

SYNOPSIS OF THE BOOK

COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA

(by Richard Rothstein, Liveright Publishing, New York, 2017)

Preface

- Main Rothstein Thesis: Explicit government policies - at all levels -promoted racial housing segregation. (vii)
- These acts directly influenced private decision makers as well (viii); and most importantly, all these acts are expressly barred by the V and XIV Amendments. (viii)
- These acts are part of “structural racism” (xv) and they should be considered a “caste system” peculiar to the US. (see the book “Caste” by Isabel Wilkerson). (xvii)

Chapter 1 – If San Francisco, Then Everywhere

- During WWII, the federal government financed segregated housing for defense workers in California; Rothstein’s argument: This is evidence of de jure US discriminatory housing policy and proves their legal complicity. (5)
- The government acquiesced in this and other unjust conduct (6), and after the war, the FHA continued these racist policies. (9)

Chapter 2 – Public Housing, Black Ghettos

- Various agencies constructed public housing after the war, all of which embraced punitive measures that would “ensure good conduct” by residents; these restrictions deprived many of decent housing and fostered slums. (18)
- Rothstein Argument: The federal government lost a golden opportunity to create integrated neighborhoods with an equitable national housing policy that would have promoted decent living conditions for many. (24)

Chapter 3 - Racial Zoning

- As a continuation of “plantation politics,” the myth that the descendants of the formerly enslaved “preferred to live with their own kind” was almost religiously believed; this is a bald-faced lie to avoid constructing integrated housing or to treat African Americans with respect. (44)
- Rothstein Claims: In too many instances zoning regulations are a ruse to mask racial exclusion; but, courts will not reverse these unjust practices unless discrimination is explicitly proven (54 -56); to paraphrase Rothstein, zoning has two arms: first, to keep African Americans out, and second, to keep whites in by maximizing property value. (57)

Chapter 4 – “Own Your Own Home”

- In 1933, the now notorious color-coded HOLC maps of every metro area were introduced; these maps are an enduring blight on the nation’s history since their purpose was to preclude any Black inhabited neighborhood to secure FHA financing (the so-called “redlining” shown on the book’s cover); a companion to the maps was the equally notorious FHA *Underwriting Manual* which spelled out in concise language the steps the

underwriters, appraisers and banks were directed to take; it is sad to say, but, these abuses were started during the FDR Administration; these documents are more *prima facie* evidence of *de jure* discrimination by the federal government. (63 & 64)

- In 1973, the US Commission on Civil Rights concluded that the “housing industry, aided and abetted by Government, must bear the primary responsibility for the legacy of segregated housing...” (75)

Chapter 5 - Private Agreements, Government Enforcement

- The practice of “restrictive covenants,” is detailed here; it started in the late nineteenth century (78); they are provisions in home deeds that barred sales of properties to various minority racial or ethnic groups. (79-85)
- In 1948 SCOTUS repudiated its endorsement of this practice. (85)
- But the FHA continued to bar mortgages to minority applicants, they claimed they were a “business organization and were not responsible for social policy,” and so, winked at the continuation of “restrictive covenants.” (87)
- FHA reluctantly reversed its position in 1950; but they continued to drag their feet, finally, in 1962, Pres. John F. Kennedy directly ordered the termination of federally supported racially segregated housing. (88-91)

Chapter 6 – White Flight

- FHA engaged in a disastrous self-fulfilling prophecy by promoting white flight; they did this through their insistence on “maintaining value;” this innocuous term meant denying financing to Black home buyers. (95)
- This gave rise to other pernicious evils, such as “blockbusting,” and later on “contract purchases.” (96-99)

Chapter 7 – IRS Support and Compliant Regulators

- The first part of this chapter details how the “left-hand” of community building institutions - the churches, insurance companies, and banks, along with the IRS - curtailed African American home ownership efforts; this institutional infrastructure is the mostly unseen companion to the “right-hand” of the housing developers and the FHA. (102-107)
- The chapter’s second half brings the story up to date, by relating the recently uncovered injustices of “reverse redlining,” high-yield mortgages, and sub-prime lending that brought so much pain during the 2008-2009 Great Recession. (109-113)

Chapter 8 – Local Tactics

- This is a compendium of dubious legal tactics by various localities that sought to deny African Americans financing and/or approvals for home ownership (122); Rothstein also draws attention to how two seemingly non-controversial “hard” infrastructure components – highways and school location sitings – were tools used by local authorities to ensure that communities were “kept as white as possible.” (127 & 132)

Chapter 9 – State-Sanctioned Violence

- A grisly presentation of violent incidents, levied against African Americans who attempted to secure a part of the “American dream;” the gratuitous violence engaged in by these white people, is in reverse proportion to their hollow claims of superiority; what is lacking in these “superior individuals” is any expression of dignity, decency, or respect for Black people (141); various local governments also failed to protect, and thus reinforced *de jure* segregation. (142)

Chapter 10 – Suppressed Incomes

- Rothstein Argument: *De facto* residential segregation is a product of governmental suppression of African American incomes, which limited home ownership options; in turn, a chain reaction was triggered, which

trapped the children of these victims into low income careers, and prevented their rise on the lifetime income ladder. (153)

- This is a valid argument, and Rothstein presents fifteen pages of anecdotal and historical evidence that more than adequately bolsters his charge; but this proposition could more properly be the subject of a separate study since this argument will easily deflect the non-specialist reader from the main thesis of this book, which targets residential segregation. (154-169)
- This chapter, however, does bring to life an issue that even Rothstein only glancingly touches upon, and that is the disparate property tax burden borne by African American homeowners; but, and this is a big but, Rothstein acknowledges that there has been insufficient research to assess how great this problem actually is; it should be studied in greater detail. (169-172)

Chapter 11 – Looking Forward, Looking Back

- Enormous difficulties exist with remedying residential segregation compared with removing hurdles to voting rights or civil rights; rights issues are easier to deal with because they modify future behavior and do not affect white people's pocketbooks or their social mores; allowing Black neighbors seems to be a subconscious threat to many whites; Rothstein lists five other potent reasons why reversing the effects of residential segregation is so difficult: rising above one's parents' economic status-the wealth gap between Blacks/whites-the nation waited too long to modify white behavior-most race neutral remedies only made matters worse-many governmental programs have reinforced segregation. (177-180)
- Other problems are illustrated: the current disconnect between wages and housing costs-the precarity of most Black employment-the severe disabilities of living in poverty stricken neighborhoods-the lack of urban transport-and that government is indifferent to resolving these problems (181-190)

Chapter 12 – Considering Fixes

- A plethora of cogent ideas to create a more just society: reduce white superiority and entitlement-increase national productivity by increasing Black incomes-improve the nation's health by ending segregation-vigorously implement the "affirmatively furthering" program-reintroduce the Open Communities program-provide purchase assistance vouchers for suburban homes-encourage suburban multi-family structures through tax relief and zoning revisions-and promote mass transportation facilities. (195-209)

Epilogue

- List of issues that the nation has "dropped the ball" on: Chief justice John Roberts' writing and decision-making that "residential segregation is the result of private choice"-government indifference towards ending residential segregation-federal government encouragement of white flight-FHA guarantees for segregated housing- governmental indirect encouragement of restrictive covenants-police apathy towards violent lawbreakers opposing integrated housing-and many others. (215-217)

Synopsis provided by LTD member, Sheldon Teicher

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