

J. Schmidt

**DISCRIMINATION IN OFF-BASE HOUSING:
ELLSWORTH AIR FORCE BASE**

**A Report of the
South Dakota State Advisory Committee
to the
United States Commission on Civil Rights**

March 1968

SOUTH DAKOTA ADVISORY COMMITTEE

TO THE

UNITED STATES COMMISSION ON CIVIL RIGHTS

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Subcommittee on Fair Housing at Ellsworth Air Force Base

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PREFACE

The United States Commission on Civil Rights is an independent agency of the Executive Branch of the Federal Government created by the Civil Rights Act of 1957. By the terms of that Act, as amended by the Civil Rights Acts of 1960 and 1964, the Commission is charged with the following duties: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the laws under the Constitution because of race, color, religion, or national origin; maintenance of a national clearinghouse for information respecting denials of the equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

The State Advisory Committee

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

This report was submitted to the United States Commission on Civil Rights by the South Dakota State Advisory Committee. The report and recommendations are based upon the Advisory Committee's evaluation of information received at the closed meeting held in Rapid City on December 2 and 3, 1967 and at a Subcommittee meeting with Ellsworth Air Force Base officials on December 28, 1967. This report has been received by the Commission and will be considered by it in making its reports and recommendations to the President and the Congress.

INTRODUCTION

Facial discrimination in off-base housing for Ellsworth Air Force personnel continues to be a matter of concern to the South Dakota State Advisory Committee to the U. S. Commission on Civil Rights. The Committee reported its first findings to the Commission in 1962 following an open meeting in Rapid City. These were subsequently published by the Commission.

The Advisory Committee's attention was again focused on this situation in the Fall of 1967 when the Black Hills Civil Rights Committee, a volunteer organization of concerned citizens living in the Black Hills area, conducted a telephone survey on the subject from September 27 to October 27. Its findings appeared to be at variance with those obtained in a survey made in July 1967 by the Ellsworth Air Force Base as part of its regular monthly survey of rental facilities of five or more units which is required by the Department of Defense. The Base's report had shown that as of July 1967, Rapid City was 100 percent free of racial discrimination in the off-base housing for military personnel that was surveyed.

The Black Hills Civil Rights Committee conducted its survey by telephoning 52 persons who had placed advertisements of available facilities in the classified advertising section of the Rapid City Journal. The Committee received 25, or 48 percent affirmative and 27, or 52 percent negative replies when its members asked if the individuals would rent to Negroes.

This was reported to the State Advisory Committee at a closed meeting December 2-3, 1967, whereupon the Chairman appointed a Subcommittee on Fair Housing to confer with Ellsworth Air Force Base officials. The Subcommittee members were Mrs. Ruth Hunsinger, Dr. H. Benjamin Munson, and G. Richard Ruddell.

The meeting took place at the Base on December 28. The Advisory Committee was represented by its Subcommittee; the Base by Col. Paul K. Petrul, Base Commander; Col. Carl A. Klunder, Deputy Base Commander; and Lt. Col. John E. McHugh, chief of the personnel division.

HOUSING SURVEY PROCEDURES

The Base representatives explained their efforts to implement the directives of the Department of Defense in regard to off-base housing and pointed out that they had undertaken a follow-up survey on the report of the Black Hills Civil Rights Committee. Of the housing surveyed, only 15 facilities had five or more units, which is the size of a facility falling within a Base's purview according to Department of Defense regulations. Three landlords asked the Base representatives to defer their visit; one landlord was already on the Base's discriminatory list; and one landlady said she would have to consult her long-time tenants before reaching a decision. The remaining 10 landlords stated that they had no discriminatory policies.

According to the Base officials, their July survey had covered 47 housing facilities which contained a total of 1,961 units. Thirty of these facilities were multi-family units and 17 were mobile home courts. The courts, comprising 1,000 units were spaces in which an individual could park his own trailer. Of the 30 multi-family facilities, 17 were motels and hotels comprising 330 units. The balance was made up of 13 multi-family housing facilities which consisted of 631 units. All were reported to be available on a nondiscriminatory basis.

On September 1, seven facilities with 93 units were added. Three were multi-family facilities comprising 42 units, one was a trailer court with 21 spaces and the remaining three facilities were motels with a total of 20 units. All seven facilities were reported to be available on a nondiscriminatory basis.

