoria's fish canneries. Acceptance did not come easily. The Oregon Constitution prohibited Chinese from owning land or holding a mining claim unless they were already residents at the time the Constitution was adopted. In 1882, the federal Chinese Exclusion Act banned Chinese immigration to the United States. A dire downturn in the economy in the late 1880s further provoked anti-Chinese resentment, which frequently turned to violence. White laborers were aggrieved by perceived job displacement by Chinese immigrants, even though Chinese laborers were doing jobs white laborers generally refused to do.



"The Chinese are a curse and a blight to this county, not only financially, but socially and morally."

"If any free negro

or mulatto shall

country, he or she

may be arrested

upon a warrant

... and if guilty ...

his or her bare

shall receive upon

back not less than

twenty nor more

than thirty-nine

inflicted by the

constable of the

proper county."

— 1844 Amendment

to the Organic Law

stripes, to be

fail to quit the

Grant County News,October 14, 1885

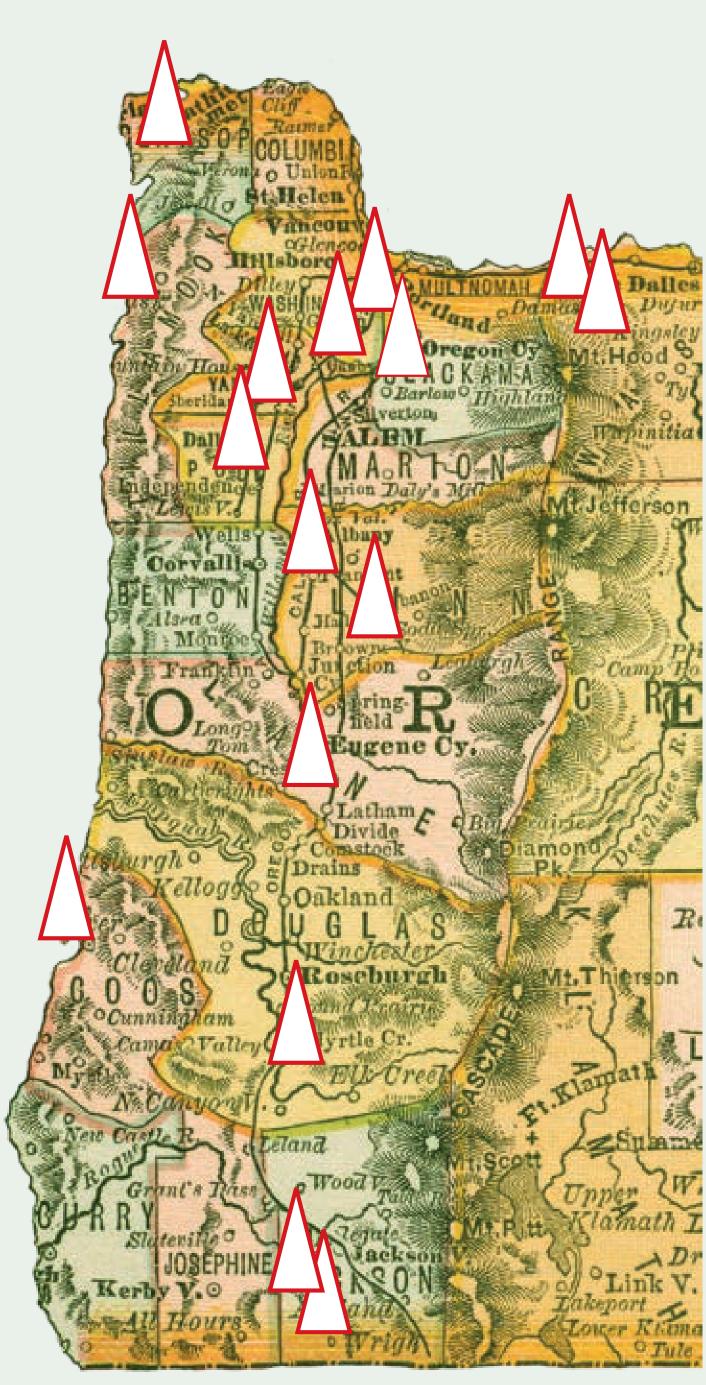
### Separate, But Not Equal

In 1868, the 14th Amendment granted citizenship to all persons born or naturalized in the United States. Nearly 30 years later, the U. S. Supreme Court ruling in *Plessy vs. Ferguson* upheld the constitutionality of state laws requiring racial segregation in public places under the doctrine of "separate but equal." This landmark ruling led to an era of legally sanctioned racial segregation.



