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http://blogs.lse.ac.uk/usappblog/2015/04/17/if-the-achievement-gap-is-to-be-closed-policymakers-must-first-re-learn-the-history-of-state-sponsored-racial-segregation-in-u-s-metropolitan-areas/

If the achievement gap is to be closed, policymakers must first re-learn the history of state sponsored racial segregation in U.S. metropolitan areas.

In the second of two posts investigating racial segregation in U.S. metropolitan areas, **Richard Rothstein** *looks at the history of residential segregation in the 20th century. He writes that in the mid-twentieth century federal housing policy was suffused with segregationist intent, and the effects of these policies still endure. He argues that the vast present-day disparity between black and white household wealth is almost entirely attributable to 20th century government policies which excluded African-Americans from suburban homeownership, and that with this in mind, policymakers should understand that they have a constitutional obligation to pursue aggressive policies to desegregate metropolitan areas.*

In a previous post, I described why a substantial gap in achievement between disadvantaged and advantaged children is unavoidable, and why the gap between African American and white children is particularly severe. I showed that the black-white gap is exacerbated in schools where disadvantaged black children are concentrated, making school desegregation a precondition of serious attempts to narrow the gap. But because urban neighborhoods in the U.S. are so racially homogenous, and because most children, especially younger children, must attend school not too far from home, it is not feasible to desegregate schools without desegregating neighborhoods.

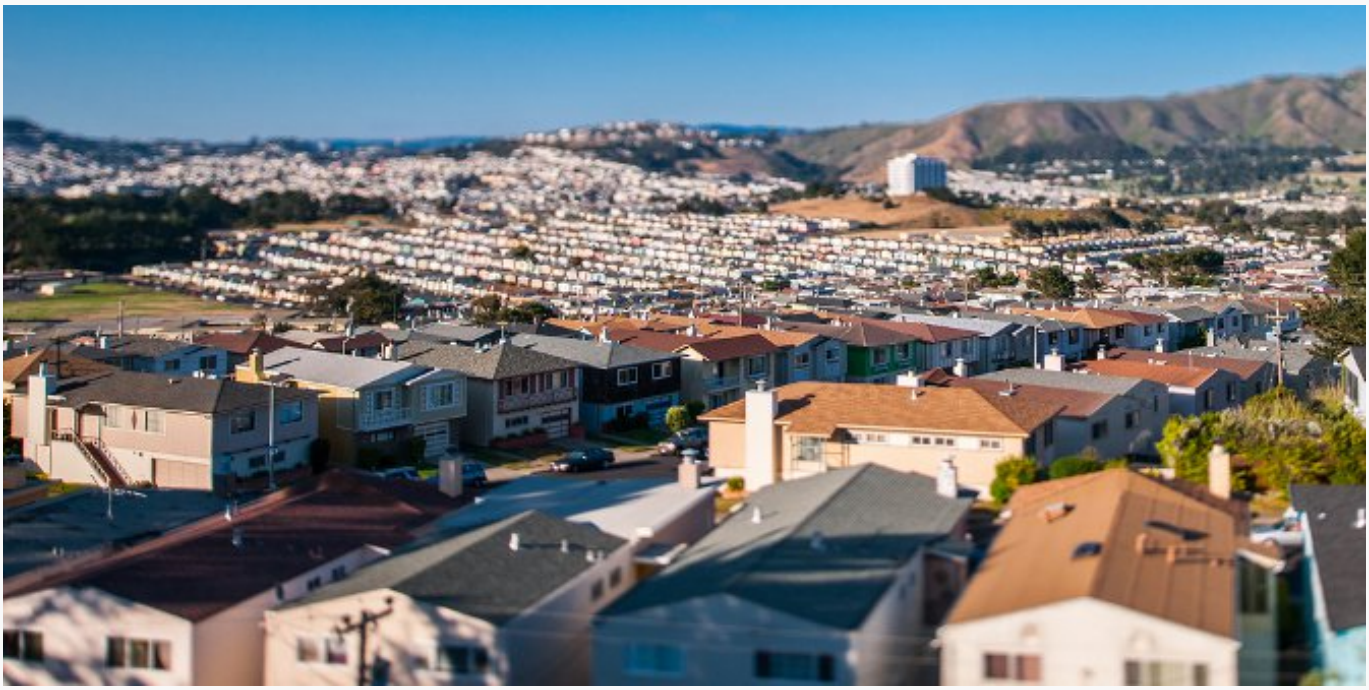
According to rules established by the current and recent majorities of the U.S. Supreme Court, there is no constitutional remedy for *de facto* segregation—that which results from, as the late Justice Potter Stewart once put it, "unknown and perhaps unknowable factors such as in-migration, birth rates, economic changes, or cumulative acts of private racial fears." This view is generally accepted today, even by sophisticated policymakers, that neighborhoods are segregated *de facto*—the result of personal preferences, private discrimination, and other demographic trends that did not result from intentional racially motivated government action.

