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Civil Rights in America: Racial Discrimination in Housing

A National Historic Landmarks Theme Study

Cover picture: Members of the NAACP's Housing Committee create signs in the offices of the Detroit Branch for use in a future demonstration. Unknown photographer, 1962. Walter P. Reuther Library, Archives of Labor and Urban Affairs, Wayne State University. (24841)

CIVIL RIGHTS IN AMERICA:
RACIAL DISCRIMINATION IN HOUSING

A National Historic Landmarks Theme Study

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INTRODUCTION[1]

In 1999, the US Congress directed the National Park Service to conduct a multi-state study of civil rights sites to determine their national significance and the appropriateness of including them in the National Park System. Inclusion in the National Park System first requires that properties meet the National Historic Landmark criteria, and then meet additional tests of suitability and feasibility. To determine how best to proceed, the National Park Service partnered with the Organization of American Historians to develop an overview of civil rights history entitled, *Civil Rights in America: A Framework for Identifying Significant Sites* (2002, rev. 2008). The framework concluded that while a number of civil rights sites had been designated as National Historic Landmarks, other sites needed to be identified and evaluated. Taking this into account, the framework recommended that a National Historic Landmarks theme study be prepared to identify sites that may be nationally significant, and that the study be based on provisions of the 1960s civil rights acts. These provisions include the Civil Rights Act of 1964 (covering voting rights, equal employment, public accommodations, and school desegregation), the Voting Rights Act of 1965, and the Fair Housing Act of 1968. Because all the provisions within the acts have an extensive history, the NHL Program studied each as a chapter within a series entitled *Civil Rights in America*.

Housing Discrimination Overview

In the Housing Act of 1949, the US Congress established the "goal of a decent home and a suitable living environment for every American family, thus contributing to the development and redevelopment of communities and to the advancement of the growth, wealth, and security of the Nation."[2] Two decades later, the National Advisory Commission on Civil Disorders declared: "What white Americans have never fully understood—but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it."[3] Later that same year, Congress passed the landmark Fair Housing Act of 1968, which banned discrimination based on race, color, religion, and national origin in the sale and rental of housing.[4] The long-delayed arrival of a national fair-housing policy that covered private action as well as government programs represented a significant victory for civil rights activists and historically disadvantaged minority groups, including African Americans, Asian Americans, American Latinos, and American Indians. At the same time, the Fair Housing Act did not dismantle the urban ghettoes and barrios, fully open up the suburbs, or eradicate the powerful and deeply entrenched forces of racial discrimination and residential segregation in the US housing market.

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[1] The context in this study was originally drafted in 2006-2007 and then updated in 2019. The author thanks David Freund for feedback on the original draft and credits Stacey Bishop for research assistance on the 2019 updates. For additional ideas and feedback on the 2019 revisions, the author thanks Nathan Connolly, Clayton Howard, Lily Geismer, Andrew Highsmith, Andrew Needham, Todd Michney, LaDale Winling, Steve Arionus, Aaron Cavin, Lilia Fernandez, Jerry Gonzalez, and James Zarsadiaz.

[2] Housing Act of 1949, U.S. Code, Title 42, Chapter 8A, Sec. 1441.

[3] *Report of the National Advisory Commission on Civil Disorders* (New York: New York Times Co., 1968), 2.

[4] Fair Housing Act of 1968, 42 U.S.C. 3601.

This National Historic Landmarks Theme Study begins in 1866, in the aftermath of the Civil War, when federal civil rights legislation first guaranteed to all citizens, including former slaves, the right to rent and own property on an equal basis. The survey of racial discrimination in housing extends through the mid-1970s, concluding with the key judicial decisions and executive branch policies that defined the parameters and guided the enforcement of the 1968 Fair Housing Act. Although the story of residential discrimination in housing markets and racial inequality in public policies predates the Civil War and continues to shape metropolitan regions in the United States since the mid-1970s, a focus on the period from 1866 to 1975 provides the historical perspective to assess the national significance of potential landmark properties.[5] Encompassing more than a century of US history, this era covers the national adjustment to the end of chattel slavery and the Great Migration of African Americans from the rural South to the urban North and West; the origins and expansion of metropolitan patterns of residential segregation that accompanied internal migration (primarily African Americans and American Indians) and transnational immigration (primarily Latinos and Asians); the array of private and public mechanisms that arose to enforce housing discrimination and police color lines in metropolitan regions, including restrictive racial covenants, mortgage lending regulations, municipal zoning policies, federally funded urban renewal and low-income housing programs, and frequent outbreaks of White homeowner violence; and the decades-long civil rights movement to achieve fair-housing policy along with the major federal and state laws and court decisions that resulted.

Several general observations will be useful in interpreting the specific events and broader developments to be traced in this study. First, access to decent housing is strongly correlated with enjoyment or denial of a range of crucial quality-of-life measures and indeed basic citizenship rights in the United States, including adequate health care, living-wage job markets, and most directly to equal educational opportunity and fair law enforcement.[6] Second, the history of racial discrimination and civil rights struggle in the sphere of housing overlaps considerably with the trajectory of racial discrimination and school desegregation in the area of public education. Residential segregation has anchored the forces of school segregation in American cities and suburbs, especially but not only during the period following the *Brown v. Board of Education* decision, when school districts across the nation adopted allegedly race-neutral "neighborhood school" assignment plans that reproduced housing patterns.[7] Third,

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[5] Even before the Civil War, measurable and often legally enforced patterns of racial segregation demarcated free black communities in the urban North. See Leon Litwak, *North of Slavery: The Negro in the Free States, 1970–1860* (Chicago: University of Chicago Press, 1961); David Nathaniel Gelman and David Quigley, *Jim Crow New York: A Documentary History of Race and Citizenship, 1777–1877* (New York: New York University Press, 2003).

[6] John Charles Boger and Judith Welch Wegner, eds., *Race, Poverty, and American Cities* (Chapel Hill: University of North Carolina Press, 1996); Michael B. Katz, ed., *The "Underclass" Debate: Views from History* (Princeton: Princeton University Press, 1993); William Julius Wilson, *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy* (Chicago: University of Chicago Press, 1997). In 1975, the US Commission on Civil Rights observed: "Because free access to housing is basic to the enjoyment of many other liberties and opportunities, the restrictions in housing placed on minorities and women have far reaching consequences which touch virtually every aspect of their lives." US Commission on Civil Rights, *Twenty Years after Brown: Equal Opportunity in Housing* (Washington: GPO, Dec. 1975), 1.

[7] Gary Orfield, *Must We Bus? Segregated Schools and National Policy* (Washington: Brookings, 1978); Matthew D. Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2006). Please refer to "Other Recent Sources" at the end of the bibliography in this study for scholarship published on this subject since the initial draft of this study was undertaken.

housing segregation is directly linked to historical patterns of discriminatory law enforcement and to the well-documented racial and economic inequalities in the US criminal justice system. In particular, recent scholarship has emphasized the selective policing and over-criminalization of poor communities of color as a major cause of mass incarceration and of the disproportionate arrest, prosecution, conviction, and imprisonment of African Americans and Latinos.[8] Fourth, although this study focuses on the experiences of the nation's four largest racial minority groups, public and private discrimination in housing has also at different points in US history constrained the rights and limited the opportunities of women, gays and lesbians, singles and single-parent households, Jewish people, and lower-income Americans as a class.[9] Fifth, the story of housing discrimination is multifaceted rather than uniform, reflecting the multiracial hues of American history and the multiple points of origin of various racial groups. While the African American experience is a principal concern of this study and historically has been the disproportionate focus of federal policymaking and civil rights debate and constitutional jurisprudence, racial discrimination in housing and denial of property rights also profoundly shaped Asian American communities and Mexican American barrios and Latino immigrants and American Indian reservations and relocation programs.

It is also essential to recognize that the public policies and private forces that shaped housing discrimination in American history always have been nationwide in scope and intensity, not primarily associated with any particular geographic region of the United States. Popular narratives of the civil rights movement have traditionally begun in the Jim Crow South and then expanded to the rest of the nation with the urban crisis and racial upheavals of the 1960s.[10] The most significant developments in residential segregation, however, emerged after World War I in response to the Great Migration of Black southerners to the urban North and West and then accelerated after World War II through government initiatives such as the Federal Housing Administration (FHA), the public subsidization of segregated suburbs, and the federal urban renewal and highway construction programs. Although sectional and local variations certainly have existed, most notably in the relative presence or absence of particular non-black minority populations, the prevailing trends of private and public racial discrimination in housing during

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[8] Please refer to "Other Recent Sources" at the end of the bibliography in this study for scholarship published on this subject since the initial draft of this study was undertaken.

[9] US Commission on Civil Rights, *Twenty Years after Brown*; Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America* (New York: Alfred A. Knopf, 2003), 137-48; Margot Canady, "Building a Straight State: Sexuality and Social Citizenship under the 1944 G.I. Bill," *Journal of American History* (Dec. 2003), 235-57; Robert M. Fogelson, *Bourgeois Nightmares: Suburbia, 1870-1930* (New Haven: Yale University Press, 2005), 128-31. The restrictive racial covenants employed during the first half of the twentieth century often excluded Jews. Exclusionary zoning represents a deliberate policy to exclude residents below a certain income level as well as affordable and/or government subsidized multifamily housing units within particular neighborhoods or municipalities. Federal mortgage insurance policies and private bank loan programs long discriminated in favor of male-headed heterosexual nuclear families, denying credit to women, single-headed households, and gay and lesbian families. In the absence of federal legal protection, discrimination against gay men and lesbians in the sale and rental of housing remains legal in much of the United States to this day.

[10] For a critique of southern exceptionalism and the mid-1960s periodization in the literature on the civil rights movement, see Jeanne Theoharis and Komozi Woodard, eds., *Freedom North: Black Freedom Struggles outside the South* (New York: Palgrave Macmillan, 2003); Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2008); Matthew D. Lassiter, "De Jure/De Facto Segregation: The Long Shadow of a National Myth," in *The Myth of Southern Exceptionalism*, ed. Lassiter and Joseph Crespino (New York: Oxford University Press, 2009), 25-48.

the twentieth century accompanied the process of urbanization and ultimately produced remarkably similar patterns of residential segregation across the country. A comprehensive history of racial discrimination in American housing, therefore, raises serious questions about the common tendency to draw a sharp regional distinction between *de jure* segregation (enforced by law, often labeled "southern-style") and *de facto* segregation (resulting solely from private action and market forces, often designated "northern-style"). "De facto segregation" is a historically inaccurate description of the pervasive role of government policy in establishing and maintaining patterns of residential segregation, and the almost completely blurred boundaries between the public and the private in the history of racial discrimination in housing in the United States.[11]

[11] Lassiter, "De Jure/De Facto Segregation;" Andrew R. Highsmith, *Demolition Means Progress: Flint, Michigan, and the Fate of the American Metropolis* (Chicago: University of Chicago Press, 2015); Rothstein, *Color of Law*.

PART ONE, 1866–1940
AFRICAN AMERICANS AND THE ORIGINS OF RESIDENTIAL SEGREGATION

"A Negro family just arrived in Chicago from the rural south." Creator: Chicago Commission on Race Relations, 1922. Schomburg Center for Research in Black Culture, Jean Blackwell Hutson Research and Reference Division, The New York Public Library. New York Public Library Digital Collections. Accessed January 6, 2021. https://digitalcollections.nypl.org/items/510d47de-1a10-a3d9-e040-e00a18064a99

AFRICAN AMERICANS AND THE ORIGINS OF RESIDENTIAL SEGREGATION

The Reconstruction Era and Urban Migration

The modern story of the conflict between equal opportunity and racial discrimination in housing begins with the legal redefinition of American citizenship that accompanied the Civil War and Reconstruction-era amendments to the US Constitution. Until the Emancipation Proclamation of 1863 and the ratification of the Thirteenth Amendment in 1865, the vast majority of African Americans in the United States lived in legal bondage without the fundamental rights of citizenship or the basic liberties of personal mobility. Following the abolition of slavery, the legislatures of southern states enacted "Black Codes" designed to control the labor force and ensure that ex-slaves would remain tied to the agricultural economy. In Mississippi, for example, the new regulations banned Black citizens from renting land in urban areas and empowered Whites to arrest any "freedman, free negro or mulatto" for abandoning "the service of his or her employer . . . without good cause." African Americans in South Carolina could not leave plantations without securing permission from their employers and could not pursue work except as farmers or servants without paying a substantial tax. Denounced by African American activists and northern Republicans as bondage in all but name, the Black Codes provoked a political backlash that led to two major congressional initiatives designed to extend the fundamental rights of citizenship to the former slaves.[12]

The Civil Rights Act of 1866 extended to "citizens, of every race and color, . . . the same right . . . to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens." The US Congress passed the legislation in the absence of representation from the eleven Confederate states and over the veto of President Andrew Johnson. The Civil Rights Act extended the benefits of citizenship to all persons "born in the United States and not subject to any foreign power, excluding Indians not taxed, . . . without regard to any previous condition of slavery or involuntary servitude." Congress also extended legal protection to all citizens from racial discrimination "under color of any law, statute, ordinance, regulation, or custom."[13] This phrase reflected an elemental ambiguity that would shape constitutional law and public policy for the next century. Substantial confusion followed regarding whether the 1866 legislation distinguished between public and private action in its ban on depriving citizens of their property rights and personal security based on race. Many legal scholars have concluded that the framers of the Civil Rights Act did not intend to ban private acts but instead only prohibited racial discrimination resulting from state action.[14] In the same year, Congress also approved the Fourteenth Amendment, which focused exclusively on state action and gave a constitutional foundation to the Civil Rights Act. The Fourteenth Amendment held that no state could "deprive

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[12] Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863–1877* (New York: Harper and Row, 1988), 199–210, 243–51; George R. Metcalf, *Fair Housing Comes of Age* (New York: Greenwood Press, 1988), 29–35 (quotation 31).

[13] 1866 Civil Rights Act, 14 Stat. 27–30, http://www.supremelaw.org/ref/1866cra/1866.cra.htm.

[14] Earl M. Maltz, *Civil Rights, the Constitution, and Congress, 1863–1869* (Lawrence, KS: University Press of Kansas, 1990), 61–78; Foner, *Reconstruction*, 245.

any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."[15]

The public/private distinction in constitutional law exerted a profound effect on the future development of residential segregation in the United States and on civil rights efforts to overcome racial discrimination in housing. In the Civil Rights Act of 1875, Congress did enact an unambiguous ban on private acts of racial discrimination in the area of equal access to public accommodations, but the US Supreme Court invalidated the legislation in the *Civil Rights Cases* of 1883. This pivotal decision limited the reach of the 1866 Civil Rights Act through the elaboration of a "state action" doctrine that sharply distinguished between unconstitutional racial discrimination enforced by government policy and permissible acts of racial discrimination by private individuals.[16] The statutory right that existed on paper to buy and lease property free from racial discrimination would remain elusive in the real world of the American housing market for almost a century, because of the broad spectrum of private and quasi-private actions immunized from legal challenge by the restrictive interpretation of the state action doctrine. The Supreme Court's subsequent approval of "separate but equal" in *Plessy v. Ferguson* (1896) revealed how much discretion existed for the implementation of segregation and inequality through public policies that technically complied with the state action prohibition against racial discrimination.[17] During the late 1800s and early 1900s, southern and border states moved toward a comprehensive legal framework of Jim Crow segregation, northern states and municipalities experimented with a broad range of strategies to enforce racial separation (including Jim Crow laws on a less comprehensive scale), and many western states and cities enacted ordinances designed to discriminate against African Americans, Latinos, and Asians/Asian Americans.[18]

For Black Americans, hardening patterns of residential segregation and more elaborate mechanisms of housing discrimination accompanied the waves of migration from the rural to the urban South and from the region as a whole to the cities of the North and West.[19] At the beginning of the Civil War, African Americans comprised only 1.2 percent of the total population of the North and West, and about 90 percent of the nation's Black citizens still lived in the South as late as 1900, many still in rural areas.[20] Recent scholarship has chronicled the fusion of state and private practices that expropriated much of the land owned by rural Black southerners, converting their property into coastal resorts and other segregated developments and

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[15] Maltz, *Civil Rights, the Constitution, and Congress*, 79-120; Foner, *Reconstruction*, 251–61; Fourteenth Amendment to the US Constitution, https://www.law.cornell.edu/constitution/amendmentxiv.

[16] *Civil Rights Cases*, 109 U.S. 3 (1883); Metcalf, *Fair Housing*, 59-62; Foner, *Reconstruction*, 553–56.

[17] *Plessy v. Ferguson*, 163 U.S. 537 (1896).

[18] Edward Ayers, *The Promise of the New South: Life after Reconstruction* (New York: Oxford University Press, 1992) 145, 300; Davison M. Douglas, *The Battle over Northern School Segregation, 1865–1954* (Cambridge: Cambridge University Press, 2005), chap. 4; Richard White, "*It's Your Misfortune and None of My Own": A New History of the American West* (Norman: University of Oklahoma Press, 1991), 237-41; for western discrimination also see Kelly Lytle Hernandez, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965* (Chapel Hill: University of North Carolina Press, 2017).

[19] John R. Logan, et. al., "Creating the Black Ghetto: Black Residential Patterns Before and During the Great Migration," *Annals of the American Academy of Political and Social Science* 660 (July 2015): 18–35.

[20] Charles Abrams, *Forbidden Neighbors: A Study of Prejudice in Housing* (Port Washington, New York: Kennikat Press, 1955); 18–28.

displacing many African Americans who then migrated to urban centers.[21] In the larger southern cities, African American migrants settled in neighborhoods marked by increasing racial segregation, reflecting the broader forces at work in the legislative rise of Jim Crow during the late 1800s and early 1900s. The fastest-growing cities of the "New South" displayed the highest rates of housing segregation, with many blocks in urban centers such as Atlanta and Richmond identifiably all White or all Black by the 1890s. In the First Ward area near downtown Charlotte, the African American population remained dispersed throughout the neighborhood at the end of Reconstruction, but this racially mixed residential pattern evolved into clearly defined clusters of Black households by 1910. Real estate developers played a central role in the accelerating trends of housing segregation, formal practices of racial exclusion became more pronounced in the rental market, and White residents frequently employed tactics of intimidation or enlisted the assistance of municipal agencies to strengthen the color line.[22] At the same time, the growth of African American enclaves also represented a survival strategy and an expression of communal solidarity in a political culture of white supremacy, as Black southerners built thriving business districts and sought better housing and employment opportunities within the structures of a segregated society.[23]

Racial Zoning

In terms of Jim Crow legislation, the most elaborate efforts to enshrine housing segregation as formal public policy began with the turn to racial zoning ordinances in the border South. In the early 1900s, the city of Baltimore contained the third-largest urban Black population in the nation, including a small number of middle-class Black professionals seeking residential property outside of the emerging slums. In the Druid Hill section of the city, where white mobs had frequently attacked and harassed new Black homeowners, an African American attorney named George W. F. McMechen moved into an all-white neighborhood in 1910. In the face of White protests, the Baltimore city council enacted the nation's first anti-black racial zoning law, promoted as a progressive measure to maintain racial peace. The ordinance stated: "no Negro" could "move into, or attempt to occupy, a house in a block where 51 percent or more of the houses therein were occupied by whites, or vice versa," with an exception provided for live-in servants. Local and state courts invalidated the residential segregation ordinance and three subsequent incarnations as too vague to be enforced, and White homeowners in transitional neighborhoods responded by bombing Black homes along with other acts of violence. Although Jim Crow zoning did not survive in Baltimore, the effort inspired similar laws in many other cities. Within a few years, racial zoning ordinances appeared in Richmond, Norfolk, and Roanoke, Virginia; Winston-Salem and Asheville, North Carolina; Greenville, South Carolina;

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[21] See Andrew W. Kahrl, *The Land Was Ours: African American Beaches from Jim Crow to the Sunbelt South* (Cambridge: Harvard University Press, 2012).

[22] Ayers, *Promise of the New South*, 67–68; Thomas W. Hanchett, *Sorting Out the New South City: Race, Class, and Urban Development in Charlotte, 1875–1975* (Chapel Hill: University of North Carolina Press, 1998), 116–44; also see Howard N. Rabinowitz, *Race Relations in the Urban South, 1865-1890* (New York: Oxford University Press, 1978).

[23] See Earl Lewis, *In Their Own Interests: Race, Class, and Power in Twentieth-Century Norfolk, Virginia* (Berkeley: University of California Press, 1991).

Birmingham, Alabama; and in places as far apart as Atlanta, St. Louis, Louisville, Denver, and Los Angeles.[24]

The recently formed National Association for the Advancement of Colored People (NAACP) organized legal challenges to racial zoning in Baltimore and in the dozens of other cities that followed suit. In Georgia and North Carolina, civil rights litigants convinced the state courts to overturn residential segregation ordinances on individual property rights grounds. In federal law, the constitutional precedent upholding the property rights guarantee of the Fourteenth Amendment came in a case involving Louisville, Kentucky. As in Baltimore, the turn to racial zoning in Louisville followed a rapid influx of rural African American migrants and the concerted efforts of middle-class Black families to escape from minority enclaves that were evolving into urban slums. The city council justified its 1914 law mandating housing segregation as a necessary step to defuse racial violence, "to prevent conflict and ill feeling between the white and colored races . . . and preserve the public peace." The local NAACP chapter sponsored political protests and then initiated a test case after branch president William Warley bought a lot on a majority-white street in deliberate violation of the law.[25] In *Buchanan v. Warley* (1917), the US Supreme Court invalidated Louisville's racial zoning ordinance, carving out a property rights exception to the "separate but equal" doctrine because a colored person has the right "to acquire property without state legislation discriminating against him solely because of color."[26]

The national leadership of the NAACP celebrated the *Buchanan* decision, perhaps too optimistically, for outlawing the nascent attempts to use the power of the state to create and maintain "ghettos on a basis of race and color." The National Association of Real Estate Boards (NAREB), which had recently proclaimed that its members should actively resist housing integration, responded that the Supreme Court ruling permitted neighborhood organizations and individual property owners to continue to discriminate on the basis of race.[27] In terms of public policy, a number of southern cities continued to enact racial zoning measures in open defiance of the Supreme Court edict. In 1926, White leaders in Birmingham adopted an extralegal zoning ordinance that designated each neighborhood by race as the linchpin of a comprehensively segregated approach to urban planning that remained on the books for a quarter-century, until overturned through NAACP litigation in 1951.[28] In Atlanta, another booming New South city, elected officials passed five different racial zoning laws between 1913 and 1931. After the *Buchanan* decision nullified Atlanta's original block-by-block ordinance, White leaders attempted to enforce a new "race-neutral" subterfuge that prevented individuals from moving

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[24] Stephen Grant Meyer, *As Long as They Don't Move Next Door: Segregation and Racial Conflict in American Neighborhoods* (Lanham, MD.: Rowman & Littlefield, 2000), 16–22 (quotation 18); Carl Nightingale, "The Transnational Contexts of Early Twentieth-Century American Urban Segregation," *Journal of Social History* (Spring 2006): 667–702.

[25] Michael J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (New York: Oxford University Press, 2004), 79–85, 90–97; Meyer, *As Long as They Don't Move Next Door*, 22–28 (quotation 24).

[26] *Buchanan v. Warley*, 245 U.S. 60, 79 (1917). This decision also rested on the logic that the racial zoning ordinance deprived the white homeowner of the Fourteenth Amendment right to sell property under the doctrine of freedom of contract.

[27] Meyer, *As Long as They Don't Move Next Door*, 7, 26 (quotation).

[28] Charles E. Connerly, *"The Most Segregated City in America": City Planning and Civil Rights in Birmingham, 1920–1980* (Charlottesville: University of Virginia Press, 2005), 36–101.

onto any street where "the majority of the residences . . . are occupied by those with whom said person is forbidden to intermarry." When this scheme and the others failed to withstand legal challenge, urban planners created a new comprehensive framework without formal statutory authority that divided the city into single-family and multi-unit residential zones on the basis of race.[29]

During the Progressive era, the widespread embrace of municipal zoning provided policymakers with a broad range of tools to segregate metropolitan populations by race and class. Between 1908 and 1930, more than nine hundred American cities and suburbs adopted zoning laws that designated land-use restrictions for specific areas, generally separating residential from commercial districts, multi-family apartments from single-family homes, and working-class neighborhoods from more affluent ones.[30] The Supreme Court upheld the municipal practice of exclusionary zoning in the 1926 *Euclid* decision, a restriction on property rights that represents one of the most important benchmarks in the history of urban planning.[31] The invalidation of racial zoning in *Buchanan*, combined with the approval of exclusionary zoning in *Euclid*, meant that constitutional law formally authorized government policies that deliberately segregated specific urban neighborhoods and most new suburban developments on the basis of socioeconomic class. Exclusionary zoning by class and income level disproportionately affected members of racial minority groups, while at the same time municipal governments across the nation incorporated racial restrictions into their planning policies in extralegal and quasi-legal ways, a phenomenon labeled "facially neutral but racially motivated zoning" by one legal scholar.[32] "The *Buchanan* decision undermined the use of zoning to segregate explicitly by race but not the use of the planning process in the service of apartheid," Christopher Silver concluded in a study of zoning procedures inside and outside the South. "The substitute for racial zoning was a race-based planning process that marshaled a wide array of planning interventions in the service of creating separate communities."[33]

Restrictive Racial Covenants

In the early decades of the twentieth century, the spread of restrictive racial covenants provided a method of enforcing housing segregation even more effective than the short-lived career of state-imposed racial zoning. Restrictive covenants began appearing in exclusive suburbs in the 1890s, but their proliferation reflected forces of White racial backlash set in motion by the internal migration of nearly 2 million Black southerners to the urban North and West between 1900 and 1940. Although identified in conventional wisdom with the "northern" pattern of race relations, most new subdivisions constructed in southern metropolitan areas after World War I employed the same types of deed restrictions found outside the region. Racial covenants, as a private

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[29] Ronald H. Bayor, *Race and the Shaping of Twentieth-Century Atlanta* (Chapel Hill: University of North Carolina Press, 1996), 53-58 (quotation 53).

[30] For the broader origins of zoning during the Progressive era, see Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge: Harvard University Press, 1998), 184–208.

[31] *Village of Euclid v. Ambler Reality Co.*, 272 U.S. 365 (1926).

[32] Klarman, *From Jim Crow to Civil Rights*, 90-93 (quotation 92). Also see Colin Gordon, *Mapping Decline: St. Louis and the Fate of the American* City (Philadelphia: University of Pennsylvania Press, 2008), 112–152.

[33] Christopher Silver, "The Racial Origins of Zoning in American Cities," *Urban Planning and the African American Community: In the Shadows*, ed. June Manning Thomas and Marsha Ritzdorf (Thousand Oaks, CA: Sage Publications, 1997), 23–42 (quotations 32, 38).

contract with violations to be enforced by the judicial branch of government, took advantage of the Supreme Court's very narrow interpretation of the state action doctrine. Real estate developers commonly inserted racial restrictions, as well as many other types of land-use controls, into deed agreements governing all homes in a particular subdivision, and White homeowners' associations regulated compliance with the contracts. The typical formulation banned the ownership or rental of property by "any person other than of the white or Caucasian race," often specifically barring members of ethnic and national origin groups such as Negroes, Africans, Chinese, Japanese, Mexicans, Puerto Ricans, American Indians, and Jews (described as Semites or Hebrews). In the early 1900s, for one of many examples, a large real-estate corporation in Washington, DC, standardized its deed restrictions to require all purchasers to agree that "said lots shall never be rented, leased, sold, transferred or conveyed unto any negro or colored person." State and local courts enforced deed restrictions under the doctrine of contract law, as a consensual agreement between two private parties. This immunized covenants from constitutional challenge by categorizing them as a permissible form of private racial discrimination, albeit buttressed (as with all legal contracts) by state power.[34]

The suburb of Palos Verdes Estates, completed in 1923 and located twenty miles from downtown Los Angeles, provides an illuminating case study of the new White upper-middle-class developments segregated by race and income and secluded from the industrial city. The Massachusetts-based Olmsted Brothers firm designed Palos Verdes as a utopian community "which has succeeded in shutting out all the din and confusion of modern metropolitan life." The marketing of residential exclusion also promised prospective buyers that their property values would remain insulated from "encroachment by any possible developments of an adverse sort," including apartments and "undesirable neighbors." To give this vision the force of contract law, the Palos Verdes Estates Protective Restrictions prohibited owners from selling their property or renting their homes to any individuals "not of the white or Caucasian race." The racial covenant even forbade physical entry into the community by Negroes and Asians, with the exception of live-in servants. The residentially segregated community of Palos Verdes Estates proved representative of suburban trends in metropolitan Los Angeles during the 1920s, when real estate corporations constructed 250,000 homes in more than three thousand subdivisions. Restrictive racial covenants prohibiting African Americans, Mexicans, Asians, and often Jews and American Indians governed almost all of these new suburban developments, from the most elite enclaves to the White working-class neighborhoods. Of the 5,000 families living in the affluent suburb of Beverly Hills in 1930, only one was African American and only eight of "other" races. Of the 5,600 families in the blue-collar industrial suburb of South Gate, census records reveal one African American household and 41 others identified as occupied by other minority groups.[35]

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[34] Fogelson, *Bourgeois Nightmares*, 95-103; Clement E. Vose, *Caucasians Only: The Supreme Court, the NAACP, and the Restrictive Covenant Cases* (Berkeley: University of California Press, 1959), 1–13 ("said lots" quote, 7). Also see Hanchett, *Sorting Out the New South City*; Gordon, *Mapping Decline*, 69-88; Michael Jones-Correa, "The Origins and Diffusion of Racial Restrictive Covenants," *Political Science Quarterly* 115, no. 4 (Winter 2000-2001): 541–68. Hundreds of racial covenants in Seattle are digitized and mapped at Seattle Civil Rights and Labor History Project, "Segregated Seattle," http://depts.washington.edu/civilr/segregated.htm.

[35] Fogelson, *Bourgeois Nightmares*, 5–24, 137. Also see Robert M. Fogelson, *The Fragmented Metropolis: Los Angeles, 1850-1930* (Cambridge: Harvard University Press, 1967); Greg Hise, *Magnetic Los Angeles: Planning the Twentieth-Century Metropolis* (Baltimore : Johns Hopkins University Press, 1997); Becky Nicolaides, *My Blue*

During the 1920s, the NAACP launched a comprehensive attack on restrictive racial covenants, on the grounds that judicial enforcement of private segregation practices fell within the state action doctrine, and also that the rise of deed restrictions had effectively nullified the *Buchanan* recognition of the constitutional right to acquire property on a nonracial basis. The civil rights movement met defeat at every turn, with courts in twenty states upholding the legality of restrictive covenants based on the private property right to discriminate based on race.[36] The question of the constitutionality of racial covenants reached the Supreme Court in the 1926 case of *Corrigan v. Buckley*. The litigation originated in the nation's capital, after a White man sued for an injunction to prevent his White neighbor from selling a lot to an African American buyer. The Supreme Court unanimously declined to consider the appeal, dismissing the NAACP's Fourteenth Amendment challenge as raising "alleged constitutional questions so unsubstantial as to be plainly without color of merit and frivolous." Reaffirming the sharp distinction between public and private action drawn in the 1883 *Civil Rights Cases*, the decision emphasized that the Reconstruction-era constitutional amendments never intended to prevent "private individuals from entering into contracts respecting the control and disposition of their own property."[37] Based on the *Corrigan v. Buckley* precedent, lower courts consistently enforced racial covenants for the next quarter-century, issuing opinions that White citizens "who own a home . . . have a right to protect it against . . . elements distasteful to them" and that property owners "should have confidence in the power and willingness of the courts to protect their investment in happiness and security."[38]

The constitutional authorization of restrictive racial covenants shaped national patterns of metropolitan segregation in powerful ways during the first half of the twentieth century, excluding members of every racial and ethnic minority group from most White developments and revealing the convergence of private forces and public authority in the pursuit of a modern regime of spatial apartheid.[39] In 1915, the NAACP issued a class-based appeal to the nation to resist the rising tide of residential segregation: "Colored people, increasing in thrift and wealth, have been trying . . . to move out of the slums and unhealthy places of the cities into more desirable residential districts. They have been met by the plea that they are undesirable neighbors and that they depress real estate values. Hatred, riot, and even bloodshed have been the result of the controversy."[40] In 1924, at the height of the national embrace of restrictive covenants, the NAREB revised its code of ethics to include the injunction that "a realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individual whose presence will clearly be detrimental to property values in the neighborhood."[41] The NAREB then convinced licensing commissions in

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Heaven: Life and Politics in the Working-Class Suburbs of Los Angeles, 1920–1965 (Chicago: University of Chicago Press, 2002); Scott Kurashige, *The Shifting Grounds of Race: Black and Japanese Americans in the Making of Multiethnic Los Angeles* (Princeton: Princeton University Press, 2007), 13–-63; Andrea Gibbons, *City of Segregation: 100 Years of Struggle for Housing in Los Angeles* (London: Verso, 2018), 19-63.