HOUSING DISCRIMINATION IN OREGON

## Prejudice Intensifies



This map documents several of the Klaverns that existed in Oregon up and down the I-5 corridor. By the end of 1922, there were a reported 65 Klaverns in Oregon — 58 full and 7 provisional.

"Grants Pass has always been a white man's town and there is no reason under the shining sun why it shouldn't continue ... Who wants Grants Pass to be the scene of a race riot? Who wants to see property values slump in Josephine County?"

— Editor of the Southern Oregon
Spokesman, May 1924



In 1925, a mob expelled a Japanese labor crew from Toledo. Tamakichi Ogura, a victim of the mob, filed a wrongful act lawsuit — the first of its kind in Oregon to find the leaders of the mob guilty of civil rights violations. From left to right: Tamakichi Ogura (l) and Ichiro Kawamoto at the Portland courthouse. *Morning Oregonian, July 21, 1926, p. 6.* 

### The Invisible Empire

In the early 1920s, white supremacist propaganda gave rise to the growth of the Ku Klux Klan, a racist organization that cloaked bigotry in patriotic rhetoric. By 1923, Oregon's Klan was the largest of its kind west of the Rocky Mountains with an estimated 35,000 members in approximately 60 local chapters. Its political influence extended to Oregon's state and local governments. Catholic Oregonians were the Klan's primary target, as well as African Americans and Jewish people.

Sundown towns, harassment, and increasingly restrictive policies pushed many African American residents out of rural communities. From 1890 to 1930, even though the overall African American population in Oregon increased, the number of counties without any African American residents increased from 1 to 4, and the number with less than 10 residents increased from 16 to 20.

"We all

know what

residential

means ...

lighting"

1903 to 1936.

segregation

poor housing,

bad streets,

poorly kept

— The Advocate, 1932.

Oregon's newspaper for

the African American

community ran from

and deficient

In 1945, the Social Work Journal (previously titled The Compass until 1948) declared Portland the most discriminatory city north of the Mason-Dixon line.

## Oregon's Segregated Housing Patterns

By the 1920s, Oregon had well established segregated housing patterns. African Americans and Asian Americans seeking homes or apartments in white neighborhoods were repeatedly turned away. Real estate appraisers evaluated home values by a neighborhood's racial or ethnic composition. A manual published by the American Institute of Real Estate Appraisers confidently ranked racial and ethnic groups from top to bottom according to their effect on property values: 1) English, Germans, Scotch, Irish, Scandinavians; 2) North Italians; 3) Bohemians or Czechs; 4) Poles; 5) Lithuanians; 6) Greeks; 7) Russians, Jews (lower class); 8) South Italians; 9) Negroes; and 10) Mexicans. Neither Asian Americans nor Native Americans made the list.

### "Property Restricted to the White Race"

In 1926, the US Supreme Court determined restrictive covenants to be legal in *Corrigan v. Buckley*, leading to widespread usage. However, the NAACP continued to challenge the use of covenants, and in the 1948 case *Shelly v. Kraemer*,

the Court found deed restrictions legally unenforceable. While the courts would no longer uphold covenants, they were not banned, and continued to be enforced by realtors and lenders until the passage of the Fair Housing Act in 1968. Some older homes may still feature restrictive covenants in their deeds. While these deeds are no longer legal, such exclusionary language remains a reminder of the era in which the houses were built.

