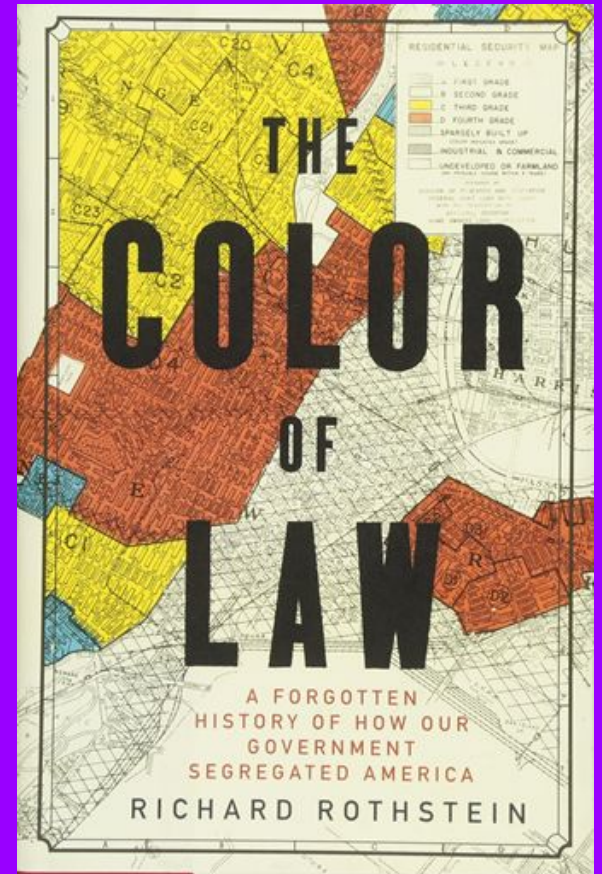


# The Color of Law

Math/Pols 128 - TR section



# Public Housing

- New Deal Administration during the Great Depression constructed public housing that was often either segregated or completely exclusionary of Black people
- A rule was established that federal housing should reflect a neighborhood's "previous racial composition", meaning majority-white neighborhoods would only house white people
- Some racially mixed neighborhoods - such as Central Cleveland - still segregated their housing, failing to uphold the "neighborhood composition rule"
- Even some "integrated" housing segregated Black people in designated areas of the housing

# Public Housing Continued

- During the great depression public housing opened up for all residents, rather than only those in the work force, and new housing was constructed on the basis of race which often excluded African Americans completely
- Public Works Administration (PWA) was responsible for many housing projects and instated racial segregation policies even in areas that had previously been mixed race housing This guaranteed African American population would grow in areas that had been predetermined as Black Ghettos
- PWA actions started a trend of demolishing integrated communities and replacing them with either white or black segregated public housing options
- Public housing and the forced segregation is what eventually transitioned into redlining

# Racial Zoning

The federal government initiated a scheme to persuade as many white families as possible to move from urban apartments to single-family suburban homes.

Once suburbanization was on the way they made it impossible for African Americans to follow by using racist tactics.

The Wilson administration took the initial steps by launching an Own your own Home Campaign which was designed to get as many white Americans as possible to become homeowners. The fear of communism at the time was prevalent, and the administrations idea was that home owning families would invest into capitalism.

Herbert Hoover launched a campaign to encourage exclusionary zoning and headed an organization called Better Homes in America. The organization advocated for white families to move away from African Americans.

These programs were not very successful because of people's inability to purchase homes especially during the great depression.

# Racial Zoning Continued

Under Franklin Delano Roosevelt the Homeowners Loan Corporation (HOLC) bought peoples mortgages and replaced them with longer mortgages with very low interest rates. This made it easier for people to become homeowners.

However, the HOLC made green zones for communities they saw as safe (white single home communities) and red zones for communities they thought were risky. They declared African American neighborhoods risky and put them in the red zone regardless of socioeconomic status.

The Federal Housing Administration (FHA) adopted a similar policy of not guaranteeing mortgages to African Americans or to whites who might lease to African Americans regardless of the individual's credit history.

This policy would ultimately affect thousands of communities. Zoning was used as a strategy to keep low-income African Americans and families out of middle-class neighborhoods.

# Restrictive Covenants

Nayantara Ghosh and Marina Flandrick

Restrictive Covenants: Lists of obligations assumed by purchasers of property. Covenants were attached to the deed of the house.

## Racial Restrictions

- Common restriction in early 20th Century against selling or renting property to African Americans.
- Racially restrictive covenants were **limited in scope and altered to further exclude African American families**: White families selling homes to African Americans were often not able to establish standing in court. Thus, neighborhood developers restrict home ownership to all-White community association members.

**Case Study: 85% of neighborhood subdivisions in Nassau, Queens, and Westchester had racially exclusive covenants.**

- Racial exceptions made in covenants for residence for live-in and childcare workers. These exceptions were the only way UCLA students of color could find housing around campus - by doing 5 hours of domestic work per week for the housing collective they formed.

# Restrictive Covenants

Nayantara Ghosh and Marina Flandrick

## Restrictive Covenants and the Courts

- State and federal supreme courts **uphold restrictive covenants** as these are **private agreements**. However, all levels of government (local and federal) promote and enforce restrictive covenants.
- President Hoover's Bartholomew report on housing recommends "appropriate restrictions" to "protect" developers' investments and homeowners' neighborhoods.

