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March 22, 1976

# Business Week

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RECOVERING ECONOMIES DON'T CREATE ENOUGH NEW JOBS. Why? Because... (Text continues with economic analysis and job market trends.)

Vertical text on the right edge of the page, including 'Entry level', 'Cutter', '14115', '500', 'MA', 'Clerical', 'MANA', 'A', 'RADICAL CHANGE IN POLITICAL ECONOMIES', 'Page 114', 'Management', 'Food', 'entry', 'should', 'man', 'good', 'view', 'ci', 'Equal', 'Manag', 'Nation', 'start', 'rela', 'the', 'and', 'Arts', 'or', 'Full', 'cc', 'commi', 'N', 'Inter', 'famil', 'and', 'cost', 'and', 'sani', 'to', 'Send', 'S'.



# The law closes in on mortgage discrimination

## The first federal court decision on redlining bars denial for race

In February, 1974, Robert Laufman, a Cincinnati lawyer, and his wife, a psychiatric social worker, applied to the Oakley Building & Loan Co. for a mortgage on a house they wished to buy in the Avondale section of Cincinnati. Oakley turned them down, and Laufman sued, charging that the lender was engaged in "redlining"—that is, refusing to make mortgage loans in an area regardless of the creditworthiness of the borrower or the condition of the property.

In this instance, Laufman alleged, Oakley did not make loans in Avondale because it is a racially transitional neighborhood. A federal judge recently upheld Laufman in the first court decision yet issued on redlining. When based on racial grounds, redlining is illegal under the Civil Rights Act of 1968, the judge ruled.

The Laufman decision is the latest victory that civil rights activists everywhere from Los Angeles to Boston have chalked up in the growing battle they are waging—and winning—against what they see as discriminatory redlining. When lenders refuse to invest because they fear a neighborhood is declining, say civil righters, the effect is a kind of self-fulfilling prophecy that sentences the area to inevitable decay. Lenders respond, of course, that they cannot risk their depositors' money by making bad loans. Saul B. Klamman, chief economist for the National Assn. of Mutual Savings Banks, echoes the industry view when he insists that lenders are being pressured to allocate credit without regard for "the basic criteria of sound mortgage lending, which must take into account the quality of neighborhoods."

But civil rights activists generally discount such arguments. A spokesman for Chicago's militant National People's Action on Housing (NPAH), which claims credit for passage of anti-redlining ordinances in both the city and the state, tells lenders, "We're saying you have to go into all neighborhoods across the city whether you make money or not."

**Legal weapons.** Cities such as Cincinnati, Cleveland, and Boston and states such as California, Massachusetts, and New York have recently passed anti-redlining laws or regulations. Now the

Laufman decision provides activists with another weapon.

Dan Griffith, executive vice-president of the Savings & Loan League of Southwestern Ohio, plays down the Laufman decision as "blown way out of proportion." But Pat Crum of Cincinnati's Coalition of Neighborhoods says, "This is the first statement anywhere in the country that says redlining is against the law." Jay Mulkeen, Washington lawyer for the National Committee Against Discrimination in Housing, who argued the case, agrees that the decision outlaws only racial, not geographic, discrimination. But, he adds, "lending institutions have a tendency, if the area is integrated or changing, not to make a loan." It will not, he says, force lenders to make

representative Andrew Maguire (D-N.J.) countered that "maybe we can nudge the decision makers to be a little more responsible."

Most lenders agree with Roland J. Barstow, president of Chicago's Bell Federal Savings & Loan Assn., who calls reporting loans by census tract "costly and ineffective." Elliott G. Carr, executive vice-president of the Savings Bank Assn. of Massachusetts, says that when the data are disclosed, "pro-banking people will find what they want, and anti-banking people will find their proof—it won't have long-term significance."

The civil rights groups disagree. They recognize that the data alone will not change things, but as the NPAH's spokesman in Chicago says, "This will



The effort of the Laufmans to buy a house in Avondale touched off the court action.

loans they feel are unwise.

Regulations making certain kinds of loans mandatory are what thrift institutions and banks fear—and with some reason. Bills were introduced, for example, in the legislatures of Pennsylvania, Missouri, and Massachusetts to force lenders to invest in specific areas.

**National action.** Last January President Ford signed a law, to take effect next June, that requires federally regulated lending institutions with more than \$10 million in assets to report the number and size of the loans by census tract. Senator Jake Garn (R-Utah) complained that the law "is a first step toward credit allocation," but Repre-

provide us with ammunition." They are ready to use it. Some groups find "greenlining" effective—that is, asking depositors to take their money out of offending lending institutions. Mrs. Edwina Cloherty, of Boston's Anti-Redlining Coalition, for example, persuaded 200 depositors to remove \$420,000 from local thrift institutions. When new data are available under Massachusetts' new disclosure regulations, "we plan to mount a major consumer awareness program," she says.

**Lenders' reaction.** To stave off such awareness programs—or sometimes in response to them—lenders in some cities are acting voluntarily. The Ohio

Savings Assn. in Cleveland, for example, has allowed representatives of Active Clevelanders Together to examine its records for evidence of redlining. "We put a lot of pressure on them—we embarrassed them," says ACT Vice-President Helen Engle. Vincent Cardarelli, Ohio Savings' first vice-president, clearly agrees. "They're the most obnoxious persons I've ever met," he says. "We feel we are not redlining, and we have the figures to prove it."

Some lenders are working out ways to share risky loans. Boston's mutual savings banks this week launched a sort of court of appeals, the Mortgage Review Board, where representatives of banks, civil rights groups, and government review rejected loan applications upon request. If they find the

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### **Bollinger: 'The lending institutions did not cause the decay of our cities'**

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rejection was based solely on location, they recommend that one of the banks write the mortgage. Six banks in Denver have set up an Opportunity Funding Corp. to channel funds into inner-city areas. Similarly, 20 S&Ls in St. Louis committed \$10 million to help core-city buyers get mortgages after the privately financed Phoenix Fund released a study alleging that S&Ls were abandoning the city.

**A broader problem.** Basically, though, lenders feel that the problem of declining neighborhoods is not one they can, or should be asked, to solve alone. "The lending institutions did not cause the decay of our cities," says Walter U. Bollinger, president of St. Louis' Roosevelt Federal S&L, "and we do not have the power to rehabilitate them."

John E. Rupert, president of Cleveland's largest thrift institution, Broadway S&L, complains that the anti-redliners often do not do their homework. Like other lenders, he asks, "Is it the responsibility of private enterprise to take risks alone without the impetus of government on one level or another?"

The mutual savings banks do not think so. Harry F. Brush, president of the National Assn. of Mutual Savings Banks, favors a federal inner-city mortgage program, including government mortgage insurance, to spread lending risks. What worries him, as well as most other lenders, is that the activity against redlining, including the new federal disclosure law, "appears to hold depository institutions primarily responsible for inadequacies in the availability of mortgage credit to inner-city borrowers."

Whoever or whatever is responsible, one thing is certain: Armed with the new lending disclosures, civil rights groups will step up pressure on lenders to increase that availability. ■