

Welcoming the New Kid

Session 3:

Fairness for New Kids: Can We Undo Residential Segregation?

Part One: The Timeline of White Flight to the Suburbs

‘Residential segregation is the institutional apparatus that supports other racially discriminatory processes and binds them together into a coherent and uniquely effective system of racial subordination. Until the black ghetto is dismantled as a basic institution of American urban life, progress ameliorating racial inequality in other arenas will be slow, fitful, and incomplete.’¹

1930’s: After the Great Depression, the Roosevelt administration realized that home ownership was going to be a major way to build and fortify the middle class. The government started to back loans, and introduces racial redlining. Homebuyers have to make a down payment of 20%. Most black Americans in Northern cities are living in neighborhoods that are about 30% black.²

‘Open racism was mainstream in the 1930’s, including in the federal government. A manual put out by the Federal Housing Administration warned against undesirable encroachment of inharmonious racial groups. And federal attitudes and policies amplified what was already happening at the local level. There was flat out violence in some places, first of all, against blacks trying to move into white neighborhoods. There were also racial zoning laws, something called racial covenants. These were contracts attached to properties that said things like “At no time shall said premises be sold, occupied, let, or leased to anyone of any race other than the Caucasian.” But discriminatory policies by the federal government had more reach than any local policy.’

1945 – 1964: After World War II, the government puts the G.I. Bill in place to help white people move from the cities to the newly created suburbs: 98% of the home loans that are insured by the federal government went to white Americans, building up the white middle class by allowing them to get home ownership.

‘It was not just about whether a neighborhood was black or not, but whether that neighborhood was integrated, and the government wanted to provide a disincentive to live in an integrated neighborhood. So if you were a white homeowner who didn’t mind living in an integrated neighborhood, you could not get a loan. And if you owned a home in an integrated neighborhood, you knew that you could not resell your home to other white folks, so you had to sell your home to black people and get the hell – oops, excuse me – get the heck out of there. Because your property values were absolutely going to go down. It had nothing to do with whether the black people in your neighborhood could afford to pay their mortgage.’

1960’s: The neighborhoods of African Americans in the industrial Northeast became 74% percent black and higher, up from about 30% in the 1930’s, showing the increase in segregation. Dr. Martin Luther King, Jr. went to Chicago to push for ‘open-housing,’ showing that segregation was not just a Southern problem.

‘When he started moving his movement northward to address housing segregation, that’s when he began to lose a lot of support. The white liberals who had supported his campaign in the South

¹ Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of an Underclass* (Cambridge, MA: Harvard University Press, 1993), p.8. They also write on p.2, ‘Black segregation is not comparable to the limited and transient segregation experienced by other racial and ethnic groups, now or in the past. No group in the history of the United States has ever experienced the sustained high level of residential segregation that has been imposed on blacks in large American cities for the past fifty years. This extreme racial isolation did not just happen; it was manufactured by whites through a series of self-conscious actions and purposeful institutional arrangements that continue today.’

² Ira Glass, *House Rules*, This American Life, November 22, 2013; <http://www.thisamericanlife.org/radio-archives/episode/512/transcript>. Unless otherwise noted, all the material in Part One of this session comes from this source. Please see Appendix A, where I have copy-pasted the transcript in full.

began to abandon him. When he was marching for housing integration in Chicago, an angry mob hit him in the head with a rock.'

1968: The Kerner Commission report is published. One week later, the Fair Housing Act passed. The fight to implement it began. President Richard Nixon appointed George Romney, former governor of Michigan, to be Secretary of Housing and Urban Development (HUD). Romney had actually admitted that the white suburbs had created a noose around the black inner cities, evoking lynching. Romney starts to use HUD grants for sewers, highways, and housing as leverage. Local communities taking federal dollars, must desegregate.

'The *Detroit News* headline was "US picks Warren [Michigan] as prime target in move to integrate all suburbs." Residents of Warren and other suburbs were up in arms. Warren's mayor said the town would not be, quote, "a guinea pig for integration experiments." The White House told Romney to back off and give Warren the money... Now Nixon and his advisers were talking in memos behind the scenes about having, quote, "a serious Romney problem." When Romney tried to pressure Atlanta, a group of Nixon's Southern supporters met with the president. They'd been key to his election... They tell him, you made promises to us. That's why we supported you. And now people are beginning to think of you as Mr. Integrator, which was an insult, apparently. And they told him, we in the South are motivated by race. And these are all in meeting notes from that meeting with Nixon, and they pressured him to do something to rein Romney in. And that's when he starts to freeze Romney out of the administration.' [Nixon eventually offered Romney the position of ambassador to Mexico, prompting Romney to resign.]

