

THE COLOR OF LAW

A FORGOTTEN
HISTORY OF HOW OUR
GOVERNMENT
SEGREGATED AMERICA

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de facto vs. de jure

- **de facto** means a state of affairs that is true in fact, but that is not officially sanctioned. In contrast, **de jure** means a state of affairs that is in accordance with law (i.e. that is officially sanctioned)

de facto vs. de jure

How did America come to be racially divided?

de facto =

- Individual prejudices
- Income differences
- Actions of private institutions
 - Banks
 - Real estate agencies

de facto vs. de jure

How did America come to be racially divided?

de jure =

- Laws &
- Policy decisions made by government
 - Local
 - State
 - Federal

The Color of Law argues that...

de jure segregation is the real reason that discriminatory patterns in America have continued to today

In class on Thursday, you listened the the author talking with Terry Gross about his book

<https://www.npr.org/templates/transcript/transcript.php?storyId=526655831>

The New Deal

The first non-military public housing built by the Federal government happened during and after the Great Depression

There was a huge housing shortage, and **public housing** started being constructed, on a segregated basis. Even constructing any housing for African-Americans was viewed as a very liberal position.

The New Deal

Under the Tennessee Valley Authority (TVA), homes were built for new employees by African-Americans were housed in “shoddy barracks” because “Negroes do not fit into the program.”

The Civilian Conservation Corps (CCC) constructed camps for the jobless youth and young adults, and these were also segregated, even in the North and other areas where segregation was not already present. Individual cities and towns “objected to having the African-American crew living in the vicinity” so black workers were housed 20 miles away from Gettysburg, PA

The New Deal

The PWA also had limited segregated housing for black workers. “The PWA designated many integrated neighborhoods as either white or black and then used public housing to make the designation come true.”

This happened in Birmingham, Miami, Atlanta, Cleveland, St. Louis, Detroit, Indianapolis, Toledo, New York, Austin, and elsewhere.


Often integrated neighborhoods were destroyed to make way for new segregated projects.

The Home Owners' Loan Corporation (HOLC)

Prior to **HOLC**, buying a home = 50% down + pay off just interest in 5-7 years

In the depression, the US so foreclosures among the property-owning families, and HOLC was created to save the foreclosing mortgages and creating new ones. New system includes longer term loans and principal payments to allow people to own their homes.

HOLC was the group that created color-coded maps of neighborhoods. Any neighborhood with African-Americans would be colored red.

A photograph of a street sign for Martin Luther King Jr. Blvd. The sign is yellow with black text and is mounted on a black pole. Above it is a smaller blue sign with white text that says "900 N". In the background, there is a two-story house with a blue roof and white walls. The overall image has a teal and yellow color palette.

900 N
Martin Luther
King Jr. Blvd.

RACE & REDLINING

Housing segregation in everything

n p r

The Federal Housing Administration (FHA)

In 1934, the **FHA** was made to help buying homes easier.

Insured mortgages covering 80% of purchase price, with 20 year terms.

One of the requirements was you **MUST** be **WHITE**

“Properties would probably too risky for insurance if they were in racially mixed neighborhoods or even in white neighborhoods near black ones that might possibly integrate in the future.”

“The FHA discouraged banks from making any loans at all in urban neighborhoods rather than newly built suburbs.”

The Federal Housing Administration (FHA)

“Older properties... have a tendency to accelerate the rate of transition to lower class occupancy”

Mortgages were also favored in areas with major roadways and highways that separated the communities from black communities

“Natural or artificially established barriers will prove effective in protecting a neighborhood and the location within it from adverse influences,... includ[ing] prevention of the infiltration of... lower class occupancy, and inharmonious racial groups.”

The Federal Housing Administration (FHA)

They also had explicit warnings against school desegregation, stating “the neighborhood under consideration will prove far less stable and desirable”

In some instances, if white people even rented their property to African-Americans, they could be blacklisted and would never be able to get a mortgage insured again.

Across the country, mortgages would not be insured for African-Americans or anyone who might rent to African-Americans

Restrictive Covenants

In order to “protect” their communities, white only suburbs, both owners and builders, started putting language into their deeds to their homes that they thought would keep their property values high. The FHA backed this.

Example: “The real property above described, or any portion thereof, shall never be occupied, used or resided on by any person not of the white or Caucasian race, except in the capacity of a servant or domestic employed thereon as such by a white Caucasian owner, tenant, or occupant” (Daly City, California)

Community associations developed with “whites-only” clauses as well.

This happened across the country, even in affluent neighborhoods in Chicago and NYC. Hundreds of lawsuits challenged these from 1937-1948 (**Shelley v Kramer**)

Zoning Ordinances

Baltimore, Atlanta, Birmingham, Charleston, Miami, Charleston, Dakkas, Louisville, New Orleans, Oklahoma City, Richmond, St Louis, and some northern cities as early as 1910.

Even though the Supreme Court started ruling that these zoning ordinances were unconstitutional, places continuing to find loopholes and skirt around the law until at least 1987.