But in truth, residential segregation's causes are both knowable and known—twentieth century federal, state and local policies explicitly designed to separate the races and whose effects endure today. In any meaningful sense, neighborhoods and, in consequence, schools, have been segregated *de jure*—by force of law, regulation, and purposeful public policy. The notion of *de facto* segregation is a myth, although widely accepted in a national consensus that hopes to avoid confronting our racial history.

The federal government led in the establishment and maintenance of residential segregation in metropolitan areas. From its New Deal inception and especially during and after World War II, federally funded public housing was explicitly racially segregated, both by federal and local governments. Not only in the South, but in the Northeast, Midwest, and West, projects were officially and publicly designated either for whites or for blacks. Some projects were "integrated" with separate buildings designated for whites or for blacks. This policy originated in the New Deal, when Harold Ickes, President Franklin D. Roosevelt's first public housing director, established the "neighborhood composition rule" that public housing should not disturb the preexisting racial composition of neighborhoods where it was placed. In many cases in practice, however, integrated urban neighborhoods were razed to create space for segregated public housing. This was especially the case with war housing built during World War II to house workers near defense plants, where segregated patterns were created by the federal government in cities which previously had only tiny black populations. This was *de jure* segregation.

Once the housing shortage eased and material was freed for post-World War II civilian purposes, the federal government subsidized the relocation of whites to suburbs and prohibited similar relocation of blacks. Again, this

was not implicit, not mere “disparate impact,” but racially explicit policy. The Federal Housing and Administration recruited a nationwide cadre of mass-production builders who constructed developments on the East Coast like Levittown on Long Island outside New York City, on the West Coast like Westlake in Daly City south of San Francisco (the subject of a song popularized by Pete Seeger about ‘little boxes on a hillside, all made of ticky-tacky’), and numerous metropolises in between. These builders received federal loan guarantees *on explicit condition* that no sales be made to blacks and that each individual deed include a prohibition on re-sales to blacks or to what the FHA described as an “incompatible racial element.” This was *de jure* segregation.



Daly City, California Credit: Daniel Hoherd (Flickr, CC-BY-NC-2.0)

In addition to guaranteeing construction loans taken out by mass-production suburban developers, the FHA, as a matter of explicit policy, also refused to insure individual mortgages for African Americans in white neighborhoods, or even to whites in neighborhoods that the FHA considered subject to possible integration in the future. This was *de jure* segregation.

For a sense of how federal policy was infused with segregationist intent, consider the 1949 Congressional debate over President Harry S Truman’s proposal for a massive public housing program. Conservative Republicans, opposed to federal involvement in the private housing market, devised a “poison pill” guaranteed to defeat the plan. They introduced amendments in the House and Senate requiring that public housing be operated in a non-segregated manner, knowing that if such amendments were adopted, public housing would lose its Southern Democratic support and the entire program would go down to defeat.

The Senate floor leader of the housing program was the body’s most liberal member, Paul Douglas, a former economist at the University of Chicago. Supported by other leading liberal legislators (Senator Hubert Humphrey from Minnesota, for example), Senator Douglas appealed on the floor of the Senate to his fellow Democrats and civil rights leaders, beseeching them to defeat the pro-integration amendment. The Senate and House each then considered and defeated proposed amendments that would have prohibited segregation and racial discrimination in federally funded public housing programs, and the 1949 Housing Act, with its provisions for federal finance of public housing, was adopted. It permitted local authorities in the North as well as the South to design separate public housing projects for blacks and whites, or to segregate blacks and whites within projects. And they did so.