'President Nixon elaborated on his views [about segregation] in that memo to his advisers Ehrlichman and Haldeman, basically a long single-spaced typed letter... "I realize that this position will lead us to a situation in which blacks will continue to live for the most part in black neighborhoods, and where there will be predominantly black schools, and predominantly white schools." By taking this view, the schools will still be segregated and neighborhoods will still be segregated. And if you think about the way that we talk about these issues today, the argument is that yes, legal segregation was wrong, but policies that take race into account to address these issues are just as wrong. So where has that left us? It's left us in a place where we no longer have segregation by law, but we still have segregation by fact, and this moderate view says that there's nothing we can or should do about it. And I think when you think about that logic, that's a logic that has held true really over the last 40 years.'

2016: 'The market' continues to penalize residential integration. Racial segregation continues to have a deep financial impact on black households.

'The part of the Fair Housing Act that was meant to address the big picture, to make sure zoning laws and local housing policies comply with the law, the mandate to affirmatively further fair housing, to actively fix the problem, that's been more or less in a coma since George Romney left, even though periodically people try to revive it by deciding on some new interpretation of what it means to affirmatively further fair housing. The Obama administration recently made a move to revive it. We'll see what happens with that... There's no question that black-white segregation has declined significantly overall in the United States. Specifically, some African Americans have left the highly segregated cities of the Northeast and the Midwest and migrated to less segregated Sun Belt cities. Also, relatively small numbers of African Americans who can afford it have moved into formerly all white or mostly white communities. What's left behind are concentrated areas that are usually poor and mostly African-American. But that can make it seem like segregation now is all about poverty rather than race, and it's not. The average African-American household making \$75,000 a year or more, that family lives in a poorer neighborhood than the average white family making less than \$40,000 a year. That is, a black family making twice as much money as a white family probably still lives in a poorer neighborhood. That's according to a study from Brown University. Racial segregation and not just people's income is key to understanding where people live and why, though I'm not sure we're facing the reality of that today.'

Part Two: God Calls Israel Back to Caring for All Children

Isaiah 2:1 – 4 and 5:7 – 8; Micah 2:1 – 2 and 4:1 – 4

^{5:7} For the vineyard of the LORD of hosts is the house of Israel
And the men of Judah His delightful plant.
Thus He looked for justice, but behold, bloodshed;
For righteousness, but behold, a cry of distress.
⁸ Woe to those who add house to house
And join field to field,
Until there is no more room,
So that you have to live alone in the midst of the land!
(Isaiah 5:7 – 8)

^{2:1} Woe to those who scheme iniquity,
Who work out evil on their beds!
When morning comes, they do it,
For it is in the power of their hands.
² They covet fields and then seize them,
And houses, and take them away.
They rob a man and his house,
A man and his inheritance.
(Micah 2:1 – 2)

¹ And it will come about in the last days
That the mountain of the house of the LORD
Will be established as the chief of the mountains.
It will be raised above the hills,
And the peoples will stream to it.
² Many nations will come and say,
'Come and let us go up to the mountain of the LORD
And to the house of the God of Jacob,
That He may teach us about His ways
And that we may walk in His paths.'
For from Zion will go forth the law,
Even the word of the LORD from Jerusalem.
³ And He will judge between many peoples
And render decisions for mighty, distant nations.
Then they will hammer their swords into plowshares
And their spears into pruning hooks;
Nation will not lift up sword against nation,
And never again will they train for war.
⁴ Each of them will sit under his vine
And under his fig tree,
With no one to make them afraid.
(Isaiah 2:1 – 4; Micah 4:1 – 4)

Historical and Cultural Background

- *Micah and Isaiah*: Poetic preachers who lived in around 800 BC, in the Southern Kingdom of Judah (after the nation Israel split into two kingdoms). They are among the 'Hebrew prophets' who put their hope in God to bring about a worldwide change through the Jewish Messiah (final king).
- *Land is Wealth, Work, and Inheritance*: Israel's vision for family and land comes from the garden image in Genesis and Leviticus 25 (which we studied in the last sessions). Every fifty years, God instituted a 'jubilee year' where people and land returned to their ancestral boundaries (Lev.25:10). This principle was founded on the principle that land as a form of wealth did not belong to people, but to God (25:23).

Guiding Questions

1. Why was God so upset about the powerful displacing vulnerable people from their family land? What were all the implications for the vulnerable?
2. What is God's vision for the whole world in the messianic vision? What did it mean to an ancient Israelite audience to have your own vine, your own fig tree, and not be afraid?