Industrial zones would also be used to separate black and white areas

Zoning Ordinances

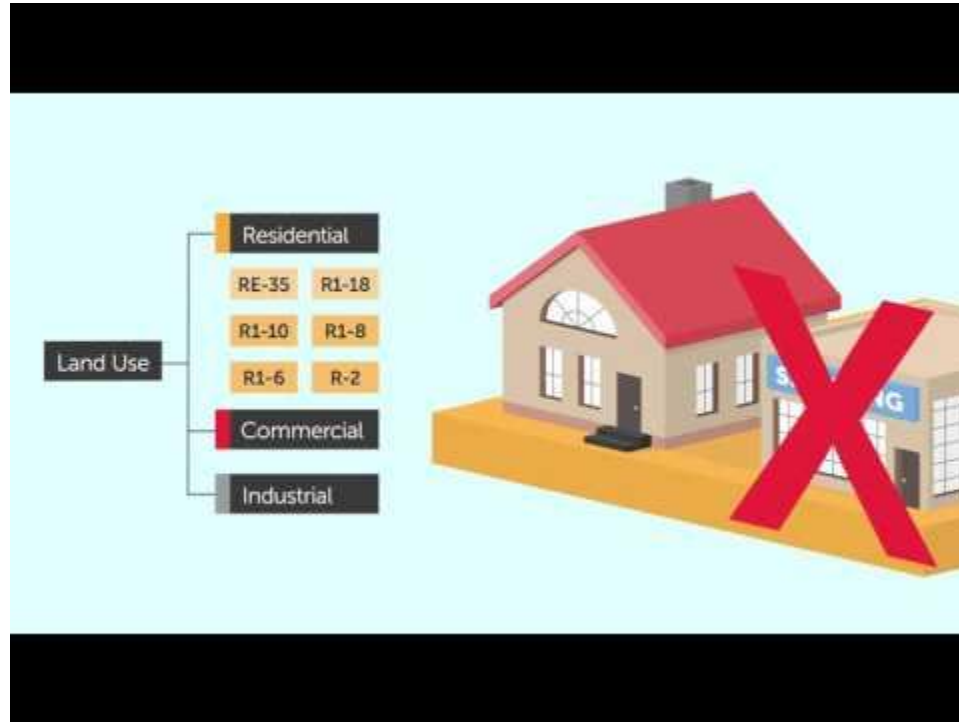
Toxic Waste Zoning

Industrial Zoning

Landfills

“In 1991, the EPA issued a report confirming that a disproportionate number of toxic waste facilities were found in African American communities nationwide. President Bill Clinton then issued an executive order requiring that such disparate impact be avoided in future decisions. The order did not, however, require any compensatory actions for the existing toxic placements.”

Zoning Ordinances



<https://www.youtube.com/watch?v=yaOQafn1aek>

The Creation of Suburbs



<https://www.youtube.com/watch?v=ETR9qrVS17g>

Block Busting

- 1) Buy property in borderline black-white areas
- 2) Rent or sell to African-Americans at a extra-high price
- 3) Pay African-Americans to drive through neighborhoods, walk through with baby carriages, door-knock asking if home was for sale, call asking for black-sounding names, take out ads in black newspapers featuring properties that weren't even for sale
- 4) Convince white homeowners that their neighborhood was becoming a slum
- 5) Buy the white peoples' homes at a extra-low price
- 6) Sell or rent properties to African-Americans at an extra-high rate
- 7) When they missed a payment, evict them & start over with a new buyer

Urban Renewal / Slum Clearing / Negro Removal

Moving black neighborhoods away from downtown businesses “so that white commuters, shoppers, and business elites would not be exposed to black people”

- 1) Prevent African-Americans from joining white people in the suburbs
- 2) Call their neighborhoods “**slums**” or “**urban blight**”
- 3) Destroy their neighborhoods and put highways in their places. Vice President Henry Wallace 1938 “Highways routed through cities could also accomplish “the elimination of unsightly and unsanitary districts.” In some areas, also eliminated black middle class neighborhoods and integrated neighborhoods
- 4) Zone African-Americans away from downtown and white neighborhoods
- 5) Relocate / rebuild black schools, churches, etc. in the new area

Schools

Before Brown v. Board, black schools were placed in black neighborhoods, with no transportation provided to other areas, forcing all black residents to move into the area designated for African-Americans

Close schools and parks that were outside of black-specific parts of cities

Reduce municipal services - street paving, sewer, bus routes, etc.

Also happened in Northern cities like Indianapolis

This is another way racial ghettos were created, and these housing patterns were later used to call segregation “de facto”

Violence & Policing

When African-Americans were able to move into white-only communities, they often paid substantially more than a white buyer would because their options were limited

Violence, threats, harassment toward them and the white people who supported them, vandalism, **Move-in bombings** continued even into the 1980s

Massive protest and demonstrations

Buy them out, buy house next door, confederate flag, blaring music

Police refused to arrest “Some policemen, assigned to protect the African American family, stood with the mobm joking and encouraging it’s participants”

Racial **income** disparities vs. **wealth** disparities

Not allowed full membership in many unions

Long commutes due to segregated housing followed by “locals-only” hiring (10% of income)

Higher housing costs for worse accommodations

Higher effective property tax burdens

Racial income disparities vs. wealth disparities

Homes = how americans build wealth, pass along inheritance, pay for college, etc.

2016: Median white household wealth: \$142,180

Median black household wealth: \$13,460 (about 9.5%)

Median white household income: \$61,349

Median Black household income: \$38,555 (about 63%)