[36] Abrams, *Forbidden Neighbors*, 217–20.

[37] *Corrigan v. Buckley*, 271 U.S. 323, 330 (1926). See also Klarman, *From Jim Crow to Civil Rights*, 142–46.

[38] Vose, *Caucasians Only*, 1 (quotation), 13–19, 50–56.

[39] See Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge: Harvard University Press, 1993).

[40] Vose, *Caucasians Only*, 50.

[41] Abrams, *Forbidden Neighbors*, 156.

thirty-two states to revoke the credentials of any real estate agent who violated professional ethics through activities that encouraged housing integration. In another explanation of real estate standards, the NAREB equated bootleggers, gangsters, and prostitution madams with "a colored man of means who was giving his children a college education and thought they were entitled to live among whites. . . . No matter what the motive or character of the would-be purchaser, if the deal would instigate a form of blight, then certainly the well-meaning broker must work against its consummation."[42]

White Violence and Ghetto Formation

In addition to devices of racial discrimination ranging from real estate practices to zoning policies to restrictive covenants, White violence played a key role in enforcing the color line and maintaining boundaries of residential segregation in metropolitan regions. During and after World War I, the tensions unleashed by the Great Migration resulted in a wave of race riots in American cities as well as numerous other episodes of grassroots terrorism by White homeowners. The deadliest upheaval occurred in Chicago in 1919, with clashes that killed 23 Black and 15 White residents. Tensions over housing integration and job competition played a major role in setting the stage for civic unrest, with Chicago's White neighborhoods turning alternatively to racial covenants and then to violence as a last defense, after a failed effort to convince the city government to enact comprehensive racial zoning. All-white neighborhood groups demanded the containment of African Americans in the South Side ghetto, and the Hyde Park-Kenwood Property Owners' Association mobilized under the slogan to "make Hyde Park white" by repelling the racial "invasion" and "incursion by undesirables." Between 1917 and 1921, unidentified assailants bombed 58 Black-owned properties, including 32 in the Hyde Park-Kenwood area (which includes the University of Chicago). One of the targeted Black property owners filed an unsuccessful conspiracy lawsuit against the Hyde Park-Kenwood Association, alleging that "the men who placed this bomb are in the employ of real estate men and that the purpose of their work is to frighten Negroes out of . . . the neighborhood." Along another nearby stretch of Shields Avenue, bombings victimized nine Black families during this period, and as a result the street remained exclusively White for the next three decades. The Chicago Police Department declined to enforce the law against White homeowner violence and instead disproportionately harassed and arrested African Americans who crossed the city's color lines, part of a larger system of racial over-criminalization and unequal criminal justice shaped by the forces of housing segregation in Chicago.[43]

In Cleveland, the demographic changes resulting from the Great Migration and the hardening lines of residential segregation in the metropolitan region produced a series of violent confrontations in the city and its upscale suburbs alike. During and after World War I, the scattered clusters of Black families that marked the nineteenth-century city turned into a clearly

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[42] Arnold R. Hirsch, "With or without Jim Crow: Black Residential Segregation in the United States," in *Urban Policy in Twentieth-Century America*, ed. Hirsch and Raymond A. Mohl (New Brunswick, NJ: Rutgers University Press, 1993), 75.

[43] William M. Tuttle, Jr., *Race Riot: Chicago in the Red Summer of 1919* (New York: Atheneum, 1974), 171–83 (quotations 178–79); Arnold R. Hirsch, *Making the Second Ghetto: Race and Housing in Chicago, 1940–1960* (Cambridge: Cambridge University Press, 1983), 1–9; Meyer, *As Long as They Don't Live Next Door*, 34–35 ("make Hyde Park white" quotation). On the police role, see Nora C. Krinitsky, "The Politics of Crime Control: Race, Policing, and Reform in Twentieth-Century Chicago" (Ph.D. Dissertation, University of Michigan, 2017).

defined ghetto, with more than 90 percent of African Americans living in the area bounded by East 105th Street and Euclid and Woodland Avenues. Only fifteen Black families resided in the booming eastside suburbs of Cleveland Heights, Shaker Heights, and Garland Heights. The wartime surge in Black migration created a severe housing shortage, which led to overcrowded conditions and exorbitant rents for African American households, nearly double the average for White families in the city. As White homeowners used violence and intimidation to defend the color line inside Cleveland, a number of middle-class Black professionals attempted to find refuge in the suburbs instead. In 1924, a White mob of two hundred drove a Black family out of Garland Heights after the mayor declined to provide police protection because "colored people had no right to purchase such a nice home." In nearby Shaker Heights, the movement of a Black physician and his family into an all-white neighborhood prompted their new neighbors to throw rocks, fire shots into the house, and burn down the garage. In Cleveland Heights, White homeowners dynamited the newly constructed residence of another Black physician, but he and his family persevered through several years of threats and harassment in order to maintain their claim on the American Dream. Most other affluent Black professionals, in Cleveland and elsewhere, opted to remain in segregated enclaves on the fringes of the larger ghetto rather than risk losing their lives and property as "pioneers" in all-white suburban neighborhoods.[44]

White homeowner violence to prevent housing integration occurred in all parts of the country, from the Jim Crow South to the boroughs of New York City to the sprawling metropolises of the West Coast. In fact, White leaders who positioned themselves as progressives on race relations often explained that the link between residential integration and violent backlash necessitated peacekeeping measures such as racial covenants and restrictive zoning. Millions of White families ultimately relocated from transitional urban neighborhoods to more easily defended suburban enclaves when they could not halt residential integration through legal or extralegal tactics, but in many other cases, they dug in and fought back. African American families were not passive victims of White racism, however, especially for the so-called pioneers who made the conscious decision to integrate a hostile neighborhood in their pursuit of upward mobility and a better life. One of the most extraordinary stories of the first Great Migration happened in Detroit in the aftermath of World War I, when White mobs and an organized Ku Klux Klan movement began a systematic effort to contain Black residents to the emerging ghetto. In 1925, Ossian and Gladys Sweet moved with their child into an all-white neighborhood, in the face of threats by the homeowners' association that they would pay for the decision with their lives. The next day, a mob numbering several thousand attacked their house with rocks, and then gunshots from inside the house killed one White man in the crowd and wounded another. The Detroit police arrested Ossian Sweet, a physician, along with his family members and friends who were present. Well-known attorney Clarence Darrow represented the defendants in a murder trial that

[44] Kenneth L. Kusmer, *A Ghetto Takes Shape: Black Cleveland, 1870–1930* (Urbana: University of Illinois Press, 1976), 157-205 (quotation 167). Also see Todd M. Michney, *Surrogate Suburbs: Black Upward Mobility and Neighborhood Change in Cleveland, 1900–1980* (Chapel Hill: University of North Carolina Press, 2017), 18–58; Andrew Wiese, *Places of Their Own: African American Suburbanization in the Twentieth Century* (Chicago: University of Chicago Press, 2004), esp. 94–163.

received massive national publicity. After an initial mistrial, a second all-white jury voted to acquit on grounds of self-defense, an atypical conclusion to an all-too-typical episode.[45]

The racially defined urban ghettoes destined to play such a pivotal role in twentieth-century American history emerged as concrete manifestations during the period between World War I and World War II, a product of the Great Migration of Black southerners and the hybrid public-private strategies of housing segregation and racial containment that resulted.[46] In 1870, about 80 percent of the nation's African American population remained in the rural South and worked in the agricultural economy. A century later, 80 percent of African Americans lived in metropolitan regions, with almost half of this total residing in the North and West. American cities before 1900 did not contain large, starkly segregated ghettoes; in fact, a typical African American resident of a northern city before the turn of the century lived in a neighborhood approximately 90 percent White (with Black households often clustered on particular streets). By 1940, indices of Black-White residential segregation had increased dramatically in the major cities of all regions of the country, with the most rapid intensification in places that saw the highest rates of Black in-migration. African American urban residents increasingly lived in the modern version of the ghetto: crowded neighborhoods visibly and comprehensively segregated by race, adjoining similarly segregated neighborhoods, and separated from White residential areas by restrictive covenants, pervasive racism in the real estate market, and geographic dividing lines such as thoroughfares and railroad tracks. The methodical and deliberate containment of African Americans in urban ghettoes reinforced other injustices, including unequal access to education and employment, the public health hazards associated with overcrowding and disinvestment, and law enforcement practices that over-criminalized Black communities while corruptly allowing vice districts to operate within their boundaries.[47]

Scholars have confirmed these general trends of ghetto formation in a series of pioneering community studies tracing the consequences of the Great Migration in New York City, Chicago, Cleveland, Milwaukee, and Los Angeles.[48] "The creation of a Negro community within one large and solid geographic area was unique in city history," Gilbert Osofsky found in his pathbreaking account of the transformation of Harlem from an affluent White neighborhood in

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[45] For the story of this event see Kevin Boyle, *Arc of Justice: A Saga of Race, Civil Rights, and Murder in the Jazz Age* (New York: Henry Holt, 2004); Meyer, *As Long as They Don't Live Next Door*, 30-45. On broader trends in housing discrimination in Detroit during this era, see Karen R. Miller, *Managing Inequality: Northern Racial Liberalism in Interwar Detroit* (New York: New York University Press, 2014).

[46] Surveys of the causes and consequences of the Great Migration include James R. Grossman, *Land of Hope: Chicago, Black Southerners, and the Great Migration* (Chicago: University of Chicago Press, 1989); James N. Gregory, *The Southern Diaspora: How the Great Migrations of Black and White Southerners Transformed America* (Chapel Hill: University of North Carolina Press, 2005); also see Isabel Wilkerson, *The Warmth of Other Suns: The Epic Story of America's Great Migration* (New York: Random House, 2010).

[47] Massey and Denton, *American Apartheid*, 17-42; Hirsch, "With or without Jim Crow," 65–78; Muhammad, *Condemnation of Blackness*, esp. chapters 4–6.

[48] St. Clair Drake and Horace Clayton, *Black Metropolis: A Study of Negro Life in a Northern City* (New York: Harcourt, Brace and World, 1945); Gilbert Osofsky, *Harlem: The Making of a Ghetto: Negro New York, 1890–1930* (New York: Harper and Row, 1963); Allan Spear, *Black Chicago: The Making of a Negro Ghetto, 1890–1920* (Chicago: University of Chicago Press, 1967); Kusmer, *A Ghetto Takes Shape*; Joe William Trotter, Jr., *Black Milwaukee: The Making of an Industrial Proletariat, 1915–1945* (Urbana: University of Illinois Press, 1985); Douglas Flamming, *Bound for Freedom: Black Los Angeles in Jim Crow America* (Berkeley: University of California Press, 2005).

the late 1800s to the most intensely segregated ghetto in the United States by World War II. "New York had never been an 'open city'—a city in which Negroes lived wherever they chose—but the former Negro sections were traditionally only a few blocks in length, often spread across the island and generally interspersed with residences of white working-class families. Harlem, however, was a Negro world unto itself." As in other ghettoes across the nation, this process of community formation created the conditions for a vibrant African American urban culture but also produced the debilitating forces of overcrowding, exorbitant rents, segregated and unequal schools, inequitable access to medical care, and restricted access to job markets in expanding metropolitan regions.[49] "The emergence of the black ghetto did not happen as a chance by-product of other socioeconomic processes," sociologists Douglas Massey and Nancy Denton conclude in their influential book *American Apartheid*. "Rather, Americans made a series of deliberate decisions to deny blacks access to urban housing markets and to reinforce their spatial segregation. Through its actions and inactions, white America built and maintained the residential structure of the ghetto."[50]

[49] Osofsky, *Harlem*, 127–49 (quotation 127).

[50] Massey and Denton, *American Apartheid*, 19. The focus in this study on public policies and private strategies that promoted housing discrimination and enforced racial segregation does not mean that African American communities were powerless or passive victims in these processes of metropolitan development and ghetto formation. Many of the books cited in this section, and others listed in the bibliography, chart the multifaceted ways in which diverse black communities resisted white racism through civil rights activism, turned inward to forge their own institutions, and in general displayed a remarkable though circumscribed degree of agency in the face of broader legal and political structures of racial inequality.

PART TWO, 1848–1945
AMERICAN LATINOS, ASIAN AMERICANS, AND AMERICAN INDIANS

Señor Vigues, wife and 5 children live in this homemade shack opposite American-Mexican "Jim Crow" housing project, "Santa Rita Courts," in Austin, Texas, the first public housing development completed under the Housing Act of 1937, which created the US Housing Authority. 1942. Unknown photographer. Library of Congress, Prints and Photographs Division.

AMERICAN LATINOS, ASIAN AMERICANS, AND AMERICAN INDIANS

In 1975, a report by the US Commission on Civil Rights observed that "the assumption that whites have the right to deny minorities the opportunity to purchase or rent property because of their race or ethnic origin began as a fundamental tenet of the institution of slavery."[51] In addition to the long history of public and private discrimination against African Americans, national policies of continental conquest and large-scale social and economic forces played similar roles in limiting the property rights and restricting or appropriating the land holdings of members of three other politically and numerically significant racial minority groups in nineteenth-century America. In 1848, at the end of the Mexican-American War, the Treaty of Guadalupe Hidalgo transformed 100,000 ethnic Mexicans living in what is now the American Southwest into citizens of the United States. Large numbers of Anglo migrants participated in gold rushes and land grabs that over time displaced much of the Mexican American population from pueblos and ranchos to segregated urban barrios.[52] Beginning in the mid-1800s, economic opportunity drew increasing numbers of Asian immigrants to the West Coast, but federal law classified them as aliens ineligible for citizenship, and White violence combined with statutory discrimination to restrict their property rights and residential options.[53] Following the Indian Removal Act of 1830 and various federal treaties and military campaigns, Native American tribes lost most of their traditional lands and became geographically confined to reservations located primarily in the American West.[54]

In the experiences of each of the nation's four largest racial minority groups, the forces of inequality in housing took shape within the context of broader historical legacies of racial subordination in public policy and varying forms of forcible population relocations and expulsions. However, laws and public policies have treated each group in unique ways, beginning with the fundamental issue of citizenship rights and privileges. Ethnic Mexicans living in the Southwest received the formal legal status of full citizenship, previously reserved for "free white persons," as a result of conquest in the Mexican-American War.[55] Almost two decades later, the 1866 Civil Rights Act and the Fourteenth Amendment extended citizenship to all persons "born or naturalized" in the United States, including African Americans but explicitly excluding "Indians not taxed." The final version of the 1866 legislation also restricted its scope to US citizens, replacing the original proposal to protect the civil rights of "inhabitants of any

[51] US Commission on Civil Rights, *Twenty Years after Brown: Equal Opportunity in Housing* (Washington: GPO, Dec. 1975), 1.

[52] Patricia Nelson Limerick, *Legacy of Conquest: The Unbroken Past of the American West* (New York: W. W. Norton, 1987), 228–53; David Gutierrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995), 13-38; also see Leonard Pitt, *The Decline of the Californios: A Social History of the Spanish-Speaking Californians, 1846-1890* (Berkeley: University of California Press, 1970).

[53] Angelo N. Ancheta, *Race, Rights, and the Asian American Experience* (New Brunswick, N.J.: Rutgers University Press, 1998), 19–40. Also see Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown, 1989); Erika Lee, *At America's Gates: Chinese Immigration during the Exclusion Era, 1882–1943* (Chapel Hill: University of North Carolina Press, 2003); Natalia Molina, *Fit To Be Citizens?: Public Health and Race in Los Angeles* (Berkeley: University of California Press, 2006).

[54] Limerick, *Legacy of Conquest*, 179–221; also see Phillip Weeks, *Farewell, My Nation: The American Indian and the United States, 1820-1890* (Arlington Heights, IL: H. Davidson, 1990).

[55] Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004), 50–55.

State or Territory." This critical change in wording meant that federal law and state governments retained the power to discriminate against aliens (foreigners and non-naturalized immigrants, and most notably at the time the Chinese in California) in the areas of ownership and rental of property, a prospect openly acknowledged in congressional debate.[56] In subsequent decades, members of all four of these minority groups would encounter many of the same methods of housing discrimination, especially with the rise of racial covenants that restricted residential communities to members of the Caucasian race. A large majority of the nation's Latino, Asian, and American Indian populations also resided in the American West during the century before World War II, although their experiences were distinguished by their concentration in different geographic locales and in varying sectors of the economy.[57]

American Latinos[58]

Mexican Americans, who have long represented the largest group of national origin within the Hispanic/Chicano/Latino/a category, originally were not immigrants but instead inhabitants of territory obtained by the United States through military conquest. In the mid-1800s, at the end of the Mexican-American War, wealthy Mexicans owned large ranches in the states of California and Texas and the US territory of New Mexico. Although their titles to the land remained valid under treaty and federal law, a combination of Anglo squatters, drawn-out litigation battles, and outright fraud ultimately resulted in the transfer of many of the ranches of the Southwest into the hands of White real estate interests. Massive Anglo migration to California also signaled the political and demographic shift in power, with Mexican Americans declining from 82 percent of the state's population at the moment of statehood in 1850 to only 19 percent of the total in 1880. The new state of California immediately passed a Foreign Miners' Tax designed to push Mexicans and Chinese out of the gold mines, and White prospectors often employed violence to reduce the threat of competition. By the end of the nineteenth century, a Mexican American population that had once consisted of large landholders and independent laborers in the rural economy was rapidly becoming a racially subordinate group residing in segregated urban barrios.[59] As David Gutierrez has observed, "the ethnic Mexican population was slowly but surely relegated to an inferior, caste-like status in the region's evolving social system . . . not much better than that occupied by Indians and African Americans elsewhere in the United States."[60]

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[56] Maltz, *Civil Rights, the Constitution, and Congress*, 61–64.

[57] See Fogelson, *Bourgeois Nightmares*; James W. Loewen, *Sundown Towns: A Hidden Dimension of American Racism* (New York: New Press, 2005).

[58] This study uses the term Latino instead of Hispanic as decided by scholars in an earlier National Historic Landmarks theme study: *American Latinos and the Making of the United States: A Theme Study* (2013): "By alluding to Latin America,…the term punctuates the experience of peoples living in the Americas rather than Europe. In addition, unlike Hispanic, which relates to "Hispania" or the Hispanic peninsula, Latino in its current meaning is a category that officially emerged in the US during the twentieth century in response to the dramatic increase of Latin American-descended people in its natural territory." Frances Negrón-Muntaner and Virginia Sánchez-Korro, "*American Latinos and the Making of the United States: An Introduction,"* in *American Latinos and the Making of the United States: A Theme Study* (Washington, DC: National Park System Advisory Board, 2013), 5, also available online at https://www.nps.gov/articles/latinothemestudyintroduction.htm.

[59] White, "*It's Your Misfortune and None of My Own,"* 237–41.

[60] Gutierrez, *Walls and Mirrors*, 13–14.

During the late 1800s and early 1900s, the same period as the formation of African American ghettoes in the urban North and West, residentially segregated Mexican American barrios emerged in cities of the Southwest such as Los Angeles, Santa Barbara, and El Paso.[61] In one way, the barrioization process represented the inverse dynamic of the ghettoization of Black southerners in the urban North, because the geographic concentration of Mexican Americans followed their dramatic decline as a percentage of the population as a result of the mass westward migration of Anglos. In Santa Barbara, the new Anglo leadership razed native adobe homes to make way for White neighborhoods, a preview of twentieth-century urban renewal policies. By 1890, 90 percent of the Mexican American population of Santa Barbara resided in a residentially segregated barrio confined to eleven city blocks and neglected in the provision of schools and other public services. The geographic boundaries of the barrio expanded after World War I with the arrival of large numbers of immigrants from Mexico, and the degree of racial housing segregation and overall impoverishment intensified. A similar pattern marked the growth of the barrio of East Los Angeles, which soon boasted the largest population of Mexican Americans in the United States. In the first decades of the twentieth century, affluent Mexican American families began to leave the East L.A. barrio—overcrowded, municipally neglected, and increasingly impoverished—for a few eastside suburban areas not governed by the nearly ubiquitous racial covenants. However, because of White flight and deed restrictions in most Los Angeles suburbs that prevented the sale or rental of homes to Mexicans, these middle-class refuges soon became annexed to the barrio as well. According to Albert Camarillo, by the end of the 1920s, "a Mexican city existed within the heart of Los Angeles."[62]

The forces of residential segregation experienced by Mexican Americans in the American Southwest, and in other destinations such as Chicago, reflected externally imposed processes of racial discrimination combined with the inwardly directed processes of community formation common to disadvantaged minority groups in urban settings.[63] In a community study of Chicanos in El Paso, Mario Garcia argues that "although obviously many preferred to live in familiar cultural surroundings, occupational and wage discrimination along with racial prejudice kept them segregated in Mexican slums. . . . Mexicans lived in overcrowded homes with little or no sanitation, high infant mortality rates, many cases of tuberculosis and other diseases, and the

[61] See Albert Camarillo, *Chicanos in a Changing Society: From Mexican Pueblos to American Barrios in Santa Barbara and Southern California, 1848–1930* (Cambridge: Harvard University Press, 1979); Mario T. Garcia, *Desert Immigrants: The Mexicans of El Paso, 1880–1920* (New Haven: Yale University Press, 1981); Richard Romo, *East Los Angeles: History of a Barrio* (Austin: University of Texas Press, 1983); George Sanchez, *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles, 1900–1945* (New York: Oxford University Press, 1993); Eric V. Meeks, *Border Citizens: The Making of Indians, Mexicans, and Anglos in Arizona* (Austin: University of Texas Press, 2007). Recent scholars have emphasized that nonwhite enclaves in the Southwest were not simply racially homogeneous "slums" but rather dynamic multiracial places. See Mark Wild, *Street Meeting: Multiethnic Neighborhoods in Early Twentieth-Century Los Angeles* (Berkeley: University of California Press, 2005).

[62] Sanchez, *Becoming Mexican American*; Camarillo, *Chicanos in a Changing Society*, 58–60, 145–47, 183–206 (quotation 205).

[63] A growing literature has examined Mexican migration to Chicago during the pre-World War II era, and Mexican American community formation in the face of racial discrimination, although housing segregation has not been a central focus of these books. See, for example, Gabriela F. Arredondo, *Mexican Chicago: Race, Identity, and Nation, 1916–1939* (Urbana: University of Illinois Press, 2008); Michael Innis-Jiminez, *Steel Barrio: The Great Mexican Migration to South Chicago, 1915–1940* (New York: New York University Press, 2013).

highest rates of crime in the city."[64] In both Texas and California, urban school districts maintained segregated educational facilities for Mexican American students, and racial prejudice in the housing market reinforced inequalities in schools, employment, and public health.[65] Through the 1940s and often beyond, municipal governments in the Southwest declined to provide high-poverty barrio neighborhoods with basic infrastructure, often including sewers and storm drains, trash collection, public transportation systems, and even paved streets.[66] On the metropolitan fringe, small Mexican American barrios also formed for migrant workers in the agricultural economy, and rural White communities likewise enforced housing segregation and inequality through restrictive covenants and refusal to extend municipal services.[67] The imposition of residential segregation by White institutions existed alongside a voluntary impulse among many Mexican Americans toward safeguarding communal boundaries, David Gutierrez argues in an encapsulation of the consensus view in Chicano scholarship. Life in the barrio "reflected Mexican Americans' eroding economic and social standing,…but within the boundaries of their own neighborhoods Mexican Americans protected many of their cultural practices and rituals…without interference from the American [Anglo] immigrants who were otherwise transforming their society."[68]

Asian Immigrants and Asian Americans

The story of housing discrimination against Asian immigrant and Asian American populations begins with the tortured saga of the citizenship question and the economic foundations of White racial prejudice, especially regarding Chinese and later Japanese residents of the West Coast. Chinese immigrants began arriving in northern California in the mid-1800s as part of the international gold rush. White competitors and California politicians almost immediately called for the expulsion of Chinese aliens, leading to the racially targeted Foreign Miners' Tax of 1852, many episodes of violent backlash, and decades of exclusionary initiatives at the federal, state, and local levels. In 1858, the California legislature passed an outright ban on Chinese immigration, which the state supreme court invalidated as an infringement on the federal power to regulate interstate commerce. The US Congress then purposefully excluded Chinese aliens from access to citizenship in the 1866 Civil Rights Act, although subsequent civil rights laws did extend certain protections to "all persons within the jurisdiction of the United States." In the 1870s, Chinese aliens began filing a series of lawsuits against discriminatory state and local laws as well as the federal prohibition against securing citizenship through the naturalization process. In San Francisco, for example, Chinese plaintiffs challenged the discriminatory enforcement of the "lodging house law," which enabled police to arrest residents living in crowded conditions, but a federal circuit court upheld the ordinance as a public health measure and declined to rule on the allegations of racial violations under the Fourteenth Amendment. In 1879, a statewide referendum revealed that more than 99 percent of the California electorate favored complete

[64] Garcia, *Desert Immigrants*, 6.

[65] Romo, *East Los Angeles*, 84–85, 136–42; Orfield, *Must We Bus?*, 42–45.

[66] David R. Diaz, *Barrio Urbanism: Chicanos, Planning, and American Cities* (New York: Routledge, 2005), 29–47.

[67] Stephen J. Pitti, *The Devil in Silicon Valley: Northern California, Race, and Mexican Americans* (New York: Oxford University Press, 2003), 87–92. Also see Matt Garcia, *A World of Its Own: Race, Labor, and Citrus in the Making of Greater Los Angeles, 1900–1970* (Chapel Hill: University of North Carolina Press, 2001).

[68] Gutierrez, *Walls and Mirrors*, 21–22, 33–34 (quotation 34).

exclusion of the Chinese, public sentiment that pressured the federal government to move toward a racial system of immigration restriction by national origin.[69]

The Chinese Exclusion Act, passed by the US Congress in 1882, suspended for a decade the immigration of Chinese nationals classified as laborers and miners. Subsequent federal legislation lengthened the immigration ban and declared "any Chinese person or person of Chinese descent" living in the United States to be an illegal alien subject to deportation without proving otherwise through a cumbersome and restrictive registration process. The Chinese population living inside the United States declined by more than half, from 125,000 to 60,000, between 1882 and 1920. A grassroots wave of White vigilantism accompanied this federal anti-immigration program as mobs drove Chinese communities out of entire towns, appropriating their land holdings and destroying their homes and property in the process. In an infamous 1885 massacre, White miners in Rock Springs, Wyoming, eradicated the local "Chinatown" by launching an armed attack on more than seven hundred residents and burning down the buildings after they fled. Genocidal campaigns in Idaho reduced the Chinese from about one-third of the state's population in 1870 to almost zero by 1910. In California, Whites in at least forty municipalities expelled entire Chinese communities during the two decades following the federal Exclusion Act. In 1913, the California state legislature targeted Chinese residents as well as the rapidly increasing Japanese population with the Alien Land Law, which prevented "aliens ineligible to citizenship" from owning property or leasing land for longer than three years. The state of Washington passed similar legislation in 1921. The US Supreme Court upheld these alien land laws and also issued a series of rulings confirming that Asian immigrants were racially disqualified from becoming naturalized citizens. This era of nativism culminated in the landmark Immigration Act of 1924, when Congress embraced a national origins policy that prohibited all Asians ineligible for citizenship from entering the United States.[70]

For Chinese and Japanese communities, housing opportunities and residential discrimination played out within a political culture of sustained nativist backlash and the circumscribed legal rights that accompanied non-citizenship status. The case of San Francisco's Chinatown provides a powerful illustration of the ways in which government endorsement of racial subordination reinforced White prejudices about ethnically segregated slums that then, in circular fashion, served to rationalize the same public policies of racial discrimination. As Nayan Shah observes in his account of the intersection of medical discourse and racial formation in San Francisco, "health officials and politicians conceived of Chinatown as the preeminent site of urban sickness, vice, crime, poverty, and depravity."[71] In 1885, elected officials in San Francisco labeled

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[69] Charles J. McClain, *In Search of Equality: The Chinese Struggle against Discrimination in Nineteenth-Century America* (Berkeley: University of California Press, 1994), 9-76 (quotation 38); Limerick, *Legacy of Conquest*, 261–69.

[70] Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants since 1882* (New York: Hill and Wang, 2004), 18–58; McClain, *In Search of Equality*, 147-219, 277-83; Ngai, *Impossible Subjects*, 37-50; Loewen, *Sundown Towns*, 50–53. Also see Lee, *At America's Gates*; Liping Zhu, *The Road to Chinese Exclusion: The Denver Riot, 1880 Election, and Rise of the West* (Lawrence: University of Kansas Press, 2013); Erika Lee and Judy Yung, *Angel Island: Immigrant Gateway to America* (Cambridge: Oxford University Press, 2012). The alien land law cases were Porterfield v. Webb, 263 U.S. 225 (1923) and Terrace v. Thompson, 263 .S. 197 (1923).

[71] Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco's Chinatown* (Berkeley: University of California Press, 2001), 1.

Chinatown "a moral cancer on the city" and successfully lobbied for a state law permitting local school systems to "exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for children of Mongolian or Chinese descent." The city created a segregated "Oriental" school for Chinese students and later required Japanese children to attend the same institution, a Jim Crow policy upheld in federal court under the *Plessy* doctrine. In 1890, the San Francisco board of supervisors approved the first formal residential segregation ordinance in the nation's history, a measure that required all Chinese occupants to leave the city or relocate their residences and businesses to a specifically demarcated section of Chinatown. Chinese plaintiffs immediately challenged the racial zoning law and gained a major victory when a federal court invalidated the scheme as a violation of the Fourteenth Amendment. Subsequent congressional legislation extended equal protection guarantees to "persons within the jurisdiction of the United States."[72]

As in other parts of the United States, the failure of de jure racial zoning led to the rise of restrictive covenants and a range of other discriminatory measures designed to contain Asian immigrants in segregated urban enclaves. Some of the nation's earliest racial covenants originated on the West Coast, when White homeowners and developers began writing anti-Chinese bans into deed restrictions in the 1890s. After the turn of the century, a typical covenant in a new San Francisco development banned those of "African, Japanese, Chinese, or of any other Mongolian descent." In Nayan Shah's blunt assessment, "Chinese Americans found it impossible to move outside the boundaries of Chinatown." When they did try, White homeowner associations often forced them to leave through lawsuits to enforce restrictive covenants, including the successful eviction of Mabel Tseng from the Nob Hill neighborhood in 1945, which took place as delegates from fifty nations were meeting in the city to deliberate the creation of the United Nations.[73] In Seattle, the Chinese and Japanese populations became increasingly concentrated within the same segregated space as racial covenants spread across the city and especially the suburbs, with the popular exclusion of "Japanese or Chinese or any other Malay or Asiatic race."[74] As with African American ghettoes and Mexican American barrios, the growth and development of Japanese and Chinese and Filipino enclaves reflected the complex forces of residential segregation and communal self-reliance in the process of racial formation. "Racial segregation was pervasive," concluded one analysis of Asian housing patterns during this period. "Asians were usually told by landlords and realtors, 'No Orientals allowed' or 'Only whites allowed in this neighborhood'…. Residential and commercial enclaves—Chinatowns, Little Tokyos, Little Manilas—developed in many cities because of segregation; they offered immigrants the services…that were unavailable from whites-only institutions."[75]

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[72] McClain, *In Search of Equality*, 136–44, 223–33 (quotations 142, 224, 230); Shah, *Contagious Divides*, 71–73; Daniels, *Guarding the Golden Door*, 41. Also see Charlotte Brooks, *Alien Neighbors, Foreign Friends: Asian Americans, Housing, and the Transformation of Urban California* (Chicago: University of Chicago Press, 2004), 11–38.

[73] Shah, *Contagious Divides*, 72–74, 230; Brooks, *Asian Neighbors, Foreign Friends*, 155–158, 176–180.

[74] Seattle Civil Rights and Labor History Project, "Segregated Seattle," University of Washington, http://depts.washington.edu/civilr/segregated.htm.