Part Three: Action Steps

*Make ex-offenders eligible for public assistance, like Section 8 housing assistance and food stamps.*³ Currently, keeping ex-felons ineligible for this assistance hurts them in many ways, including not being able to be reunited with a significant other and/or children. HUD is pursuing the question of housing discrimination against people with criminal records.⁴

Fund more Housing First initiatives: “Through Housing First programs, chronically homeless individuals [families needs more work] are using fewer hospital resources, spending less time in costly incarceration and requiring fewer emergency room visits. Studies in New York City and in Utah have shown that every homeless person housed in programs such as Housing First saves taxpayers \$10,000 and \$8,000 a year, respectively. A research study at University of Northern Carolina also reported that a housing project for the chronically homeless called Moore Place had saved the county \$2.4 million.”⁵ HUD reported a 30% drop in chronically homeless individuals from 2005 to 2007.

Create more low and moderate income housing in mixed income areas: “The Housing Act of 1949 [called] for the government to realize “as soon as feasible . . . the goal of a decent home and a suitable living environment for every American family.” Federal legislation over the next several decades continued to support public housing and the government’s role in maintaining it. By 1973, the US had more than 1.5 million units of subsidized housing, a threefold increase from 1961... Between 1980 and 1988, the Reagan administration decreased funding for [HUD]... by 76%. Predictably, when the government began to starve public housing programs of necessary resources, public housing infrastructure deteriorated and quality of life for many residents declined.”⁶

Change banking laws to reduce private debt and segregation by the wealthy. In the 1970’s, two changes occurred: (1) Bank mortgage lending laws took 2 incomes rather than just 1; (2) Federal tax code deducted interest on mortgages. Real estate developers simply built bigger, more expensive houses. Banks charged more for them.⁷

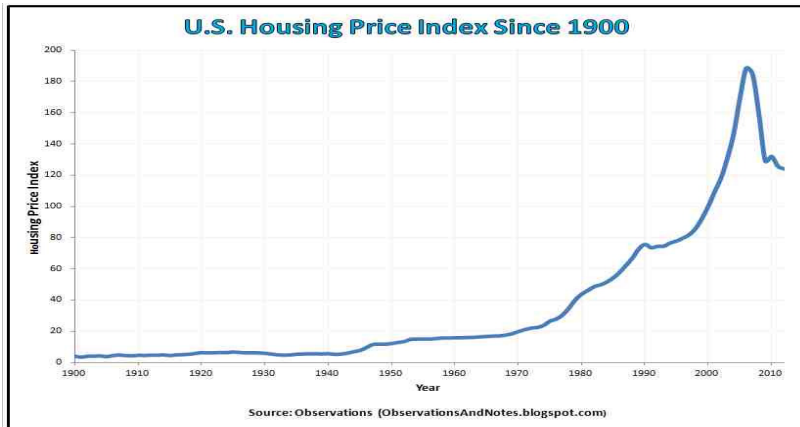
³ See Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Era of Colorblindness* (New York, The New Press, 2011), ch.4

⁴ Camila Domonoske, ‘Denying Housing Over Criminal Record May Be Discrimination, Feds Say,’ *NPR*, Apr 4, 2016 writes, “That doesn’t mean landlords are completely barred from considering criminal records — but they’d have to prove that their policy legitimately serves to protect safety or property. Saying “criminals are poor tenants” doesn’t cut it, HUD says: “Bald assertions based on generalization or stereotype” aren’t sufficient. Barring people based just on arrest records is no good, HUD says, because arrests alone aren’t proof of guilt. And even if you only consider convictions, refusing to rent to all ex-cons — “no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since then,” HUD writes — also isn’t defensible, since not all ex-cons will pose a risk to safety or property. Instead, HUD writes, landlords should have a policy that takes into consideration what the crime was and when it happened, as well as other factors, to reduce the discriminatory impact. (The only exception is if a conviction was for manufacturing or distributing drugs.)’

⁵ Wikipedia, ‘Housing First’; last accessed April 28, 2016

⁶ Tiffany M. Gardner, Alec Irwin, and Curtis W. Peterson, “No Shelter From the Storm: Reclaiming the Right to Housing and Protecting the Health of Vulnerable Communities in Post-Katrina New Orleans,” *Health and Human Rights Journal*, Aug 29, 2013

⁷ Average home size data distilled from <http://www.census.gov/const/C25Ann/sfttotalmedavgsqft.pdf>; http://switchboard.nrdc.org/blogs/kbenfield/us_home_size_preferences_final.html; compare to Germany’s housing policy: Eamonn Fingleton, “In World’s Best-Run Economy, House Prices Keep Falling -- Because That’s What House Prices Are Supposed To Do,” *Forbes*, Feb 2, 2014



1950: 983 square feet
1960: ~1200
1970: ~1400
1980: almost 1800
1990: ~2100
2000: almost 2400
2008: 2519

Make the Housing Market Part of Labor Development, Like Germany Does

‘German house prices in 2012 represented a 10 percent decrease in real terms compared to thirty years ago. That is a particularly astounding performance compared to the UK, where real prices rose by more than 230 percent in the same period...