On October 1, three additional facilities with 47 units were added. One was a trailer court containing 13 spaces and two were multi-family facilities comprising 34 units owned by the same landlord. This landlord said he would not rent to Negroes despite the fact that he was contacted twice by Base officials in an effort to persuade him to change his policy.

As of November 1, no additional facilities were reported added.

Therefore, as of December 1, the Base officials had surveyed 57 facilities comprising 2,101 units. The compliance rate was 98 percent with 34 units in ~~two facilities not in compliance.~~

The Base officials told the Subcommittee members that information on compliance status is initially obtained by personal contact. The present policy requires the landlord to fill out an information sheet for use by the Base Housing Referral Office. When this is returned, the rental property is eligible for referral to military personnel. Included in this information sheet is an understanding that the facility is open to all military personnel without regard to race, creed, color, or national origin. If a landlord does not comply, his property is not listed*. All incoming personnel receive the Housing Referral List as part of their processing procedure.

HANDLING COMPLAINTS

Any airman, the Base representatives said, who feels that he has encountered discrimination in housing, has recourse to an established

*Facsimile of letter, information sheet, and statement by Secretary of Defense McNamara are appended to this report.

complaint procedure through Base housing channels. He may make his complaint verbally to any officer and is then referred to the legal officer. The legal officer, in turn, writes a letter of particulars for the Base Commander to use in talks with the landlord. Either the commander or his deputy talks with the landlord, the Chamber of Commerce, and to the Realtor if one is involved. If the landlord is reluctant to rent to Negroes, the Chamber of Commerce writes to him, pointing out the problems involved, and asking him to change his policy. The Realtor is asked to find a place that will rent to the airman. All complaints are followed up.

GENERAL DISCUSSION OF PROBLEM AND REMEDIES

In response to the Subcommittee's questions on problems encountered and its request for suggested remedies, the Base representatives gave the following information:

Only addresses of facilities that do not discriminate are given to airmen because the Housing Referral File contains only such listings and all incoming personnel are made aware of that fact.

Some complaints about single units were received from Negro servicemen prior to August 1967 and in each instance the procedure, as previously outlined, was followed. Most of the complaints which the Base receives are in the area of four or fewer units. There have been no complaints against listed facilities.

In answer to a question regarding further means of dealing with the entire problem, the Base officials said they felt progress could be made if, in addition to handling complaint procedures, an educational program were to be carried on. The Ellsworth Air Force Base has an Equal Employment

Opportunity Committee which the president of the Rapid City Branch of the National Association for the Advancement of Colored People and the president of the Black Hills Civil Rights Committee have been asked to join. The military men said they were concerned with equal opportunity in housing as well as in employment and felt the need for coordination between groups that were concerned with the same problems. They expressed their belief that a full-time coordinator was necessary for this job and cited the fact that they, themselves, had spent 27 hours the preceding week on housing alone. They pointed out that a coordinator could spend full-time on both housing and employment, working with all cooperating groups.

The Base officials explained that an inter-agency board of Federal agencies was working on these common problems. It was the feeling of the Base officials that it would be helpful to have a cross-section of interested citizens working together on the housing and employment problems of all minorities.

The military officials also agreed that a State fair housing law would be useful in securing housing for Negro servicemen on a nondiscriminatory basis and said they would be willing, within the bounds of Air Force regulations, to use their influence with civic groups to encourage the enactment of appropriate legislation in this matter.

As a result of its discussions with the Base officials, the Subcommittee felt that there were serious gaps in the information obtained by the Department of Defense which reflected upon the adequacy of its survey and consequently on the action which the Department of Defense would take.

The Subcommittee was concerned that Base officials at Ellsworth Air Force Base said they did not know the number of facilities of five or more units remaining unsurveyed in the Rapid City area.

The Subcommittee was likewise concerned that Base officials did not know the racial occupancy of the units in the facilities surveyed. Neither did the Base officials know the number of nonwhite servicemen living in off-base facilities of four or less units.

Without this information the Subcommittee believes that the Base officials and the Department of Defense have inadequate data to determine the actual differential in housing available for white and nonwhite servicemen.