[75] Ancheta, *Race, Rights, and the Asian American Experience*, 22; Abrams, *Forbidden Neighbors*, 217–18. Also see Marie Rose Wong, *Sweet Cakes, Long Journey: The Chinatowns of Portland, Oregon* (Seattle: University of Washington Press, 2005). Racial formation is a concept that means the formation or intensification of group

For the Japanese of Los Angeles, the overcrowded conditions and dilapidated housing of "Little Tokyo" combined with the search for better housing by upwardly mobile families to create an explosive situation in the 1920s. Denied access to newer and more affluent developments by racial covenants, middle-class Japanese families began buying property in nearby White working-class neighborhoods instead. The Pico Heights and Hollywood sections near downtown Los Angeles each contained small clusters of Japanese households at the start of the decade, leading White residents to organize protective associations to repel the "invasion" based on the presumed "incompatibility of the white and the yellow races."[76] Filipino communities on the West Coast faced similar forms of racial discrimination and exclusion, including limits on immigration and the ability to become naturalized citizens shaped by the legal status of the Philippines as an American colony. According to Angelo Ancheta, "racial segregation in its many forms—housing, employment, education, public accommodations, the political process—was imposed with full force on Filipinos throughout much of the twentieth century."[77] In the 1920s, the nation's largest urban Filipino community took shape in a segregated section of Stockton, California, which municipal leaders later targeted for eradication under the federal urban renewal program of the postwar era.[78] The state of Washington became the setting for a full-scale movement to deprive Filipinos of property rights in the wake of the state's 1921 Alien Land Law. White vigilantes in the Yakima Valley expelled Filipino migrants (and often their Japanese neighbors) from homes throughout the region, burning and bombing their farms in a fusion of discrimination through state policy reinforced by private action.[79]

Asian communities on the West Coast and Chicano barrios in the Southwest each encountered large-scale federal policies during the mid-1900s, resulting in the systematic relocation of the Japanese population and the deportation or repatriation of more than half a million Mexican immigrants and Mexican American citizens. Although housing discrimination describes only a subset of the comprehensive experience of forcible population removal, and certainly not the primary objective of nativist public policy in either case, the forfeiture or appropriation of homes, land, and other personal investments nevertheless represented serious violations of property rights acquired through the toil and struggle of citizens and resident aliens. During the labor shortage of the Great Depression, the federal government deported 82,000 ethnic Mexicans, primarily immigrants but also a considerable number of US citizens who could not prove legal status. The political climate of fear and racial backlash prompted the repatriation of an additional 500,000, including large numbers from Texas and California as well as smaller

identities as a result of processes such as legal discrimination, neighborhood concentration, and communal solidarity.

[76] John Modell, *The Economics and Politics of Racial Accommodation: The Japanese of Los Angeles, 1900–1942* (Urbana, Ill.: University of Illinois Press, 1977), 55–66 (quotation 63); Brooks, *Alien Neighbors, Foreign Friends*, 39–69.

[77] Angelo N. Ancheta, "Filipino Americans, Foreigner Discrimination, and the Lines of Racial Sovereignty," in *Positively No Filipinos Allowed: Building Communities and Discourse*, ed. Antonio T. Tiongson, Jr., Edgardo V. Gutierrez, and Ricardo V. Gutierrez (Philadelphia: Temple University Press, 2006), 90–107 (quotation 91).

[78] Dawn Bohulano Mabalon, "Losing Little Manila: Race and Redevelopment in Filipina/o Stockton, California," *Positively No Filipinos Allowed*, 73–89.

[79] Gail Nomura, "Within the Law: The Establishment of Filipino Leasing Rights on the Yakima Indian Reservation," in *Asian Indians, Filipinos, Other Asian Communities and the Law*, ed. Charles McClain (New York: Garland Publishing, 1994), 49–67.

Mexican immigrant communities driven out of Denver, Chicago, and Detroit.[80] During World War II, the federal government's internment program uprooted and relocated 120,000 people of Japanese origin, one-third aliens and two-thirds citizens. The War Relocation Agency supervised the forced transfer of the Japanese American population from the West Coast to ten internment camps in the US interior. Many in the evacuated population had little choice but to sell their homes at rates far below market value, and at the war's end those who held out often returned to find their property lost or ruined, with families seeking refuge in temporary government housing or crowded urban enclaves.[81]

American Indians

The history of American Indians from the late 1800s through the mid-1900s revolves around federal government programs of population control, land redistribution, tribal termination, bureaucratic constraints on personal mobility, and involuntary as well as voluntary relocation. Driven from their tribal lands by wars and treaties both enforced and broken, American Indians by the end of the Civil War resided primarily in the semi-sovereign and racially segregated federal reservation system. As part of an Americanization program to assimilate these non-citizens, White reformers and government officials promoted the replacement of communal lands with the private property rights of individual ownership. The commissioner of the Bureau of Indian Affairs (BIA) proposed that "tribal relations should be broken up, socialism destroyed and the family and autonomy of the individual substituted." Another reformer of similar good intentions explained that the "Indian problem" stemmed from the absence of incentives for individual self-interest critical to the American way: "Till this people will consent to give up their lands, and divide them among their citizens so that each can own the land he cultivates, they will not make much more progress." In 1877, the US Congress authorized the privatization of tribal lands through the Dawes Severalty Act, which broke up the reservations by restricting Indian property to maximum family allotments of 160 acres and opening up the remainder to White settlers and speculators. During the next half-century, Indian tribes lost two-thirds of the land that they had controlled before the passage of the Dawes Act. By the onset of the Great Depression, half of all adults living on Indian reservations owned no property at all, and American Indians represented the most impoverished group of people in the nation.[82]

During the twentieth century, the migratory search for economic opportunity and another shift in government policy transformed American Indians into an increasingly urban population, with more than two-thirds of all American Indians living in metropolitan regions by the end of the 1980s. In the first half of the century, as federal land reallocation and economic deprivation drove many tribal members off the reservations, the American Indians who moved to cities in

[80] Ngai, *Impossible Subjects*, 70–75; Daniels, *Guarding the Golden Door*, 64-65; White, "*It's Your Misfortune and None of My Own,"* 470–71; Gutierrez, *Walls and Mirrors*, 71–74. Also see Kelly Lytle Hernandez, *Migra! A History of the U.S. Border Patrol* (Berkeley: University of California Press, 2010); Deborah Cohen, *Braceros: Migrant Citizens and Transnational Subjects in the Postwar United States and Mexico* (Chapel Hill: University of North Carolina Press, 2011).

[81] Ngai, *Impossible Subjects*, 175–201; Takaki, *Strangers from a Different Shore*, 379–405; Brooks, *Alien Neighbors, Foreign Friends*, 114–132. Also see Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II* (New York: Holt, Rinehart and Winston, 1972).

[82] Limerick, *Legacy of Conquest*, 196-200; White, "*It's Your Misfortune and None of My Own,"* 89–117, 491–93 (quotations 115, 116).

search of jobs and housing often faced exclusion from neighborhoods covered by private racial covenants. Urbanization trends accelerated during the 1950s and 1960s, when the Bureau of Indian Affairs sponsored a termination and relocation program that moved about 33,000 American Indians from rural reservations to cities located primarily though not only in the western region of the United States. The controversial Relocation Program represented an updated version of the traditional reformist impulse to assimilate Indians into the American economic and cultural mainstream, including the familiar tensions between individual autonomy and communal solidarity. Many of those who relocated eventually did integrate into majority-white settings, while others ended up living in segregated multiethnic urban ghettoes alongside African Americans and other minority groups. In Los Angeles, which became the nation's largest American Indian population center during the postwar decades, a clearly demarcated Indian neighborhood emerged in a high-poverty section to the west of downtown. American Indian enclaves marked by deteriorating housing stock and high unemployment rates also arose in cities such as Chicago, Baltimore, San Francisco, Seattle, and Minneapolis.[83]

The American Indian experience in the city of Chicago offers a case study of the relocation and assimilation agenda pursued by the Bureau of Indian Affairs. During the three decades following World War II, the American Indian population in Chicago increased from 274 to 6,575. The local BIA office attempted to integrate American Indian migrants into "apartments scattered about the entire city rather than having individuals and families clustered in a few congested buildings." The BIA generally moved Indians into working-class White neighborhoods, and one Chicago official explained that "at no time . . . has an Indian worker and his family been placed into an area of the city that is predominantly Negro, Latin, or Oriental." Because of this approach, the BIA claimed in 1953, "there is no discrimination against American Indians in Chicago." At the same time, a report on the status of Chicago's American Indian population observed that many migrants were "lonesome because city Relocation offices will not permit them to live in Indian neighborhoods." In spite of the Bureau's effort to emphasize residential integration and assimilation over ethnic identity, about half of Chicago's American Indian population began to cluster in several identifiable sections of the city, most notably the Uptown area. Soon labeled an "Indian ghetto," Uptown had high rates of substandard housing and unemployment but also allowed American Indians to maintain kinship networks and develop new pan-Indian alliances across traditional tribal boundaries.[84]

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[83] See Donald L. Fixico, *The Urban Indian Experience in America* (Albuquerque: University of New Mexico Press, 2000); White, "*It's Your Misfortune and None of My Own"*, 579–88; Peter Iverson, *"We Are Still Here": American Indians in the Twentieth Century* (Wheeling, IL.: Harlan Davidson, 1998); Nicholas Rosenthal, *Reimagining Indian Country: Native American Identity in 20th Century Los Angeles* (Chapel Hill: University of North Carolina Press, 2014); Coll Thrush, *Native Seattle: Histories from the Crossing-Over Place* (Seattle: University of Washington Press, 2017); Thomas Clarkin, *Federal Indian Policy in the Kennedy and Johnson Administrations, 1961–1969* (Albuquerque: University of New Mexico Press, 2001); Edmund Jefferson Danziger, Jr., *Survival and Regeneration: Detroit's American Indian Community* (Detroit: Wayne State University Press, 1991); Larry W. Burt, "Roots of the Native American Urban Experience: Relocation Policy in the 1950s," *American Indian Quarterly* 10 (1986): 85–99; Susan Lobo, ed., *Urban Voices: The Bay Area American Indian Community* (Tucson: University of Arizona Press, 2002); Malinda Maynor Lowery, *Lumbee Indians in the Jim Crow South: Race, Identity, and the Making of a Nation* (Chapel Hill: University of North Carolina Press, 2010).

[84] James B. LaGrand, *Indian Metropolis: Native Americans in Chicago, 1945–75* (Urbana: University of Illinois Press, 2002), 3, 112–22 (quotations 112, 120, 119, 118).

The Indian enclaves that emerged in urban centers faced many of the same social and economic disadvantages as other segregated inner-city communities in an era of deindustrialization and suburbanization, but the ability of a much higher percentage of American Indians to live and work outside of racially defined spaces created unique questions surrounding ethnic identity in the context of geographic dispersal. "The Indian community is not a geographic location with clustered residency or neighborhoods," Susan Lobo argues in her account of the urban Indian experience, "but rather it is fundamentally a widely scattered and frequently shifting network of relationships, . . . a distinct community that answers needs for affirming and activating identity." In an assessment that could not be written about African Americans or Latinos, Lobo explains that for "many outside the urban Indian community, it is an invisible population." In the late 1960s, the politics of identity and the demand for visibility played a key role in the rise of the American Indian Movement (AIM), which accelerated the American Indian civil rights movement by appealing to a pan-Indian identity across geographic boundaries and tribal borders. The group originated in a particular section of Minneapolis known as the "Reservation," an Indian enclave marked by high unemployment and lack of health care, substandard apartments owned by absentee landlords, and frequent tensions between community members and local police. A survey of Indian housing in Minneapolis revealed that half of the apartment units were overcrowded, and an even higher percentage were in dilapidated condition with little if any concern for code enforcement by municipal agencies. Branching out from the local to the national level, AIM forged an alliance between American Indians living in urban centers and on rural reservations around shared issues of substandard housing, poverty and unemployment, public health, and the historical legacies of conquest and land appropriation.[85]

[85] Susan Lobo and Kurt Peters, eds., *American Indians and the Urban Experience* (Walnut Creek, CA: Altamira Press, 2001), 74–76 (quotations); Iverson, *"We Are Still Here,"* 149–54; Fixico, *Urban Indian Experience*, 81–82, 108–22. Also see Rosalyn R. LaPier and David R. M. Beck, *City Indian: Native American Activism in Chicago, 1893–1934* (Lincoln: University of Nebraska Press, 2015).

PART THREE, 1933–1966
FEDERAL POLICY, SUBURBAN DEVELOPMENT, AND URBAN RENEWAL

Detroit's "Segregation Wall," 1943, built to separate an existing African American neighborhood from a proposed all-white subdivision to qualify for FHA financing. Walter P. Reuther Library, Archives of Labor and Urban Affairs, Wayne State University. 1941-06-27 (VMC 23298)

FEDERAL POLICY, SUBURBAN DEVELOPMENT, AND URBAN RENEWAL

Racial Segregation in Federally Subsidized Housing Markets

The housing and urban renewal programs established by the federal government during the 1930s and 1940s shaped the segregated development of metropolitan regions across the nation by subsidizing the construction of all-white suburbs, enforcing the racial boundaries of urban neighborhoods, and concentrating racial minorities in inner-city ghettoes. The federal housing agencies created during the New Deal era provided mortgage loans to millions of White Americans while simultaneously institutionalizing redlining and enshrining racial segregation in the metropolitan real estate market. These federal programs "did not merely institutionalize segregation" by reinforcing private-sector racism, as David Freund concludes in *Colored Property*; they also created a new credit market that "codified and then administered a racially exclusive system of housing economics." The effects of federal low-income public housing programs, in Kenneth Jackson's assessment, were "to segregate the races, to concentrate the disadvantaged in inner cities, and to reinforce the image of suburbia as a place of refuge for the problems of race, crime, and poverty." The urban renewal program initiated by the Housing Act of 1949, in combination with the 1956 Interstate Highway Act and the Model Cities legislation of the Great Society era, provided federal funds for transportation networks and urban redevelopment projects that razed low-income and minority neighborhoods and displaced millions of residents into segregated ghetto housing. From the 1930s through the 1960s, private developers tapped the resources provided by this massive federal transformation of the American housing market while maintaining policies of racial exclusion that received formal and informal endorsement from government agencies. "What the Ku Klux Klan has not been able to accomplish by intimidation and violence," Clarence Mitchell of the NAACP charged in 1951, "the present federal housing policy is accomplishing through a monumental program of segregation in all aspects of housing which receive government aid."[86]

The federal housing programs that transformed the national landscape began in the depths of the Great Depression, when a broad political consensus emerged that economic revival required unprecedented government action. In 1933, Congress authorized the Home Owners Loan Corporation (HOLC) to refinance the mortgages on private homes facing foreclosure. By 1936, this new federal agency had provided emergency relief through long-term, low-interest loans to one-tenth of all owner-occupied residences in the nation (excluding farms). In 1934, President Franklin Roosevelt signed the National Housing Act, which created the Federal Housing Administration (FHA) to stimulate the market for new home construction and renovation of existing properties by insuring the mortgage loans issued by banks and other private lending

[86] David M. P. Freund, *Colored Property: State Policy and White Racial Politics in Suburban America* (Chicago: University of Chicago Press, 2007), quotation 133; Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (New York: Oxford University Press, 1985), 190–230 (quotation 219); Hirsch, "With or without Jim Crow," 78–94; Hirsch, "'Containment' on the Home Front: Race and Federal Housing Policy from the New Deal to the Cold War," *Journal of Urban History* (Jan. 2000): 158–189; Other important overviews include Jon C. Teaford, *The Metropolitan Revolution: The Rise of Post-Urban America* (New York: Columbia University Press, 2005); Robert A. Beauregard, *When America Became Suburban* (Minneapolis: University of Minnesota Press, 2006); Roger Biles, *The Fate of Cities: Urban America and the Federal Government, 1945–2000* (Lawrence: University Press of Kansas, 2011); Rothstein, *Color of Law*; Highsmith, *Demolition Means Progress*. Mitchell quoted in Douglas, *Jim Crow Moves North*, 268.

agencies. A decade later, in his wartime reelection campaign, Roosevelt called for an Economic Bill of Rights that would redefine American citizenship to include the guarantee of a "decent standard of living," including the "right of every family to a decent home." Congress soon enacted the GI Bill of Rights (1944), which authorized the Veterans Administration to provide interest-free home mortgage loans to veterans of World War II (later extended to the Korean War). The Federal Housing Administration and the Veterans Administration provided mortgage insurance for more than twelve million homes in the three decades following passage of the National Housing Act, and the national rate of homeownership expanded from 44 percent in 1940 to 62 percent by 1960. The vast majority of new home construction took place in all-white suburban areas, where about half of the single-family dwelling units built from the late 1940s through the end of the 1960s received financing through one of these two federal assistance programs. (In addition to favoring all-white suburbs, these federal housing programs discriminated based on gender and sexuality by restricting loans to male-headed heterosexual households and excluding homosexuals from GI Bill benefits).[87]

Through the mortgage insurance policies of the Federal Housing Administration and the Veterans Administration, the United States government extended its formal stamp of approval to the doctrine of explicit racial segregation in the American residential housing market. The HOLC programs of the early 1930s inaugurated the practice of redlining as public policy through a valuation system that rated neighborhoods on a scale of desirability, with affluent all-white enclaves of single-family homes securing the highest ranking while areas containing industry, apartment dwellings, lower-income households and almost any nonwhite presence received the lowest classification of hazardous and undesirable. HOLC redlined these neighborhoods through blanket refusal to issue loans based on predicted decline in property values, and the FHA as well as private financial institutions adopted the same approach of investing almost exclusively in segregated White developments. This divestment strategy turned the theory of property decline into self-fulfilling prophesy for areas of all-black and racially diverse occupancy alike.[88] From its inception, the FHA also endorsed restrictive racial covenants to protect property values in residential developments and generally required such contracts for homes that received federal mortgage assistance. For a fifteen-year period beginning in the mid-1930s, FHA mortgage underwriting guidelines included the warning that "if a neighborhood is to retain stability, it is necessary that properties shall continue to be occupied by the same social and racial classes."

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[87] Jackson, *Crabgrass Frontier*, 195–218; Rosalyn Baxandall and Elizabeth Ewen, *Picture Windows: How the Suburbs Happened* (New York: Basic Books, 2000), 51–57, 87–88; Cohen, *Consumers' Republic*, 122–123, 137–42; Freund, *Colored Property*, chap. 5; David M. P. Freund, "Marketing the Free Market: State Intervention and the Politics of Prosperity in Metropolitan America," in *The New Suburban History*, ed. Kevin M. Kruse and Thomas J Sugrue (Chicago: University of Chicago Press, 2006), 11–32. On gender and sexuality, see Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton: Princeton University Press, 2009); Clayton Howard, "Building a Family-Friendly Metropolis: Sexuality, the State, and Postwar Housing Policy," *Journal of Urban History* 39, no. 5 (2013): 933–955. For the Economic Bill of Rights, see Franklin D. Roosevelt, "State of the Union Address," Jan. 11, 1944, https://teachingamericanhistory.org/library/document/state-of-the-union-address-3/.

[88] Jackson, *Crabgrass Frontier*, 197–209; Kenneth T. Jackson, "Race, Ethnicity, and Real Estate Appraisal: The Home Owners Loan Corporation and the Federal Housing Administration," *Journal of Urban History* (August, 1980): 419–52; Freund, *Colored Property*, 99–139. Many HOLC redlining maps are digitized through Robert K. Nelson, LaDale Winling, Richard Marciano, Nathan Connolly, et al., "Mapping Inequality: Redlining in New Deal America," *American Panorama*, ed. Robert K. Nelson and Edward L. Ayers, https://dsl.richmond.edu/panorama/redlining/.

FHA manuals even provided developers, lenders, and homeowners with the prototype of a racial covenant: "No persons of any race other than _____ [race to be inserted] shall use or occupy any building or any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race." The highest investment rating would be reserved, the FHA explained, only "when fullest advantage has been taken of available means to protect the area against adverse influence and to insure that it will develop into a homogenous residential district."[89] In David Freund's summation, "the FHA openly and systematically discriminated against racial minorities for decades and yet insisted that exclusion was necessitated by impersonal market requirements," defining "racial exclusion as an economic necessity."[90]

The infamous "segregation wall" located on the outskirts of Detroit provides a stark image of the racial apartheid at the center of FHA policy. The Eight Mile-Wyoming area, located in the city's mostly White northwest section, contained a longstanding rural Black community that found itself in the path of urban expansion during World War II. On land adjacent to the African American neighborhood, a developer planned an all-white subdivision but failed to secure FHA financing because of the proximity of this "slum." Then in the early 1940s, the construction firm received FHA approval only after building a concrete wall, six feet high and three blocks long (and still standing today), to separate the White and Black residences. During the same period, African American homeowners in the Eight Mile area repeatedly tried but failed to obtain HOLC and FHA loans for refinancing and home improvements. A local Black woman informed the Roosevelt administration that she and her neighbors had "wept bitter tears at our failure to get FHA assistance," while another resident pointed out that in Detroit's automobile factories they were "working side by side with [White] homeowners who are paying off their mortgage through FHA." Eventually concerted efforts by residents and civil rights activists did acquire some FHA funding for additional African American housing in the Eight Mile area, a small victory that did not alter the broader pattern of segregated development throughout the metropolitan region. Because of FHA insurance policies and racial covenants that covered 80 percent of the metropolis, only 1,500 of 186,000 single-family homes built in the city of Detroit and its suburbs during the 1940s permitted occupancy by African Americans.[91]

The Levittown development on Long Island became the most powerful symbol of the postwar expansion of the American Dream of homeownership for White citizens and the simultaneous convergence of public and private forces around a formal policy of racial exclusion. Developer William Levitt opened his first mass-produced suburb in 1947, twenty-five miles from New York City and initially restricted to White families with GI Bill mortgages. In 1953, the Levittown on Long Island reached a population of seventy thousand, making it the largest community in the United States without a single nonwhite resident. The racial segregation embedded in the FHA and VA mortgage programs mirrored Levitt's business practices, and the developer announced publicly that Black families could not purchase homes in any of his projects, including the two other Levittowns built in New Jersey and Pennsylvania. "I have no

[89] Abrams, *Forbidden Neighbors*, 229–38 (quotations 230).

[90] Freund, *Colored Property*, 119, 129. Also see John Kimble, "Insuring Inequality: The Role of the Federal Housing Administration in the Urban Ghettoization of African Americans," *Law and Social Inquiry* 32, no. 2 (Spring 2007): 399–434.

[91] Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996), 43–44, 63–72 (quotations 66).

room in my mind or heart for racial prejudice," Levitt explained. "But . . . if we sell one house to a Negro family, then 90 to 95 percent of our white customers will not buy into the community. That is their attitude, not ours."[92] In 1955, a NAACP lawsuit against the Levitt Corporation sought an injunction restraining the FHA and VA from insuring homes in a development restricted to Whites only, but a federal court dismissed the litigation by holding that constitutional law did not compel a government agency to require a private property owner to practice racial nondiscrimination.[93] This judicial approval of federal financing for racially segregated developments revealed once again the narrow scope of the state action doctrine, even as Levitt's policy remained a primary target of the open-housing movement during the following years. By 1960, fair-housing enforcement at the state level opened the doors for 57 Black residents and 163 members of other minority groups to live in the original Levittown, a nonwhite total of 0.3 percent. In 1980, the Long Island Levittown remained 98.8 percent White.[94]

The contributions and consequences of FHA and VA policies in the residential segregation of postwar American cities and suburbs turned out to be sweeping and enduring. Investigations of racial inequality in the federal housing programs of mid-century have found similar patterns, throughout every section of the nation, of enforced segregation in new developments and nearly complete exclusion of minorities from mortgage-supported properties. In a 1950 survey of metropolitan New York, nonwhite families owned 0.9 percent of the homes with FHA mortgages and received only 0.1 percent of VA mortgages through the GI Bill.[95] In the suburbs, 85 percent of new residential developments in Nassau and Westchester Counties operated under racial covenants, while a consortium of banks inside New York City required deed restrictions banning African Americans and Puerto Ricans as a precondition for loans.[96] In metropolitan Chicago, more than three-fourths of the homes built between 1946 and 1960 were located in the suburbs, 96 percent of new suburban arrivals were White, and the records of several hundred banks reveal only one mortgage loan made to a Black family in a majority-white neighborhood.[97] FHA evaluators categorically redlined an entire third of the city of Chicago and half of the city of Detroit, a self-fulfilling divestment policy that turned neighborhoods into slums.[98] In the urban centers of Mississippi, Black veterans received only two of the 3,229 VA loans for home or business financing issued in 1947.[99] In metropolitan Los Angeles, FHA or VA loans covered 46.6 percent of all owner-occupied homes by 1960, with racially segregated developments the rule and 97 percent of new housing closed to African Americans.[100] In the San Francisco Bay area, the FHA and VA together subsidized 60 percent of the homes constructed in the 1950s,

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[92] Jackson, *Crabgrass Frontier*, 234–41; Cohen, *Consumers' Republic*, 217; Baxandall and Ewen, *Picture Windows*, 174–78; *New York Times*, Aug. 25, 1957 (quotation).

[93] *Johnson v. Levitt and Sons, Inc.*, 131 F. Supp. 114 (E.D. Pa. 1955).

[94] Cohen, *Consumers' Republic*, 217.

[95] Ibid., 171.

[96] Martha Biondi, *To Stand and Fight: The Struggle for Civil Rights in Postwar New York City* (Cambridge: Harvard University Press, 2003), 114–16.

[97] Hirsch, *Making the Second Ghetto*, 28–31.

[98] Hirsch, "With or Without Jim Crow," 86.

[99] Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (New York: W. W. Norton, 2005), 140.

[100] Nicolaides, *My Blue Heaven*, 189–91.

with 98.5 percent barred from purchase by nonwhites.[101] In the New South cities of Atlanta and Charlotte, the FHA did provide a modest number of loans to Black homeowners, but only in segregated subdivisions located in isolated sections of the suburban fringe.[102]

In the quarter century following the National Housing Act of 1934, the FHA and VA combined to insure $117 billion in loans for private residences, with racial minorities excluded from 98 percent of these newly constructed homes. The federal government, in the judgment of a 1961 report by the US Civil Rights Commission, "supports and indeed to a great extent it created the machinery through which housing discrimination operates."[103] Despite constant protests by the NAACP and other fair-housing groups, the FHA maintained the policy of insuring new properties covered by racial covenants until 1950, two years after the Supreme Court invalidated their enforcement.[104] In 1961, the FHA commissioner stated that the agency would not "impose an open-occupancy requirement in FHA-assisted housing without such a policy directive from either the Congress or the Executive."[105] In the Civil Rights Act of 1964, the US Congress banned racial discrimination in federally funded programs but carved out an exemption for "Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty."[106] Until the Fair Housing Act of 1968, the official policies of the FHA and the VA continued to underwrite residential segregation and redline nonwhite neighborhoods in American cities and suburbs. "It was the first time in our national history," open-housing activist Charles Abrams wrote in the 1955 expose *Forbidden Neighbors*, "that a federal agency had openly exhorted segregation…. From its inception the FHA set itself up as the protector of all-white neighborhoods….This official agency not only kept Negroes in their place but pointed at Chinese, Mexicans, American Indians, and other minorities as well. It not only insisted on social and racial 'homogeneity' in all of its projects but became the vanguard of white supremacy and racial purity—in the North as well as the South."[107]

Recent scholarship has persuasively demonstrated that these federal policies from the 1930s through the 1960s did not merely subsidize private-sector segregation but effectively created a dual housing market in the United States, a comprehensive and nationwide Jim Crow system that enabled and even encouraged financial institutions and real estate speculators to exploit and profit from the containment of nonwhite communities. In *Colored Property* (2007), a definitive study of this dual housing market, David Freund demonstrates that the federal government's New Deal and postwar housing programs "revolutionized both municipal land-use politics and the market for private homes" and therefore structured "urban and suburban development patterns that systematically segregated populations by race."[108] In several important case studies,

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[101] *Housing: 1961 U.S. Civil Rights Commission Report, Book 4* (Washington: GPO, 1961), 63.

[102] Wiese, *Places of their Own*, 164–96; Hanchett, *Sorting Out the New South City*, 232–36.

[103] *Housing: 1961 U.S. Civil Rights Commission Report*, 2 (quotation), 59, 63.

[104] Abrams, *Forbidden Neighbors*, 222–26, 232–34.

[105] *Housing: 1961 U.S. Civil Rights Commission Report*, 65.

[106] United States Department of Justice, "Title VI of the 1964 Civil Rights Act," https://www.justice.gov/crt/title-vi-1964-civil-rights-act. See also Christopher Bonastia, *Knocking on the Door: The Federal Government's Attempt to Desegregate the Suburbs* (Princeton: Princeton University Press, 2006), 16–17.

[107] Abrams, *Forbidden Neighbors*, 229, 234.

[108] Freund, *Colored Property*, (quotations 5–6, 9).

historians have extended this analysis by meticulously detailing the predatory methods of slumlords and other private real estate and financial interests that capitalized on the dual housing market to profit from African Americans and other racial minorities who could not access mainstream credit programs or move into White neighborhoods. In postwar Chicago, most African Americans excluded from federally guaranteed mortgage programs obtained home loans with grossly inflated interest rates through the exploitative contract system or paid disproportionately high rents in a slumlord-dominated and speculative market that extracted immense wealth from some of the city's poorest neighborhoods.[109] "It is hard to overstate the profitability of slum housing in the Jim Crow era," Nathan Connolly concludes in his pathbreaking study of how the state protected and enforced the property rights of White slumlords (and some Black elites), real estate speculators, and financial institutions that exploited African American tenants in Miami's segregated housing market and generated wealth through "tremendous investments in racial apartheid." Other scholarship has charted the ways in which municipal and federal policies in the postwar decades facilitated the systematic and discriminatory over-assessment of nonwhite urban neighborhoods through predatory taxation schemes. These resulted in massive wealth expropriation and inequitable foreclosure patterns, another manifestation of what Connolly labels a "white supremacist" real estate system built on the twin pillars of "black containment and displacement."[110]

Urban Renewal and Public Housing

The federal urban renewal program that dramatically reshaped American cities during the postwar decades represented the inverse of the suburbanization process, a public-private partnership that subsidized large-scale corporate and municipal developments with tax dollars while intensifying patterns of residential segregation and ghetto concentration. The Housing Act of 1949 launched the national urban renewal program with the promise, drawn directly from Roosevelt's Economic Bill of Rights and Harry Truman's Fair Deal agenda, of "a decent home and a suitable living environment for every American family." To address the nation's severe housing shortage, Congress established the goal of constructing or renovating 26 million dwelling units within the next decade, including 6 million for low- and medium-income families and 810,000 specifically in public housing projects. The Housing Act also created a federal agency, ultimately known as the Urban Renewal Administration, to supervise the "elimination of substandard and other inadequate housing through the clearance of slums and blighted areas." Conservative interests led by the NAREB successfully lobbied for the provision that "private enterprise" would take the lead in urban redevelopment projects, with government assistance through the power of eminent domain and financial subsidies in the transfer of land. The real estate lobby fiercely resisted another major component of the legislation, the expansion of the federal public housing program to meet the needs of low-income residents who lost their homes because of urban renewal initiatives. In the end, public housing fell far short of the promised target and represented only about 6 percent of all new construction in redevelopment areas, as

[109] See Beryl Satter, *Family Properties: How the Struggle over Race and Real Estate Transformed Chicago and Urban America* (New York: Metropolitan Books, 2009); and Amanda I. Seligman, *Block by Block: Neighborhoods and Public Policy on Chicago's West Side* (Chicago: University of Chicago Press, 2005).

[110] N. D. B. Connolly, *A World More Concrete: Real Estate and the Remaking of Jim Crow South Florida* (Chicago: University of Chicago Press, 2014), quotations 167, 3, 279, 7; Andrew W. Kahrl, "Capitalizing on the Urban Fiscal Crisis: Predatory Tax Buyers in 1970s Chicago," *Journal of Urban History* 44, no. 3 (2018): 382–401. Also see Kahrl, *The Land Was Ours*.

federal urban renewal overwhelmingly subsidized corporate interests and upscale gentrification through high-end residential projects, downtown skyscrapers, and entertainment centers such as museums and sports arenas.[111]

A series of major redevelopment projects implemented by municipal and state governments in the 1940s provided the road map for the federal urban renewal program inaugurated in 1949. The most renowned was the Stuyvesant Town development on the East Side of Manhattan, a primary example of public-private collaboration in eminent domain during the long tenure of Robert Moses as the parks and housing commissioner of New York City. The Metropolitan Life Insurance Company planned Stuyvesant Town as a middle-income residential community of 25,000, with apartment towers spread across eighteen city blocks. Robert Moses supervised the eviction of 10,000 people to clear the way for Stuyvesant Town, and few obtained adequate replacement housing. New York City granted $53 million in tax breaks to Metropolitan Life, in addition to the subsidized transfer of Manhattan real estate from private property owners into corporate hands. Metropolitan Life president Frederick Ecker announced a policy of racial exclusion and explained that otherwise property values would depreciate because "Negroes and whites don't mix." (The corporation later built a segregated development in Harlem called Riverton Houses). Three African American veterans filed a civil rights lawsuit, but the New York Court of Appeals sided with Metropolitan Life by distinguishing between illegal racial discrimination in public housing and permissible racial discrimination in "private enterprise aided by government." The Stuyvesant Town controversy galvanized New York's fair-housing movement, which eventually won passage of state and municipal laws banning racial exclusion in private developments assisted by government spending. But the US Supreme Court declined to hear the appeal of the Metropolitan Life verdict, providing a nationwide signal that explicit policies of racial discrimination remained acceptable in urban renewal projects subsidized by public funds if built by private corporations.[112]

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[111] Housing Act of 1949, US Code, Title 42, Chapter 8A, Sec. 1441 (quotations); Charles Abrams, *The City is the Frontier* (New York Harper & Row, 1965), 71–206. Also see Martin Anderson, *The Federal Bulldozer* (New York: McGraw-Hill, 1964). For a comprehensive assessment of the federal urban renewal program, see Robert E. Lang and Rebecca R. Sohmer, eds., "Legacy of the Housing Act of 1949: The Past, Present, and Future of Federal Housing Policy," *Housing Policy Debate* 11, no. 2 (2000): 291–520. Also see James Q. Wilson, ed., *Urban Renewal: The Record and the Controversy* (Cambridge: The M.I.T. Press, 1966); Jon C. Teaford, *The Rough Road to Renaissance: Urban Revitalization in America, 1940–1985* (Baltimore: The Johns Hopkins University Press, 1990); Alison Isenberg, *Downtown America: A History of the Place and the People Who Made It* (Chicago: University of Chicago Press, 2004),166–202; Biles, *Fate of Cities*; Samuel Zipp, *Manhattan Projects: The Rise and Fall of Urban Renewal in Cold War New York* (New York: Oxford University Press, 2012); Gordon, *Mapping Decline*, 153–19. Between the late 1930s and the late 1960s, the federal public housing program created about 800,000 low-income units. During the same period, the FHA and VA combined to subsidize more than 10 million dwellings for middle-class and upper-income Americans. See *Report of the National Advisory Commission on Civil Disorders*, 28.