‘A key to the story is that German municipal authorities consistently increase housing supply by releasing land for development on a regular basis. The ultimate driver is a central government policy of providing financial support to municipalities based on an up-to-date and accurate count of the number of residents in each area. The German system moreover is deliberately structured to encourage renting rather than owning. Tenants enjoy strong rights and, provided they pay their rent, are virtually immune from eviction and even from significant rent increases. Meanwhile demand for owner occupation is curbed by German regulation. German banks, for instance, are rarely permitted to lend more than 80 percent of the value of a property, thus a would-be home buyer first needs to accumulate a deposit of at least 20 percent. To cap it all, ownership of a home is subject to a serious consumption tax, while landlords are encouraged by favorable tax treatment to maximize the availability of rental properties.

‘How does all this contribute to Germany’s economic growth? Locke, a prominent critic of America’s latter-day enthusiasm for doctrinaire free-market solutions and a professor emeritus at the University of Hawaii, notes that a key outcome is that Germany’s managed housing market helps smooth the availability of labor. And by virtually eliminating bubbles, the German system minimizes the sort of misallocation of resources that is more or less unavoidable in the Anglo-American boom-bust cycle. That cycle is exacerbated by tax incentives which encourage citizens to view home ownership as an investment, resulting in much hoarding and underutilization of space.

‘In the German system moreover, house-builders rarely accumulate the huge large land banks that are such a dangerous distraction for U.S. house-builders like Pulte Homes, D. R. Horton, Lennar, and Toll Brothers. German house-builders just focus on building good-quality homes cheaply, secure in the knowledge that additional land will become available at reasonable cost when needed.’⁸

⁸ Eamonn Fingleton, ‘In World’s Best-Run Economy, House Prices Keep Falling -- Because That’s What House Prices Are Supposed To Do,’ *Forbes*, Feb 2, 2014; <http://www.forbes.com/sites/eamonnfingleton/2014/02/02/in-worlds-best-run-economy-home-prices-just-keep-falling-because-thats-what-home-prices-are-supposed-to-do/>; see also John C. Courtney and Pietro S. Nivola, ‘Know Thy Neighbor: What Canada Can Tell Us About Financial Regulation,’ *Brookings Institute*, April 23, 2009; <http://www.brookings.edu/research/papers/2009/04/23-canada-nivola> note that Canada also puts very healthy restraints on its banking system

Leader's Notes

Part One: The Timeline of White Flight to the Suburbs

1. Allow this material to sink in. The housing market has always been a tool of white supremacy and racial oppression. It was never truly part of the 'free market.' It was government designed. And the free market won't solve it, either. That's because the free market penalizes racially integrated neighborhoods with lowered housing values.
2. In case it's useful as historical background about actual housing policy, the following information is from Massey and Denton, *American Apartheid*:

'The bias in favor of the suburbs was evident in FHA practices and regulations, which favored the construction of single-family homes but discouraged the building of multi-family units. In addition, FHA loans for the remodeling of existing structures were small and had a short amortization period, making it easier and cheaper for a family to purchase a new home than to renovate an older one. But the most important factor encouraging white suburbanization and reinforcing the segregation of blacks was the FHA requirement for an "unbiased," professional appraisal of insured properties, which naturally included a rating of the neighborhood.

'In rating the home, the FHA established minimum standards for lot size, setbacks, and separation from existing structures that essentially eliminated from eligibility many inner-city dwellings, notably row houses and attached dwellings. In evaluating neighborhoods, the agency followed the HOLC's earlier lead in racial matters; it too manifested an obsessive concern with the presence of what the 1939 FHA Underwriting Manual called "inharmonious racial or nationality groups." According to the manual "if a neighborhood is to retain stability, it is necessary that properties shall continue to be occupied by the same social and racial classes."

