

A CEREMONIAL RESOLUTION

22-330

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 1, 2018

To recognize and honor the 70th anniversary of *Hurd v. Hodge*, 334 U.S. 24 (1948), the seminal Supreme Court case establishing that the judicial enforcement of racial covenants restricting conveyance of property based on color was prohibited by the Civil Rights Act of 1866, a precedent which changed the trajectory of fair housing and anti-discriminatory legislation on a national stage.

WHEREAS, Frederic and Lena Hodge sued their new neighbors, James and Mary Hurd, in District Court, contesting their ‘unlawful’ purchase of a home on the 100 block of Bryant Street in Ward 5;

WHEREAS, the Hurds lost their case through the enforcement of a racial covenant that prevented the sale of property to black families and were ordered “to remove themselves and all of their personal belongings from the premises”;

WHEREAS, the Hurds challenged the verdict in the United States Court of Appeals for the District of Columbia and were defeated again, yet they did not relent in their fight for justice;

WHEREAS, Charles Hamilton Houston, a native Washingtonian, graduate of Dunbar High School, mentor to Thurgood Marshall and former Dean of the Howard University School of Law, represented the Hurds and requested a petition for Writ of Certiorari and the United States Supreme Court agreed to review the case;

WHEREAS, on May 3, 1948, Chief Justice Fred M. Vinson delivered the Supreme Court’s unanimous opinion that “...judicial enforcement of the restrictive covenants by the courts of the District of Columbia is prohibited by the Civil Rights Act”;

WHEREAS, Chief Justice Fred M. Vinson called upon the language and spirit of the Civil Rights Act to render equitable treatment of all persons regardless of race and opined, “[the Civil Rights Act], by its terms, requires that all citizens of the United States shall have the same right ‘as is enjoyed by white citizens... to inherit, purchase, lease, sell, hold, and convey real and personal property’.” Civil Rights Act of 1866, § 1, 14 Stat. 27; 42 U.S.C. § 1982;

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WHEREAS, *Hurd v. Hodge* established that the District of Columbia was included in the phrase “every State and Territory” within the provision of the Civil Rights Act that all citizens of the United States shall have the same right in “every State and Territory”;

WHEREAS, *Hurd v. Hodge* inspired an amicus brief from the American Civil Liberties Union asserting, “the problem of racial discrimination in housing is a most serious threat...In the development of a sound democracy it matters little whether the discrimination exercised be overt or discreet. In either event, basic freedoms guaranteed by the Bill of Rights are undermined”;

WHEREAS, *Hurd v. Hodge* is cited in hundreds of cases focusing on civil rights, labor, covenants, and the power of federal courts, including *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968), determining the scope of the § 1982 and holding that “Congress has the authority to enforce the Thirteenth Amendment by ‘appropriate legislation’ includ[ing] the power to eliminate all racial barriers from the acquisition of real and personal property”;

WHEREAS, *Hurd v. Hodge* was pivotal in the civil rights advocacy movement that helped establish the Department of Housing and Urban Development, advancing federal and state fair housing regulations;

WHEREAS, *Hurd v. Hodge* influenced recent local legislation, such as the Fair Criminal Record Screening for Housing Act, reducing housing discrimination against the District’s returning citizens;

WHEREAS, the Hurd’s Ward 5 family home, standing in memorial to parity and progress, has been incorporated into the African American Heritage Trail devoted to the District’s rich culture and history;

WHEREAS, the District aspires to promote social justice by pioneering equitable laws for all people, especially those from communities who have historically faced discrimination; and

WHEREAS, *Hurd v. Hodge* reminds the District that to envision the future we must commemorate the past.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “The *Hurd v. Hodge* 70th Anniversary Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia recognizes the extraordinary legacy of this landmark case.

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Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.