The Color of Law

By Richard Rothstein (2017)

• details the systematic policies that led to residential segregation by race through the history of the United States

• Fair Housing Act (1968) part of Civil Rights legislation (along with Voting Rights Act of 1965) that have a relationship with redistricting and racial gerrymandering
The Color of Law

Examples of policies / topics covered in the book:

• Racial Zoning
• Restrictive Covenants
• Blockbusting
• Interstate Highways
• Schools
• Fair Housing Act & Impacts today
Racial Zoning

• Laws and ordinances that prevent people of certain races for purchasing properties

• First instance of this was in Baltimore in 1910
  • Illegal for African Americans to purchase property on a block that was majority white (and vice versa)
  • Revised to only apply to blocks that were entirely one race because of challenges from citizens (since Baltimore was very integrated)
Racial zoning was overturned in Louisville, KY in *Buchanan v. Warley* based on the Fourteenth Amendment, but other cities found ways around this ruling.

- Richmond, VA adopted a law to ban interracial marriage.
- Atlanta, GA argued that Buchanan did not apply because it concerned where African Americans could live, not what properties they could buy.

In cities that respected the Buchanan ruling, segregation officials were faced with two challenges:
1. Keeping lower-income African Americans from living near middle-class whites.
2. Keeping middle-class African Americans from buying into middle-class white neighborhoods.
Restrictive Covenants

Definition: lists of obligations that purchasers of property must assume

Constitutionality? YES!

-'Restrictive Covenants' are private contracts not 'state action'

-Although, in practice it was State sanctioned

Effectiveness and enforcement of the covenants was limited until neighborhood associations were created

In La from 1937-1948, 100+ lawsuits sought to enforce restrictions by having African Americans evicted from their homes – 1947 African American man jailed for refusing to move out of a house he'd purchased in violation of a covenant
Blockbusting

• The loss of home values when real estate agents caused panic, through taking advantage of both white and black homeowners

• Used extreme tactics such as hiring black people to drive around white neighborhoods with music blasting
Suburban/middle income communities of color were assessed by developers as desirable locations for highway construction.

This was a targeted effort to force people of color back into the inner cities and back into low income/low opportunity housing and 'save' white suburban communities.

One particular highway in Detroit displaced 4,000 families, 87% percent of whom were African American.

"Seizing on highway construction as a way to overcome the constitutional prohibitions on zoning African Americans away from the white neighborhoods near downtowns" p. 128

Example can be seen right here in Hartford.
Schools

• Imposed residential segregation by placing only schools that served African American children in designated African American neighborhoods and providing no transportation for students who lived elsewhere
  • Basically used the placement of new schools and the elimination of old schools to racially segregate and move communities to different neighborhoods
    • Families were forced to find new housing if they wanted their children to attend a modern schools (prior to Brown v. Board of Education in 1954), thus establishing segregated communities
  • In Indianapolis in the 1920's, the city’s school board shifted the academically prestigious and all-white high school to an exclusive white community far from the city's racial boundary
    • This left the former high school which was located near the border between the city’s black and white neighborhoods
    • The school board, however, refused to designate it for use by African Americans
      • Instead it constructed a new high school for Africans American students near a glue factory and city dump – far from the 'white areas'

Overall goal of residential segregation through placement of schools in certain neighborhoods
Fair Housing Act & Impacts today

• Fair Housing Act (1968) prevented future discrimination
• Obstacle today: Affordability
• After the FHA was enacted, the opportunity to buy homes at low prices that would appreciate in value had passed for African-Americans
• Suburban homes appreciated in price (increase in inter-generational wealth)
• Housing funded by government mostly in areas scarce in opportunities
FAIR HOUSING ACT & IMPACT TODAY

1. More de facto school segregation than 40 years ago

2. African-Americans are mostly renters; while their white counterparts are homeowners

3. African-American families have lost out on the appreciation of housing prices that white families have in their suburban homes