'Thus, in the late 1940s, the FHA recommended the use and application of racially restrictive covenants as a means of ensuring the security of neighborhoods, and it did not change this recommendation until 1950, two years after covenants were declared unenforceable and contrary to public policy by the Supreme Court. Like the HOLC, the FHA compiled maps and charts showing the location and movement of black families, and it frequently drew updated versions of the HOLC Residential Security Maps to determine the suitability of neighborhoods for FHA loans. As a result of these policies, the vast majority of FHA and VA mortgages went to white middle-class suburbs, and very few were awarded to black neighborhoods in central cities. It is difficult to determine the full extent of the resulting disinvestment in black neighborhoods, however, because the FHA did not publish loan statistics below the county level, which is curious given the agency's obsessive concern with neighborhood data prior to making the loans.'⁹

3. So something needs to be done about social location. Even conservative social commentator David Brooks writes:

'The studies I'm talking about were done at Harvard by Raj Chetty, Nathaniel Hendren and Lawrence Katz. They looked at the results of a Clinton-era program called Moving to Opportunity, which took poor families and moved them to middle-class neighborhoods. At first the results were disappointing. The families who moved didn't see their earnings rise. Their kids didn't do much better in school. But as years went by and newer data accumulated, different and more promising results came in. Children who were raised in better environments had remarkable earnings gains. The girls raised in the better neighborhoods were more likely to marry and raise their own children in two-parent homes.

⁹ Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of an Underclass* (Cambridge, MA: Harvard University Press, 1993), p.54; see also Dorothy Brown, 'How Home Ownership Keeps Blacks Poorer Than Whites,' *Forbes*, December 10, 2012; <http://www.forbes.com/sites/forbesleadershipforum/2012/12/10/how-home-ownership-keeps-blacks-poorer-than-whites/#3ab3148a7e57>

‘The first implication of this research is that neighborhood matters a lot. When we think about ways to improve the lot of the working class, it’s insufficient to just help individuals and families. We have to improve entire neighborhoods.

‘Second, the research reminds us that to improve conditions for the working class it’s necessary to both create jobs and improve culture. Every time conservatives say culture plays a large role in limiting mobility, progressives accuse them of blaming the victim. But this research shows the importance of environment. The younger the children were when they moved to these middle-class environments, the more their outcomes improved. It’s likely they benefited from being in environments with different norms, with more information about how to thrive, with few traumatic events down the block.’¹⁰

Part Two: God Calls Israel Back to Caring for All Children

4. (Optional) The way to read Hebrew poetry is to look for how they rhymed CONCEPTS. They did rhyme sounds, but not as often.
 - a. So for example, notice the parallel ideas in Micah 2:2:

They covet <i>fields</i>	and then <u>seize</u> them,
And <i>houses</i> ,	and <u>take</u> them away.

They rob	a man and his <u>house</u> ,
	A man and his <u>inheritance</u> .

5. Why was God so upset about the powerful displacing vulnerable people from their family land? What were all the implications for the vulnerable?
 - a. The vulnerable were pushed off their physical place. In order to survive, they probably had to beg or borrow or indenture themselves to others and become heavily indebted.
 - b. They had no feeling of security or stability.
 - c. They rob people of their physical inheritance from their ancestors. They also rob people of giving their children a gift of inheritance.
6. What is God’s vision for the whole world in the messianic vision? What did it mean to an ancient Israelite audience to have your own vine, your own fig tree, and not be afraid?
7. The vision of Isaiah 2 and Micah 4 is identical, although Micah adds the line about the fig tree. This is about the Messiah coming, and spreading his reign.
 - a. Is it quoted by the New Testament? Yes!
 - i. Jesus said that the proclamation must begin from Jerusalem because Scripture said so: ‘Then he opened their minds to understand the Scriptures, and he said to them, ‘Thus it is written, that the Christ would suffer and rise again from the dead the third day, and that repentance for forgiveness of sins would be proclaimed in his name to all the nations, beginning from Jerusalem.’ (24:45 – 47)
 - ii. The image of Jesus sending out his witnesses from Jerusalem resonates throughout the Gospels, especially Luke. It starts early on, and then reaches its fullest form in the great commission.
 1. When God started the kingdom movement, Zechariah and Elizabeth came to Jerusalem and an angel encountered Zechariah in the temple (Lk.1:8 – 9). He was supposed to have faith and bear witness. Instead, he did not believe. He was silent. But his wife Elizabeth told the story. When their child, John the Baptist, was born, he spoke again.
 2. When Joseph and Mary brought the infant Jesus to Jerusalem, an elderly man and woman came to see Jesus: Simeon and Anna (Lk.2:25 – 38). Simeon quoted from Isaiah 49:6, which also speaks of the news of the Messiah going out from Zion (Isa.49:22 – 23)

¹⁰ David Brooks, ‘A Sensible Version of Donald Trump,’ *New York Times*, October 27, 2015; <http://www.nytimes.com/2015/10/27/opinion/a-sensible-version-of-donald-trump.html>