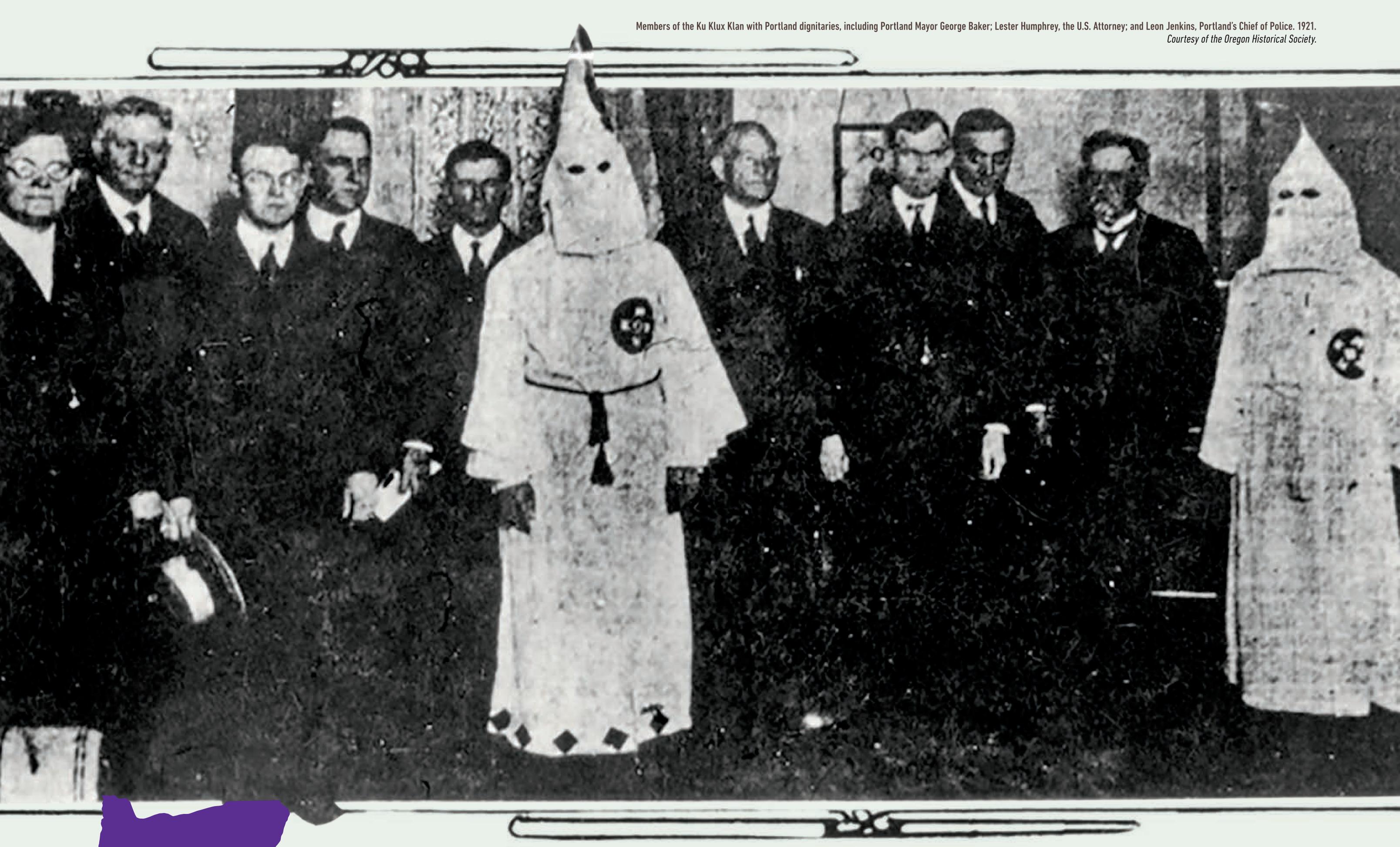
Residential segregation continued to be enforced through guidance directly from the Federal Housing Authority, which stated that "Incompatible racial groups should not be permitted to live in the same communities," and that racially integrated neighborhoods would adversely affect property values. Real estate agents also drew red lines around districts where they would sell homes to African Americans, further enforcing segregation. Banks usually refused to give home mortgages in "redlined" areas.

### Chinese Americans

Prosperous second and third generation Portland Chinese began to move out of Chinatowns to the suburbs by the late 1920s. Even though they achieved the right to become American citizens with the repeal of the Chinese Exclusion Act in 1943, they continued to face discrimination in Oregon, in part because they were confused with Japanese Americans during World War II. Chinese Americans discovered that real estate agents did not want to sell to "Orientals." Real estate agents refused sales outright or required Chinese Americans to petition the entire neighborhood to obtain permission to move in.

### Japanese Americans

After the Chinese Exclusion Act in 1882, employers brought Japanese laborers to work in fields and factories. The more successful Japanese immigrants were able to purchase their own farms, triggering resentment from white farmers. In 1919, a white citizens group in Hood River pledged not to sell or lease land to the Japanese Americans. Four years later, the Oregon Alien Land Law targeted first generation Japanese immigrants by barring anyone who was not an American citizen from owning real estate property. The law — actively supported by the Ku Klux Klan — viewed immigrants as a threat to American culture. Some Japanese immigrants who already owned land deeded their property to their American-born children or bought their homes through a third, white party.