The Subcommittee questioned the validity of a survey of off-base housing which lists trailer court space, hotels, and motels as being appropriate rental units for servicemen. Is it realistic to equate such facilities with apartments? Base officials responded that they felt the inclusion of motel units was realistic because they were advertised during the winter as being available for families. The Subcommittee felt that since these units are not available in the summer and only provide temporary facilities, a distinction should be made between units available year-round and units of a temporary nature. In addition, trailer court space can only be utilized by servicemen with trailers. The Subcommittee likewise felt that these units represent a special category that is not available to all servicemen.

The Subcommittee asked Base officials if the results of the survey might not have been influenced by the fact that it was conducted by an officer in uniform. It was the feeling of the Subcommittee that a landlord's

response might be different when approached by a Negro serviceman in civilian clothes seeking an apartment and by an officer in uniform taking a survey. Base officials responded that they believed the presence of an officer did not influence the integrity of the survey.

The Subcommittee also sought information regarding the action which Base officials would take if their efforts at persuasion and conciliation failed to change the position of a landlord who refused to rent to nonwhite servicemen. "Would Base officials appeal to the Department of Defense for authority to invoke off-limits sanctions against such a landlord?", the Subcommittee asked.

The officials replied that they had not thought about asking for off-limits authority, but they would ask the Department of Defense for assistance or guidance in such a case.

Finally, the Subcommittee learned that Base officials had not prepared and made available to all Base personnel a monthly comprehensive listing of nondiscriminatory off-base housing facilities. Rather, information regarding available units is maintained in the Processing Center where it is primarily available to incoming personnel.

SUMMARY

The consensus of the Subcommittee was that the Commander of Ellsworth Air Force Base and his fellow officers are committed to solving problems of discrimination that arise within their jurisdiction and conscientiously carry out the official directives of the Department of Defense. Base officials made clear that all complaints reported are followed up even though the facility may consist of only one unit.

The officers felt that more might be accomplished if they were always informed immediately of any act of discrimination since action cannot be taken if the matter is not reported.

The Subcommittee calls attention to the fact that the Black Hills Civil Rights Committee survey covered housing facilities in the area irrespective of the number of units involved and of the 52 facilities surveyed, 27 refused to rent to Negroes. Furthermore, only 15 of the 52 facilities surveyed had five or more units. The military jurisdiction is confined to facilities of five or more units as stipulated by Department of Defense regulations and as of December 1, only 57 facilities were surveyed by the Base. The Subcommittee believes that efforts by the military personnel could have a greater impact in the community if they covered all facilities regardless of size.

A Negro serviceman's chances of securing rental housing without discrimination will be enhanced if he uses the Base Housing Referral List which is a directory of nondiscriminating facilities. If he seeks housing at random through classified advertisements and the traditional forms of house hunting, as a civilian, he would more likely encounter discrimination in Rapid City. Without a Federal or State fair housing law, he has little legal recourse against such rebuffs.

RECOMMENDATIONS

The South Dakota State Advisory Committee, acting on the information obtained by its Subcommittee on Fair Housing at Ellsworth Air Force Base, recommends to the U. S. Commission on Civil Rights:

1. That it urge the Department of Defense to remove the criteria of five or more units per facility for Ellsworth Air Force Base. Because of the nature of housing in the Rapid City area, it would be more realistic to include one to four unit facilities in its surveys.

The Committee further recommends that the Department of Defense request all Base Commanders to conduct a study to determine the number of servicemen by race who live in off-base housing facilities with four or less units. If the number is substantial, the five or more units per facility criteria should be eliminated for those military installations.

2. That it request the Department of Defense to instruct the Base Commander at Ellsworth Air Force Base and Base Commanders at all other military installations, to publish monthly, and make available to all Base personnel, a comprehensive listing of all nondiscriminatory housing facilities in the area.
3. That it urge the Department of Defense to reiterate its commitment to affirmative action in achieving open housing for its personnel and that it issue a directive to the Base

Commander at Ellsworth Air Force Base and Base Commanders at all military installations requiring them to request of the appropriate Secretary, permission to **declare off-limits**, any facility where voluntary efforts to achieve compliance over a **3-month period have failed**.

4. That it suggest to the Department of Defense the desirability of establishing at Ellsworth Air Force Base the position of a full-time coordinator of a Committee for Equality in Employment Opportunity and Housing. The coordinator should be a civilian, in order to assure continuity of programs which may not be possible with the military because of frequent changes of assignment. Adequate budget and staff should be allocated to provide maximum efficiency. The Committee believes that this recommendation is applicable to every major military installation.
5. That it ask the Department of Defense to give full authority to the Base Commander to make known to local civic groups and to the community the Base's support of a State fair housing law. Department of Defense regulations require a Base Commander to use his good offices to insure that his personnel is not discriminated against in any off-base situation. Passage of fair housing legislation will assist him toward that end.
6. That it request the Department of Defense to instruct Base Commanders to meet and cooperate with community groups concerned with ending discrimination in housing, and make available to such groups, the results of their off-base housing surveys.