3. Jesus quoted from Isaiah 61:1 – 2 when he started his public ministry in Luke 4:14 – 30. It was about the Servant-King who would come as Messiah to Zion (Isa.61:3) for the sake of proclaiming his reign from Zion to the rest of the world (Isa.61:4 – 62:12; cf. 59:20 – 60:22).
- b. What are the implications for economic justice and peace?
 - i. When the message about Jesus goes out, it brings about economic justice and peace between peoples. It's not just for bringing 'peace' between God and people, vertically. It's intended to have a horizontal effect among people, too.
 - ii. The phrase in Micah 4:4, 'Each of them will sit under his vine and under his fig tree, with no one to make them afraid' is a motif of everyone having a share in God's garden land. In the musical *Hamilton*, George Washington sings the song *One Last Time*, in which he says when he steps down from his second term as President, 'Like the Scripture says, everyone shall sit under their own vine and fig tree, and no one shall make them afraid; they'll be safe in the nation we've made. I want to sit under my own vine and fig tree, a moment alone in the shade, at home in the nation we've made, one last time.' Granted, the real Washington owned slaves, but that just shows we need to extend the vision farther, not less. The idea is that our home is simple, beautiful, healthy, God-given. We can rest not only in our own, but that God has given a home to others, too.
 - iii. Illus: Look at the results. This article is about Tiffany Anderson in Jennings, Missouri: 'School districts don't usually operate homeless shelters for their students. Nor do they often run food banks or have a system in place to provide whatever clothes kids need. Few offer regular access to pediatricians and mental health counselors, or make washers and dryers available to families desperate to get clean. But the Jennings School District — serving about 3,000 students in a low-income, predominantly African American jurisdiction just north of St. Louis — does all of these things and more. When Superintendent Tiffany Anderson arrived here 3 1/2 years ago, she was determined to clear the barriers that so often keep poor kids from learning. And her approach has helped fuel a dramatic turnaround in Jennings, which has long been among the lowest-performing school districts in Missouri... Most students are not proficient in math and reading, and just 36 percent of the graduates in 2015 scored high enough on the ACT, SAT or similar tests to meet Missouri's definition of "college and career ready." But almost every academic indicator has been improving... She doesn't go to meetings, and she doesn't drink coffee. God gives her the energy she needs, she said. "This work is faith-filled work. You have to believe that your presence makes a difference, that your effort makes a difference in someone's life," she said.'¹¹ "That unconventional approach has had big results. When Anderson took over in 2012, the school district was close to losing accreditation. Jennings had a score of 57 percent on state educational standards. A district loses accreditation if that score goes below 50 percent. Two years later, that score was up to 78 percent, and in the past year rose again to 81 percent, Anderson says. She points to a 92 percent four-year graduation rate, and a 100 percent college and career-placement rate.'¹²

Part Three: Action Steps

¹¹ Emma Brown, 'This Superintendent Has Figured Out How to Make School Work for Poor Kids,' *Washington Post*, December 20, 2015; https://www.washingtonpost.com/local/education/this-superintendent-has-figured-out-how-to-make-school-work-for-poor-kids/2015/12/20/cadac2ca-a4e6-11e5-ad3f-991ce3374e23_story.html

¹² NPR Staff, 'The Superintendent Who Turned Around a School District,' *National Public Radio*, January 3, 2016; <http://www.npr.org/2016/01/03/461205086/the-superintendent-who-turned-around-a-school-district>

Appendix A: House Rules

The following is a transcript of ‘House Rules’ from *This American Life* and radio station WBEZ. It was produced by Ira Glass and aired on November 22, 2013 on National Public Radio.¹³ *Nancy Updike* is one of the producers of the program. *Nikole Hannah-Jones’* investigative series on the history and enforcement of the fair housing laws is at ProPublica’s website, propublica.org.

Nancy Updike: This is the era we’ve been in for a while now. If you’re discriminated against in getting housing, there’s a decent chance you don’t know it happened. Maybe you don’t even suspect it. The whole idea seems like a throwback, that a person’s charm, tenacity, and income could count less than their race today when they try to rent or buy a home. And where you live can really matter.

Nikole Hannah-Jones: Every measure of well-being and opportunity, the foundation is where you live.

Nancy Updike: This is *Nikole Hannah-Jones*. She’s a reporter for ProPublica, and she’s written a lot about housing and the way it can affect every part of a person’s life, the quality of schools, and hospitals, also--

Nikole Hannah-Jones: Cancer rates, asthma rates, infant mortality, unemployment, education, access to fresh food, access to parks, whether or not the city repairs the roads in your neighborhood.