HOUSING DISCRIMINATION IN OREGON

## The Impact of War



The artermath of the flood on the City of Vanport, 1740. Courtesy of the oregon distorical Socie



The 555th Parachute Infantry Battalion, or the "Triple Nickles," was the U.S.'s first all-Black paratrooper unit. Stationed in Pendleton, the battalion parachuted into forests to fight fires started by Japanese balloon bombs. Courtesy of the National Archives.

### Vanport

In 1942, the new Portland Housing Authority developed more than 18,000 housing units for wartime workers. Vanport, built on a flood plain along the Columbia River, was both the largest public housing development in the country and the second largest city in Oregon. Many Black families and laborers moved to Vanport, which, at the time, was one of two public housing projects in Portland that would accept African Americans. Though Vanport's housing remained racially segregated, its public spaces, such as the schools and work sites, were not. It was a diverse and relatively peaceful community.

The closing of the Columbia River shipyards at the end of the war resulted in devastating unemployment for Black workers. Many stayed in Vanport because of Portland's exclusionary housing practices. Then, in 1948, the city of Vanport was entirely destroyed in a massive flood. Nearly one-third of the thousands of displaced residents were African American. While local churches and organizations rallied to support the flood victims, many of Portland's African American community eventually left to seek jobs and homes elsewhere.

### Japanese American Concentration Camps

President Franklin D. Roosevelt signed Executive Order 9066 in 1942, authorizing the U.S. Army to forcibly exclude persons from military areas. While the order did not name any specific ethnic groups, subsequent curfew and removal actions were targeted predominately at Japanese Americans. Thousands of Japanese Americans were removed from their homes without any legal review. Many were U.S. Citizens. For three years, Oregon's Japanese American men, women, and children were detained in American Concentration Camps in Idaho, California, and Wyoming.

When Japanese Oregonians were released, they returned to changed communities. Some found their businesses had been looted and encountered hostile neighbors. Many had difficulty in obtaining mortgage loans. A conciliatory gesture towards restoring civil liberties to the Japanese came in 1949 when the Oregon Supreme Court struck down the Alien Land Law. Three years later, the federal Walter McCarren Act granted citizenship rights to the Issei, first generation Japanese Americans, ending a long history of legal discrimination. Forty years later, the United States paid reparations to those who had been detained in American Concentration Camps.