[112] *Dorsey v. Stuyvesant Town Corp.*, 299 N.Y. 512 (1949), 339 U.S. 981 (1950); Biondi, *To Stand and Fight*, 121–36 (Ecker quoted on 122-23); Abrams, *City Is the Frontier*, 95–98; Arthur Simon, *Stuyvesant Town, U.S.A.: Pattern for Two Americas* (New York: New York University Press, 1970); Zipp, *Manhattan Projects*, 73–154. The NAACP denounced Riverton Houses in Harlem as a "Jim Crow housing project." The Stuyvesant Town controversy prompted the formation of the New York Committee against Discrimination in Housing, the predecessor of the National Committee against Discrimination in Housing. In the fair-housing battles that followed, Metropolitan Life repeatedly tried to evict white tenants who openly supported racial integration, leading to mass protests and a public relations debacle. By 1960, forty-seven black tenants lived among the Stuyvesant Town population of 22,405.

The city of Chicago offered another important precursor of the federal urban renewal program with the Illinois legislature's passage of the Blighted Areas Redevelopment Act of 1947. During World War II, corporate interests launched a campaign to contain the Great Migration of Black southerners and defend downtown real estate investments by fortifying the boundary between the central business district and the South Side ghetto. Advocates of slum clearance understood that because of the cost and scale of their gentrification agenda, only a public agency armed with the power of eminent domain could acquire the land necessary for redevelopment by private enterprise. The Chicago bank president who spearheaded the effort labeled the Redevelopment Act a "pioneering combination of public authority and public funds with private initiative and private capital." A large majority of people displaced for private residential complexes and other downtown developments were African American, including desperate homeowners who charged that city officials had orchestrated the "demolition of a well-kept Negro area where the bulk of property is resident owned, its taxes paid, and its maintenance above par." In the face of protests against the "master plan" to remove the poor in order to accommodate the wealthy, a White bank executive denied that the urban renewal program "is a mechanism to build the Negro out of the South Side." The Redevelopment Act provided for the relocation of evicted residents, but only a modest fraction secured units within invariably segregated public housing projects, while a majority fended for themselves in the worsening housing shortage of the ghetto.[113] Chicago expanded the program with federal funding after 1949, even though executive branch officials acknowledged that the city's urban renewal program "buttresses up existing patterns of segregation" through "Negro clearance."[114]

The federal urban renewal program followed the path laid out in New York and Chicago, supplying the bulk of the financing while municipal officials selected the redevelopment sites, downtown business interests reaped the profits, White middle-class gentrifiers and suburban shoppers enjoyed the benefits, and low-income urban neighborhoods faced the bulldozers. When Congress passed the Housing Act of 1949, civil rights activist Charles Abrams warned that urban redevelopment projects, "unless open to all citizens equally, will become another oppressive instrument for removing minorities from their homes and creating enforced ghettoes."[115] Six years later, the National Committee against Discrimination in Housing depicted urban renewal as a "vast program of intensified, enforced segregation."[116] Racial minorities, primarily African Americans and Puerto Ricans, represented more than two-thirds of those displaced by eminent domain between 1950 and the mid-1960s, with some relocating to racially segregated public housing projects and most crowding into existing ghetto neighborhoods.[117] Urban renewal exacerbated the low-income housing shortage in participating cities across the nation, since almost all postwar residential developments in suburban areas excluded racial minorities, while

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[113] Hirsch, *Making the Second Ghetto*, 100–34 (quotations 112, 125).

[114] Arnold R. Hirsch, "Choosing Segregation: Federal Housing Policy between *Shelley* and *Brown*," in *From Tenements to the Taylor Homes: In Search of an Urban Housing Policy in Twentieth-Century America*, ed. John F. Bauman, Roger Biles, and Kristin M. Szylvian, (College Station, PA: Pennsylvania State University Press, 2000), 214–18 (quotation 217).

[115] Biondi, *To Stand and Fight*, 129.

[116] Arnold R. Hirsch, "Less than *Plessy*: The Inner City, the Suburbs, and State-Sanctioned Residential Segregation in the Age of *Brown*," in Kruse and Sugrue, *New Suburban History*.

[117] Anderson, *Federal Bulldozer*, 219–23. Also see Mindy Thompson Fullilove, *Root Shock: How Tearing Up City Neighborhoods Hurts America and What We Can Do about It* (New York: Columbia University Press, 2004).

the federal public housing program never came close to meeting the needs of those displaced by slum clearance. Critics often charged that urban renewal had turned into "Negro removal," a subsidy for the affluent at the expense of the poor, a breach of the New Deal covenant that the federal government would guarantee decent shelter to every American citizen. But the actual consequences of urban renewal "were hardly evidence of a plan gone awry," Arnold Hirsch concluded in his pathbreaking research on the origins of the federal program. "The results were fully intended and the law did exactly what it was designed to do."[118]

As in the case of FHA and VA financing of all-white suburban developments, the federal urban renewal program accelerated the nationalization of racial segregation patterns across the United States. In Detroit, the federally funded clearance of "blighted" areas displaced tens of thousands of low-income Black residents and hundreds of Black-owned businesses in order to fortify the central business district and make way for a medical center, industrial sites, and private housing developments. About one-third of the families in the redevelopment zones found shelter in all-black public housing projects, while the remainder crowded into nearby neighborhoods that already faced high rents and deteriorating conditions in the city's segregated residential market.[119] The Redevelopment Authority in Philadelphia portrayed slum clearance as a progressive measure to rehabilitate the poor, but 90 percent of the displaced families were African American and only 21 percent secured decent replacement housing.[120] In Charlotte, the municipal government received $40 million in federal funds to raze several inner city Black neighborhoods and transform the land into corporate office complexes and public parks, while spaces in segregated public housing provided for only one-fourth of those displaced.[121] In Birmingham, city planners expelled thousands of Black residents for the expansion of the University of Alabama Medical Center, over civil rights protests against the "plan to clear the members of a minority group from a section of the city which now has high real estate value." In 1954, the federal courts dismissed an NAACP lawsuit charging that the federal urban renewal program discriminated based on race even though Black families relocated into public housing could not live in Birmingham's White-only low-income projects.[122]

Residents of low-income urban neighborhoods targeted for slum clearance and urban renewal often resisted fiercely but lacked the political clout of either corporate interests or the White middle-class in-migrants taking advantage of publicly subsidized gentrification. In New York City in the mid-1950s, a multiethnic coalition of neighborhood activists mobilized in a multiyear effort to resist the construction of Lincoln Square and other major urban redevelopment projects in Manhattan. "We are living there very happily," a leader of the local Save Our Homes movement declared, "Puerto Ricans, Negroes, Japanese Americans and other minorities….We don't want these communities broken up, but the city wants to have what are called 'better class' people there." Urban planner Robert Moses, the head of New York City's Committee on Slum Clearance, ultimately defeated the neighborhood-based resistance movement and observed that

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[118] Hirsch, "With or Without Jim Crow," 89–90.

[119] Sugrue, *Origins of the Urban Crisis*, 48–51. Also see June Manning Thomas, *Redevelopment and Race: Planning a Finer City in Postwar Detroit* (Baltimore: The Johns Hopkins University Press, 1997).

[120] Matthew J. Countryman, *Up South: Civil Rights and Black Power in Philadelphia* (Philadelphia: University of Pennsylvania Press, 2006), 68–75.

[121] Hanchett, *Sorting Out the New South City*, 247–51.

[122] Connerly, *Most Segregated City in America,* 102–66 (quotation 122).

"you cannot rebuild a city without moving people. You cannot make an omelet without breaking eggs."[123] In Harlem, African American organizations also fought largely futile battles to replace the city's grand urban renewal projects, what Moses called "progressive government working with progressive private capital," with neighborhood-scale community-based alternatives.[124] Urban renewal projects also generated significant opposition in Brooklyn, with low-income and nonwhite residents mobilizing against displacement and gentrification, even as nearby middle-income White neighborhoods fiercely resisted integrated public housing designed for those relocated by the urban bulldozers.[125]

Although associated primarily with downtown redevelopment, urban renewal also became a suburban tool of housing discrimination in municipalities seeking to relocate or simply to eliminate small African American communities that had been in existence since before the postwar boom. On Long Island, ten different suburban towns received redevelopment grants through federal or state programs in order to raze areas of Black occupancy and create new residential or commercial districts in their places. In Freeport, the (sub)urban renewal program targeted the African American district of Bennington Park, originally an enclave of domestic servants that grew substantially during the 1940s. "We can't promote Freeport as a garden spot," a local group explained, if prospective suburban homeowners "have to see a slum." With federal approval, Freeport demolished 250 homes and apartments in Bennington Park but provided only 100 units in a new public housing project. In nearby Westchester County, planners used federal funds to bulldoze 4,200 units of mainly African American occupancy and then provided one-sixth of the displaced population with access to a few high-rise public housing projects in the suburbs. Even without external funding, many other suburban communities tightened enforcement of building codes to condemn Black neighborhoods or sought to drive minority residents out by rezoning "slum pockets" from residential to commercial or recreational. In 1962, the National Urban League highlighted the trend of "suburban areas seeking to rid themselves of unsightly areas, usually occupied by Negroes, to ordain a new public use for the land and to remove the families without providing specific relocation arrangements elsewhere in the immediate communities."[126]

Urban renewal initiatives likewise targeted Latino and Asian American communities that stood in the way of municipal planning projects designed to remake downtowns into safe havens for corporate investors, suburban commuters, and White middle-class shoppers. In Chicago, municipal agencies utilized federal urban renewal funds during the 1950s and 1960s to displace Mexican American and Puerto Rican enclaves, often located adjacent to or intermingled with African American neighborhoods simultaneously marked for slum clearance, in order to expand

[123] Zipp, *Manhattan Projects*, 197–49 (quotation 200, Moses quotation 226). Also see Christopher Klemek, *The Transatlantic Collapse of Urban Renewal: Postwar Urbanism from New York to Berlin* (Chicago: University of Chicago Press, 2011); Tom Agnotti, *New York for Sale: Community Planning Confronts Global Real Estate* (Cambridge: MIT Press, 2008).

[124] Zipp, *Manhattan Projects*, 253–350 (quotation 286). Also see Brian Goldstein, *The Roots of Urban Resistance: Gentrification and the Struggle over Harlem* (Cambridge: Harvard University Press, 2017).

[125] See Suleiman Osman, *The Invention of Brownstone Brooklyn: Gentrification and the Search for Authenticity in Postwar New York* (New York: Oxford University Press, 2011).

[126] Wiese, *Places of Their Own*, 104–109 (quotations 104, 106).

the downtown business district and build projects such as the University of Illinois at Chicago.[127] In Stockton, California, municipal leaders tapped the federal program to destroy the Little Manila neighborhood, at the time the largest concentration of Filipinos in the continental United States. In the immediate postwar period, more than six thousand Filipinos lived in an ethnically segregated downtown enclave that included at least sixty Filipino-owned business establishments as well as substantial Chinese and Mexican American populations. Following the Housing Act of 1949, business leaders and city planners in Stockton created a Redevelopment Agency to condemn the "blighted" and "infested" neighborhood and clear the way for preferred forms of economic development. Launched in 1952, the urban redevelopment plan began evictions almost immediately but took more than four decades to complete, with limited relocation funds provided to displaced homeowners and small business owners but not to the majority population of renters. The concurrent construction of Interstate 5 cut through the same Filipino and Chinese American sections and displaced even more residents and businesses. In their place, federal subsidies paved the way for a minor-league baseball stadium, downtown movie theater, headquarters for the Stockton newspaper, national chain stores in a waterfront commercial development, and parking garages for suburban tourists. Only a few blocks of the original Little Manila community remained by the end of the process.[128]

The fate of the Chavez Ravine neighborhood in Los Angeles reveals the ways in which urban redevelopment for the benefit of private corporations and suburban leisure activities could erase communities not only from the physical landscape but also from historical memory. The Dodger Stadium located in Chavez Ravine, according to a sanitized history provided by the Los Angeles Dodgers, was only the second privately financed major-league ballpark in the nation in 1962 and has allowed more than 125 million fans to enjoy professional baseball "with a breathtaking view" of downtown skyscrapers and the San Gabriel Mountains. Before the Dodgers relocated from Brooklyn to Los Angeles, Chavez Ravine housed a vibrant Mexican American community of working-class homeowners on the outskirts of the downtown business district. After the Housing Act of 1949, city planners initially proposed the rehabilitation of Chavez Ravine by replacing areas designated as blighted with more than three thousand federally funded low-income housing units. But a political backlash against "socialistic" public housing resulted in the termination of the original plan, after a segregationist 1950 amendment to the state constitution required approval of public housing projects by voters in the affected municipality. Business leaders instead envisioned a major league baseball stadium that would lure the Dodgers west and remove an unwanted "slum" from a revitalized suburban-friendly downtown region. Voters in Los Angeles then approved a referendum to permit the use of eminent domain for purely private profits, and the California Supreme Court upheld the policy in the face of Mexican American homeowner appeals. In May of 1959, with bulldozers waiting nearby, law enforcement officials forcibly removed the last remaining residents of Chavez Ravine. The news media captured the showdown with an iconic photograph of sheriff's deputies carrying Aurora Vargas down her

[127] Lilia Fernandez, *Brown in the Windy City: Mexicans and Puerto Ricans in Postwar Chicago* (Chicago: University of Chicago Press, 2012), 91–172. For an example of similar processes in Tucson, see Lydia R. Otero, *La Calle: Spatial Conflicts and Urban Renewal in a Southwest City* (Tucson: University of Arizona Press, 2016).

[128] Mabalon, "Losing Little Manila," 73–89; City of Stockton, "West End Redevelopment Area," http://www.stocktongov.com/HRD/pages/WestEndRDA.cfm (site discontinued). In 2007, the National Trust for Historical Preservation listed Little Manila as one of the most endangered places in the United States, with only three of the original buildings still standing, http://www.nationaltrust.org/11most/list.asp?i=144 (site discontinued).

front-porch stairs, finalizing the transfer of land from Mexican American property owners to Dodgers owner Walter O'Malley.[129]

During the 1950s and 1960s, suburban municipalities also tapped federal urban renewal funds to remove small Mexican American barrios that had existed for decades in the outlying areas of metropolitan centers such as Los Angeles, Tucson, and San Antonio—a process that paralleled the experiences recounted above of once rural African American enclaves in suburban New York. "As FHA programs accelerated metropolitan decentralization," historian Jerry Gonzalez explains, "they not only exacerbated central city blight, they created suburban slums out of established colonias…. Suburban civic leaders responded by eradicating ethnic Mexican communities." In Los Angeles County, White officials in newly incorporated suburbs collaborated with Mexican American elites to bulldoze over poor Mexican American enclaves in the San Gabriel Valley in the name of progress and modernization. Instead of extending infrastructure and public services to these existing communities, as many of their residents had long requested, suburban governments used the legal power of eminent domain to condemn them as blighted slums and repurpose the land for office parks, shopping malls, and single-family residential developments. In the Los Angeles suburb of Santa Fe Springs, Mexican American residents of the Flood Ranch barrio filed a 1964 lawsuit arguing that local officials were using urban renewal as a tool of racial discrimination in violation of federal civil rights law. But the Flood Ranch plaintiffs lost the case, and soon 1,500 Mexican Americans lost their homes as well, with some but by no means all able to find replacement housing in other parts of Santa Fe Springs.[130] Recent scholarship in Mexican American history has convincingly demonstrated that White middle-class suburban development during the postwar decades did not take place on an empty and unpopulated landscape but rather involved the active displacement of nonwhite enclaves, as Matt Garcia summarizes in his detailed study of the eviction of Mexican American residents to expand Claremont McKenna College in exurban Los Angeles.[131]

At both the federal and municipal levels, public housing programs that in theory were to accommodate residents who enjoyed the benefits of slum clearance and urban renewal instead never adequately addressed the scope of the low-income housing crisis and almost always reinforced the racial segregation of metropolitan housing markets. "In city after city," a report by an urban planning expert concluded in the mid-1960s, "the great amount of time and effort spent in investigating and condemning housing conditions in the slums that local authorities wish to tear down is in no sense matched by corresponding public and professional interest in the fate of displaced families once they have been dislodged." Budget expenditures following the 1949 Housing Act revealed this conclusion to be unassailable: "Only one-half of one percent of the

[129] Eric Avila, *Popular Culture in the Age of White Flight: Fear and Fantasy in Suburban Los Angeles* (Berkeley: University of California Press, 2004), 145–84; Los Angeles Dodgers, "Ballpark History," http://losangeles.dodgers.mlb.com/la/ballpark/history.jsp, consulted August 1, 2006, site address changed to https://www.mlb.com/dodgers/history/ballparks; Laura Pulido, Laura Barraclough, and Wendy Cheng, *A People's Guide to Los Angeles* (Berkeley: University of California Press, 2012), 31–33.

[130] Jerry Gonzalez, *In Search of the Mexican Beverly Hills: Latino Suburbanization in Postwar Los Angeles* (New Brunswick: Rutgers University Press, 2018), 103–129 (quotations 106, 114).

[131] Matt Garcia, "Requiem for a Barrio: Race, Space, and Gentrification in Southern California," in *Making Cities Global: The Transnational Turn in Urban History*, ed. A.K. Sandoval-Strausz and Nancy H. Kwak (Philadelphia: University of Pennsylvania Press, 2018), 166–190. Also see Garcia, *World of Its Own*; Pitti, *Devil in Silicon Valley*.

$2.2 billion of gross project costs for all federally-aided urban renewal projects (through 1960) was spent on relocation."[132] Since federal law required municipalities to take the initiative to create a public housing agency, participation remained voluntary and most exclusionary zoned suburbs refused to build any low-income projects at all.[133] Racial segregation remained almost universal in the insufficient number of public housing projects that city governments did provide, as federal policymakers and municipal agencies followed the "neighborhood composition" doctrine for tenant occupancy. The *Brown* decision of 1954 did not alter this approach, and three years later nonwhite tenants occupied 97 percent of all public housing projects located in urban renewal zones.[134] "Urban renewal almost always destroyed more housing than it replaced," according to a comprehensive assessment by sociologists Douglas Massey and Nancy Denton. "By 1970, after two decades of urban renewal, public housing projects in most large cities had become Black reservations, highly segregated from the rest of society, . . . the direct result of an unprecedented collaboration between local and national government."[135]

The Pruitt-Igoe towers, which opened in St. Louis in 1952, represented one of the earliest of the high-rise, low-income projects that would come to symbolize the failure of federal public housing policy in the postwar United States. With urban renewal funds, the city of St. Louis razed the downtown DeSoto-Carr neighborhood to make way for Pruitt-Igoe, one in a series of redevelopment initiatives that ultimately displaced around twenty thousand African American residents. Mayor Joseph Darst portrayed urban redevelopment as the only way to save St. Louis in the face of suburban ascendance: "If we can clear away the slums and blighted areas of this city, and replace them with modern, cheerful living accommodations, people will stop moving out [to the suburbs],…and many will start moving back." Hailed at the time as a monument of modernist architecture and progressive planning, the Pruitt-Igoe complex contained 2,870 apartment units in thirty-three, eleven-story towers. The St. Louis Housing Authority officially classified Pruitt-Igoe as a racially mixed development, but no White tenants applied to live in the Black residential area and the towers remained completely segregated. The Pruitt-Igoe population also became increasingly impoverished, especially as working- and middle-class Black residents eschewed public housing for neighborhoods abandoned by White families heading for the suburbs. After fifteen years, two-thirds of the families living in Pruitt-Igoe were female-headed and welfare-dependent, two-thirds of the units were vacant, and the surrounding area had gained a reputation as the crime center of St. Louis. The municipal housing authority dynamited several of the Pruitt-Igoe towers in 1972, and one year later the federal Department of Housing and Urban Development demolished the entire project, amid national recognition of the disastrous consequences of building segregated high-rise public housing as a solution to urban slums.[136]

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[132] Chester Hartman, "The Housing of Relocated Families," in Wilson, *Urban Renewal*, 321–22.

[133] Jackson, *Crabgrass Frontier*, 225.

[134] Hirsch, "Choosing Segregation," 206–22; Hirsch, "Less than *Plessy*," 33–56.

[135] Massey and Denton, *American Apartheid*, 56–57. For an argument that New York City's public housing program diverged from the national pattern, see Nicholas Dagen Bloom, *Public Housing that Worked: New York in the Twentieth Century* (Philadelphia: University of Pennsylvania Press, 2008). For an emphasis on the political activism, not just victimization, of public housing residents, see Rhonda Y. Williams, *The Politics of Public Housing: Black Women's Struggles Against Urban Inequality* (New York: Oxford University Press, 2004).

[136] Alexander von Hoffman, "Why They Built Pruitt-Igoe," in Bauman, Biles, and Szylvian, *From Tenements to the Taylor Homes*, 180–205 (quotation 188); Joseph Heathcott and Maire Agnes Murphy, "Corridors of Flight,

Notwithstanding the notoriety of Pruitt-Igoe, the Robert Taylor Homes in the city of Chicago became the most famous high-rise public housing project in the United States. Named for an African American member of the Chicago Housing Authority who resigned to protest the agency's openly segregationist policy, the Robert Taylor Homes contained 4,415 units when completed in 1962. The complex included twenty-eight identical sixteen-story towers stranded along a two-mile stretch between the railroad tracks and the Dan Ryan Expressway, which served as the deliberate buffer between the project and nearby but inaccessible White neighborhoods. Almost all of the original twenty-seven thousand tenants were low-income African Americans (some Puerto Ricans and Mexican Americans also lived there), and more than two-thirds were children. Mayor Richard Daley and other White city officials celebrated the Robert Taylor Homes, along with similar high-rise projects such as Stateway Gardens and Cabrini-Green, as the embodiment of progressive planning and the fulfillment of the liberal New Deal promise. "This project represents the future of a great city," Daley proclaimed at the grand opening of the Robert Taylor Homes. "It represents vision. It represents what all of us feel America should be, and that is a decent home for every family." Civil rights critics almost immediately began denouncing the projects as "ghettos in the sky," a vertically segregated and almost completely isolated city within the city, soon to become a high-crime and hypersegregated symbol of the racial tragedy of urban reform. Starting in the 1990s, the Chicago Housing Authority razed the Robert Taylor complex in favor of a mixed-income development that provided only one-fifth as many subsidized housing units and left the majority of former tenants with federal housing vouchers to use somewhere else.[137]

Highway Development and Model Cities

The construction of the Interstate Highway System augmented the effects of the federal urban renewal program by displacing hundreds of thousands of racial minorities from neighborhoods in urban centers while accelerating the development of segregated White suburbs. The Federal Highway Act of 1956, which included provisions for 5,300 miles of expressways inside American cities, led to the demolition of 330,000 urban housing units during its first decade alone. Largely completed by the early 1970s, the interstate highway network represented a massive public works project that subsidized suburban growth and downtown redevelopment, remaking urban centers primarily for the benefit of metropolitan commuters and corporate interests. In addition to the transportation agenda, highway developers and city planners promoted the freeway system as a method of slum clearance for intown neighborhoods. "Almost everywhere," observes historian Raymond Mohl, "the new urban expressways destroyed wide swaths of existing housing and dislocated people by the tens of thousands, uprooting entire

Zones of Renewal: Industry, Planning, and Policy in the Making of Metropolitan St. Louis, 1940–1980," *Journal of Urban History* (Jan. 2005): 151–89. Also see Lee Rainwater, *Behind Ghetto Walls: Black Families in a Federal Slum* (Chicago: Aldine, 1970); Gordon, *Mapping Decline*.

[137] Hirsch, *Making the Second Ghetto*, 220–24, 262–63; Roger Biles, "Public Housing and the Postwar Urban Renaissance, 1949–1973," in Bauman, Biles, and Szylvian, *From Tenements to the Taylor Homes*, 143–62. Daley quotation and "ghettos in the sky" critique from *The Promised Land: The Walls of Jericho* (Bethesda, MD.: Discovery Channel, 1995). Also see Bradford Hunt, *Blueprint for Disaster: The Unraveling of Chicago Public Housing* (Chicago: University of Chicago Press, 2009); Chicago Housing Authority, "Robert Taylor Homes," http://www.thecha.org/housingdev/robert_taylor.html, consulted August 1, 2006 (site discontinued). On the broader national pattern of dismantling public housing and displacing low-income residents, see Edward G. Goetz, *New Deal Ruins: Race, Economic Justice, and Public Housing Policy* (Ithaca, NY: Cornell University Press, 2013).

communities in the name of progress." As with urban renewal, the areas targeted for expressway development were primarily home to Black and/or low-income populations, and only a small percentage of the displaced residents received adequate relocation assistance or units in public housing projects. "Stop-the-freeway" protests frequently erupted in African American districts and White working-class enclaves, but only a few of these grassroots movements succeeded in slowing the momentum of the interstate system. In the context of racial exclusion in the suburbs and insufficient construction of public housing, the urban expressways exacerbated the severe housing shortage facing African Americans and other minorities in the inner cities, which in turn led to explosive dynamics as adjacent White neighborhoods underwent racial transition.[138]

Construction of the Interstate Highway System provided another pillar of the postwar system of metropolitan segregation that resulted from the convergence of federal funding and municipal planning. Evidence from numerous cities reveals that White officials targeted Black neighborhoods for removal in order to sanitize downtown business districts, while city planners often deliberately located expressways as racial buffers between Black and White residential areas. In Detroit, the construction of the Chrysler Freeway destroyed the African American enclave of Paradise Valley and the Black commercial district of Hastings Street, which produced massive overcrowding in the city's segregated housing market while paving the way downtown for suburban commuters and shoppers.[139] In Oakland, expressway development designed to revitalize downtown intensified the effects of the city's urban renewal program, slashing through the African American sections of West Oakland and displacing thousands of renters and homeowners.[140] According to a history of urban planning in Birmingham, Alabama, "the city adopted a policy of deliberately routing interstate highways through Black neighborhoods," using Interstate 65 to separate an African American residential area from the downtown business district and locating Interstate 59 as a formal "racial boundary between the Black Ensley neighborhood and the white Ensley Highlands neighborhood."[141] In Atlanta, a 1960 planning report openly envisioned the construction of Interstate 20 as "the boundary between the White and Negro communities," part of a comprehensive city approach to utilizing roadways as the demarcation lines of residential segregation.[142] Interstate highways served similar purposes as intentional barriers of racial segregation in cities across the nation, including documented cases in New Haven, Orlando, Memphis, Los Angeles, Baltimore, and Gary, Indiana.[143]

The demolition of Miami's Overtown section by the construction of Interstate 95 demonstrates the expendability of low-income African American residential and commercial life in the

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[138] Teaford, *Rough Road to Renaissance*, 93–97, 162–67; Raymond A. Mohl, "Stop the Road: Freeway Revolts in American Cities," *Journal of Urban History* (July 2004): 674–706; Mohl, "Race and Space in the Modern City: Interstate 95 and the Black Community in Miami," *Urban Policy in Twentieth-Century America*, 100-102 (quotation 101). Also see Jason Henderson, *Street Fight: The Politics of Mobility in San Francisco* (Amherst: University of Massachusetts Press, 2013); Eric Avila, *The Folklore of the Freeway: Race and Revolt in the Modernist City* (Minneapolis: University of Minnesota Press, 2014); and Tom Lewis, *Divided Highways: Building the Interstate Highways, Transforming American Life* (New York: Penguin, 1997).

[139] Sugrue, *Origins of the Urban Crisis*, 47–48.

[140] Robert O. Self, *American Babylon: Race and the Struggle for Postwar Oakland* (Princeton: Princeton University Press, 2003), 135–55.

[141] Connerly, *"The Most Segregated City in America,"*129–66 (quotations 129, 147).

[142] Bayor, *Race and the Shaping of Twentieth-Century Atlanta*, 61–69 (quotation 61).

[143] Mohl, "Race and Space in the Modern City," 134–39.

postwar American metropolis. Before World War II, municipal policies of housing segregation contained most of Miami's Black population in an overcrowded and redlined neighborhood at the edge of downtown, known colloquially as "Colored Town" or the Central Business District. By the late 1950s, many of the neighborhood's upwardly mobile residents had moved out to segregated Black suburban developments, leaving behind around forty thousand African Americans who lived in crowded wooden slum housing and low-rise projects. This area, renamed Overtown, included hundreds of Black family businesses, thriving churches, and a rich cultural arts district known as the "Harlem of the South." White civic and business leaders had long viewed Overtown as an obstacle to downtown's expansion and a threat to the city's tourist economy, but until the 1960s an alliance between White and Black landlords blocked their redevelopment plans. The funding from the federal interstate highway program provided local and state officials with the opportunity to raze the area through the power of eminent domain. To build I-95, the state of Florida seized eighty-seven acres through the middle of Overtown, evicting more than ten thousand African American occupants and eradicating Miami's Black business district. Concurrent urban renewal initiatives for office buildings and parking garages destroyed the homes of at least ten thousand more Overtown residents. State and local agencies provided no relocation assistance for the population of renters displaced by I-95. Some Overtown families did find space in low-income projects, although the NAACP accused the Miami Housing Authority of "killing the possibility of integration by locating new public housing in already segregated areas." The majority of former Overtown residents ended up in the same segregated Black suburbs, such as Liberty Square Housing Projects, Brownsville, and Richmond Heights, developed for middle-class Black families a decade earlier, and these areas increasingly suffered from overcrowding, disinvestment, concentrated poverty, and discriminatory law enforcement. In the verdict of one Miami civil rights leader, "urban renewal and the coming of the expressway helped to destroy the community."[144]

The 1966 Model Cities Act represented an attempt by federal policymakers to counteract some of the destructive effects of urban renewal and highway development in minority communities. President Lyndon Johnson championed Model Cities as a War on Poverty program to defuse the racial tensions embodied in urban unrest such as the Watts riot/rebellion of 1965. In almost two hundred cities, the Department of Housing and Urban Development (HUD) distributed grants to local organizations to engage in citizen planning for neighborhood revitalization. These community action programs achieved some notable successes in inner-city areas, including renovation of housing, paving of streets, opening of parks and playgrounds, and other quality-of-life initiatives. Slum rehabilitation proved far more beneficial to minority neighborhoods than slum clearance, as the NAACP chapter in Atlanta observed, but Model Cities still "aimed at refurbishing the ghetto" rather than promoting housing integration and opening up the suburbs. The Model Cities program also suffered from inadequate funding and frequent power struggles between mayoral administrations and grassroots activists.[145] In Philadelphia, local Black activists

[144] Connolly, *World More Concrete*; Mohl, "Race and Space in the Modern City," 100–158 (quotations 132, 140). Connolly's book also documents the complicity of middle-class black leaders in slum clearance programs that targeted low-income and rental properties occupied by other African Americans.