## From Recommending to Requiring Restrictive Covenants

- Federal Housing Administration gives high mortgage ratings and lowered risk assessments to Whiter neighborhoods with restrictive covenants prohibiting resale to African Americans.

## Supreme Court Opinions Shift

- Federal Supreme Court rules that state decisions enforcing racially restrictive covenants are unconstitutional - such rulings violate the Fourteenth Amendment.
- Court also rules that federal courts cannot rule in favor of racially restrictive covenants.

# Blockbusting

- The Federal Housing Administration continued to report that neighborhoods with African American home owners or tenants would inevitably depreciate home values
- Although a DC appeals court found this unconstitutional 1942, the FHA still deemed African Americans as a problem
- Blockbusting refers to the term where African Americans would be sold houses on the edge of a white suburban neighborhood at a ridiculously inflated price
  - To scare away White homeowners in the area, real estate agents would employ African Americans to perform dirty tricks and even staged robberies to convince White home-owners that their neighborhoods were becoming unsafe
- African Americans could not get loans or mortgages from banks so their were sold property as contract sales



# Blockbusting Continued

- Contract Sales: When tenants need to pay a monthly fee for 15-20 years before the home would officially become theirs. However, if tenants missed even 1 payment, they could be evicted from their house
- As a result of high mortgage prices, African American families tended to have two-three families in a single family house which led to excess children and overcrowding neighborhoods which further fed into White fears that their neighborhoods were turning black.
- As a result, although White people could leave neighborhoods, African American could not at the risk of losing everything they have put into their homes since the beginning.

# Interstate Highways

- “Slum clearance tool”- Construction of the federal interstate highway system. In many cases, state and local gov, with federal acquiescence, designed interstate highway routes to destroy urban African American communities. Highway planners did not hide their racial motivations.
- Began in 1938- Henry Wallace proposed to President Roosevelt that highways routed through cities could accomplish “the elimination of unsightly and unsanitary districts”
- 1943- American Concrete Institute & in 1949- American Road Builders Association
  - Both urged construction of highways for the “elimination of slums and blighted areas”
- By 1962- the Highway Research Board boasted that interstate highways were “eating out slums” and “reclaiming blighted areas”.
  - 12 years later, fed appeals court concluded HUD officials knew that the highway would disproportionately destroy African American homes and make no provision for assisting them to find new housing
  - Court ordered construction of new housing for families who had been displaced

# Interstate Highways

- 1956- Florida
  - I-95 highway when completed in mid 1960s had reduced a community of 40,000 African Americans to 8,000
- Camden, New Jersey
  - Interstate highway had destroyed 3,000 low-income housing units from 1963 to 1967
- Los Angeles
  - Santa Monica Freeway 1954
  - Destroyed city's most prosperous black middle class area, Sugar Hill
  - Restrictive Covenant, judge overturned saying it violated the 14th amendment.
- 1965- Fed gov began to require that new housing be provided for those forced to relocate by future interstate highway construction, but by then the interstate system was nearly complete.

# Schools - Overview

- Major cities with a mixed diversity, such as Austin, Houston, and Atlanta, used segregated schooling before it was deemed unconstitutional to separate African-American and white families from being intertwined in communities.
- In order to do this, the city commissions closed certain schools and opened new ones in places designed for African-American or white residents only, and provided no transportation to these schools. So, they forced families to move to different areas so their kids could attend the correct schools.
- African-American schools were often placed in undeveloped areas nearby dumps or other unsanitary locations, which meant the communities around the new schools were similar. White schools were moved out of the cities into the suburbs and were in much nicer, up and coming locations.

# Schools - The Case of Raleigh

- Raleigh, North Carolina, had a large middle class black community, on the city's Northeast side. In order to break down this neighborhood, and isolate blacks in poorer areas and reduce mobility, the city moved the black school to the poorer area.
- In response to this, the post segregation era Raleigh and Wake County authorities instituted a busing program, but it was not explicitly racial so it could pass the Supreme Court regulations. They moved low income students, so that poor black students could go to better schools, but basing it on income meant that lower income people of other ethnic groups could be included, so that it would be permissible.

# Racial Zoning Mary and Lauren

- Residential integration has declined from 1880 to the mid-20th century and has been stalled since then
- Post Civil War, newly liberated slaves went all over the U.S. looking for work and housing and lived peacefully until 1877 when Rutherford B. Hayes won the presidency and as a result troops who were protecting Black Americans in the defeated Confederacy were withdrawn
- Because of this, Black liberation came to an end and Black Americans were subjected to Jim Crow Laws which included denying Black Americans the right to vote, segregation laws, and lynching/brutality.
- In the South, these laws were brutal as White Supremacists controlled many southern states and amounted to severe brutality and segregation against Black Americans
- This terrible attitude spread Federally when WW came to office in 1912 and segregation and blatant racism was viewed in government positions
- Black Americans were being chased from small towns and forced to reside in larger cities and the Government had abandoned them
- Housing segregation eventually started with Baltimore since white and black americans were legally segregated via blocks by the segregation ordinance (aka Racial Zoning!!) this extended through much of the south
- In 1917 the SC overturned the racial-zoning ordinance of Kentucky on the grounds of interfering with property owner's selling ability
- Many state's disagreed with this decision and tried to argue against it