### Bracero Program

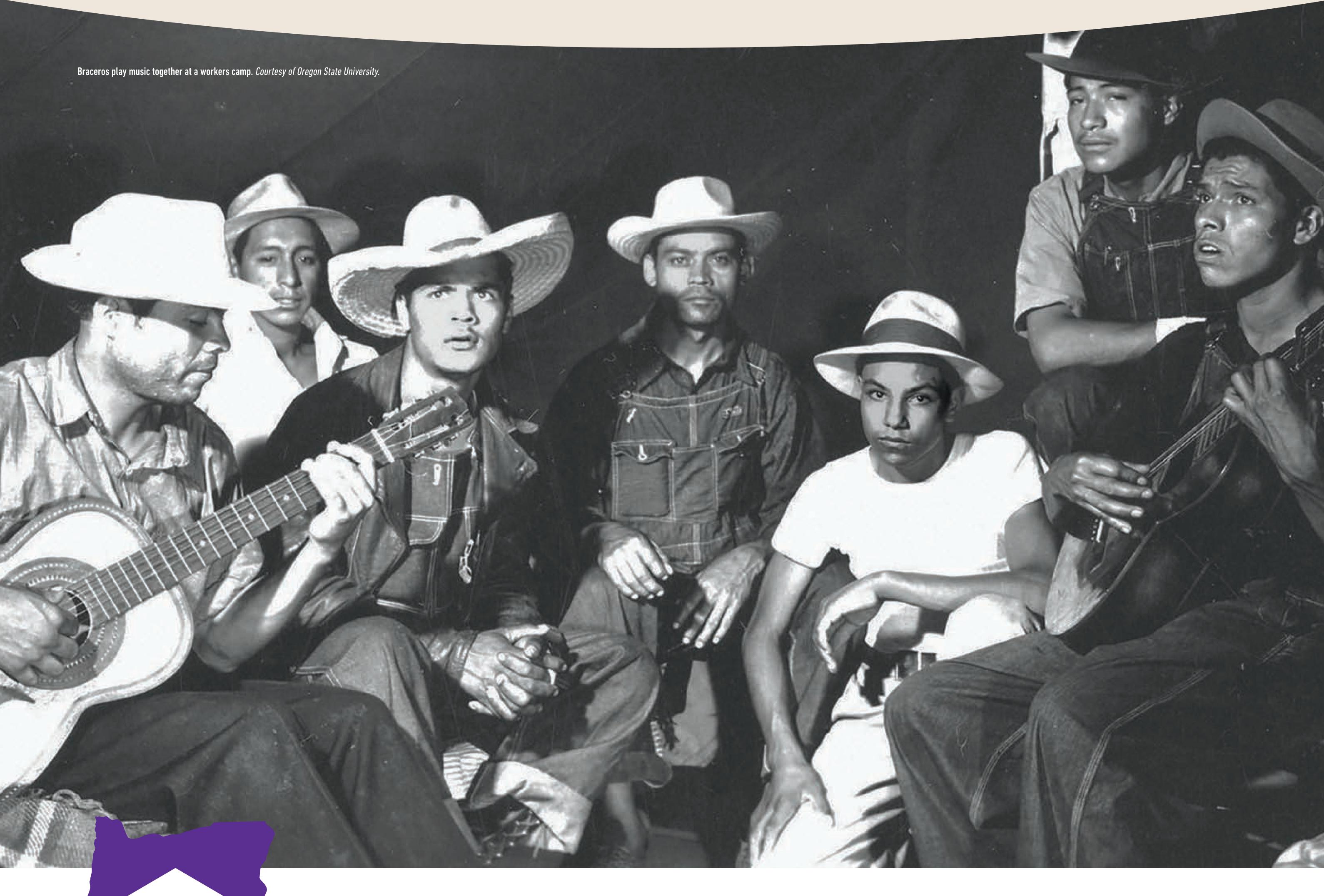
Beginning in 1943, more than 15,000 men came from Mexico to harvest crops in Oregon under the federal Bracero Program. These workers were integral in sustaining Oregon's agricultural production and railroad transportation during the war. Even so, Braceros were steered into overcrowded and squalid camps rather than local neighborhoods. Unscrupulous labor contractors and farmers sometimes cheated workers of their pay and made false promises about living and working conditions. After the program ended in 1947, state and federal agencies continued to recruit Mexican migrant families to Oregon. Seasonal laborers became commonplace in the Willamette and Treasure valleys.



"We Cater to White Trade Only" signs greeted African American laborers and servicemen during the Second World War and in the years following. Servicemen stationed in Umatilla and Jackson counties found it difficult to buy a drink or a meal. Courtesy of the Oregon Historical Society.