[145] Biles, *Fate of Cities*, 112–159; June Manning Thomas, "Model Cities Revisited: Issues of Race and Empowerment," in Thomas and Ritzdorf, *Urban Planning and the African American Community*, 143–63; David R. Goldfield, "Black Political Power and Public Policy in the Urban South," in *Urban Policy in Twentieth-Century*

used Model Cities to push for community improvements such as renovation and construction of better housing, but battles with the mayor's office and later the Nixon administration curtailed citizen involvement and redirected funds toward traditional methods of slum clearance.[146] The celebrated Model Cities initiative in Detroit totaled $75 million, or just $140 annually for each resident of the targeted area, far below initial promises. At the end of the six-year enterprise, the Model Cities agency in Detroit concluded that the "extensive physical, social, and economic problems of the City have [not] been resolved, or even substantially affected. Many multiples of the amount granted to Detroit would have been needed to eliminate only some of the City's least difficult problems."[147]

The federal government's urban renewal and highway construction programs, in combination with the pervasive public and private forces of housing discrimination and residential segregation, helped to set the stage for the devastating racial unrest that spread across urban America during the second half of the 1960s. The worst racial uprisings occurred in 1967 in Detroit and Newark, two of the most enthusiastic participants in the Model Cities program. The Newark conflict began in the Central Ward, an impoverished and deeply segregated section of the majority-nonwhite city. While the police beating of a Black motorist provided the immediate spark, many residents blamed the city's redevelopment schemes for exacerbating an explosive situation. In 1966, Mayor Hugh Addonizio announced that federal urban renewal funds would raze the homes of 3,500 Black residents of the Central Ward to provide land for the New Jersey State College of Medicine and Dentistry. Municipal site plans for two interstate highways would displace up to 20,000 more African Americans living in the neighborhoods near downtown. Some of the evicted families ended up in segregated public housing projects, while many others received no relocation assistance at all. Five days of violence in Newark ended with the deaths of 26 residents, injuries to more than 1,000 people, and $15 million in property destruction. A few weeks later, the Detroit uprising (also triggered by police brutality) resulted in 43 deaths, more than 7,000 arrests, and the burning or looting of several thousand homes and businesses.[148] "To continue present policies," the Kerner Commission warned in its 1968 report on the causes of civil disorder, "is to make permanent the division of our country into two societies; one, largely Negro and poor, located in the central cities; the other, predominantly white and affluent, located in the suburbs and outlying areas."[149]

America, 166–67. NAACP quotation in Bayor, *Race and the Shaping of Twentieth-Century Atlanta*, 76–77. Also see Charles M. Haar, *Between the Idea and the Reality: A Study in the Origin, Fate, and Legacy of the Model Cities Program* (Boston: Little, Brown, 1975). In 1974, Congress enacted the Community Development Block Grants legislation, which supplanted both Model Cities and the federal urban renewal program. See US Department of Housing and Urban Development, "Community Development Laws and Regulations" https://www.hud.gov/program_offices/comm_planning/cdbg.

[146] Countryman, *Up South*, 300–07.

[147] Thomas, *Redevelopment and Race*, 131–38.

[148] "Sparks and Tinder," *Time* (July 21, 1967); Cohen, *Consumers' Republic*, 374–78; *America's War on Poverty: City of Promise* (Alexandria, Va.: PBS Video, 1995).

[149] *Report of the National Advisory Commission on Civil Disorders*, 22.

PART FOUR, 1940–1968
THE FAIR-HOUSING MOVEMENT AND WHITE BACKLASH DURING THE CIVIL RIGHTS ERA

White neighbors' attempt to prevent "Negro" tenants from moving into the Sojourner Truth homes, a new U.S. federal housing project in Detroit, Michigan. Photographer, Arthur S. Siegel, February 1942. Library of Congress, Prints and Photographs.

THE FAIR-HOUSING MOVEMENT AND WHITE BACKLASH DURING THE CIVIL RIGHTS ERA

The NAACP Campaign against Restrictive Racial Covenants

In 1937, Carl Hansberry purchased an apartment building in an all-white Chicago neighborhood in violation of a restrictive racial covenant drawn up by members of the Woodlawn Property Owners Association. Neighbors threw rocks through his window, directed his family to leave, and then filed a lawsuit to enforce the covenant banning property "sold, leased to or permitted to be occupied by any person of the colored race." In 1939, the Supreme Court of Illinois affirmed a circuit court judgment "declaring the conveyance to Hansberry and wife void and ordering them to remove from the premises, and holding the restrictive agreement valid and in full force and effect." The NAACP appealed to the US Supreme Court, part of a renewed effort to challenge the constitutionality of racial covenants previously upheld in *Corrigan v. Buckley* (1926). The Supreme Court ruled in Hansberry's favor but left the *Corrigan* precedent intact by deciding the case on the technicality that barely half of the stipulated 95 percent of homeowners in the Woodlawn neighborhood had signed the agreement.[150] The Chicago episode later inspired Lorraine Hansberry, who was eight years old at the time of her family's odyssey, to write the 1959 Broadway play *A Raisin in the Sun*, also released in a 1962 film version starring Sidney Poitier. Hansberry's powerful indictment of White northern racism and her sensitive portrayal of Black family life captured the integrationist spirit of the early civil rights era with the message that African Americans also believed in the American Dream of a detached home in a single-family neighborhood.[151]

The civil rights challenge to restrictive racial covenants moved to the center of the fair-housing movement that gathered steam during the 1940s. Encouraged by powerful institutions such as the Federal Housing Administration and the NAREB, restrictive covenants governed an estimated three-fourths or more of postwar White-occupied housing in cities such as Los Angeles, Chicago, and Detroit.[152] As in the 1920s, the NAACP led the legal battle to overturn racial covenants as a violation of the equal protection clause of the Fourteenth Amendment. In Los Angeles, the controversy played out in the 1946 "Sugar Hill case," after prominent Black business leaders and famous actresses such as Hattie McDaniel and Louise Beavers purchased homes in the restricted West Adams neighborhood. White homeowners in the West Adams Heights Improvement Association filed a lawsuit to void the sales, but NAACP attorney Loren Miller convinced the California state courts to invalidate the restrictive covenant on technical grounds. The NAACP then sent Miller to Detroit, where he teamed up with Thurgood Marshall to work on the case of *McGhee v. Sipes*.[153] Orsel and Minnie McGhee, a middle-class Black couple, were already living in a White neighborhood in Northwest Detroit when the civic association sued them in 1945 to enforce a covenant restricting occupancy to "the Caucasian

[150] *Lee v. Hansberry*, 372 Ill. 369 (1939); *Hansberry v. Lee*, 311 U.S. 32 (1940); Meyer, *As Long as They Don't Move Next Door*, 56–57.

[151] Lorraine Hansberry, *A Raisin in the Sun: A Drama in Three Acts* (New York: S. French, 1959); *A Raisin in the Sun* (Columbia Pictures, 1961).

[152] Klarman, *From Jim Crow to Civil Rights*, 261–64.

[153] Josh Sides, *L.A. City Limits: African American Los Angeles from the Great Depression to the Present* (Berkeley: University of California Press, 2003), 98–101. Also see Gibbons, *City of Segregation*, 41–72. In Michigan, the case started as *Sipes v. McGhee*, 316 Mich. 614 (1947).

race." Under the authority of *Corrigan v. Buckley*, the Michigan state courts ordered the expulsion of the McGhees from their home. The NAACP appealed the verdict to the US Supreme Court as part of a flood of litigation designed to prove that judicial enforcement of restrictive covenants represented a public, not merely a private, form of racial discrimination.[154]

The civil rights climate in national politics seemed advantageous in 1947, when the Supreme Court agreed to hear the consolidated appeals of four cases challenging the constitutionality of racial covenants. That year, the President's Commission on Civil Rights called for the "elimination of segregation, based on race, color, creed, or national origin, from American life." The commission appointed by Harry Truman condemned racial prejudice in the housing market and proclaimed that "equality of opportunity to rent or buy a home should exist for every American." Its report, *To Secure These Rights*, labeled restrictive covenants the "chief weapon in the effort to keep Negroes from moving out of overcrowded quarters into white neighborhoods." Because "the power of the state is thus utilized to bolster discriminatory practices," the civil rights commission recommended legislative action and judicial intervention to ban racial covenants.[155] In anticipation of the report's release, Truman delivered the first presidential address to an NAACP audience, assembled in front of the Lincoln Memorial. "There is no justifiable reason for discrimination because of ancestry, or religion, or race, or color," Truman declared. "Every man should have the right to a decent home, the right to an education, the right to adequate medical care, the right to a worthwhile job."[156] After lobbying by civil rights organizations, the Truman administration also filed an *amicus* brief urging the Supreme Court to outlaw racial covenants. The Department of Justice emphasized the negative Cold War repercussions of this blatant form of racial discrimination and acknowledged that restrictive covenants in federally funded developments placed "the stamp of government approval upon separate residential patterns."[157]

The US Supreme Court barred the judicial enforcement of restrictive racial covenants in the 1948 ruling of *Shelley v. Kraemer*. The lead case originated in St. Louis, after J. D. and Ethel Lee Shelley purchased a home covered by a neighborhood covenant prohibiting occupancy by "people of the Negro or Mongolian race," and the White neighborhood association sued to evict them. The companion cases included the Detroit litigation in *McGhee v. Sipes* and two appeals from Washington, DC, involving Black families who also enlisted the NAACP to fight eviction litigation initiated by White homeowners. The *Shelley* opinion by Chief Justice Fred Vinson reaffirmed the constitutional distinction between public and private discrimination but expanded the scope of the state action doctrine to encompass "active intervention" by local and state courts to deprive the property rights of Black renters and homeowners on the basis of race. *Shelley* specified that the equal protection clause of the Fourteenth Amendment applied to "only such

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[154] Jeffrey Gonda, *Unjust Deeds: The Restrictive Covenant Cases and the Making of the Civil Rights Movement* (Chapel Hill: University of North Carolina Press, 2015), 37–45; Vose, *Caucasians Only*, 125–58.

[155] *To Secure these Rights: The Report of the President's Commission on Civil Rights* (Washington: GPO, 1947), available at Harry S Truman Presidential Library & Museum, https://www.trumanlibrary.gov.

[156] "President Truman's Address before the NAACP," Truman Library Institute, https://www.trumanlibrary.gov/library.

[157] Gonda, *Unjust Deeds*, 157–173; Vose, *Caucasians Only*, 168–74, 191–93. On the civil rights impact of Cold War geopolitics, see Mary Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2000); Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena* (Cambridge: Harvard University Press, 2003).

action as may fairly be said to be that of the States. That Amendment erects no shield against merely private conduct, however discriminatory or wrongful." The Supreme Court concluded that the architects of the Fourteenth Amendment intended to guarantee "equality in the enjoyment of property rights…as an essential pre-condition to the realization of other basic civil rights and liberties." The two companion cases from Washington, D.C., consolidated in *Hurd v. Hodge* (1948), extended the ban to the separate constitutional issue of enforcement of restrictive covenants by the federal courts. A subsequent 1953 decision, *Barrows v. Jackson*, held that White property owners could not sue for damages based on the violation of racial deed restrictions, closing a loophole left open by the *Shelley* reasoning.[158]

Civil rights organizations and fair-housing activists initially celebrated the victory in *Shelley v. Kraemer* as a new dawn for racial equality and housing integration in the United States. In Los Angeles, a Black newspaper headlined its report: "California Negroes Can Now Live Anywhere!" In similar fashion, the African American press in Detroit proclaimed: "We Can Live Anywhere! This far-reaching decision means that a mortal blow has been struck at racial restrictions in homes, artificially created ghettoes, . . . and countless other jim-crow manifestations made possible because of heretofore enforced segregation in home ownership." The *Chicago Defender* praised the Supreme Court for ending "one of the ugliest developments in American history. . . . These covenants have been responsible for more human misery, more crime, more disease and violence than any other factor in our society. They have been used to build the biggest ghettoes in history." Walter White of the NAACP called the ruling an expansion of democracy but warned that the real estate industry and White homeowners associations would "attempt to find some other means of maintaining residential segregation."[159] Indeed, numerous real estate groups responded by reiterating the NAREB mantra that the maintenance of property values required racial homogeneity in neighborhoods. For two years after *Shelley*, the Federal Housing Administration resisted pressure to discontinue mortgage loans to properties with racial covenants, until President Truman ordered a policy change that the agency then applied only to new deed restrictions. The FHA also rejected the NAACP's request to "exclude all considerations predicated upon racial, religious, or national distinctions for the purpose of making commitments for insurance." For two more decades, the federal government declined to require racial nondiscrimination as a condition of loans and mortgages and therefore continued to subsidize segregated housing developments, primarily in the booming suburbs.[160]

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[158] *Shelley v. Kraemer*, 334 U.S. 1 (1948); *Hurd v. Hodge*, 334 U.S. 24 (1948); *Barrows v. Jackson*, 346 U.S. 249 (1953); Vose, *Caucasians Only*, 100–21, 177–210, 230–46; Gonda, *Unjust Deeds.* On the St. Louis case, also see Gordon, *Mapping Decline*, 71–86. On patterns of housing segregation in Washington, D.C., also see Chris Myers Asch and George Derek Musgrove, *Chocolate City: A History of Race and Democracy in the Nation's Capital* (Chapel Hill: University of North Carolina Press, 2017).

[159] Sides, *L.A. City Limits*, 100; Sugrue, *Origins of the Urban Crisis*, 181–82; Vose, *Caucasians Only*, 211–18.

[160] Abrams, *Forbidden Neighbors*, 222-24; Hirsch, "Choosing Segregation," 212; Vose, *Caucasians Only*, 218–30. In 1949, Thurgood Marshall charged that "FHA is more interested in pointing out to prejudiced real estate interests ways and means of evading the clear intent of the Supreme Court decision . . . than in implementing an effective anti-discrimination policy." In Hirsch, "'Containment' on the Home Front," 165. Also see Gonda, *Unjust Deeds*, 194–218.

Middle-Class "Pioneers" and the Struggle for Housing Integration

The demise of racial covenants facilitated the individual movement of minority families into all-white neighborhoods and created the conditions for violent backlash in the cities and suburbs alike. Most of the conflicts surrounded mobility among African Americans, although *Shelley v. Kraemer* also outlawed deed restrictions against Asians, Mexican Americans, American Indians, Jews, and other groups constitutionally protected against state discrimination on the basis of race, religion, or national origin. College-educated professionals made up a majority of the so-called "black pioneers," the families who took it upon themselves to cross the color line in search of a better life in a racially integrated setting. Many were also NAACP members who connected their own upward mobility to the broader civil rights movement. "This doesn't only concern me," explained a Black businessman in 1953, after arson damaged his new home on Long Island. "It concerns the rights of any citizen to live peacefully in any neighborhood he desires." The middle-class status of most pioneers also reflected the financial costs involved in moving into a White neighborhood during the 1940s-1960s, with federally insured mortgages almost impossible to procure. Joining the movement for housing integration carried other costs as well, including ostracism by White neighbors and the substantial risk of violence. "I don't want to be a pioneer," another middle-class Black man from New York acknowledged. "I don't want to have to lie awake thinking someone may throw a brick through my window or set fire to my house."[161]

One of the worst outbreaks of racial violence in the aftermath of *Shelley* took place in the White working-class Chicago suburb of Cicero. In 1951, a college graduate and World War II veteran named Harvey Clark attempted to move his family of four into an apartment building in the all-white suburban town. A mob of several thousand residents rioted for four days, as the local authorities refused to provide protection. The chief of police personally beat Clark on the move-in day and instructed him to "get out of Cicero and don't come back in town or you'll get a bullet through you." The mob violence escalated after the NAACP secured a restraining order against police harassment of the Clark family, who also suffered the looting and firebombing of their apartment. Governor Adlai Stevenson then mobilized the Illinois National Guard to end the disorder. A grand jury proceeded to indict Harvey Clark, his NAACP lawyer, and the White apartment owner for inciting a riot. The federal government ultimately intervened with indictments against seven Cicero officials, which resulted in minimal fines, and the Clarks chose to abandon the suburb for their own safety. Cicero remained completely segregated through the mid-1960s, when civil rights groups conducted marches to demand open housing in the town, which came to be called the "Selma of the North."[162] Other working-class and middle-income White northern suburbs, such as Dearborn just outside of Detroit, displayed similar patterns of ferocious resistance to any degree of housing integration by African American families.[163]

In a number of southern cities, the movement of middle-class Black families into White working-class neighborhoods resulted in bombing campaigns to maintain the residential color line. In Birmingham, the rise of racial terrorism followed the judicial invalidation of a formal

[161] Wiese, *Places of Their Own*, 129–32, 143–63.

[162] Abrams, *Forbidden Neighbors*, 103–06; Meyer, *As Long as They Don't Move Next Door*, 118–19; Hirsch, *Making the Second Ghetto*; "Crossing the Red Sea," *Time* (Sept. 2, 1966).

[163] Freund, *Colored Property*, 243–381.

racial zoning code in place for two decades. Between 1947 and 1950, bombs damaged or destroyed the homes of eight of the first ten Black families who moved into the North Smithfield neighborhood near downtown. Police made no arrests, despite open knowledge that members of the Ku Klux Klan were behind the incidents. North Smithfield gained a reputation as "Dynamite Hill," with more than forty explosions by 1963, the year that Klan operatives bombed the home of civil rights attorney Arthur Shores and killed four Black girls at the Sixteenth Street Baptist Church.[164] The Klan also organized violent reprisals against Black homeowners and renters in Miami, most notably a 1951 campaign of terrorism in response to the racial integration of Carver Village. After White extremists destroyed an unoccupied section of Carver Village with dynamite, the Miami city commission voted to condemn the brand-new development in order to defuse the situation. When litigation delayed this move, the mayor received a message to "get the Negroes out of Carver Village within a month [or] they would bomb it to pieces." At least a dozen more bombings followed, including a blast that killed Florida NAACP leader Harry Moore and his wife. None of the perpetrators was convicted for any of these crimes.[165] In the early 1950s, bombing campaigns designed to halt housing integration also emerged in the working-class sections of cities such as Atlanta, Dallas, and Los Angeles. More "respectable" White homeowners, as Kevin Kruse chronicles in his study of Atlanta, rejected violent tactics and overt racism while defending the color line by first emphasizing their private property rights as homeowners to live in racially homogeneous neighborhoods, and then by leaving the city for all-white suburban developments whenever they failed to stop residential integration.[166]

In upscale suburbs, White resistance to housing integration after the invalidation of restrictive covenants generally took the form of "gentlemen's agreements" and other pervasive forms of racial and economic discrimination in the real estate market. Residents of affluent White suburbs generally avoided open violence, but their exclusively zoned neighborhoods maintained persistently high levels of segregation through the 1960s and 1970s. In David Freund's comprehensive assessment, "the politics of exclusion helped unify a [White] suburban population that was remarkably diverse" otherwise in terms of class, ethnicity, and partisan affiliation.[167] In suburban Grosse Pointe, located just north of the Detroit city line, realtors developed a secret points system that evaluated potential residents by race, national origin, occupational status, and "degree of swarthiness." The formula systematically excluded African Americans and Asians while favoring northern European immigrants over Jews and southern Europeans. Private investigators researched the backgrounds of prospective homeowners until at least 1960, when the exposure of the Grosse Pointe system led to a state government ban on racial and religious discrimination by real estate agents.[168] In Los Angeles, the Real Estate Board advocated a constitutional amendment to overturn the *Shelley* decision and informed civil rights organizations that its brokers would not break the color line in all-white neighborhoods. Additionally, four of the largest homebuilding corporations in southern California refused to sell

[164] Connerly, *"The Most Segregated City in America,"* 69–101.

[165] Abrams, *Forbidden Neighbors*, 120–36; Meyer, *As Long as They Don't Move Next Door*, 123–26; Connolly, *World More Concrete*, 191–96.

[166] Meyer, *As Long as They Don't Move Next Door*, 98–114; Sides, *L.A. City Limits*, 101–105; Kevin M. Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton: Princeton University Press, 2005), 42–57 (for bombing campaign).

[167] Freund, *Colored Property*, 41 (quotation), 243–83 (case study of Royal Oak, outside Detroit).

[168] Sugrue, *Origins of the Urban Crisis*, 193.

property in new subdivisions to African Americans. Many middle-class Black families instead moved into the integrated Los Angeles neighborhood of West Adams or the recently all-white suburb of Compton, each of which underwent rapid resegregation as White homeowners fled the new minority enclaves.[169] Across the nation, real estate interests simultaneously defended the color line in affluent White neighborhoods while accelerating the process of racial turnover in others through steering and blockbusting techniques, which encouraged panic selling among White homeowners and then profited from artificially inflated prices charged to Black buyers.[170]

The suburban saga of Jackie Robinson reveals the difficult barriers that faced affluent Black families, even those with celebrity status, who sought to live in White suburban towns. In 1953, six years after breaking professional baseball's color line, the Brooklyn Dodgers star began looking for a home in the exclusive suburb of Stamford, Connecticut. Jackie Robinson explained that he and his wife Rachel believed in racial integration because "we feel if our children have an opportunity to know people of all races and creeds at a very early age, their opportunities in life will be greater." But they met with substantial resistance from the Greenwich real estate industry, which prohibited members from selling or renting homes to "any race or nationality that would tend to bring down real estate values." As Jackie Robinson recounted: "At first we were told that the house we were interested in had been sold just before we inquired, or . . . then we'd be told that offers higher than ours had been turned down. Then we tried buying houses on the spot for whatever price was asked. They handled this by telling us that the house had been taken off the market. Once we met a broker who told us he would like to help us find a home, but his clients were against selling to Negroes. Whether or not we got a story with the refusal, the results were always the same." The negative national publicity that resulted inspired a group of Stamford ministers and business leaders to issue a statement deploring housing discrimination on the basis of race. The Robinsons subsequently bought five acres of lakefront property two miles outside of New Canaan and moved in with their three children.[171] Baseball star Willie Mays was at the center of a similar controversy in 1957, when the Giants moved to the West Coast and a White homeowner under pressure from the area neighborhood association refused to sell him a home in the exclusive Sherwood Forest development, setting off an international scandal resolved only after the mayor's intervention.[172]

In 1957, William and Daisy Myers became the first Black family to move into one of the Levitt Corporation's three model suburbs when they bought a home in the second Levittown located in Bucks County, Pennsylvania, on the outskirts of Philadelphia. Several hundred White neighbors in the middle-class community of 67,000 promptly formed the Levittown Betterment Committee to restore racial segregation in their suburban enclave. After the Myers arrived with their young children, four hundred residents formed a mob that threw rocks through their picture window, harassed them with loud music and car horns, unfurled a Confederate battle flag, and burned a cross in the yard of a neighbor deemed too friendly to the newcomers. The governor of Pennsylvania dispatched state troopers to protect the Myers family, leading to a week of violent

[169] Sides, *L.A. City Limits*, 106–07, 120–29.

[170] Baxandall and Ewen, *Picture Windows*, 182–90; Wiese, *Places of Their Own*, 245–46.

[171] "Integration Troubles Beset Northern Town," *Life* (Sept. 2, 1957), 43–46; *New York Times*, Dec. 12, 18, 1953; Wiese, *Places of Their Own*, 99–100, 153; Meyer, *As Long as They Don't Move Next Door*, 274.

[172] Deirdre L. Sullivan, "Letting the Bars Down: Race, Space, and Democracy in San Francisco, 1936–1964," (Ph.D. dissertation, University of Pennsylvania, 2003), chap. 5.

confrontations between law enforcement officials and the Levittown mob. Participants in the grassroots resistance movement blamed outside agitators in the NAACP and warned of a mass Negro invasion of their once peaceful suburb. "He's probably a nice guy," one neighbor remarked about William Myers (an engineer and World War II veteran), "but every time I look at him I see $2,000 drop off the value of my house." "I expected some trouble," Myers responded, "but I never thought it would be so bad…. We are churchgoing, respectable people. We just want a nice neighborhood in which to raise our family and enjoy life." The disorder ended only after a legal injunction against the mob and the indictment of several ringleaders for instigating a riot. Coming just a few weeks before the White mob violence that greeted public school desegregation in Little Rock, Arkansas, pursuant to the *Brown* decision, the Levittown episode confirmed that the civil rights struggle also revolved around the issue of fair housing and that massive resistance to preserve Jim Crow was not confined to the American South.[173]

Open-housing campaigns also shaped the civil rights movement in the South, notwithstanding the more prominent attention paid to the drives to integrate schools and public accommodations. In Atlanta, the Peyton Forest subdivision emerged as the symbolic showdown between the civil rights demand for fair housing and the city government's policy to maintain residential segregation. Southwest Atlanta experienced steady racial transition between the 1940s and the 1960s, despite the efforts of White homeowners and city leaders to hold the line against middle-class Black migration into neighborhoods such as Mozley Park. White officials in Atlanta instead promoted "Negro expansion" in segregated suburban developments on the outskirts of the city, in some cases with FHA financing. But this strategy proved insufficient to stem the migration of Black families into Mozley Park and other nearby neighborhoods that responded with violence followed by White flight. Then in 1962, an African American physician attempted to purchase a home in the all-white Peyton Forest development. Mayor Ivan Allen ordered the construction of barriers on two subdivision roads, to serve as a racial dividing line with the goal of preventing panic selling by "calming the white people in the neighborhood." Civil rights organizations dubbed the roadblocks the "Atlanta Wall," and a county judge soon ordered the barriers dismantled. After the city's failed intervention to maintain housing segregation, almost all of the White residents of Peyton Forest abandoned the neighborhood. Civil rights activists wanted "blacks to be home owners and live in safe, decent housing," recalled Robert Thompson of the Atlanta Urban League. "Our doing all this caused the white people to move, but . . . we couldn't control that. . . . They chose to leave."[174]

During the early-to-mid 1950s, the trends for Asian American families who sought to move into all-white suburbs diverged in key ways from the African American experience in part because of geopolitical Cold War factors that shaped what historian Charlotte Brooks calls a "rapid demise of anti-Asian nativism." On the West Coast, a series of high-profile controversies in the suburbs of San Francisco and Los Angeles generated intense concern that White resistance to the integration of Asian American families was fueling communist propaganda. In 1952, after a Chinese American immigrant named Sing Sheng purchased a home in the all-white development of Southwood, in a suburban location just outside of San Francisco, the resistance of his new

[173] *New York Times*, Aug. 22, 25, 1957; Wiese, *Places of Their Own*, 156; Cohen, *Consumers' Republic*, 217–18; Sugrue, *Sweet Land of Liberty*, 220–28.

[174] Kruse, *White Flight*, 3–5, 42–104; Wiese, *Places of Their Own*, 174–96 (195 for quote). Also see Bayor, *Race and the Shaping of Twentieth-Century Atlanta*.

neighbors resulted in an unofficial referendum that his family lost by a count of 174 to 28. The leader of the White opposition explained that "when one oriental or any one of a minority group comes into an area others follow. The property value then drops correspondingly." But the Sing Sheng incident and others involving Chinese American and Japanese American families led to a counter-movement arguing that respectable middle-class Asian American families should be able to live wherever their money could carry them, and that guaranteeing their equal opportunity to decent housing would enhance the nation's Cold War agenda as well.[175] Other scholars of Asian American history have argued that college-educated and upwardly mobile Chinese American and Japanese American families faced declining prejudice in the housing market because of the emergence of a "model minority" mythology that opened up opportunities in majority-white areas by reinforcing negative stereotypes about African Americans. At the same time, many poor and working-class Asian immigrants and Asian Americans have continued to reside in high-poverty and racially stigmatized urban centers.[176]

In recent years, a growing historical literature has focused on the suburban migration of Latino and Asian American families during the postwar decades and demonstrated that some members of these groups gained greater access to White middle-class housing markets and sought residence in multiethnic communities while still facing significant forms of discrimination.[177] Much of the recent scholarship on comparative racial formation in the suburbs has focused on Southern California, and in particular the multiethnic suburbs of the San Gabriel Valley, where Mexican Americans and Asian Americans sought their versions of the postwar American Dream. In the Los Angeles suburbs, the Japanese American Citizens League successfully protested the injustice of housing discrimination against affluent Japanese American families who sought residence in all-white suburbs during the 1950s and early 1960s, often in the same areas that continued to exclude African Americans systematically.[178] During the same period, thousands of middle-class Mexican American families sought to leave the East Los Angeles barrio for residential subdivisions in the San Gabriel Valley. "Discrimination colored every dimension of

[175] Brooks, *Alien Neighbors, Foreign Friends*, 159–239 (quotations 192, 202).

[176] Kurashige, *The Shifting Grounds of Race*, 1–12, 186–294. Also see Ellen D. Wu, *The Color of Success: Asian Americans and the Origins of the Model Minority* (Princeton: Princeton University Press, 2013). Kurashige argues that "the ideological characterization of Japanese Americans as a 'model minority' to be integrated served to stigmatize the others [African Americans and Mexican Americans] as 'problem' minorities to be contained," 3.

[177] Kurashige, *The Shifting Grounds of Race;* Gonzalez, *In Search of the Mexican Beverly Hills*; Mark Brilliant, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941–1978* (New York: Oxford University Press, 2010); Timothy Fong, *The First Suburban Chinatown: The Remaking of Monterey Park, California* (Philadelphia: Temple University Press, 1994); Wendy Cheng, *The Changs Next Door to the Diazes: Remapping Race in Suburban California* (Minneapolis: University of Minnesota Press, 2013); Cindy I-Fen Cheng, "Out of Chinatown and into the Suburbs: Chinese Americans and the Politics of Cultural Citizenship in Early Cold War America," *American Quarterly* (December 2006), 633–61; Edward E. Telles and Vilma Ortiz, *Generations of Exclusion: Mexican Americans, Assimilation, and Race* (New York: Russell Sage Foundation, 2009); A. K. Sandoval-Strausz, "Latino Landscapes: Postwar Cities and the Transnational Origins of a New Urban America," *Journal of American History* (December 2014), 804–831; Hillary Jenks, "Seasoned Long Enough in Concentration: Suburbanization and Transnational Citizenship in Southern California's South Bay," *Journal of Urban History* 40, no. 1 (2014): 6–30; Becky Nicolaides and James Zarsadiaz, "Design Assimilation in Suburbia: Asian Americans, Built Landscapes, and Suburban Advantage in Los Angeles's San Gabriel Valley since 1970," *Journal of Urban History* 43, no. 2 (November 2015), 332–71; Julie M. Weise, *Corazon de Dixie: Mexicanos in the U.S. South since 1910* (Chapel Hill: University of North Carolina Press, 2015).

[178] Kurashige, *Shifting Grounds of Race*, 234–58.

suburbanization," in the assessment of historian Jerry Gonzalez, and many confronted barriers to integrated housing such as denial of mortgage loans, racial steering from realtors, and resistance from White neighbors.[179] In this racially structured housing market, many Mexican American and Asian American migrants to the San Gabriel Valley ended up clustering in majority-minority suburban neighborhoods and developing what Wendy Cheng calls a "multiethnic, multiracial nonwhite identity" forged through the mutual struggle for access to homeownership.[180] Additional research, especially outside of Southern California, is needed to better understand the differential impact of housing discrimination on Asian Americans and Latinos and to move beyond the Black-White divide in investigating the increasingly diverse suburbs of metropolitan regions throughout the United States.[181]

Battles over Segregated Public Housing

The civil rights movement for residential integration focused on public as well as private housing, as the site selection and racial desegregation of low-income housing projects became a fiercely contested issue during and after World War II. As early as 1937, when the Wagner-Steagall Housing Act initiated the New Deal policies of slum clearance and public housing construction, the NAACP pledged to "protest any race discrimination in selecting the tenants or occupants of any low-cost housing projects fostered or financed in whole or in part from public funds." The NAACP lost the battle to mandate open occupancy in public housing projects, and federal policy instead deferred to municipal governments on the location and racial makeup of low-income developments.[182] In 1941, the Federal Works Agency did ban racial discrimination in emergency wartime facilities, but most local governments interpreted this directive to require the provision of an adequate amount of housing for black laborers in projects restricted to single-race occupancy.[183] For reasons of "political expediency," New Deal housing official Joseph Ray later acknowledged, "the public housing program accepted the 'separate but equal' doctrine and, through its equity policy, undertook to insist upon uniform enforcement of the 'equal' while allowing local communities to decide upon the 'separate'." This so-called "neighborhood composition rule" remained in effect following the Housing Act of 1949, after Congress rejected an amendment to prohibit racial discrimination in federally funded projects.[184]

The provision for local autonomy in the supervision of federally funded low-income projects, in combination with grassroots White resistance to racial integration, turned a few wartime experiments in scatter-site public housing into a short-lived phenomenon. Events in Detroit revealed that even segregated projects restricted to African Americans would galvanize White backlash when designated for locations outside of traditional inner-city ghettoes. In 1942, the Federal Works Agency and the Detroit Housing Commission opened the Sojourner Truth Homes for Black defense workers on the city's outskirts near an all-white neighborhood. Homeowners

[179] Gonzalez, *In Search of the Mexican Beverly Hills*, 46–74 (quotation 48).

[180] Cheng, *Changs Next Door to the Diazes* (quotation 54).

[181] Matthew D. Lassiter and Christopher Niedt, "Special Section: Suburban Diversity in Postwar America," *Journal of Urban History* 39, no. 1 (January 2013), 3–100.

[182] Meyer, *As Long as They Don't Move Next Door*, 54–57. The NAACP also tried but failed to persuade Congress to include a provision guaranteeing replacement housing for black residents displaced by slum clearance.

[183] Bonastia, *Knocking on the Door*, 64.