Local officials also played other roles in violation of their constitutional obligations. Public police and prosecutorial power was used nationwide to enforce racial boundaries. Illustrations are legion. In the Chicago area, police forcibly evicted blacks who moved into an apartment in a white neighborhood; in Kentucky, the state prosecuted and convicted a white seller for sedition after he sold his white-neighborhood home to a black family – on the grounds that his sale had provoked a riot of white neighbors. Everywhere, North, South, East, and West, police

stood by while thousands (not an exaggeration) of mobs set fire to and stoned homes purchased by blacks in white neighborhoods, and prosecutors almost never charged well-known and easily identifiable mob leaders. This officially sanctioned abuse of the police power also constituted *de jure* segregation.

Other forms abound of racially explicit state action to segregate the urban landscape, in violation of the Fifth, Thirteenth, and Fourteenth Amendments. Yet the term "*de facto* segregation," describing a never-existent reality, persists among otherwise well-informed advocates and scholars. The term, and its implied theory of private causation, hobbles our motivation to address *de jure* segregation as explicitly as Jim Crow was addressed in the South or apartheid was addressed in South Africa.

Even those who understand this dramatic history of *de jure* segregation may think that because these policies are those of the past, there is no longer a public policy bar that prevents African Americans from moving to white neighborhoods. Thus, they say, although these policies were unfortunate, we no longer have *de jure* segregation. Rather, they believe, the reason we do not have integration today is not because of government policy but because most African Americans either prefer to live separately or cannot afford to live in middle-class neighborhoods.

Yet the segregationist policies of the twentieth century have never been remedied, and their effects endure.

Above, I described Levittown, a suburban development built with federal financing and restricted to whites by federal policy. In the late 1940s, Levittown homes were sold to working class whites (many were returning World War II veterans) for about $7,500, about 2 ½ times national median income, or about $125,000 in today's terms. In 1968, Congress adopted a Fair Housing Act, telling African Americans they were now also free to purchase homes in places like Levittown if they wished. A few have done so. But for most, the Fair Housing Act was an empty gesture. Today, Levittown homes sell for about $500,000, over 7 times the national median income, and now unaffordable to black working and middle class families whose grandparents could have bought them during the suburban boom, were they permitted to do so. The white families whom the government subsidized to purchase in Levittown have gained, over the last six decades, some $350,000 in equity appreciation. They have used that wealth to send their children to college, and their highly educated children transmitted familiarity with educational values to their own children, who come to school from literate homes much more ready to learn than children whose parents are poorly educated.

Today, median black family income is about 60 percent of white median family income, but black median household wealth is only about 5 percent of white median household wealth. This disparity is almost entirely attributable to government policy whose purpose was to exclude African Americans from the 20th century suburban homeownership dream.

Mid-twentieth century policies of *de jure* racial segregation continue to have impact in other ways as well. A history of state-sponsored violence to keep African Americans in their ghettos cannot help but influence the present-day reluctance of many black families to integrate.

Today, when race-neutral housing or redevelopment policies have a disparate impact on African Americans, that impact is inextricably intertwined with the state-sponsored system of residential segregation that we established.

For the public and for policymakers, re-learning our racial history is a necessary step, because remembering this history is the foundation of an understanding that aggressive policies to desegregate metropolitan areas are not only desirable, but a constitutional obligation. Without fulfilling this obligation, substantially narrowing the achievement gap, or opening equal educational opportunity to African Americans, will remain a distant and unreachable goal.

This article has been partly adapted from Professor Rothstein's previously published work, including but not limited to publications hyperlinked above, and the paper 'The Racial Achievement Gap, Segregated Schools, and Segregated Neighborhoods: A Constitutional Insult', in Race and Social Problems. Source citations for claims made in the post can be found in these hyperlinked works. The author welcomes further queries from readers.

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