Nancy Updike: Besides that, there’s also this. Black and white Americans still live substantially apart in this country. It’s especially true in cities like Chicago and New York that have large African-American populations. Overall, the United States is vastly less segregated than it was 45 years ago. We’re a different country. There are almost no all white neighborhoods anymore. But there are plenty that are almost all black. In hundreds of metropolitan areas, the average white person lives in a neighborhood that’s 75% white, and their neighbors who aren’t white aren’t likely to be African American. That’s according to a study by sociologists at Brown and Florida State universities, based on the 2010 census. The most segregated parts of the country are, and have been for decades, the Northeast and the Midwest. Milwaukee is consistently one of the most segregated cities in the country. In Milwaukee and in other cities, including New York, the level of black-white segregation by one important measure has declined only by a trickle in 30 years. I’ve got a map on the wall in my office of Brooklyn that shows a giant red cluster right in the middle, where African Americans make up over 80% of the population, even though they’re only 25% of the city overall, and even though on the street, New York feels like a very integrated city. This is *Nikole Hannah-Jones* again. She lives in New York.

Nikole Hannah-Jones: I think a good way to visualize it in the city is when you ride the subway or the bus. When you get on at certain parts, the bus is very integrated. And then as you go to certain neighborhoods, all the white people get off, and then it’s only black people left on the bus.

Nancy Updike: How much of the current level of segregation in New York and other cities is due to discrimination, compared to other factors like poverty, that’s being studied and debated. I’ll get to that later in the show. But what’s clear is that as the country has become less segregated overall, there are still large stubborn pockets of racial and economic segregation in major US cities. And that’s true nearly half a century after we passed a critical piece of civil rights legislation, the Fair Housing Act. It’s been 45 years since we declared as a country that housing discrimination was a problem and we needed to solve it. When the law was passed, it talked big. It not only banned discrimination in the sale or rental of housing based on race and a bunch of other categories. The first line of the law says, quote, “It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.” Big. Of course, laws are often big talkers, and it’s a lot easier to talk big than to make effective policy. With housing, with lots of issues. But everything that went into creating the Fair Housing Act is worth looking at today, 45 years later-- standard middle aged moment to look back-- to try to understand where we are and aren’t today. *Nikole Hannah-Jones*, the reporter for ProPublica, spent a year and a half digging into the Fair Housing Act. Really digging, going to presidential archives, talking to people in government now and from the time the law was passed, looking at demographic data, and at policies going back 80 years, and what she found was that the story really started back when the biggest housing discriminator in the country was the federal government.

Nikole Hannah-Jones: It really started after the Great Depression. So in the early to mid ‘30s, the federal government realized that home ownership was going to be a major way to build and fortify the middle class. So the Roosevelt

¹³ Ira Glass, *House Rules*, *This American Life*, November 22, 2013; <http://www.thisamericanlife.org/radio-archives/episode/512/transcript>.
Editor’s note: ‘*This American Life* is produced for the ear and designed to be heard, not read. We strongly encourage you to listen to the audio, which includes emotion and emphasis that’s not on the page. Transcripts are generated using a combination of speech recognition software and human transcribers, and may contain errors. Please check the corresponding audio before quoting in print.’

administration starts to back loans. And so you only had to put down 20%. And this is when the practice of redlining actually began. The federal government was the one who introduced redlining.

Nancy Updike: Redlining is now pretty well known, and the word has become a catch-all for various maneuvers that banks and others have used to deny loans or services based on race. But most people may not know-- I didn't know-- that it wasn't banks that popularized redlining. It was the federal government under President Franklin Roosevelt, a Democrat, that drew red lines on maps around certain neighborhoods and refused to back home loans there. There were other designations on the maps, by the way, for areas with Jews and others, anyone who was perceived as risky. Banks followed the government's lead in terms of lending, and so did big government programs that came out later, like the GI bill.

Nikole Hannah-Jones: It was not just about whether a neighborhood was black or not, but whether that neighborhood was integrated, and the government wanted to provide a disincentive to live in an integrated neighborhood. So if you were a white homeowner who didn't mind living in an integrated neighborhood, you could not get a loan. And if you owned a home in an integrated neighborhood, you knew that you could not resell your home to other white folks, so you had to sell your home to black people and get the hell-- oops, excuse me-- get the heck out of there. Because your property values were absolutely going to go down. It had nothing to do with whether the black people in your neighborhood could afford to pay their mortgage, or whether--

Nancy Updike: They mowed their lawns, or--

Nikole Hannah-Jones: Right, exactly, not keeping their properties up. It was about the fact that the government was deeming these neighborhoods as less valuable. And so your property values were going to go down because the government had decided that black and integrated neighborhoods were automatically less valuable.