[184] Hirsch, "'Containment' on the Home Front," 161–66.

in the Seven Mile-Fenelon Improvement Association mobilized to demand "white tenants in our white community" and engaged in violent reprisals after the first Black families arrived. The chastened Detroit Housing Commission pledged that future projects would remain segregated and would "not change the racial pattern of a neighborhood." Tensions in Detroit remained high after the Sojourner Truth violence, and battles over housing and jobs contributed to the 1943 race riot that killed twenty-five Black and nine White residents. Suburbs such as Dearborn, under the leadership of the openly segregationist mayor Orville Hubbard, also refused to countenance any federal housing projects for the African Americans who worked in their factories but could not live within their boundaries. After the war, a fair-housing coalition of Black activists and White liberals continued to push for integrated public housing projects scattered throughout Detroit and located near industrial workplaces. But this window closed firmly in 1949, when Albert Cobo won the mayoral election on a platform of stopping "Negro invasions" by vetoing all public housing projects located in or near White neighborhoods.[185]

A similar pattern unfolded in Chicago, where local housing officials briefly attempted to implement a policy of racial nondiscrimination in federally funded projects built for veterans of World War II. In 1946, the Chicago Housing Authority (CHA) approved applications from several Black families to move into a White-occupied project called Airport Homes. A White mob attacked the Black veterans, the beginning of nearly a decade of recurring racial violence targeting the city's public housing projects. In 1947, the CHA attempted to open the Fernwood Park Homes as a racially integrated project, and several thousand White residents rioted to drive out Black veterans and their families. The unrest extended to assaults on more than one hundred Black motorists, leading to a protection force of one thousand city police. The Illinois state legislature responded by granting the Chicago city council veto power over the location of low-income housing sites, effectively eviscerating the autonomy of the municipal housing agency. In 1953, after a light-skinned African American family slipped under the CHA radar and moved into the Trumbull Park Homes, thousands of White residents of the South Deering neighborhood reacted with several years of violence and harassment. These outbreaks of White homeowner resistance, in the assessment of Arnold Hirsch, "were instrumental in shaping the city's response to racial issues and were directly responsible for the abandonment of the housing authority's tentative flirtation with policies that challenged the status quo. . . . As long as whites were willing to fight to keep blacks out of the projects already established in their areas, the CHA was unwilling to integrate them."[186]

A nationwide survey in the early 1950s revealed that 62 percent of public housing projects with African American tenants were completely segregated (meaning zero White residents), while 33,055 of 136,043 Black families lived in mixed-race developments, most with a very small degree of desegregation.[187] The experience of Philadelphia is representative of the achievements

[185] Sugrue, *Origins of the Urban Crisis*, 29, 72–88; Freund, *Colored Property*, esp. 288–305.

[186] Hirsch, *Making the Second Ghetto* (quotations 218, 240); Arnold R. Hirsch, "Massive Resistance in the Urban North: Trumbull Park, Chicago, 1953–66," *Journal of American History* (Sept. 1995), 522–50; Meyer, *As Long as They Don't Move Next Door*, 90, 115–21.

[187] Abrams, *Forbidden Neighbors*, 306–19. It is probable that some Puerto Ricans and Mexican Americans lived in housing projects classified as completely segregated for African Americans only, because statistical surveys in many cities and in federal policy at the time tended to operate within a black-white binary. For an analysis covering a broader time period, see Modibo Coulibaly, Rodney D. Green, and David M. James, *Segregation in Federally Subsidized Low-Income Housing in the United States* (Westport, CT: Praeger, 1998).

and limits of the movement to integrate public housing in the urban North. The Philadelphia Housing Authority (PHA) initially embraced the "neighborhood composition" rule in building separate White and Black housing projects in racially segregated neighborhoods. After World War II, the NAACP began pressuring the municipal agency to adopt a mixed-race occupancy policy. In 1952, the PHA opened its first interracial development in West Philadelphia, with thirty White families and forty Black families assigned to Arch Homes. The housing authority also integrated several other projects in Philadelphia, generally with a very small percentage of Black tenants. In 1956, the PHA announced a plan to scatter twenty-one mini-projects across the city, with half to be located in all-white neighborhoods. This scatter-site proposal elicited a fierce political backlash from White homeowners, and the PHA quickly backed down. During the next decade, city officials located every new housing project in African American or racially transitional areas, and the integrated Arch Homes experiment failed to retain White tenants. Public housing in Philadelphia, as in other American cities, increasingly became stigmatized as a government welfare program for poor Black citizens. "Rather than contributing to neighborhood integration," Matthew Countryman concludes in his book about the civil rights era in Philadelphia, "the public housing program in fact exacerbated . . . residential segregation in the city."[188]

Racial segregation was uniform in the federally funded projects built in southern cities, where the provision of any subsidized housing at all for African Americans seemed to represent a progressive step forward. But official Jim Crow policies of "separate but equal" public housing projects existed across the nation. In Los Angeles, federally funded public housing programs officially restricted African Americans and Mexican Americans to nonwhite projects while barring Chinese and Japanese Americans from participation altogether.[189] In 1942, the San Francisco Housing Authority (SFHA) announced that tenant selection for public housing would "maintain and preserve the same racial composition which exists in the neighborhood where a project is located." In the 1940s and early 1950s, the SFHA opened five White developments and denied all applications from African Americans as well as Japanese, Chinese, and Filipino Americans. Instead, the Housing Authority constructed one apartment complex exclusively for Black families and later added the Ping Yuen East Housing Project in Chinatown. The SFHA eventually adopted a formal policy of racial nondiscrimination, but several years later each of the city's low-income housing projects remained completely segregated. In 1953, the NAACP filed an equal protection lawsuit, *Banks v. Housing Authority of San Francisco*, on behalf of racial minorities refused admission into all-white complexes. The SFHA defended its constitutional right to provide "separate but equal" housing, but the California state courts ruled in favor of the civil rights plaintiffs. Although the US Supreme Court declined to consider the SFHA appeal, the NAACP victory in California did not signal a change in federal policy.[190] As late as 1960, the Public Housing Administration openly confirmed its refusal to make federal funding for low-

[188] Countryman, *Up South*, 75–78. Also see John F. Bauman, *Public Housing, Race, and Renewal: Urban Planning in Philadelphia, 1920–1974* (Philadelphia: Temple University Press, 1987).

[189] Brooks, *Alien Neighbors, Foreign Friends*, 70–85.

[190] Rothstein, *Color of Law,* 28 (quotation); *Banks v. Housing Authority of San Francisco*, 120 Cal. App. 2d 1, (1953); Meyer, *As Long as They Don't Move Next Door*, 141–43; Shah, *Contagious Divides*, 225–45; Brooks, *Alien Neighbors, Foreign Friends*, 86–113. Also see Amy L. Howard, *More than Shelter: Activism and Community in San Francisco Public Housing* (Minneapolis: University of Minnesota Press, 2014).

income projects conditional upon racial integration in site selections or open occupancy in tenant admissions.[191]

The Open-Housing Movement in Local and National Politics

In 1953, one year before *Brown v. Board of Education*, the NAACP announced that "residential segregation is the crux of the whole question of segregation. . . . The eradication of any type of segregated housing that has any form of public financial support must be our first goal." Following the Supreme Court's landmark decision invalidating state-mandated segregation in public education, the NAACP's Walter White promised that his organization would "use the courts, legislation, and public opinion to crack the iron curtain of segregation in housing." Institutional allies in the open-housing movement included the Congress of Racial Equality (CORE), the National Urban League, the American Civil Liberties Union, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the American Jewish Congress, the Anti-Defamation League, and the American Friends Service Committee. In the 1950s, these key players joined forces with other liberal religious and civil rights groups to form the National Committee against Discrimination in Housing (NCDH). Leaders of the NCDH lobbied Eisenhower administration officials to mandate racial nondiscrimination in federally subsidized housing, without success. The federal courts also dismissed the NAACP's Fourteenth Amendment lawsuit to make open occupancy a condition of FHA/VA funding of the Levittown developments. In response, the NCDH conceded that the "fight concerning federal housing programs [would have] to be waged in relation to specific programs in specific localities since nationwide policy was not forthcoming from Washington."[192]

In the absence of federal open-housing policies, the civil rights movement focused on the passage of state laws and local ordinances banning racial discrimination in public and private developments. In the postwar period, the nation's strongest fair-housing movement arose in New York City, also the birthplace of the NCDH. In the late 1940s, civil rights protests against the racially segregated Stuyvesant Town development, publicly subsidized but privately owned, inspired the formation of the New York State Committee against Discrimination in Housing. When Congress passed the Housing Act of 1949, the New York State Committee warned that slum clearance without fair-housing safeguards would be "projecting into the North the kind of Jim-Crow public housing which has been a betrayal of freedom and equality in the South." In 1950, the open-housing coalition successfully lobbied the New York state legislature to outlaw racial discrimination in federally funded developments in urban renewal zones. In 1951, the City Council passed a similar measure banning discrimination in all private housing built with public subsidies. The state and municipal governments, however, committed few resources to the enforcement of these laws. In a 1952 survey, African American families occupied only 27 of New York City's 23,000 federally subsidized middle-income apartments, not counting the all-black Riverton Houses development in Harlem. By 1960, despite "move-in" protests to demand meaningful integration, only 47 of the 22,405 residents of Stuyvesant Town were African American. According to a report by the City Planning Commission, "Negroes and Puerto Ricans

[191] Hirsch, "'Containment' on the Home Front," 181.

[192] Bonastia, *Knocking on the Door*, 71; Wiese, *Places of Their Own*, 128–29; Meyer, *As Long as They Don't Move Next Door*, 139–42, 152–58.

are virtually banned from most of the city's redevelopment projects and many other tax supported dwellings."[193]

By the mid-1950s, the civil rights movement had secured fair-housing laws in nine states and more than twenty cities, all outside of the South. The states that had passed some version of open-housing legislation included Connecticut, Massachusetts, Michigan, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island, and Wisconsin. Cities with ordinances on the books included Boston, Cincinnati, Cleveland, Denver, Los Angeles, Minneapolis, St. Paul, Philadelphia, and Pittsburgh.[194] In a detailed study of the fair-housing movement in metropolitan Boston, Lily Geismer chronicles the support of White suburban liberals for nondiscrimination policies that primarily opened up the affluent suburbs to a small number of college-educated Black professionals, even as exclusionary zoning and the majority of White residents resisted efforts to build more affordable housing outside the central city.[195] Enforcement of fair-housing laws also varied widely, and exemptions for significant portions of the residential market were common. In Pennsylvania, fair-housing legislation excluded owner-occupied dwellings, which the NAACP charged would exempt the vast majority of homes potentially available for purchase by African Americans.[196] In Michigan and Rhode Island, antidiscrimination policies in the 1950s covered public housing projects but not private developments. On the other hand, by 1959 five states (New York, New Jersey, Connecticut, Washington, and California) had outlawed racial discrimination in the sale or rental of private housing constructed with mortgage loans insured by the FHA or the VA. Yet even in these places, the segregationist thrust of federal housing policies, municipal zoning restrictions, and private market forces combined to overwhelm the countervailing movement for residential integration. "It is one thing to state these [fair-housing] purposes," the US. Commission on Civil Rights observed in 1959, "and another to break the pattern of residential segregation already established and to open equal opportunities for decent housing throughout the metropolitan area, including the suburbs."[197] Two years later, the NAACP reported that 98 percent of all private homes built since 1946 with FHA and VA mortgages excluded Black occupancy, which indicated the need for comprehensive federal policies to promote residential integration.[198]

During the 1960 presidential campaign, John F. Kennedy pledged to "end discrimination in Federal housing programs, including federally-assisted housing," by executive order with "one stroke of the pen." After his election, the NAACP and the National Committee against Discrimination in Housing stepped up the pressure on the Democratic administration, but because of political opposition, President Kennedy delayed fulfillment of his promise for two years. Then in 1962, Kennedy issued Executive Order 11063: Equal Opportunity in Housing, which directed federal housing agencies "to take all action necessary and appropriate to prevent discrimination because of race, color, creed, or national origin." The new policy covered

[193] Biondi, *To Stand and Fight*, 131–35, 223–41.

[194] Meyer, *As Long as They Don't Move Next Door*, 159, 280.

[195] Lily Geismer, *Don't Blame Us: Suburban Liberals and the Transformation of the Democratic Party* (Princeton: Princeton University Press, 2015), 43–70, 173–97.

[196] Countryman, *Up South*, 92–95.

[197] *Report of the United States Commission on Civil Rights, 1959* (Washington: GPO, 1959), 399–419; Sides, *L.A. City Limits*, 107.

[198] Meyer, *As Long as They Don't Move Next Door*, 153.

government-owned public housing projects and private residential developments subsidized or insured by federal funds, although with several major loopholes. Kennedy's order exempted owner-occupied dwellings of one or two units (meaning most existing single-family homes and duplexes), and the ban on racial discrimination in private housing applied only to future developments. These exceptions meant that about 80 percent of the total American housing stock, and about 97 percent of dwellings that existed in 1962, remained unaffected by the new federal nondiscrimination regulations. Despite some disappointment at the limited scope of Kennedy's directive, civil rights organizations celebrated the first meaningful open-housing stance in the history of federal policymaking. "If energetically and imaginatively implemented," the NCDH proclaimed, Executive Order 11063 could "aid considerably in modifying the widespread patterns of residential segregation for which past Government policies bear so much of the responsibility."[199]

Federal enforcement of Executive Order 11063 proved to be weak, however, not least because the "FHA essentially refused to apply the new requirements to its portfolio of loans."[200] While a national open-housing law remained a top priority of civil rights activists, much of the energy in the early-to-mid 1960s involved protests against residential segregation at the local level. The Congress of Racial Equality (CORE), an interracial organization, took the lead in organizing fair-housing demonstrations, especially in the suburbs of northern and western cities. In metropolitan Boston, Black and White activists affiliated with CORE held protests at developments and apartment complexes that refused to sell or rent to African Americans and successfully lobbied the Massachusetts Commission Against Discrimination to take legal action against recalcitrant property owners. In 1962, CORE launched Operation Windowshop, a national campaign in which prospective Black buyers tested enforcement of open-housing laws by exposing racially discriminatory practices by real estate agents and developers. In suburban Los Angeles, the CORE chapter conducted a month-long sit-in at a Monterey Park subdivision that refused to sell to Black families, and more than one thousand members joined a protest march against another segregated development in Torrance. In the suburbs of New York and New Jersey, fair-housing activism often accompanied school desegregation lawsuits because of the direct relationship between housing segregation and racially segregated "neighborhood schools." In Seattle, the CORE affiliate advocated an open-housing ordinance after most White realtors and homeowners rejected the overtures of Operation Windowshop, but voters handily defeated the ensuing referendum.[201] This local setback reflected the broader sentiment among many White Americans, embodied in a 1963 national opinion poll in which 60 percent of White

[199] Meyer, *As Long as They Don't Move Next Door*, 166–71, (166 for Kennedy pledge quote); Bonastia, *Knocking on the Door*, 72–74; Executive Order 11063 (Nov. 20, 1962), https://www.archives.gov/federal-register/codification/executive-order/11063.html. Scholarly estimates of the degree of housing subject to Kennedy's executive order differ somewhat. Another source holds that the 1962 policy covered "less than 1 percent of the then-existing inventory of housing and only 15 percent of new construction." See Metcalf, *Fair Housing*, 38.

[200] Bonastia, *Knocking on the Door*, 74. In public housing, 72 percent of federally funded projects remained completely segregated in 1964, and most of the remainder included only a token degree of racial integration.

[201] Wiese, *Places of Their Own*, 219–21; Geismer, *Don't Blame Us*, 58–70. Also see August Meier and Elliot Rudwick, *CORE: A Study in the Civil Rights Movement, 1942–1968* (New York: Oxford University Press, 1973). On Los Angeles, see Gibbons, *City of Segregation*, 75–122. On Seattle, see Archives West, "Congress of Racial Equality, Seattle Chapter Records, 1954–2010," http://archiveswest.orbiscascade.org/ark:/80444/xv53708/op=fstyle.aspx?t=k&q=congress+of+racial+equality.

respondents agreed that "white people have a right to keep Negroes out of their neighborhoods, and Negroes should respect that right."[202]

On June 23, 1963, a crowd of 125,000 gathered in Detroit for the "Walk to Freedom" rally, one of the largest civil rights demonstrations in the nation's history. Organized by a coalition that included the NAACP, CORE, and the AFL-CIO, the participants marched down Woodward Avenue to demand an end to racial discrimination in housing and employment. Two months before the more famous March on Washington, Martin Luther King Jr., stood in front of Cobo Hall and told the assembly: "We've got to see that the problem of racial injustice is a national problem. . . . I have a dream this afternoon—right here in Detroit a Negro will be able to buy a house or rent a house anywhere their money will carry them." During the spring and summer of 1963, the CORE and NAACP chapters in Detroit sponsored open-housing marches into the segregated suburbs of Grosse Pointe, Oak Park, Livonia, Dearborn, and Royal Oak. Civil rights leaders also called on the city government to "break down the pattern of exclusively white neighborhoods." White homeowners associations and real estate interests led the intense backlash against the fair-housing movement in metropolitan Detroit. In Dearborn, where the population of 112,000 included only fifteen African Americans, Mayor Orville Hubbard openly encouraged the intimidation of fair-housing activists and prospective Black residents. In the city of Detroit, 55 percent of voters approved a 1964 Home Owners' Rights Ordinance that guaranteed the right of private individuals to discriminate on the basis of race in the rental or sale of property. The pro-segregation ordinance drew the support of about two-thirds of the White electorate, although a state court soon declared the measure to be unconstitutional.[203]

The political backlash against fair housing peaked with the passage of Proposition 14 in California. In 1963, following a long lobbying campaign by civil rights groups, the California legislature passed the Rumford Fair Housing Act, which outlawed racial and religious discrimination in about three-fourths of the state's housing market. The California Real Estate Association immediately organized the Proposition 14 drive to amend the state constitution and repeal the Rumford Act by legalizing the right of property owners to discriminate in the sale and rental of housing. Denouncing fair housing as "forced housing," the real estate lobby and White homeowner associations equated racial nondiscrimination with "special rights" for African Americans and other minority groups. In 1964, the Proposition 14 referendum passed with the support of 65 percent of the electorate, including more than three-fourths of White voters in the suburbs of southern California. Civil rights groups denounced Proposition 14 as a state policy to enforce housing segregation and considered the backlash against fair housing to be a major cause of the deadly Watts riot of 1965. The legal challenge to Proposition 14 began in the Orange County suburb of Santa Ana, when Lincoln Mulkey sued landlord Neil Reitman for refusing to rent an apartment on the basis of race. In 1966, the California Supreme Court invalidated Proposition 14 as a violation of the equal protection guarantee of the federal constitution, based on the argument that the "state has affirmatively acted to change its existing laws from a situation wherein the discrimination practiced was legally restricted to one wherein it is encouraged." The US Supreme Court affirmed this verdict in *Reitman v. Mulkey*, which

[202] Bonastia, *Knocking on the Door*, 9.

[203] Martin Luther King, Jr., "Walk to Freedom" Speech, June 23, 1963, *MLK: The Martin Luther King Tapes* (Jerden Records, 1995); Meyer, *As Long as They Don't Move Next Door*, 173–78; Sugrue, *Origins of the Urban Crisis*, 226-27; Freund, *Colored Property*, 346–50.

expanded the state action doctrine to prohibit legislative action that "expressly authorized and constitutionalized the private right to discriminate."[204]

In the fall of 1965, following the racial unrest in Watts and the passage of federal civil rights and voting rights legislation, King's Southern Christian Leadership Conference (SCLC) made plans to head north to join the Chicago Freedom Movement. A broad coalition of local and national civil rights groups organized Operation Open City, an ambitious 1966 campaign to "wipe out slums, ghettoes, and racism." To draw national publicity to the issue of housing segregation, Martin Luther King Jr., moved with his family into an apartment in an impoverished section of the city. "Our work will be aimed at Washington," King announced, with the ultimate goal of pressuring Congress to pass a federal open-housing law. The Chicago Freedom Movement began conducting marches into the Gage Park section of Southwest Chicago, which remained completely segregated despite the city's fair-housing ordinance. At one demonstration in Marquette Park, a mob of several thousand White residents attacked the civil rights marchers, throwing rocks (one of which struck King) and setting fire to automobiles. "I've been in many demonstrations all across the South," King told reporters, "but I can say that I have never seen—even in Mississippi and Alabama—mobs as hostile and hate-filled as I've seen in Chicago." The violence persuaded Mayor Richard Daley to negotiate a settlement that promised vague housing reforms, and King's subsequent departure led to a consensus that White resistance in Chicago had revealed the limits of nonviolent protest. Local civil rights activists continued to protest housing segregation, including marches into the all-white suburb of Cicero, where (as in 1951) mob violence forced the governor to mobilize the National Guard.[205]

The nationally televised scenes of White backlash in Chicago failed to move open-housing legislation through Congress in 1966. At the beginning of the year, just as the Chicago Freedom Movement was getting underway, President Lyndon Johnson proposed a fair-housing bill in order to address the growing urban crisis and extend the reach of his Great Society agenda. In a national address, Johnson called on lawmakers to "give the Negro the right to live in freedom among his fellow Americans." The NCDH lobbied energetically for the measure, proclaiming that the "racial ghetto stands as an almost impenetrable barrier to meaningful gains in integrated education, equal job opportunities, normal family and community life, and the future health of the American metropolis." The NAREB galvanized the political resistance on the familiar grounds of private property rights and opposition to "forced housing." The House of Representatives passed a watered-down version of the legislation, but a filibuster in the US Senate killed the bill entirely, with southern Democrats joined by a number of northern and western senators who had supported previous civil rights laws aimed at the South. President

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[204] Self, *American Babylon*, 167–69, 260–68; Nicolaides, *My Blue Heaven*, 308–15; Daniel Martinez HoSang, *Racial Propositions: Ballot Initiatives and the Making of Postwar California* (Berkeley: University of California Press, 2010), 53–90; Kurashige, *Shifting Grounds of Race*, 259–85; *Mulkey v. Reitman*, 64 Cal. 2d 529 (1966); *Reitman v. Mulkey*, 387 U.S. 369 (1967).

[205] Adam Fairclough, *To Redeem the Soul of America: The Southern Christian Leadership Conference and Martin Luther King, Jr.* (Athens: University of Georgia Press, 1987), 279–307; Taylor Branch, *At Canaan's Edge: America in the King Years, 1965–1968* (New York: Simon and Schuster, 2006), chap. 30; Meyer, *As Long as They Don't Move Next Door*, 183–88. King quoted in Ron Grossman, "50 years ago: MLK's march in Marquette Park turned violent, exposed hate," *Chicago Tribune,* July 28, 2016, https://www.chicagotribune.com/opinion/commentary/ct-mlk-king-marquette-park-1966-flashback-perspec-0731-md-20160726-story.html.

Johnson resubmitted fair-housing legislation in 1967, but congressional leaders did not even permit a floor vote. Refusing to concede defeat, the NCDH declared that the federal government "must empower ghetto residents to bid for housing opportunities in the suburbs." Although twenty-three states had passed some form of fair-housing protection by the end of 1967, "state and local fair housing laws [had] not given Negro Americans this power. Obviously Federal fair housing legislation . . . is essential."[206]

[206] Charles M. Lamb, *Housing Segregation in Suburban America since 1960: Presidential and Judicial Politics* (Cambridge: Cambridge University Press, 2005); Bonastia, *Knocking on the Door*, 75–85; Meyer, *As Long as They Don't Move Next Door*, 183, 204–05 (all quotations). In 1965, future HUD Secretary Robert Weaver observed: "Of all the industry groups in housing, the National Association of Real Estate Boards has been the most outspoken foe of fair housing legislation." See Robert C. Weaver, *Dilemmas of Urban America* (Cambridge: Harvard University Press, 1965), 83.

PART FIVE, 1968 & BEYOND
NATIONAL FAIR-HOUSING POLICIES: LANDMARKS, LIMITS, AND LEGACIES

President Lyndon B. Johnson signs the 1968 Civil Rights Bill. Photographer: Warren K. Leffler, April 11, 1968. Library of Congress, Prints and Photographs.

NATIONAL FAIR-HOUSING POLICIES: LANDMARKS, LIMITS, AND LEGACIES

The Fair Housing Act of 1968

During the first half of 1968, a series of events helped to break the political deadlock over fair-housing legislation in Congress. In March, the National Advisory Commission on Civil Disorders, known as the Kerner Commission, released its report on the causes of the devastating racial unrest in Detroit, Newark, and dozens of other American cities and towns during the summer of 1967. Formed by President Lyndon Johnson to study the root causes of the riots and to recommend action, the Kerner Report bluntly concluded: "White racism is essentially responsible for the explosive mixture which has been accumulating in our cities since the end of World War II." To address deep metropolitan patterns of racial discrimination and residential segregation, the Kerner Commission called for a "comprehensive and enforceable federal open housing law to cover the sale and rental of all housing, including single family homes." The report also recommended the construction of low-income housing in suburban areas as part of a new federal policy to "encourage integration of substantial numbers of Negroes into the society outside the ghetto."[207] Then in April, Martin Luther King, Jr. was assassinated in Memphis, leading to a new outbreak of racial disturbances in numerous American cities. At the time of King's death, the Southern Christian Leadership Conference was organizing the Poor People's Campaign, including a plan for civil rights protesters to occupy the Mall in Washington until the passage of federal fair-housing legislation. President Johnson seized upon the assassination to demand that Congress approve the open-housing bill as a tribute to the life's work of Dr. King. The Senate had already passed the Fair Housing Act on a 71-20 vote, and the House of Representatives approved the legislation, 225-172, on the day after King's funeral.[208]

The Fair Housing Act of 1968 represented a landmark in the civil rights struggle for racial equality and simultaneously reflected a political compromise that limited its scope and weakened its enforcement mechanisms. The main provision of the law outlawed public and private discrimination in the sale and rental of property on the basis of race, color, religion, and national origin. The legislation also banned discrimination in mortgage and home improvement loans and prohibited the real estate practices of blockbusting, racial steering, and advertising or misrepresenting the status of property for discriminatory purposes. This policy breakthrough meant that federal law prohibited key forms of private racial discrimination and not merely equal-opportunity violations that resulted from state action in federally owned or assisted housing. An amendment qualified the reach of this ban on private conduct by exempting owner-occupied dwellings rented or sold without a real estate agent, meaning that the Fair Housing Act did not cover about 20 percent of the American housing market. Congressional leaders also deliberately made enforcement for fair-housing violations the responsibility of the Justice Department rather than the Department of Housing and Urban Development (HUD), to ensure that an autonomous bureaucratic agency would not implement the law in a more aggressive fashion than expected. The Fair Housing Act did charge HUD to take affirmative action to

[207] *Report of the National Advisory Commission on Civil Disorders*, 10, 22, 28, available on line at https://www.ncjrs.gov/pdffiles1/Digitization/8073NCJRS.pdf. The Commission received its nickname from its chairman, Illinois Governor Otto Kerner.

[208] Lamb, *Housing Segregation in Suburban America*, 39–42; Fairclough, *To Redeem the Soul of America*, 357–88. In May 1968, the SCLC established Resurrection City on the Washington Mall to dramatize the plight of the nation's poor. Federal authorities ordered the razing of the tent encampment after six weeks.

enforce the ban on housing discrimination, but nothing in this ambiguous language referred specifically to the construction of low-income housing in the suburbs or other explicit policies to promote racial integration. At the same time, the separate Housing and Urban Development Act of 1968 substantially expanded federal subsidies for low- and moderate-income housing constructed by private developers (the Section 235 and 236 programs), which offered potential leverage for an integration policy implemented on a metropolitan scale.[209]

A few weeks after Lyndon Johnson signed the Fair Housing Act, the Supreme Court issued an even broader ban on racial discrimination in housing in the case of *Jones v. Mayer*. The litigation began in 1965, after the Alfred H. Mayer Company refused to sell "to Negroes" in the upscale suburb of Paddock Woods, located outside of St. Louis. The plaintiffs, Joseph and Barbara Jones, sued under the long hollow provision of the 1866 Civil Rights Act, which had promised all citizens the constitutional right "to inherit, purchase, lease, sell, hold, and convey real and personal property." The developer defended the discriminatory policy as constitutional under the doctrine of private property rights, because the construction of Paddock Woods had involved no federal assistance. Citing established precedent, the federal district and appeals courts agreed that the private actions of the Mayer Company were legal because they did not represent a "state action" violation of the constitutional equal protection guarantee. In 1968, a 7-2 majority on the Supreme Court ruled instead that the 1866 Civil Rights Act "bars all racial discrimination, private as well as public, in the sale or rental of property." A century after the fact, *Jones v. Mayer* collapsed the constitutional distinction between state action and private conduct in the area of racial discrimination in housing. The Supreme Court decision also superseded the exemptions for owner-occupied dwellings contained in the Fair Housing Act of 1968. Comparing the "exclusion of Negroes from white communities" to the Black Codes established in southern states after the Civil War, *Jones v. Mayer* concluded that "when racial discrimination herds men into ghettos and makes their ability to buy property turn on the color of their skin, then it too is a relic of slavery."[210]

The Nixon administration formulated the initial policies to implement and enforce the provisions of the Fair Housing Act and *Jones v. Mayer*. During the 1968 presidential campaign, Richard Nixon expressed support for the fair-housing law but promised racial conservatives that he would prevent excessive enforcement by federal bureaucrats. This led to a power struggle within the executive branch, because HUD Secretary George Romney began pushing a suburban integration agenda based on an expansive interpretation of the affirmative action provision of the Fair Housing Act. In 1969, Romney unilaterally announced the Open Communities initiative, to "provide an opportunity for individuals to live within a reasonable distance from their jobs and daily activities by increasing housing options for low-income and minority families." A carrot-and-stick approach, Open Communities required suburban municipalities to permit the construction of low-income housing units in order to receive HUD subsidies for residential and infrastructural development, including water and sewer funds. In 1970, HUD negotiated an

[209] Bonastia, *Knocking on the Door*, 86–88, 99–100; Lamb, *Housing Segregation in Suburban America*, 45–50; Fair Housing Act, 42 U.S.C. 3601 (1968), https://www.justice.gov/crt/fair-housing-act-1. Unlike the Equal Employment Opportunity Commission, HUD did not receive statutory authorization to initiate lawsuits in cases of racial discrimination, but instead could only refer cases to the Justice Department. Congress subsequently expanded the Fair Housing Act to include protection for the categories of sex, familial status, and disabled status.

[210] *Jones v. Mayer*, 392 U.S. 409, 413, 442–43 (1968); Metcalf, *Fair Housing*, 37–42.

agreement that scattered 14,000 units of public housing across five overwhelmingly White suburban counties outside of Dayton, Ohio. The Department also cut off federal funding to four municipalities that refused to allow or scatter low-income housing: the Boston suburb of Stoughton, the city of Toledo, suburban Baltimore County in Maryland, and the Detroit suburb of Warren. HUD's action in Warren, where only twenty-eight Black families resided out of a total population of 180,000, created a massive grassroots backlash. A hostile White crowd jeered Romney when he visited to explain the HUD policy, and targeted suburbs throughout metropolitan Detroit demanded an end to the policy of "forced housing."[211]

In response to the Warren controversy, President Nixon declared that the "forced integration of the suburbs is not in the national interest." In June 1971, the White House released a major policy statement on "Equal Housing Opportunity" that narrowed the parameters of fair-housing enforcement and effectively terminated HUD's Open Communities program. Nixon established the goal that "individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion, or national origin." The president pledged that the administration would prosecute intentional violations of the Fair Housing Act, but he also promised that the federal government would not "impose economic integration" by forcing the suburbs to provide housing for "a flood of low-income families." This meant that HUD would not terminate subsidies for suburbs that maintained exclusionary zoning or for housing developments that increased racial segregation. Nixon insisted that suburban opposition to low-income housing could be attributed to nonracial considerations, such as fear of "lowering property values and bringing in . . . a contagion of crime, violence, [and] drugs." In short, the "Equal Housing Opportunity" policy drew a sharp distinction between illegal racial discrimination against specific individuals and legal economic segregation that resulted from market forces and zoning policies. In the analysis of legal scholar Charles Lamb, Nixon "narrowly construed HUD's affirmative duty to promote equal housing opportunity by excluding integration as an objective" of the Fair Housing Act of 1968.[212]

Civil rights groups condemned the Nixon administration for eviscerating the affirmative action component of the Fair Housing Act and for sending a message that suburbs could maintain prevailing patterns of residential segregation through policies of exclusionary zoning. The Leadership Conference on Civil Rights denounced Nixon's "artificial distinction" between racial and economic discrimination, and the NCDH rebuked the president's "meaningless charade." Both organizations demanded that the federal government cut off funding for segregated municipalities and challenge local zoning ordinances that discriminated against the poor and racial minorities alike. The US Commission on Civil Rights joined these calls for the restoration of Open Communities, warning that "racial integration cannot be achieved unless economic integration is also achieved."[213] In private, Nixon informed his top advisers that "this country is

[211] Lassiter, *Silent Majority*, 305–06; Lamb, *Housing Segregation in Suburban America*, 56–107, 156 (for quotation); Bonastia, *Knocking on the Door*, 93–108.

[212] Richard Nixon, "Federal Policies Relative to Equal Housing Opportunity," June 11, 1971, *Weekly Compilation of Presidential Documents*, 892–905 for quotations; Lassiter, *Silent Majority*, 306–07; Bonastia, *Knocking on the Door*, 108–20; Lamb, *Housing Segregation in Suburban America*, 146.