7. That the Commission again urge the President to give full support to a Federal fair housing law, and that Congress enact such legislation.

APPENDIX A

BASE LETTER TO RENTAL FACILITIES

Dear

The Department of Defense has instituted a comprehensive nationwide program to provide equal off-base housing opportunities for all personnel in the Military Services regardless of race, creed or color.

The reason for institution of the Department of Defense program is clearly defined in the enclosed extract from a press statement made by Mr. McNamara on 18 May 1967.

The first step in the Department of Defense program was a survey in the vicinity of major military posts, bases or installations of all multiple rental projects (apartment houses, housing developments and trailer courts) consisting of five or more rental units or spaces which, by reason of location, accommodations, and/or price, were considered to be especially suitable for military occupancy. This survey was to determine which facilities are available to military personnel without regard to race, color, creed, or national origin.

In addition, each installation has been directed to establish a housing referral office conveniently available to all military families and to arrange for personalized assistance to military families who require help in locating suitable off-base housing.

The housing referral office maintains an up-to-date file of facilities which are available to all military personnel on a nondiscriminatory basis and, after determining the requirements of an applicant, refers him to facilities of the type and cost located in the area preferred by the applicant.

We have completed our survey of rental facilities in this area. During the survey military personnel who contacted your rental facility _____ were informed that it currently is open to all races or that you were willing to adopt an open housing policy for military personnel. We have checked our housing referral files and find that it is not yet listed with us. I, therefore, solicit your support of the Department of Defense housing program and request that you make your housing units available to military personnel by completing and signing the enclosed housing information sheet and returning it to me. Immediately upon receipt of the information sheet your rental units will be listed in our military housing referral office.

It is considered that such listing will be to your advantage for the following reasons:

(1) Each month an average of approximately 50 personnel who require off-base housing will be assigned to this installation.

(2) The sponsor of each newly arrived military family is encouraged to use housing referral office listings. If your facility is listed, individuals can be referred thereto.

(3) If you list your housing facilities with us, we would not expect you to lower your present standards of tenant acceptability but only to have those standards apply equally without racial discrimination to all military personnel.

(4) Command action will be taken to induce payment of just debts and the honoring of lease agreements for other than personnel who receive permanent change of station orders to other military assignments.

Should you have any questions regarding any of the above, we will be happy to discuss them with you or your representatives.

Again, I urge your cooperation in this important matter which is so vital to the effectiveness of our military establishment. It is important that housing information for your facility reach us as soon as possible so that we can refer our personnel thereto.

To make reply easier, enclosed is a self-addressed envelope.

JOHN P. FLINT, GS-7, USAF
Housing Project Manager

3 Enclosures

1. Statement by Mr. McNamara
2. Family Housing Info Sheet
3. Self-Addressed Envelope

APPENDIX B

FAMILY HOUSING INFORMATION SHEET
ELLSWORTH AIR FORCE BASE (SAC)
SOUTH DAKOTA

(Date) _____

This information sheet is designed to obtain information on family housing to be used by our Housing Referral Office. Upon receipt of this information at the Housing Office, military personnel will be referred to the described facility with the understanding that it is open to all military personnel without regard to race, color, creed or national origin. Please answer all applicable questions.

1. Facility _____

Address _____

Zip Code _____ Rental Office Telephone _____

2. Owner: Name _____

Address _____ Telephone _____

3. Manager or Agent: Name _____

Address _____ Telephone _____

4. Type of rental facility:

| | |
|---------------------|---------------------------|
| Apartment _____ | Housing Development _____ |
| Trailer Court _____ | Individual House _____ |

5. Rental price per month: Furnished Unfurnished Deposit

| | | | |
|-------------------------|-------|-------|-------|
| a. Efficiency Apartment | _____ | _____ | _____ |
| b. One Bedroom Unit | _____ | _____ | _____ |
| c. Two Bedroom Unit | _____ | _____ | _____ |
| d. Three Bedroom Unit | _____ | _____ | _____ |
| e. Trailer _____ | | | |
| f. Trailer Site _____ | | | |