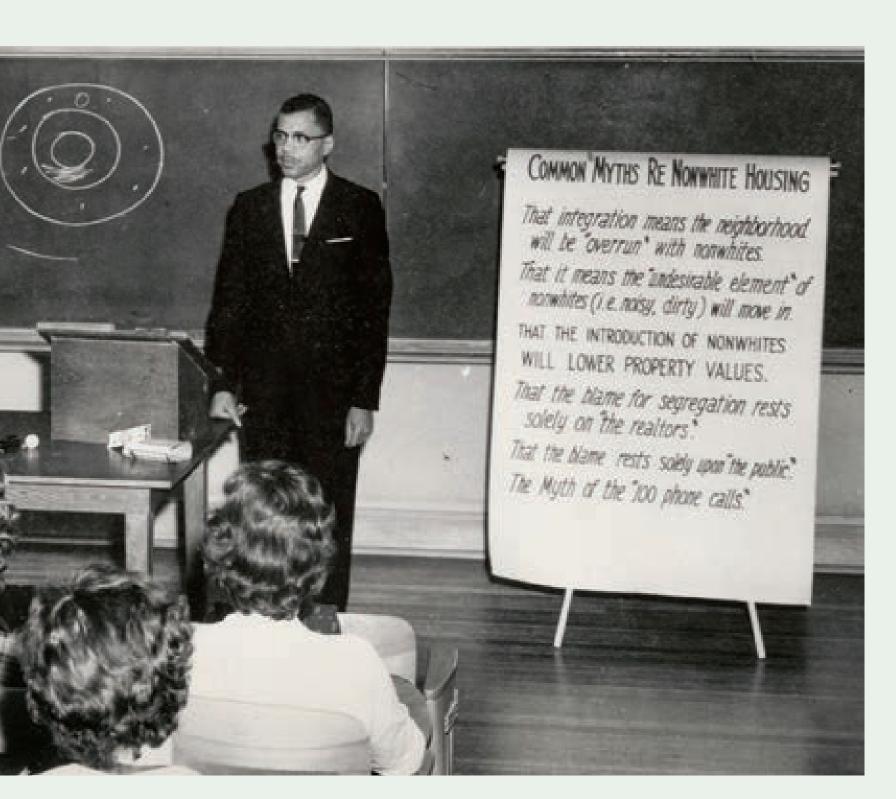


Soldier posting Civilian Exclusion Order #1, 1942, in Kitsap County, Washington. Courtesy of the Oregon Historical Society.



HOUSING DISCRIMINATION IN OREGON

## A New Era



John S. Holley from the Urban League of Portland teaches sociology students in Monmouth about common racial housing myths. 1958.

Courtesy of the Oregon Historical Society.

## Landmark U.S. Supreme Court Cases

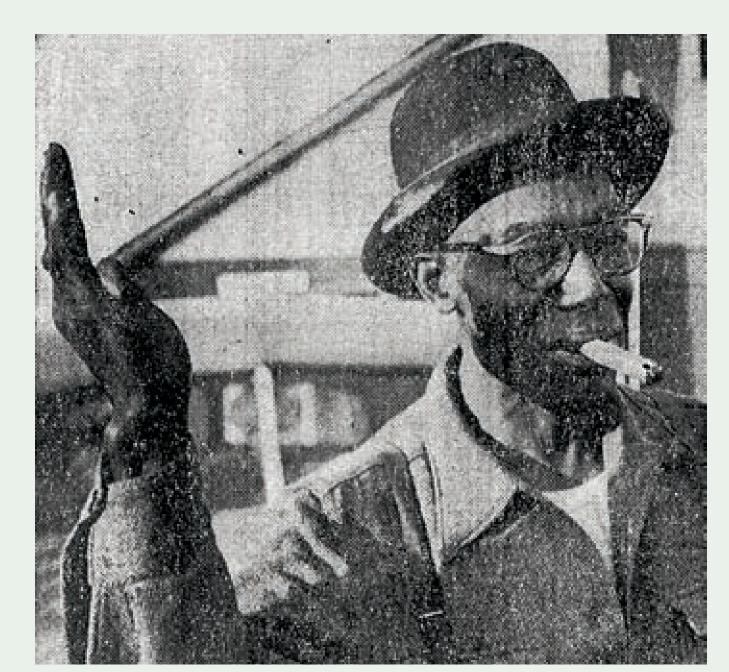
Between 1948 and 1970, the struggle to end discrimination gained momentum, aided by three U.S. Supreme Court decisions and a national fair housing law:

Shelley v. Kraemer declared restrictive covenants unenforceable. [1948]

#### **Brown v. Board of Education**

in Topeka, Kansas, overturned the "separate but equal" doctrine and mandated school integration. This landmark case opened the door to challenging segregation in American life. [1954]

Jones v. Mayer held that the refusal of a private residential contractor to sell a home to an interracial couple violated the 1866 Civil Rights Act. [1968]



The Reynolds Family moved to West Eugene following the destruction of the Ferry Street settlement. There, they founded the St. Mark Christian Methodist Episcopal Church. Courtesy of The Oregonian.

"If ever I was to build a city I would for no one party, or one nation. I would build for anybody and the more different the races, the better I'd feel. I'd feel like a King!"

— Sam Reynolds

### The Fair Housing Act

On April 4, 1968, the assassination of civil rights leader, the Rev. Martin Luther King Jr., stunned the world. One week later, as a result of political pressure created by rioting and urban revolt, Congress enacted Title VIII of the Civil Rights Act, also known as the "Federal Fair Housing Act." The law prohibited discrimination in the sale, rental, or financing of housing based on race, color, religion, or national origin. For the first time, it added civil penalties for violators of the law.

With the passage of the 1968 Fair Housing Act, real estate agents and landlords could no longer discriminate openly. Yet, discriminatory practices persisted. A housing provider might employ evasive statements or actions, or an uncooperative or indifferent attitude. Redlining of certain areas continued, reinforcing segregation and preventing many minority families from buying.