[213] Lassiter, *Silent Majority*, 307; Lamb, *Housing Segregation in Suburban America*, 10 (for quotation), 152–56. The Leadership Conference on Civil Rights was founded in 1950 as a coalition of organizations committed to social justice.

not ready at this time for either forcibly integrated housing or forcibly integrated education. . . . The law cannot go beyond what the people are willing to support." In public, the White House removed much of HUD's policymaking authority in fair-housing enforcement and pressured Secretary Romney to resign following the 1972 presidential election. Then, in January 1973, President Nixon declared an 18-month moratorium on all federal housing subsidies, including public housing construction. The administration designed this housing freeze to halt the construction of low- and moderate-income housing, especially under the Section 235/236 provisions of the Housing and Urban Development Act of 1968, until political and legal pressure for affirmative action to integrate the suburbs had dissipated.[214]

Housing Discrimination and the Federal Courts

In 1971, in response to the federal government's retreat from its brief contemplation of affirmative action to integrate housing markets, the NAACP announced its "absolute top priority on breaking the white noose surrounding the cities. The school situation, unemployment, welfare, everything—they all tie into this."[215] Civil rights groups launched a litigation campaign against exclusionary zoning in the suburbs, but a series of pivotal Supreme Court decisions effectively endorsed the Nixon administration's distinction between illegal racial segregation and legal economic discrimination. The *James v. Valtierra* case began in northern California, after voters in San Jose and Santa Clara County defeated referendums to build low-income projects. Plaintiff Anna Valtierra brought a class-action lawsuit charging discrimination against African Americans and Mexican Americans and seeking to invalidate the California law, enacted in 1950, that required municipalities to approve low-income housing by voter referendum. In 1971, the Supreme Court rejected this claim because the exclusion of low-income projects did not draw "distinctions based on race" but instead targeted all poor people. The majority opinion then dismissed the plaintiff's novel contention that deliberate economic discrimination by government policy violated the Fourteenth Amendment's equal protection guarantee.[216] Four years later, in *Warth v. Seldin*, a narrow Supreme Court majority found no constitutional violation in the zoning policies of Penfield, New York, a Rochester suburb that deliberately "excluded persons of low and moderate income."[217] Exclusionary zoning, once constitutionally reinterpreted as discrimination on the basis of class but not of race, proved to be an almost insurmountable obstacle for the civil rights movement.

In a few cases, the federal courts did find constitutional violations in exclusionary zoning policies, but only when plaintiffs were able to prove that a municipal government took a specific action with the intent to discriminate on the basis of race. In the *Lackawanna* case, an African

[214] Lamb, *Housing Segregation in Suburban America*, 115–64, 117 (for quotation); Bonastia, *Knocking on the Door*, 131–39.

[215] Bonastia, *Knocking on the Door*, 116.

[216] *James v. Valtierra*, 402 U.S. 137 (1971); Lamb, *Housing Segregation in Suburban America*, 212–17; Aaron Cavin, "A Right to Housing in the Suburbs: *James v. Valtierra* and the Campaign Against Economic Discrimination," *Journal of Urban History* (June 2017): 1–25.

[217] *Warth v. Seldin*, 422 U.S. 490 (1975); Lamb, *Housing Segregation in Suburban America*, 217–20; Lassiter, *Silent Majority*, 308. In *Trafficante v. Metropolitan Life Insurance Co.*, 409 U.S. 205 (1972), the Supreme Court moved beyond the Nixon administration's interpretation and found affirmative racial integration (not simply racial nondiscrimination) to be a purpose of the Fair Housing Act. But the general thrust of the Supreme Court housing decisions in the 1970s negated the effects of *Trafficante*.

American group in upstate New York bought property in a White neighborhood in order to build a low-income subdivision development. After neighbors protested, the city government rezoned the privately owned land for a park instead. In 1970, the Second Circuit Court of Appeals invalidated this zoning decision as "state action amounting to specific authorization and continuous encouragement of racial discrimination," and the Supreme Court declined to review the appeal.[218] In *United States v. City of Black Jack*, the Justice Department sued a St. Louis suburb as part of a political strategy to highlight the distinction between racial and economic discrimination in the Nixon administration's fair-housing enforcement philosophy. Black Jack residents had incorporated as a city and passed an exclusionary zoning ordinance expressly to halt plans for a low-income development, and the Eighth Circuit Court of Appeals found this preemptive action to be deliberate racial discrimination against potential Black occupants.[219] The Supreme Court solidified this restrictive standard in the 1977 *Arlington Heights* case, which ruled that the refusal of an overwhelmingly White Chicago suburb to permit a low-income project did not violate the Fair Housing Act. The 7-2 majority held that civil rights plaintiffs must prove racially discriminatory intent and not simply demonstrate the racially disproportionate impact of exclusionary zoning policies. "Except in egregious instances of discrimination," Charles Lamb observes, *Arlington Heights* "transformed the vision of low-income suburban housing into a pipe dream."[220]

The NAACP campaign to integrate urban and suburban schools through court-ordered busing also depended upon proving deliberate state action in constructing and maintaining patterns of residential segregation. In 1969, a district court ordered Charlotte, North Carolina, to implement a comprehensive busing plan on the grounds that racial segregation in "neighborhood schools" reflected *de jure* housing discrimination by the local and federal governments, including urban renewal, highway construction, the concentration of low-income projects, exclusionary zoning policies, and restrictive racial covenants. "There is so much state action embedded in and shaping these events," according to *Swann v. Charlotte-Mecklenburg*, "that the resulting segregation is not innocent or *de facto*." In 1971, a Michigan district judge ordered a city-suburban busing remedy after a similar finding that "governmental actions and inaction at all levels, federal, state, and local, have combined with those of private organizations . . . to establish and to maintain the pattern of residential segregation throughout the Detroit metropolitan area." The Nixon administration released a policy statement on school desegregation that drew a constitutional distinction between racial and economic discrimination: "*de jure* segregation arises by law or by the deliberate act of school officials and is unconstitutional; *de facto* segregation results from residential housing patterns and does not violate the Constitution." The Supreme Court approved the Charlotte busing order but reversed the Detroit decree in *Milliken v. Bradley* (1974), which exempted politically autonomous suburbs from responsibility for urban school segregation. In the end, the NAACP convinced the federal

[218] *Kennedy Park Homes Association v. City of Lackawanna*, 436 F.2d 108 (1970), 401 U.S. 1010 (1971); Metcalf, *Fair Housing*, 120–21.

[219] *United States v. City of Black Jack*, 508 F.2d 1179 (1974); Lamb, *Housing Segregation in Suburban America*, 99–104; Gordon, *Mapping* Decline, 147–52. The Nixon administration also sued the Cleveland suburb of Parma for deliberate exclusion of racial minorities in violation of the Fair Housing Act, resulting in a court-ordered fair-housing remedy. See W. Dennis Keating, *The Suburban Racial Dilemma: Housing and Neighborhoods* (Philadelphia: Temple University Press, 1994), 140–51.

[220] *Metropolitan Housing Development Corp. v. Village of Arlington Heights*, 429 U.S. 252 (1977); Lamb, *Housing Segregation in Suburban America*, 220–24.

judiciary that the legacies of state action in housing segregation required affirmative efforts to integrate schools within urban districts but lost the larger battle for metropolitan remedies through busing plans that included the suburbs.[221]

The fair-housing movement did secure a rare metropolitan remedy in the *Gautreaux* litigation, which found the Chicago Housing Authority guilty of a "governmentally established policy of racial segregation" in the city's low-income developments. The case began in 1966, when the American Civil Liberties Union filed a class-action lawsuit charging unconstitutional racial discrimination by the municipal housing agency, through funding provided by the Department of Housing and Urban Development, in the site selection and tenant assignment policies for public housing projects. The lead plaintiff was Dorothy Gautreaux, an African American woman who resided in the Altgeld-Murray Homes on the South Side of Chicago. In 1969, a federal district judge issued a verdict of deliberate racial segregation and ordered a scatter-site remedy of locating at least three-fourths of new public housing units in the city's majority-white neighborhoods or in the suburbs. The city of Chicago responded by refusing to build any additional low-income projects at all, and the suburbs uniformly declined to participate in the scatter-site plan. In 1971, the Seventh Circuit Court of Appeals ruled that HUD shared legal responsibility for sanctioning the segregation of Chicago's public housing projects. As a secondary remedy, the federal courts ordered HUD to provide Section 8 vouchers for low-income Black families to move out of segregated public housing into the suburbs. In 1976, the US Supreme Court agreed that because of HUD's complicity, the integration remedy could extend beyond the city boundaries of Chicago. During the next two decades, more than seven thousand African American households obtained vouchers through the Gautreaux program, with about half of these recipients moving into private rental units in majority-white suburbs. More than one million Black residents of one of the nation's most segregated cities were unaffected.[222]

With the limited scope of the *Gautreaux* program and the willingness of the federal courts to uphold exclusionary zoning as economic discrimination, civil rights plaintiffs in the 1970s increasingly began looking for relief in state courts. The *Mount Laurel* litigation in New Jersey represents the most important breakthrough in the battle to mandate low-income housing in the suburbs. The case began after Mount Laurel, a rapidly suburbanizing township outside of Camden, initiated slum clearance to condemn a longtime rural Black community. Led by Ethel Lawrence, local Black activists attempted to build a 36-unit apartment complex as replacement housing, but the township refused to rezone any land for multi-family residence. Highlighting the confluence of racial discrimination and economic segregation, one Mount Laurel official told the small Black community: "If you folks can't afford to live in our town, then you'll just have to leave." Black residents then filed a lawsuit challenging Mount Laurel's exclusionary zoning

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[221] *Swann v. Charlotte-Mecklenburg*, 306 F. Supp. 1299 (1969); *Bradley v. Milliken*, 338 F. Supp. 582 (1971), 345 F. Supp. 914 (1972); *Milliken v. Bradley*, 418 U.S. 717, 724 (for Michigan district judge quote) (1974); Lassiter, *Silent Majority*, 121–318; Lassiter, "De Jure/De Facto Segregation," 41 for Nixon quotation. Also see Orfield, *Must We Bus?*

[222] *Gautreaux v. Chicago Housing Authority*, 296 F. Supp. 907, 914 (N.D. Ill. 1969); *Gautreaux v. Romney*, 448 F.2d 731 (7th Cir. 1971); *Hills v. Gautreaux*, 425 U.S. 284 (1976); Leonard S. Rubinowitz and James E. Rosenbaum, *Crossing the Class and Color Lines: From Public Housing to White Suburbia* (Chicago: University of Chicago Press, 2000), chap. 3. For a full story of this drawn-out struggle and its later role in a 1990s federal housing experiment (Moving to Opportunity (MTO)), see Alexander Polikoff, *Waiting for Gautreaux: A Story of Segregation, Housing, and the Black Ghetto* (Evanston, IL: Northwestern University Press, 2006).

policy as an impermissible form of "economic discrimination" under the New Jersey constitution. In 1975, the New Jersey Supreme Court invalidated exclusionary zoning as a tool of economic segregation and required suburban municipalities to provide a "fair share" of low- and moderate-income housing. Fierce political resistance delayed compliance with the fair-share mandate for decades and resulted in modifications that permitted the suburbs to build only about one-tenth of the originally mandated amount of affordable housing. Not until 2000 did the Ethel Lawrence Homes finally open in the township that inspired the *Mount Laurel* lawsuit.[223]

The Persistence of Racial Discrimination in Housing

In 1975, the US Commission on Civil Rights announced that the "struggle to achieve equal opportunity in housing is far from over." While "blacks today can purchase or rent property outside of ghetto neighborhoods," the commission observed, "few can do so without great difficulty, inconvenience, and costs of an economic, social, and psychic nature." Furthermore, the benefits of fair-housing policies "have been confined largely to middle- and upper-income minorities," while few low-income families had been able to move into more desirable neighborhoods. For African Americans and Latinos living in metropolitan regions, "residential segregation has contributed to inequality in job opportunities, racially impacted and differently endowed schools, greater tax burdens in central cities to support higher social service costs, and a distorted pattern of urban growth." In rural areas, the commission found, open racial discrimination combined with limited resources in federal housing and farm assistance programs had disadvantaged many Mexican Americans, American Indians, and African Americans. Throughout the nation, middle-class and upper-income households received 75 percent of all federal housing subsidies in the 1970s, especially through the multibillion-dollar mortgage interest tax deduction, while budget cuts to public housing programs had slashed the already limited funding for low-income families. The Commission also charged that "HUD efforts have so far had minimal impact in curbing housing discrimination," because of inadequate resources committed to fair-housing enforcement and the "actions of the government in catering to exclusionary desires of whites." The report concluded that some genuine progress existed alongside continued political resistance to suburban integration and the institutional legacies of residential segregation, meaning that the "forces promoting discrimination in housing hold powerful, if less than universal, sway."[224]

A series of federal laws in the mid-1970s promised new safeguards against housing discrimination in the financial marketplace, although the limited effects of legislative reforms in this area have been evident. In 1974, Congress passed the Equal Credit Opportunity Act, which strengthened the prohibition against discrimination in home mortgage and improvement loans

[223] *Southern Burlington County NAACP v. Mount Laurel*, 67 N.J. 151 (1975); David L. Kirp, John P. Dwyer, and Larry A. Rosenthal, *Our Town: Race, Housing, and the Soul of Suburbia* (New Brunswick, NJ: Rutgers University Press, 1995), 204 (for quote by Mount Laurel official); Cohen, *Consumers' Republic*, 235–39. Also see Charles M. Haar, *Suburbs under Siege: Race, Space, and Audacious Judges* (Princeton: Princeton University Press, 1996); Douglas S. Massey et. al., *Climbing Mount Laurel: The Struggle for Affordable Housing and Social Mobility in an American Suburb* (Princeton: Princeton University Press, 2013).

[224] US Commission on Civil Rights, *Twenty Years after Brown: Equal Opportunity in Housing* (Washington: GPO, Dec. 1975), 11–13, 71, 167–68. For a policy analysis of these patterns, see Douglas S. Massey, Jonathan Rothwell, and Thurston Domina, "The Changing Bases of Segregation in the United States," *The ANNALS of the American Academy of Political and Social Science* 626, no. 1 (2009): 74–90.

and added the protected categories of sex, marital status, and age.[225] In 1975, Congress added the Home Mortgage Disclosure Act, which requires financial institutions to publicize lending data in order to discern whether discriminatory practices have redlined particular localities or neighborhoods.[226] During the ensuing decades, numerous studies found that despite these federal mandates, African Americans and Latinos have disproportionately been the victims of redlining, lending discrimination, and subprime mortgages. In 1999, the Urban Institute summarized the academic literature in a report that concluded: "There is no question that minorities are less likely than whites to obtain mortgage financing and that, if successful, they receive less generous loan amounts and terms." Although debate continues about the degree to which "these differences are the result of discrimination—rather than the inevitable result of objectively lower creditworthiness," fair-housing tests in numerous cities revealed that racial minorities "were quoted higher interest rates" by lending institutions, while comprehensive surveys of mortgage data demonstrated "large differences in loan denial rates between minority and white applicants, other things being equal."[227] Recent scholarship has even traced the roots of federally subsidized "reverse redlining" to systematic abuses and corruption in the Section 235 program, established by Congress in 1968 to incentivize private developers to build more low-income housing, but generally implemented through "racialized predatory lending markets" that exploited nonwhite homeowners in all too familiar ways.[228] Other studies have shown that upper-income African Americans are twice as likely as low-income Whites to receive subprime loans, and in July 2007 the NAACP filed a class-action lawsuit charging "systematic, institutionalized racism" in mortgage lending practices by fourteen of the nation's largest financial institutions.[229]

The need for continued litigation by private organizations is one indication of the very limited scope of federal fair-housing enforcement policies. After Lyndon Johnson signed the Fair Housing Act of 1968, HUD Secretary Robert Weaver asked for an $11.1 million budget in order to employ an investigative staff of 850. But Congress allocated only $2.1 million and then cut much of that amount in subsequent years, meaning that HUD's fair-housing field staff in the 1970s numbered only 42 officials. A decade later, the HUD Secretary during the Carter administration lamented that the Fair Housing Act "defined and prohibited discriminatory housing practices but failed to include the enforcement tools necessary to prevent such practices and provide relief to victims of discrimination." In 1980, a HUD report estimated that two million explicit racial violations of the fair-housing law took place annually, but the agency had the resources to investigate only 10 percent of formal complaints, and the Justice Department

[225] Equal Credit Opportunity Act of 1974, 15 U.S.C. 1691.

[226] Home Mortgage Disclosure Act of 1975, 12 U.S.C. Sections 2801-09.

[227] Marjorie Austin Turner and Felicity Skidmore, eds., *Mortgage Lending Discrimination: A Review of Existing Evidence* (Washington: Urban Institute, 1999), 1–2 (for Urban Institute quotes). Also see Metcalf, *Fair Housing*, 103-108; John Yinger, *Closed Doors, Opportunities Lost: The Continuing Costs of Housing Discrimination* (New York: Russell Sage Foundation, 1995); Stephen L. Ross and John Yinger, *The Color of Credit: Mortgage Discrimination, Research Methodology, and Fair-Lending Enforcement* (Cambridge: MIT Press, 2002); John M. Goering and Ron Wienk, *Mortgage Lending, Racial Discrimination, and Federal Policy* (Washington: Urban Institute, 1996).

[228] Andrew R. Highsmith, "Prelude to the Subprime Crash: Beecher, Michigan, and the Origins of the Suburban Crisis," *Journal of Policy History* 24, no. 4 (2012): 572–611 (quotation 575).

[229] "NAACP Files Landmark Lawsuit against Major Home Mortgage Companies for Discriminatory Lending," July 11, 2007, https://www.naacp.org/latest/naacp-files-landmark-lawsuit-against-major-home-mortgage-companies-for-discriminatory-lending/.

filed charges in an average of only fifteen cases per year. After a decade of non-action, Congress strengthened enforcement mechanisms with the Fair Housing Amendments of 1988, and six years later the number of lawsuits initiated by the Justice Department increased to 194. President Ronald Reagan, who had personally opposed fair-housing legislation during the 1960s, signed the 1988 measure after it received nearly unanimous congressional support. But as sociologist Christopher Bonastia has observed, the Fair Housing Amendments of 1988 "mainly benefited individual victims, rather than helping to root out systematic patterns of discrimination."[230]

Although atypical, federal litigation against racially segregated municipalities has occasionally resulted in court orders designed to open up White suburban neighborhoods for low-income and minority residents. In 1980, the Justice Department joined an NAACP lawsuit charging the inner-ring suburban municipality of Yonkers, New York, with "an illegal and intentional pattern of racial segregation" by containing almost 97 percent of public housing units within an identifiably African American and Latino area and then assigning students to public schools based on this deliberate system of residential segregation. Since the *Yonkers* litigation also named HUD as a defendant, two agencies of the federal government squared off on opposite sides of the courtroom. In 1985, a federal judge required Yonkers to scatter two hundred low-income units in majority-white neighborhoods, and a subsequent ruling required affirmative efforts to desegregate the schools. The resistance of Yonkers officials, however, delayed full compliance for decades.[231] The Justice Department also reached consent decrees designed to overcome intentional policies of racial discrimination in housing with Fresno, California, and the Chicago suburbs of Addison, Waukegan, and Cicero.[232] The federal government has more commonly been the defendant and not the prosecutor in fair-housing lawsuits, such as a 1985 ruling that found HUD responsible for the racial segregation of more than 90 percent of the public housing complexes in East Texas, and a 2005 decision that declared HUD guilty of failing to push for the scattering of low-income housing projects in metropolitan Baltimore.[233] And private organizations have continued to shoulder the responsibility for initiating litigation against local governments that violate federal fair-housing regulations, such as the protracted lawsuit against Westchester County, New York, that resulted in a 2009 consent decree but has still barely increased the affordable housing supply because of fierce resistance in affluent suburbs.[234]

Since the 1970s, the Section 8 voucher program has served as the primary component of federal policy efforts to move low-income minorities out of public housing projects located in segregated urban ghettoes. Congress created the Section 8 initiative through the Housing and Community Development Act of 1974, which authorized rental vouchers for low-income families to use in the private residential market. HUD also offered bonus grants to suburbs that build a specified percentage of affordable housing units for Section 8 recipients, but most

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[230] Meyer, *As Long as They Don't Live Next Door*, 214–16 (for HUD quotation); Metcalf, *Fair Housing*, 3; Bonastia, *Knocking on the Door*, 145–46; Lamb, *Housing Segregation in Suburban America*, 181–85.

[231] *United States v. Yonkers Board of Education*, 624 F. Supp. 1276 (S.D.N.Y. 1985); *New York Times*, Aug. 3, 1983 (quotation). Also see Bruce D. Haynes, *Red Lines, Black Spaces: The Politics of Race and Space in a Middle-Class Black Suburb* (New Haven: Yale University Press, 2001).

[232] Bonastia, *Knocking on the Door*, 152.

[233] Lamb, *Housing Segregation in Suburban America*, 195–96; Philip Tegeler, "Back to Court: The Federal Role in Metropolitan Housing Segregation," *Shelterforce Online* (March/April 2005), http://www.nhi.org/online/issues/140/court.html.

[234] Anti-Discrimination Center, "Westchester Case," http://www.antibiaslaw.com/westchester-case.

municipalities with exclusionary zoning policies declined to participate. Although some families in the Section 8 program have found suburban housing options, especially after a 1987 reform made the vouchers portable across municipal boundaries, the typical recipient lives in a rent-subsidized apartment in a racially segregated urban neighborhood. The Section 8 program has also suffered from long waiting lists that worsened in the 1980s after the Reagan administration reduced funding for federal low-income housing programs by almost 50 percent. The Clinton administration expanded Section 8 vouchers with the Moving to Opportunity initiative, part of HUD Secretary Henry Cisneros's economic integration agenda to give "all public housing residents a genuine market choice to stay where they are or move to private rental apartments throughout the region." Between 1994 and 1999, about 1,800 African American and Latino families relocated to low-poverty areas through Moving to Opportunity. Although a majority of this group reported positive experiences, the small number of participants had a negligible effect on prevailing patterns of segregation, as with almost all other federal fair-housing measures.[235]

In recent decades, rates of minority homeownership have risen substantially and indices of residential segregation have slowly declined, but the legacies of institutionalized racial discrimination in the housing market remain prevalent. By 2000, 53 percent of Asian/Asian American families and 46 percent of African Americans and Hispanics (per the census category) owned their own homes, compared with 72 percent of White families. These racial gaps narrowed during the 1990s, thanks in part to the Clinton administration's establishment of the "American Dream Commitment," which made increased minority homeownership a goal of federal mortgage policies for the first time, an initiative extended by the Bush administration.[236] The 2000 Census also revealed that racial minorities represented 27 percent of the suburban population nationwide, including half of Asians/Asian Americans and Hispanics and 39 percent of African Americans, although many of these families lived in inner-ring suburbs that had experienced or were experiencing resegregation and divestment. In 2008, updated census data revealed that racial and ethnic minorities constituted one-third of the total suburban population in the nation's one hundred largest metropolitan regions, for the first time including a majority of each major nonwhite group (the suburban share included 78 percent of non-Hispanic Whites, 62 percent of Asian Americans, 59 percent of Hispanics, and 51 percent of African Americans).[237]

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[235] David Rusk, *Inside Game/Outside Game: Winning Strategies for Saving Urban America* (Washington: Brookings Institution Press, 1999), 121–23; Lamb, *Housing Segregation in Suburban America*, 185, 190-95, 193 (for quotation); Bonastia, *Knocking on the Door*, 147–49; Jennifer L. Stucker, "Race and Residential Mobility: The Effects of Housing Assistance Programs on Household Behavior," in John M. Goering, ed., *Housing Desegregation and Federal Policy* (Chapel Hill: University of North Carolina Press, 1986), 253–61. Recent funding cuts to the Section 8 voucher program, combined with the demolition of many of the high-rise public housing projects built in the mid-1900s, have exacerbated the low-income housing crisis in inner cities.

[236] Fannie Mae Foundation, "Changes in Minority Homeownership during the 1990s," Sept. 2001, http://www.fanniemaefoundation.org/programs/census_notes_7.shtml; Fannie Mae, "American Dream Commitment," http://www.fanniemae.com/initiatives/adc/index.jhtml (site discontinued).

[237] William H. Frey, "Melting Pot Suburbs: A Census 2000 Study of Suburban Diversity," Brookings Institution, June 2001, http://www.brook.edu/es/urban/projects/census/freyexecsum.htm (site discontinued); David Fasenfest, Jason Booza, and Kurt Metzger, "Living Together: A New Look at Racial and Ethnic Integration in Metropolitan Neighborhoods," Brookings Institution, April 1, 2004, https://www.brookings.edu/research/living-together-a-new-look-at-racial-and-ethnic-integration-in-metropolitan-neighborhoods/. Also see Bruce Katz and Robert E. Lang, eds., *Redefining Urban and Suburban America: Evidence from Census 2000* (Washington:

Despite such recent progress, the massive racial disparity in contemporary household wealth remains among the most consequential legacies of the historical forces of residential segregation. A 1995 study estimated that housing discrimination (primarily in the past but also in the present) cost the current African American population about $82 billion, largely because of denied mortgages, exclusionary practices, and the ensuing inability to accumulate home equity.[238] An analysis of the 2000 census demonstrated that the median White household enjoyed $88,651 in total wealth, with Latino families controlling $7,932 and African American families only $5,998, a gap that directly reflects racial differentials in home equity.[239] Minority homeowners also suffer from the persistence of the so-called "segregation tax," in particular African American families who receive about 18 percent less value for their residential property than White homeowners of the same income level because of continuing forces of racial segregation that distort the metropolitan housing market.[240] Scholars of the African American suburban experience have demonstrated how discriminatory forces in the metropolitan housing market almost always mean that integrated suburbs will eventually become Black-majority suburbs with subsequent declines in property values, increasingly aging infrastructure, declining school quality, and increased discrimination from financial institutions.[241] And nonwhite homeowners in urban and suburban neighborhoods were hit particularly hard by the subprime market crash and foreclosure surge of 2007-2008, which exacerbated the racial gap in home equity and exposed the latest techniques of predatory lending, "reverse redlining," and other forms of market discrimination that continue to exploit and profit from housing segregation.[242]

Racial discrimination would have been difficult enough to eradicate from the American housing market with a full-fledged national commitment to the most expansive interpretation of the Fair Housing Act of 1968. But the powerful political resistance to comprehensive fair-housing enforcement, combined with the judicial authorization of exclusionary zoning and other forms of explicit "economic discrimination" that have disproportionately affected racial minorities, have

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Brookings Institution Press, 2003). For the 2008 update, see William H. Frey, "Race and Ethnicity," in *State of Metropolitan America: On the Front Lines of Demographic Transition* (Washington, DC: Brookings Institution, 2010), https://www.brookings.edu/wp-content/uploads/2016/07/metro_america_report1.pdf.

[238] Melvin L. Oliver and Thomas M. Shapiro, *Black Wealth/White Wealth: A New Perspective on Racial Inequality* (New York: Routledge, 1995), 154.

[239] Pew Hispanic Center, "Wealth Gap Widens between Whites and Hispanics," Oct. 18, 2004, http://pewhispanic.org/newsroom/releases/release.php?ReleaseID=15 (site discontinued).

[240] Bonastia, *Knocking on the Door*, 54–55; David Rusk, "The 'Segregation Tax': The Cost of Racial Segregation to Black Homeowners," October 1, 2001, The Brookings Institution, https://www.brookings.edu/research/the-segregation-tax-the-cost-of-racial-segregation-to-black-homeowners/. Also see Cashin, *The Failures of Integration*.

[241] Mary Patillo, *Black Picket Fences: Privilege and Peril among the Black Middle Class*, 2nd ed. (Chicago: University of Chicago Press, 2013); Sheryll Cashin, *The Failures of Integration: How Race and Class Are Undermining the American Dream* (New York: Public Affairs, 2004); Wiese, *Places of Their Own*, 209–92.

[242] See Vanese Estrada Correa, "The Housing Downturn and Racial Inequality," *Policy Matters* (Fall 2009) http://policymatters.ucr.edu/pmatters-vol3-2-housing.pdf; Alyssa Katz, *Our Lot: How Real Estate Came to Own Us* (New York: Bloomsbury, 2009); Juan De Lara, *Inland Shift: Race, Space, and Capital in Southern California* (Berkeley: University of California Press, 2018); Matthew Desmond, *Evicted: Poverty and Profit in the American City* (New York: Crown Publishing, 2016). After the subprime crash, the wealth gap between white and African American households, largely a reflection of home equity, increased from 8 to 11 times greater between 2007 and 2013. See Keeanga-Yamahatta Taylor, "How Real Estate Segregated America," *Dissent* (Fall 2018), https://www.dissentmagazine.org/article/how-real-estate-segregated-america-fair-housing-act-race.

ensured the durability of metropolitan patterns of residential segregation and the persistence of unequal opportunity in housing on the basis of race and class. Ever since the Nixon administration ended HUD's short-lived Open Communities program, no American president of either political party has made the racial integration of the suburbs an explicit policy goal.[243] "Nixon's basic suburban housing policy remains the policy of HUD," Charles Lamb wrote in an authoritative 2005 account of the role of the executive branch and the federal courts. "The core reasoning of Nixon's 1971 policy statement remains the status quo for federal policy on suburban housing integration to this day."[244] In the decades since the Fair Housing Act, Christopher Bonastia concluded in another comprehensive study, "federal efforts encouraging housing desegregation have been scattershot and lacking in ambition.... Given its involvement in the creation of the problem, the federal government has a particularly sharp responsibility to address residential segregation. Despite this legacy, the government does very little."[245] Although the fair-housing movement succeeded in removing many of the formal barriers against the mobility of individuals with sufficient resources, racial minority groups continue to face the collective consequences of more than a century of housing segregation resulting from a combination of public policies and private action. The history of racial discrimination in housing in the United States is a story not only about the past but of the present and the future as well.

[243] Keating, *Suburban Racial Dilemma*, 34.

[244] Lamb, *Housing Segregation in Suburban America*, 165.

[245] Bonastia, *Knocking on the Door*, 144, 166.

NATIONAL HISTORIC LANDMARKS REGISTRATION GUIDELINES

In the *Historical Dictionary of the Civil Rights Movement,* author Ralph Luker writes, "The movement captured the nation's attention episodically; it retains it relentlessly."[246] From the perspective of the National Historic Landmarks Program, civil rights episodes that caught the nation's attention and remain engrained today may be associated with exceptionally important places that altered American race relations. While many individuals, organizations, and institutions played a role in the history of civil rights at the local, state, and national levels, a comparatively few made an **exceptionally** significant national impact on American civil rights history. National Historic Landmarks designated under the *Racial Discrimination in Housing* theme study must be acknowledged to be among the nation's most significant properties associated with the constitutional right to fair housing regardless of race during the period between 1866, when the Civil Rights Act of 1866 grants full citizenship and equal rights to all persons born in the United States, and 1968, when a US Supreme Court ruling finds that all housing discrimination violated the act.

Nationally significant associations and a high degree of integrity are the thresholds for designation. A property must have a direct and meaningful documented association with an event or individual and must be evaluated against comparable properties associated with the theme study before its eligibility for landmark designation can be confirmed.

Criteria of National Significance

National Historic Landmarks criteria (*Code of Federal Regulations*, Title 36, Part 65.4 [a and b]) are used to assess whether properties are nationally significant for their association with important events or persons. According to the criteria, the quality of national significance can be ascribed to districts, sites, buildings, structures, and objects that:

- **possess exceptional value or quality** in illustrating or interpreting the heritage of the United States in history, architecture, archeology, engineering, and culture, and;

- **possess a high degree of integrity** of location, design, setting, materials, workmanship, feeling, and association; and:

Criterion 1. (Events) Are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad national patterns of United States history and from which an understanding and appreciation of those patterns may be gained; or

Criterion 2. (Persons) Are associated importantly with the lives of persons nationally significant in the history of the United States; or

Criterion 3. (Ideal) Represent some great idea or ideal of the American people; or

[246] Ralph E. Luker, *Historical Dictionary of the Civil Rights Movement* (Lanham, MD: Scarecrow Press, Inc., 1997), vii.

Criterion 4. (Architecture/Art) Embody the distinguishing characteristics or an architectural type specimen exceptionally valuable for the study of a period, style, or method of construction, or that represent a significant, distinctive, and exceptional entity whose components may lack individual distinction; or

Criterion 5. (Districts of historic significance) Are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture.

Criterion 6. (Archaeology) Have yielded or are likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation of large areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts, and ideas to a major degree.