6. Restrictions:

| | | |
|----------------------|-----------|----------|
| a. Pets Allowed | Yes _____ | No _____ |
| b. Children Allowed | Yes _____ | No _____ |
| c. On size of Family | Yes _____ | No _____ |

If yes, clarify: _____

d. Other Restrictions _____

FAMILY HOUSING INFO SHEET (continued)

7. Sales Properties:

Size: Bedrooms _____ Baths _____ Family Room _____
Price _____ Down Payment _____ Monthly Payment _____

Signature _____

APPENDIX C

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NEWS RELEASE

OFFICE OF ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS)
WASHINGTON, D. C. 20301

28 September 1967

NO. 459-67
OXFORD 52528 (Copies)
OXFORD 53176 (Info.)

FOR THE PRESS

May 18, 1967

Secretary of Defense Robert S. McNamara made the following statement today:

"The Armed Forces of the United States today includes in its ranks more than 300,000 Negro servicemen. About 40,000 are serving in Vietnam."

"Our Negro servicemen, as is their undisputed right, can count on full equality of opportunity in their military careers and full equality in obtaining on-base housing."

"However, when it comes to off-base housing, I deeply regret that this equality is a lamentable casualty. Thousands of men in uniform, many of them combat veterans, and their families are being subjected to humiliating discrimination by the refusal of landlords to rent or sell because of race, color or creed."

"Deputy Secretary of Defense Cyrus R. Vance and I are dedicated as a matter of urgent priority to eliminate this discrimination against those who serve our country. There can and will be no compromise with this gross injustice. We are hopeful that the Department of Defense will have constructive and responsive assistance from citizens throughout our country."

"General Westmoreland recently paid a combat commander's tribute to the Negro serviceman when he spoke to the State Legislature in South Carolina. General Westmoreland said:

"The performance of the Negro serviceman has been particularly inspirational to me. He has served with distinction equal to that of his white comrade in arms.

"General Westmoreland continued

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"The Negro serviceman, like all servicemen, has been a credit to our country. He has been courageous on the battlefield, proficient in a cross section of technical skills. Like his white colleagues, he understands what the war is all about. He is loyal to his country and supports its policies, and is carrying out his responsibilities with a great sense of responsibility."

"The responsibility of the Department of Defense is to take whatever actions are appropriate and necessary to guarantee that the Negro serviceman and his family, on-base and off-base, are assured the opportunity to live with pride and with dignity."

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APPENDIX D

SUMMARY OF BLACK HILLS CIVIL RIGHTS COMMITTEE
SURVEY OF HOUSING DISCRIMINATION IN RAPID CITY

From September 27 to October 27, 1967, a survey of housing discrimination in Rapid City, near Ellsworth Air Force Base, was taken by the Black Hills Civil Rights Committee. It was taken because the Committee questioned the results of the Air Force survey in July 1967, which gave this area a 100 percent fair housing rating.

The survey consisted of calling advertisers in the Rapid City Journal. Eighty percent of the advertisements were for furnished apartments; a few were for unfurnished apartments and houses.

The rents ranged from \$50 to \$98 a month and averaged about \$70 plus gas and electricity.

A biracial committee called the advertisers asking if they would rent to a Negro. Fifty-two landlords were willing to commit themselves.

The Air Force survey consisted of personal contact by a Lieutenant Colonel in uniform who asked the landlords if they discriminated. Only landlords with five units or more to rent were surveyed by the Air Force. The Committee did not inquire how many units the landlords it surveyed had for rent.

The results obtained by the Committee were:

| | |
|--------------------------------------|-----------|
| Yes, I will rent to a Negro..... | 25 |
| No, I will not rent to a Negro | <u>27</u> |
| Total | <u>52</u> |

This is a 48 percent fair housing rating for Rapid City.

The Committee feels that it followed the same procedure in looking for housing that a Negro serviceman would follow, except that those landlords who said yes on the phone may renege when faced with a Negro who wants to rent their apartment. The Committee has found that such encounters would result in a 25 percent fair housing rating for Rapid City.

Black Hills Civil Rights Committee
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Rapid City, South Dakota 57701

William Dickinson, Chairman
Charles Powell, Vice-Chairman
Maxine Soffos, Secretary