Although the 1968 act committed the government to the goals of fair housing, enforcement was difficult; often, it was the word of the homebuyer or renter against the real estate agent or landlord. Lenient penalties and low damage awards removed incentives for prosecution.

### Oregon's Civil Rights Legislation

In 1953, the state legislature passed a Public Accommodations Bill that prohibited discrimination in hotels, motels, restaurants, and amusement parks on the basis of race, religion, or national origin. Mark Hatfield, then a young state representative, worked with the Urban League and the National Association for the Advancement of Colored People (NAACP) to sponsor the law, which marked the beginning of Oregon's civil rights legislation.



Mark Hatfield signing the Public Accommodations Law. While a Willamette University student in the early 1940s, Hatfield hosted performers Paul Robeson and Marian Anderson on campus. He recalled driving the two of them to Portland for the night, appalled by Salem's hotels' "no coloreds" policy. Courtesy of the Oregon Historical Society.

In 1957, fair housing laws were extended to Oregon's public housing. In 1959, Oregon civil rights leaders achieved a major victory with the passage of the state's fair housing law. The legislation made it illegal to refuse to sell, lease, or rent to a purchaser solely because of race, color, religion, or national origin. However, despite this new law, the real estate industry continued to employ strategies to preserve segregation.

### Urban Renewal

In the mid-1950s, Oregon cities endured the effects of urban redevelopment.

Eugene's Ferry Street Community Eugene, like many cities across Oregon, was known as a "sundown town," and did not allow Black residents to live within city limits. In the 1940's, Eugene's African American community settled on the north bank of the Willamette River. The community went by many names, such as "Across the River," "Across the Bridge," and "Tent City." Because it was outside city limits, it did not have running water, electricity, or sanitation services.

In 1949, Lane County began construction on the Ferry Street Bridge directly where the Ferry Street Community was situated. Ten days after a court order was issued to vacate the residents across the river, a bulldozer demolished all the homes and the neighborhood church. Dozens of families were displaced to Glenwood and West Eugene.

Albina District, Portland By 1950, more than fifty percent of Oregon's African American population lived in Portland's Albina neighborhood. But Black residents in Albina faced repeated displacement due to urban development projects that destroyed homes, businesses, and entire neighborhoods, including the building of the Memorial Coliseum in 1956, the Interstate 5 freeway construction in the 1960s, and the Emanuel Hospital expansion project in the 1970s. Demolition for the Emanuel project occurred before funds for construction were ever secured. An empty lot still remains.

Today, an influx of mostly younger, white residents continue to move into historic black neighborhoods in Portland, like Albina. Trendy businesses, upscale development, and dramatically increasing home values have followed. Due to this gentrification, African American residents, especially renters, have been forced to find cheaper housing in outlying areas such as East Portland.

### Tribal Termination

In 1954, Public Law 588 terminated the federal recognition of many tribes in Oregon, including the Siletz, Grand Ronde, Coquille, Coos, and Lower Umpqua tribes, opening industry access to over 1.8 million acres of timber-dense forests located on tribal land. Activists immediately got to work, and after significant tribal advocacy, the nine federally recognized tribes we know in Oregon today were reinstated between 1977 and 1989. However, the full amount of land lost due to Public Law 588 has never been recovered, and tribes are still working to regain the economic self-sufficiency and treaty-ensured hunting and fishing rights they maintained prior to termination.



Grand Ronde Restoration Hearing, 1983. Courtesy of the Oregon Historical Society.





HOUSING DISCRIMINATION IN OREGON

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### Amendments to the Fair Housing Act

The Fair Housing Amendments Act extended legal protections to families with children and people with disabilities (both physical and mental). The act increased risks and costs for would-be discriminators by boosting fines and punitive damages and allowing for recovery of attorney fees. In Oregon, fair housing laws began to be vigorously enforced by the U.S. Department of Housing and Urban Development (HUD), the Oregon Civil Rights Division, and private attorneys.

People with Disabilities The Independent Living Movement of the 1970s and 1980s empowered people with disabilities to fight openly for their rights. Innovations in medicine and technology enabled people with disabilities to move from institutions or family settings to independent living, but barriers still remained. Most housing was inaccessible to wheelchairs. Many landlords were reluctant to rent to tenants with disabilities because they feared misuse of the rental or lack of acceptance by other tenants.