Because the history of civil rights is associated with events, National Historic Landmarks designated under the *Racial Discrimination in Housing* context will be eligible for consideration under Criteria 1 (events) as follows:

Criterion 1

National Historic Landmarks Criterion 1 recognizes properties associated with events important in the broad national patterns of US history. These can be specific one-time events or a pattern of events that made a significant contribution to the development of the United States. This study uses the patterns of events identified in its context of 1) African Americans and the Origins of Residential Segregation, 1866-1940; 2) American Latinos, Asian Americans, and American Indian, 1848-1945; 3) Federal Policy, Suburban Development, and Urban Renewal, 1933-1966; 4) The Fair Housing Movement and White Backlash during the Civil Rights Era, 1940-1968; and 5) National Fair-Housing Policies since 1968. Places associated with these patterns of housing discrimination are most often closely associated with milestones in the interpretation of the US Constitution, passage of federal legislation, federal housing policies, and formal national organizing. An overview of important developments and milestones in the above patterns and how an associated property may have exceptional value or quality in illustrating or interpreting the history of housing discrimination are described below.

1. African Americans and the Origins of Residential Segregation, 1866-1940

In the mid- to late-nineteenth century, congressional legislation and judicial rulings defined the rights of citizens and property ownership. The Civil Rights Act of 1866 guaranteed all citizens the equal right to hold, inherit, rent, purchase, sell, and convey real and personal property; and the Fourteenth Amendment (1868) held that states must not deny persons equal protection of the law. In 1883, the US Supreme Court narrowly ruled that states could not discriminate based on race; however, individuals were not under the same obligation (*Civil Rights Cases* associated with public accommodations). Whether the Reconstruction-era legislation distinguished between

public and private actions with regard to racial property rights served as a primary issue in fair housing for the next century.

In the early twentieth century a dual housing market supported by government ordinances and policies reflected the desire of Whites to exclude nonwhites from their neighborhoods and served as a way to avoid racial violence and maintain property values. Anti-black racial zoning, developed first in Baltimore in 1910, lasted until 1917 when the US Supreme Court struck down a city ordinance requiring racially segregated housing because it interfered with property rights without due process of law under the Fourteenth Amendment *(Buchanan v. Warley).* Thereafter, restrictive racial covenants—clauses in deeds restricting the conveyance of real property to members of certain racial groups—proved more judicially successful for White property owners. These covenants were legitimized by the Supreme Court in 1926 (*Corrigan v. Buckley*) which confirmed that the Reconstruction-era constitutional amendments never intended to prevent private individuals from entering into contracts over the disposition of their own property.

A property associated with an event from this subtheme may be eligible under Criterion 1 if the event made a significant contribution to methods that enforced residential segregation:

- Interpreting the constitutionality of racial zoning or restrictive covenants that profoundly affected the development of residential segregation in the nation.

2. American Latino, Asian American, and American Indian, 1848-1945

Initially, members of these minority groups experienced unique laws and public policies regarding their citizenship rights and privileges. Thereafter, these groups faced many of the same methods of racial zoning, racial covenants, and White violence faced by African Americans to restrict residential communities to the Caucasian race. Within this history, Asian American challenges to racial property restrictions played out prominently on the West Coast. In 1890, the San Francisco board of supervisors approved the first residential segregation ordinance in the nation's history, a measure that required all Chinese occupants to leave the city or relocate their residences and businesses to an area reserved for undesirable or noisy businesses. Chinese plaintiffs immediately challenged the racial zoning law and gained a major victory when a federal circuit court (*In re Lee Sing et al.,* 1890*)* invalidated the scheme as a violation of the Fourteenth Amendment that guaranteed all persons equal protection of laws and due process. In 1913, the California state legislature targeted Asian residents with the Alien Land Law, which prevented "aliens ineligible to citizenship" from owning property or leasing land for longer than three years. The state of Washington passed similar legislation in 1921 that was upheld by the US Supreme Court in Washington (*Yamashita v. Hinkle,* 1922), but in 1948 the Court determined that non-citizen parents could purchase land as gifts for citizen children but did not declare the law unconstitutional (*Oyama v. California).* In 1952, a California Supreme Court declared the Alien Land Law unconstitutional (*Fujii v. California*).

A property associated with an event from this subtheme may be eligible under Criterion 1 if the event made a significant contribution to:

- Interpreting the constitutionality of racial zoning that profoundly affected the right of Asian Americans to own real property.

3. Federal Policy, Suburban Development, and Urban Renewal: 1933-1966

From the 1930s through the 1950s, a massive federal transformation of the American housing market shaped the segregated development of metropolitan regions through policies associated with the New Deal, urban renewal programs, and interstate development. The Federal Housing Administration (FHA), created by the Housing Act of 1934 to stimulate new home construction and renovations, endorsed two practices: "redlining" to mark Black neighborhoods as ineligible for FHA mortgages and restrictive racial covenants to protect residential property values. These official policies excluded Blacks as well as Chinese, Mexicans, American Indians, and other minorities from loan eligibility and forced nonwhites to live in residentially segregated communities. In the 1950s, urban renewal programs of the Housing Act of 1949 and the 1956 Interstate Highway Act strengthened residential segregation patterns. The subsequent demolition of low-income and minority neighborhoods forced millions into segregated ghetto housing and caused racial unrest. Furthermore, the US Supreme Court confirmed the ability of private corporations to racially discriminate in public housing urban renewal projects that were subsidized by public funds (*Dorsey v. Stuyvesant Town Corporation,* 1950). Not only were Blacks who wanted to move into White areas denied mortgage insurance, they furthermore were banned from privately-built, federally-funded, public housing projects based on racial exclusion policies the government endorsed. Some relief came with the 1966 Model Cities Act that Congress established to reduce blighted urban centers and the unrest the urban renewal and highway development had caused. Although the program provided slum rehabilitation for minority neighborhoods, it did not promote housing integration.

A property associated with an event from this subtheme may be eligible under Criterion 1 if the event made a significant contribution to:

- Outstandingly illustrates the major role the federal branches of government played in developing segregated metropolitan regions across the nation.

4. The Fair Housing Movement and White Backlash during the Civil Rights Era, 1940-1968

In the face of federally endorsed segregated housing, activists intensified their efforts to attain open housing through the courts, coordinated lobbying, and the streets. The efforts, often in the face of White violence, ended in both victories and setbacks. Activists succeeded in creating a fair housing movement, the US Supreme Court issued two rulings, the modern civil rights movement migrated from the South to the North, and the executive branch of government supported an end to racial housing discrimination.

In 1947, the President's Commission on Civil Rights, appointed by Harry Truman, condemned racial prejudice in the housing market and specifically called for legislative and judicial action to eliminate restrictive covenants. Shortly thereafter, the Supreme Court destroyed one of the most powerful tools yet created to discriminate based on race. Its decision in *Shelley v. Kraemer* (1948) found judicial enforcement of restrictive racial covenants constituted state action that violated the Fourteenth Amendment rights to convey, hold, inherit, purchase, rent, and sell real or personal property. In the late 1940s, the development of two organizations launched the American fair-housing movement resulting from the civil rights protests against the racially segregated Stuyvesant Town development. The New York State Committee against

Discrimination, organized in 1948, pioneered legislation to eliminate housing discrimination in city-assisted housing developments that became a model for other towns and cities in the north and west, and the National Committee Against Discrimination in Housing (NCDH), formed in 1950, coordinated nationwide efforts to end housing discrimination. Their work helped secure fair-housing laws in a number of states and cities outside the South through the 1950s.

Efforts to end housing discrimination in the 1960s began with political support from the White House but was dominated by the civil rights movement. In 1962, President Kennedy issued Executive Order 11063: Equal Opportunity in Housing, which directed federal housing agencies to end discrimination in federally assisted housing. Although weak, it was the first meaningful open-housing stance in the history of federal policymaking. The full-fledged southern civil rights movement turned its attention to the northern housing issue in the "Walk to Freedom" rally in Detroit on June 23, 1963, demanding an end to racial discrimination in housing and employment. Three years later, the Chicago Freedom Movement, led by Martin Luther King Jr.'s Southern Christian Leadership Conference (SCLC) set a goal of pressuring Congress into passing a federal open-housing law. A march in this movement ended in violence as several thousand White residents attacked the civil rights protesters, including King. The televised scenes of White backlash in Chicago garnered national attention but failed to move President Lyndon Johnson's proposed open-housing legislation through Congress in 1966 and again in 1967. However, one last judicial victory for the fair housing movement remained prior to the passage of the 1968 Fair Housing Act. In 1967, the US Supreme Court held as unconstitutional a California amendment (Proposition 14) that expanded the state action doctrine to prohibit legislative action from acting to prevent racial discrimination in the sale or lease of property as a violation of the Fourteenth Amendment (*Reitman v. Mulkey*).

A property associated with an event from this era may be eligible under Criterion 1 if the event made a significant contribution to:

- Interpreting the constitutionality of restrictive covenants that dealt a major blow to de jure segregation in housing.

- Initiating a fair-housing movement that directly stimulated legislation pivotal to national reform efforts.

5. National Fair-Housing Policies since 1968

In this era, legislative and judicial milestones shaped housing policies beginning with the passage of the 1968 Federal Housing Act that was unfortunately influenced in April 1968 by the assassination of Martin Luther King Jr. and the subsequent outbreak of racial disturbances in numerous American cities. President Johnson seized upon the assassination to demand that Congress approve the open-housing bill as a tribute to King's life work and on April 11, he signed the legislation into law. The act, a landmark in the civil rights struggle for racial equality, banned governmental support in the sale, rental, or financing of housing but excluded owner-occupied dwellings rented or sold without a real estate agent. A few weeks after Johnson signed the Act, the Supreme Court issued a broader ban on racial discrimination in housing in *Jones v. Mayer* (1968). The Court ruled that the 1866 Civil Rights Act prohibited all public and private racial discrimination in the sale or rental of property. A century after the fact, a constitutional

distinction between state action and private conduct was eradicated from all racial housing discrimination. This last major victory for the fair-housing movement culminated decades of effort, replacing legally sanctioned residential segregation with anti-discrimination laws.

A property associated with an event from this era may be eligible under Criterion 1 if the event made a significant contribution to:

- Interpreting the constitutionality of banned discrimination in the sale or rental of housing by either state or private action

National Historic Landmark Exceptions

Certain kinds of property are not usually considered for National Historic Landmark designation including religious properties, moved properties, birthplaces and graves, cemeteries, reconstructed properties, commemorative properties and properties achieving significance within the past fifty years. These properties can be eligible for listing however, if they meet special requirements called NHL exceptions. The following exception may be anticipated in racial housing discrimination properties:

Exception 1: Many **religious properties** are associated with the African American civil rights movement as gathering places. To be eligible for consideration, churches must derive their primary national significance from their roles in the movement as meeting places.

Exception 8: Normally, **a property that has achieved national significance within the last fifty years** is not eligible for National Historic Landmark designation. Although the events identified in this study occurred prior to the last fifty years, future historical perspective may identify events of this time period that make these properties of extraordinary national importance and therefore eligible for National Historic Landmark designation.

Integrity

Properties considered for National Historic Landmark designation must meet one of the National Historic Landmark criteria identified above and meet any relevant National Historic Landmark exceptions. In addition, the property must retain a high degree of integrity. Integrity is defined as the ability of a property to convey its significance. The seven aspects or qualities of integrity are: location, design, setting, materials, workmanship, feeling, and association. All properties must retain the essential physical features that define both *why* a property is significant (criteria and themes) and *when* it was significant (periods of significance). These are the features without which a property—such as a courthouse or early twentieth century church—can no longer be identified. For National Historic Landmark designation, properties must possess these aspects to a high degree. The following is a description of the aspects of integrity and special issues that may be anticipated with housing discrimination properties.

Location is the place where the historic property was constructed or the event occurred. Any housing discrimination property that has been moved is unlikely to be eligible for consideration.

Setting is the physical environment of a historic property. Over time, the setting associated with a demonstration in a park, along a marching route, around a building, or in a downtown area may have changed. In evaluating the integrity of setting, consider the significance of the individual property, such as a home and its location in a neighborhood, and whether the setting is important in interpreting that significance.

Design is the combination of elements that create the historic form, plan, space, structure, and style of a property. This includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials. In evaluating integrity of design, changes over time that have altered the design associated with the property's historical significance should be discerned. Design can also apply to districts and to the historic way in which the buildings, sites, or structures are related. An example is an urban area where a protest or march took place. Determination of integrity will require knowledge of how and where the protest occurred and if those associated public spaces and buildings can convey their historical association. Another example is a vacant residential lot subject to purchase with the proviso that an African American can reside in the respective neighborhood. If the lot is no longer vacant, it does not convey its historical significance.

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. Rehabilitation of buildings over time may have altered materials from those present during the associated event. A property must retain the key materials dating from its period of significance to be eligible under this theme study. If a property has been rehabilitated, the historic materials and significant features must have been preserved.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history. This element is most often associated with architecturally important properties. However, it is also of importance to racial housing discrimination properties for illustrating a time period associated with an event.

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. With regard to housing properties, integrity of feeling may be associated with the concept of retaining a "sense of place." For example, an early twentieth century dwelling that retains its original design, materials, workmanship, and setting will relate the feeling of its time and culture.

Association is the direct link between an important historic event or person and a historic property. For housing discrimination, this will be where planned protests and discrimination incidents occurred.

Evaluation Against Comparable Properties

Finally, each property being considered for National Historic Landmark designation must be evaluated against other properties bearing a similar nationally significant association. Comparing properties associated with the same event provides the basis for determining which sites have an association of exceptional value or quality in illustrating or interpreting the history of employment discrimination.

METHODOLOGY

Creating the Context

The National Park Service partnered with the Organization of American Historians whose civil rights housing scholar prepared the theme study's historic context. The scholar was charged with producing a chronological story of the African American, American Latino, Asian American, and American Indian experience in gaining fair housing. The context was prepared in sufficient depth to support the relevance, relationships, and national importance of places to be considered for National Historic Landmark designation according to the following aspects:

- Economic, social, judicial, and political forces related to the topic,
- Significance of individuals and events crucial or definitive to the story,
- Places associated with these individuals and events.

Property Identification

A list of existing landmarks associated with racial housing discrimination was compiled using the inventory contained in *National Landmarks, America's Treasures: The National Park Foundation's Complete Guide to National Historic Landmarks* (2000) under the topic of Civil Rights. A search for National Park Service units, National Historic Landmarks, and potential properties was made in two NHL theme studies: *Finding a Path Forward: Asian American Pacific Islander National Historic Landmarks Theme Study* (2017) and *American Latinos and the Making of the United States: A Theme Study* (2013).

The context's author, historian Matthew Lassiter, compiled an extensive list of potential properties, some in consultation with other historians. Additional research conducted on these properties was undertaken through secondary sources identified in the context and through the internet. For constitutional perspectives, Kermit L. Hall's (ed.), *The Oxford Companion to the Supreme Court of the United States* (1992) placed court rulings within judicial and social contexts. State Historic Preservation Offices verified the existence of property and their degree of integrity if readily known.

Peer Reviews

This study was made available for national and state level review and for scholarly peer review. Those contacted for review included all National Park Service staff in the National Register of Historic Places and National Historic Landmarks Programs; National Park Service historians with expertise in African American or housing discrimination history; and all State, Federal, and Tribal Historic Preservation Officers. A scholarly peer review of the original context was conducted in 2009 by David M. P. Freund, Professor of History, University of Maryland.

SURVEY RESULTS

This section identifies properties associated with events and individuals considered nationally significant within the history of housing discrimination. The properties are divided into three categories: 1) Properties Recognized as Nationally Significant, 2) National Historic Landmarks Study List, and 3) Properties Removed from Further Study. The properties are further divided within each category according to the respective civil rights era established in the Registration Guidelines. Each listing notes the property name and location (shown in **bold**), the property's associated event or individual (shown in *italics*), and a statement of the property's significance. Properties are cross-referenced respectively in Tables 1 to 3 of this section. This is not an exhaustive list of properties that may be considered for designation under this study.

PROPERTIES RECOGNIZED AS NATIONALLY SIGNIFICANT

The properties listed below have been designated by the Secretary of the Interior as National Historic Landmarks. No properties have been established by Congress as a unit of the National Park System under this theme.

Harada House, 3356 Lemon Street, Riverside, California (NHL, 1990)
Alien Land Law: The People of the State of California v. Jukichi Harada (1918)
This house was the object of the first test of the constitutionality of alien land laws in the United States prohibiting aliens who were ineligible for citizenship from purchasing property. Jukichi Harada, a Japanese immigrant ineligible for US citizenship under federal law, bought the house in the name of his three American-born minor children. In a test of California's Alien Land Law (1913), the Riverside County Superior Court ruled that all native-born citizens, even minor born children of immigrant parents, could own land. The ruling fundamentally reinforced the constitutional guarantees of American citizenship.

Shelley House, 4600 Labadie Avenue, St. Louis, Missouri (NHL, 1990)
Restrictive Covenant Cases: Shelley v. Kramer (1948)
The Shelley House was the home of the plaintiffs in *Shelley v. Kramer*, one of four cases known collectively as the *Restrictive Covenant Cases* in which the US Supreme Court found racially restrictive covenants in real estate were illegal. Although the court's ruling allowed restrictive covenants to be voluntarily maintained, state action to enforce them violated Fourteenth Amendment rights to convey, hold, inherit, purchase, rent, and sell real or personal property. By suppressing enforcement of racial covenants, the case destroyed one of the most onerous tools yet created to bring about racial discrimination.

NATIONAL HISTORIC LANDMARKS STUDY LIST

Properties on this study list have strong associations with nationally significant events within the racial housing discrimination context. Thus, this study recommends that these properties be evaluated to determine their relative significance and integrity for National Historic Landmark consideration. As noted in the registration guidelines, all evaluations must develop a full context associated with their respective significance, ascertain a high degree of integrity, and compare the subject property with others that share the same significance.

This is not an exhaustive list. During the course of the study, some properties were excluded from consideration under the registration guidelines for *exceptional* national significance set for this study or excluded for lack of information about other potential nationally significant comparative properties with the same associations.

African Americans and the Origins of Residential Segregation, 1866–1940

The properties in this list represent legal challenges to the origins of residential segregation including zoning ordinances, racial restrictive covenants, and White violence.

1834 McCulloh Street, Baltimore, Maryland (contributes to the Old West Baltimore Historic District, NR, 2004)
Racial Zoning Ordinance (1910)
This property inspired the nation's first anti-black racial zoning ordinance. In 1910, Black attorney George W. F. McMechen moved into the all-white Eutaw Place neighborhood, renting this home that had been purchased by W. Ashbie Hawkins, his law firm partner and counsel for the local NAACP branch. After White residents on the street protested, the city passed an ordinance stating that Blacks could not move into a block in which a majority of the residents were White and vice versa. Promoted as a progressive keep-the-peace measure, the ordinance was voided by local and state courts because it lacked clarity and was drawn incorrectly, never reaching the issue of whether the law encroached on African American property rights. Baltimore passed three more versions of a residential segregation ordinance between 1911 and 1914, which the courts also voided. Although formal racial zoning did not last long in Baltimore, the effort inspired similar laws in border and southern states.

Latino Americans, Asian Americans, and American Indians

No properties associated with these minorities were identified for NHL evaluation.

Federal Policy, Suburban Development, and Urban Renewal, 1933–1966

Detroit's Segregation Wall, 8 Mile Road, Detroit, Michigan
Federal Housing Policy, 1941
The "segregation wall" starkly illustrates the mortgage policies of the Federal Housing Administration (FHA) that prohibited (redlined) investment in racially diverse neighborhoods based on the expectation that segregation benefitted property values. The Eight Mile-Wyoming area, located in the city's mostly White northwest section, contained a longstanding rural Black community. A proposed all-white subdivision on land adjacent to this community failed to secure FHA approval financing because of its proximity to this "slum." Ultimately, the project

received FHA approval only after the developer constructed a three-block-long, six-foot-high concrete block wall to separate the White subdivision from the Black community. Today the wall, also referred to as Detroit's wailing wall, is covered with murals, some civil rights related. The property illustrates the outcome of federal housing policy that furthered racial divide.

Stuyvesant Town Development, Manhattan's East Side,
East of First Avenue between Fourteenth and Twentieth Streets, New York City
Urban Renewal: Dorsey v. Stuyvesant Town Corp. (1949, 1950)
Stuyvesant Town, an eighteen-block urban redevelopment project, epitomized the ability of urban renewal programs to segregate public housing. Its developer, Metropolitan Life Insurance Company, received $55 million in tax breaks from New York City, which also used the power of eminent domain in the forced removal of 10,000 residents, few of whom were given adequate replacement housing. When it opened in 1947, its rental policy banned minorities after Metropolitan claimed the constitutional right of a private entity to not integrate. Three African American veterans sued Stuyvesant Town Corporation after being refused rental housing on grounds that the city's role in land acquisition for a private developer constituted "state action" in support of racial discrimination. The New York state courts found for the defendant by drawing a distinction between illegal racial discrimination in public housing and permissible racial discrimination in "private enterprise aided by government." The US Supreme Court declined to hear the appeal, providing a free hand for discrimination in urban renewal programs nationwide.

The Fair Housing Movement and White Backlash during the Civil Rights Era, 1940–1968

Stuyvesant Town Development, Manhattan's East Side,
East of First Avenue between Fourteenth and Twentieth Streets, New York City
Fair Housing Movement
Beyond being associated with urban renewal above, this property is also significant for launching the fair housing movement and the founding of the first organizations dedicated to eliminating discrimination in housing. The New York Committee on Discrimination in Housing, founded in 1948, lobbied for pioneering legislation associated with ending racial discrimination in city-assisted housing developments that served as models for other towns and cities in the north and west. The National Committee Against Discrimination in Housing (NCDH), founded in 1950 by New York housing reformers, is associated with longtime efforts to make housing discrimination illegal nationwide. In 1952, these efforts led to Metropolitan Life adopting a non-discriminatory rental policy.

McGhee House, 4626 Seabaldt Avenue, Detroit, Michigan (Michigan Historical Register, 1976)
Restrictive Covenant Cases: McGhee v. Sipes (1948), companion case to Shelley v. Kramer
This is the home purchased in 1944 by the McGhees, an African American couple who were sued by the White homeowners' association to enforce a racial covenant and ordered to leave by the Michigan state courts. The NAACP appealed the case to the US Supreme Court, where it became part of the *Shelley v. Kraemer* decision that found the courts may not enforce racially restrictive covenants. In February 2019, the Michigan State Housing Development Authority issued an RFP to prepare a National Register nomination for the McGhee House as part of documenting Detroit's 20th Century African American Civil Rights.

Hurd House, 116 Bryant Street, NW, Washington, D.C. (National Register, Bloomingdale Historic District, 2018)
Restrictive Covenant Cases: Hurd v. Hodge (1948), companion case to Shelley v. Kramer
Restrictive Covenant Cases: Urciolo v. Hodge (1948), combined with Hurd v. Hodge
The above cases became part of the *Shelley v. Kramer* litigation, but the Supreme Court decision in *Hurd v. Hodge* addressed the separate constitutional issue of banning enforcement by federal courts and relied on the 1866 Civil Rights Act to reach a similar conclusion as *Shelley*, which used the Fourteenth Amendment. The Hurds, a Black couple, bought the home at 116 Bryant. Uricolo, a White real estate dealer, sold and conveyed three restricted properties at 118, 134, and 150 Bryant Street to three other Black petitioners. The White homeowners (Hodge) at 136 Bryant Street sued to evict these families under the racial covenant.

National Fair Housing Policies since 1968

Lot at 7417 Hyde Park, St. Louis County, Missouri
Jones v. Alfred H. Mayer Co. (1968)
This case upheld the Fair Housing Act of 1968. The Mayer Company refused to sell a lot in the Paddock Woods subdivision to the Joneses on grounds that the husband was an African American. The couple claimed discrimination was illegal based on the Civil Rights Act of 1866, which gave all citizens the same right as White citizens to purchase real property. The Court agreed and outlawed all public and private discrimination in the sale and rental of property based on race. It covered all property, including owner-occupied dwellings excluded in the Fair Housing Act. This case, combined with the housing act, brought a final major victory to the fair housing movement.

PROPERTIES REMOVED FROM FURTHER STUDY

For the benefit of future researchers, this category describes places that no longer exist, or which lack the high degree of integrity needed for landmark designation. Events having no known associated property are also included.

African Americans and the Origins of Residential Segregation

Lot on the corner of Thirty-Seventh Street and Pflanz Avenue, Louisville, Kentucky
Racial Zoning Ordinance: Buchanan v. Warley (1917)
Litigation in *Buchanan* marked the US Supreme Court's earliest positive contribution to ending housing segregation. The city of Louisville passed a racial zoning ordinance in 1914, defended as a measure to promote civic peace through racial separation. As a test case, William Warley, the branch president of the Louisville NAACP, agreed to purchase this lot on a majority-white street with the proviso that he be allowed to live there. The Court's decision invalidated municipal racial zoning ordinances on property rights grounds pursuant to the 1866 Civil Rights Act and the Fourteenth Amendment (1868). Because several upper south states had enacted racial zoning ordinances, the decision placed limits on the movement to segregate Blacks. It furthermore tied the protection of property rights with securing civil rights. This property is now a cemetery and commemorates this court decision with Kentucky Historical Marker (number 2533): "Landmark Civil Rights Victory."

Lot on 1700 block of S Street, NW between Eighteenth Street & New Hampshire Avenue, Washington, D.C.
Restrictive Covenants: Corrigan v. Buckley (1926)
Corrigan legitimized racially restrictive covenants that prevented home sales and rentals to Blacks and other minorities on grounds that covenants were a private action and therefore lay beyond the scope of the due process clause of the Fourteenth Amendment that referred to state action. In the nation's capital, Buckley sued Corrigan to prevent his neighbor from selling a lot to a Black buyer. Reaffirming the sharp distinction between public and private action drawn in the 1883 *Civil Rights Cases*, the Supreme Court dismissed the legal challenge to racial covenants, giving a green light to racial discrimination in housing markets until reversed in 1948. The decision enabled Whites to maintain residential segregation and reduced the opportunity for African Americans to leave the ghettos. No empty lot exists in this block.

American Latinos, Asian Americans, and American Indians: 1848-1945

In re Lee Sing (1890)
Racial zoning law
San Francisco commissioners passed the nation's first racial zoning law requiring all Chinese to relocate residences and businesses to an area reserved for slaughterhouses, etc. Police randomly arrested twenty Chinese in a hotel for violating the ordinance. Federal circuit court invalidated the scheme for violating the Fourteenth Amendment. No known property.

Oyama property

Oyama v. California (1948), Alien Land Law

The case declared the Alien Land Law as unconstitutional. *Oyama* said a state alien land law could not be used to deprive a minor American citizen of lands actually purchased by his alien father. Originally farmland, the property is now a residential development.

Table 1. Properties Recognized as Nationally Significant

Properties listed below were designated by the Secretary of the Interior as National Historic Landmarks.

Property	Event
Asian Americans, 1848–1945	
Harada House Riverside, California (NHL, 1990)	*People of the State of California v. Jukichi Harada* (1918) Alien Land Law
The Fair Housing Movement, 1940–1968	
Shelley House St. Louis, Missouri (NHL, 1990)	*Shelley v. Kramer* (1948) Restrictive Covenant Case

Table 2. National Historic Landmarks Study List

Properties in this table are recommended for further study for National Historic Landmark consideration. This is not an exhaustive list of properties that may be eligible for consideration.

Property	Event
African Americans & the Origins of Residential Segregation, 1866–1940	
1834 McCulloh Street Baltimore, Maryland	Racial zoning ordinance (1910)
Federal Policy, Suburban Development, and Urban Renewal, 1933–1966	
Detroit's Segregation Wall 8 Mile Road, Detroit, Michigan	*Federal Housing Policy,* 1941
Stuyvesant Town Development New York City	*Dorsey v. Stuyvesant Town Corp.* (1949) Urban renewal programs
Fair Housing Movement and White Backlash during the Civil Rights Era, 1940–1968	
McGhee House 4626 Seabaldt Avenue, Detroit, Michigan	*Shelley v. Kramer* (1948) Restrictive Covenants
Hurd House 116 Bryant Street, NW, Washington, DC	*Shelley v. Kramer* (1948) Restrictive Covenants
Stuyvesant Town Development New York City	Fair housing movement
National Fair Housing Policy since 1968	
Lot at 7417 Hyde Park St. Louis County, Missouri	*Jones v. Alfred H. Mayer Co.* (1968)

Table 3. Properties Removed from Further Study

Properties listed in this table have either been demolished, lack a high degree of integrity, or could not be located.

Property	Associated Event
African Americans & the Origins of Residential Segregation, 1866–1940	
Lot on the corner of 37th Street and Pflanz Avenue Louisville, Kentucky	*Buchanan v. Warley* (1917) Racial zoning ordinance
Lot on 1700 block of S Street, NW between 18th Street & New Hampshire Avenue Washington, D.C.	*Corrigan v. Buckley* (1926) Restrictive Covenants
American Latinos, Asian Americans, and American Indians: 1848–1945	
No property	*In re Lee Sing* (1890) Racial zoning
Farmland converted to residential development	*Oyama v. California* (1948) Alien Land Law

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APPENDIX A. CHRONOLOGY OF RACIAL DISCRIMINATION IN HOUSING

This chronology summarizes the progression made toward the Fair Housing Act of 1968.

1866 The *Civil Rights Act of 1866* guaranteed all citizens the equal right to hold, inherit, rent, purchase, sell, and convey real and personal property.

1868 The *Fourteenth Amendment* held that states must not deny persons equal protection of the law.

1883 *Civil Rights Cases 1883*. In 1883, the US Supreme Court narrowly ruled that states could not discriminate based on race; however, individuals were not under the same obligation.

1900 *Restrictive racial covenants.* In the early decades of the twentieth century, the spread of restrictive racial covenants—clauses in deeds restricting the conveyance of real property to members of certain racial groups— provided a method of enforcing housing segregation. These covenants were legitimized by the Supreme Court in 1926 (*Corrigan v. Buckley*) which confirmed that the Reconstruction-era constitutional amendments never intended to prevent private individuals from entering into contracts over the disposition of their own property.

1910 *Racial Zoning.* Anti-black racial zoning, developed first in Baltimore in 1910, lasted until 1917 when the US Supreme Court struck down a city ordinance requiring racially segregated housing because it interfered with property rights without due process of law under the Fourteenth Amendment *(Buchanan v. Warley).*

1917 *Buchanan v. Warley*, 245 U.S. 60. The Supreme Court struck down a city ordinance requiring neighborhood racial segregation in housing.

1926 *Corrigan v. Buckley*, 271 U.S. 323. The Supreme Court supported the constitutionality of restrictive covenants. The decision closed the door to racial integration in housing that had been pried open in *Buchanan.*

1933 *Home Owners Loan Corporation (HOLC)*. Congress authorized the HOLC to refinance the mortgages on private homes facing foreclosure. The HOLC programs of the early 1930s inaugurated the practice of redlining as public policy.

1934 *Federal Housing Administration (FHA)*. The Federal Housing Administration (FHA), created by the National Housing Act of 1934 to stimulate new home construction and renovations, endorsed two practices: “redlining” to mark Black neighborhoods as ineligible for FHA mortgages and restrictive racial covenants to protect residential property values.

1948 *Shelley v. Kramer,* 334 U.S. 1. US Supreme Court found racially restrictive covenants in real estate were illegal. Court held that judicial enforcement of restrictive covenants constituted discriminatory state action prohibited by the Fourteenth Amendment. In a companion case, *Hurd v. Hodge*, the Court relied on the Civil Rights Act of 1866 to reach a similar conclusion. Restrictive covenants voluntarily maintained were permissible, but

state action to enforce them violated Fourteenth Amendment rights to convey, hold, inherit, purchase, rent, and sell real or personal property.

1956 *Federal Highway Act.* The 1956 Interstate Highway Act strengthened residential segregation patterns by displacing hundreds of thousands of racial minorities from neighborhoods in urban centers while accelerating the development of segregated White suburbs.

1963 *Detroit "Walk for Freedom" Rally.* The full-fledged southern civil rights movement turned its attention to the northern housing issue in the "Walk to Freedom" rally in Detroit on June 23, 1963, demanding an end to racial discrimination in housing and employment with no results.

1967 *Reitman v. Mulkey*, 387 U.S. 369. The Supreme Court held unconstitutional an amendment to the California constitution prohibiting the state from acting in any way to prevent racial discrimination in the sale or lease of property.

1965 The *Chicago Freedom Movement* led by Martin Luther King Jr.'s Southern Christian Leadership Conference (SCLC) set a goal of pressuring Congress into passing a federal open-housing law. Televised scenes of a march ending in violence as several thousand White residents attacked the civil rights protesters, including King, garnered national attention but failed to move President Lyndon Johnson's proposed open-housing legislation through Congress in both 1966 and 1967.

1966 The *Model Cities Act*, part of President Lyndon Johnson War on Poverty program, provided slum rehabilitation for minority neighborhoods but did not promote housing integration.

1968 *Fair Housing Act of 1968 (Civil Rights Act of 1968, Title VIII)* banned discrimination based on race, color, religion, and national origin in the sale and rental of housing.

1968 *Jones v. Mayer,* 392 U.S. 409. The Supreme Court upheld Title VIII of the 1968 Civil Rights Act, finding that the 1866 Civil Rights Act barred both private and public racial discrimination in housing.