

## MEMORANDUM

## THE WHITE HOUSE

WASHINGTON

January 31, 1983

FOR: FRED F. FIELDING  
FROM: JOHN G. ROBERTS *JGR*  
SUBJECT: Fair Housing

Stan Morris has transmitted the attached fact sheet on fair housing in response to a request from Richard Hauser. The fact sheet notes that since the Administration took office, the Department of Justice has:

- undertaken 130 housing discrimination investigations;
- obtained 8 criminal indictments;
- filed 3 "pattern and practice" suits (against the town of Cicero, Illinois and apartment complex owners in Boston and Detroit);
- argued (and won) a major housing discrimination case in the Supreme Court (Havens Realty).

It also indicates that several consent decrees have been negotiated and that over a dozen potential lawsuits may reach the litigation stage within the next six months. With respect to legislative activity, the fact sheet simply notes that the revision of the Fair Housing Act will be before Congress this session, and that Justice is working with HUD to review various proposals.

I think it is important, as the storm clouds gather over the issue of housing discrimination legislation, to recall what Mark Twain said of the cat who sat on a hot stove lid. The cat will never sit on a hot stove lid again, but it will also never sit on a cold one. The fact that we were burned last year because we did not sail in with new voting rights legislation does not mean we will be hurt this year if we go slowly on housing legislation. Government intrusion (though, e.g., an "effects test") quite literally hits much closer to home in this area than in any other civil rights area. The Administration should have its positions in order - and even some proposed reforms ready - but I do not think there is a need to concede all or many of the controversial points (effects test, national administrative remedy) to preclude political damage.