The 1988 Fair Housing Amendments Act required all new multifamily housing to meet federal accessibility requirements. Tenants with disabilities gained the right to structurally modify their dwellings to make them accessible. Tenants could also request special accommodations when needed for their disabilities, such as a parking space close to their unit or a service animal in a "no pets" property.



protections continue to expand.

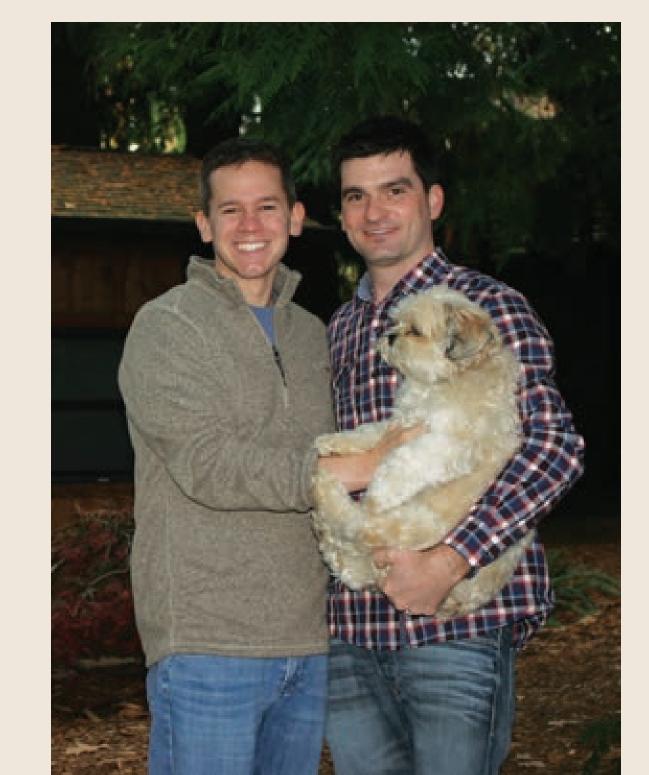
Courtesy of Immigrant and Refugee Community Organization, IRCO.

**Families with Children** Before the 1988 Fair Housing Amendments Act, more than 60 percent of rental units in Oregon were off limits to families with children. Landlords preferred to rent to single adults rather than to families because they feared potential liability issues and increased wear and tear on their units. Developers built apartments without considering the recreational and safety needs of children. "For Rent" signs often specified "no children, no pets."

**LGBTQ+ Oregonians Gay**, Lesbian, Bisexual, Transgender, and Queer Oregonians historically concealed who they were to

access housing and to prevent harassment from their landlords and neighbors. Housing discrimination based on sexual orientation or gender identity has been illegal in Oregon since 2008. In 2012, HUD added program regulations to prevent discrimination by housing providers that receive HUD funding or have loans insured by the Federal Housing Administration (FHA). Lenders insured by the FHA are also prohibited from discriminating.

Creating a More



Portland homeowners. Courtesy of FHCO.

Welcoming Society Today the federal government protects us from discrimination based on race, color, religion, national origin, sex, familial status, and disability. The State of Oregon provides additional protection from discrimination based upon source of income, sexual orientation, gender identity, and marital status. State law also protects recipients of public assistance and survivors of domestic violence. Some cities and counties also prohibit discrimination based on occupation, age, and housing status. As we increase our understanding of the challenges people face, new advocates step forward to continue the fight against discrimination and

### Getting to Know Our Neighbors

Fair housing laws guarantee our right to live where we choose, but legal protection has not guaranteed that the doors to equal housing opportunity are kept open. Housing discrimination could still affect any one of us, whether the reasons are ethnic background, religious or political beliefs, single parenthood, sexual orientation, or a disability. Our challenge now is to work together to confront discrimination and ensure that



Courtesy of the National Fair Housing Alliance.

#### Discrimination Today

Discrimination today is often more subtle than in the past. The blunt language of "we don't want your kind here" may have largely disappeared, but it has been replaced by a polite lie that an apartment or home has been taken off the market, already rented, or has a different set of qualifications for "undesirable" applicants. Some rules have a harsher impact on a protected class group and that is also illegal under the fair housing liability of "disparate impact." Some examples of discriminatory policies include:

- No one who works in farm labor can live here.
- No tricycles anywhere in the complex.
- No one is permitted to cook curry in this apartment building.





# Housing Discrimination in Oregon



PRESENTED BY FAIR HOUSING COUNCIL OF OREGON