Nancy Updike: The federal government's redlining drove white flight, and the government did not see this as a problem. Open racism was mainstream in the 1930s, including in the federal government. A manual put out by the Federal Housing Administration warned against undesirable encroachment of inharmonious racial groups. And federal attitudes and policies amplified what was already happening at the local level. There was flat out violence in some places, first of all, against blacks trying to move into white neighborhoods. There were also racial zoning laws, something called racial covenants. These were contracts attached to properties that said things like "At no time shall said premises be sold, occupied, let, or leased to anyone of any race other than the Caucasian." But discriminatory policies by the federal government had more reach than any local policy.

Nikole Hannah-Jones: And what ultimately happens, of course, between 1934 and 1964, 98% of the home loans that are insured by the federal government go to white Americans, building up the white middle class by allowing them to get home ownership. And black Americans are largely left out of that process. And, if there's one thing that's amazing about all of this, is how efficient the federal government was in creating segregation.

Nancy Updike: Around 1930, most black Americans in Northern cities are living in neighborhoods that are about 30% black. By the '60s, the neighborhoods of African Americans in the industrial Northeast are 74% percent black and higher.

Nikole Hannah-Jones: No other racial or ethnic group has ever been that segregated. Even when you had large groups of immigrants coming from Ireland or Poland or Italy, even in places where they had Little Italys and things like that. So by 1960, cities have largely been abandoned by white Americans, you have massive public housing projects, where nearly everyone in there is black and poor, and even if you're middle class and black, you can't move out of those neighborhoods. You're still forced to live in those very dead neighborhoods.

Nancy Updike: By 1967, President Lyndon Johnson had already signed into law two civil rights bills, but he couldn't get much traction on a housing law. So he flattered a new young senator, Walter Mondale, into helping lead the push for a housing bill in the Senate.

Nikole Hannah-Jones: Now Walter Mondale was picked because everyone else had turned Lyndon B. Johnson down.

Nancy Updike: Everyone else was too smart to take it on.

Nikole Hannah-Jones: Exactly. Housing was toxic. All of the other civil rights laws, they were kind of designed to shake their fingers at the recalcitrant South and make the South behave.

Nancy Updike: And that's exactly what Mondale told you.

Nikole Hannah-Jones: That's right. The housing bill was considered the first Northern civil rights bill. It was easy for Northern liberals to support the '65 Voting Rights Act and the 1964 Civil Rights Act, but they balked.

Nancy Updike: Mondale told Nikole that when he brought up a housing bill, some liberal Northern senators told him--

Nikole Hannah-Jones: You're embarrassing us with this. You're making us look like hypocrites by introducing this bill, and we can't support it.

Nancy Updike: By exposing our hypocrisy, you're making us look like hypocrites.

Nikole Hannah-Jones: That's exactly right.

Nancy Updike: The idea that housing was a Northern problem as well as a Southern one was also made clear when Reverend Martin Luther King went to Chicago to push for what he called open-housing.

Nikole Hannah-Jones: When he started moving his movement northward to address housing segregation, that's when he began to lose a lot of support. The white liberals who had supported his campaign in the South began to abandon him. When he was marching for housing integration in Chicago, an angry mob hit him in the head with a rock.

Nancy Updike: More and more Americans were finding blatant racial discrimination to be gross and unacceptable, but that didn't mean they were prepared for their own lives to change. What Mondale figured out was that the Senate version of that disconnect, if he leveraged it right, might work in the Fair Housing Bill's favor.

Nikole Hannah-Jones: He starts to gather testimony from veterans, African Americans who had fought in Vietnam and who were serving in the military, and the trouble that they were having after coming back from fighting for this country, and then coming home and not being able to find housing because of their race. And one of the testimony that really started to change minds was Carlos Campbell.

Nancy Updike: There's no recording of Campbell's testimony, but it's in the written record. He was a lieutenant in the Navy, a navigator, who'd been serving for eight years and was still on active duty when he was assigned to the Defense Intelligence Agency in Arlington, Virginia. He said he spent weeks going to more than 30 apartments in the area, wearing his uniform, which he described as complete with gold stripes and gold wings. Some places told him flat out, "we aren't integrated." Others turned him away by saying that they had an exceptionally long waiting list, or that it would take at least four weeks to process a routine application. Finally, the only way that Campbell-- a military officer who had been hired by the Pentagon-- the only way that he was able to find a place for his family to live was by renting the home of a fellow military officer who was being posted elsewhere for a couple of years. Campbell's testimony started changing some Senator's minds, even some outright segregationists. Campbell had fought for his country but was being turned away from housing for his family. It seemed un-American. But still the bill didn't pass, and the country was in the midst of massive upheaval.

Nikole Hannah-Jones: Starting from '65 until '68, there were riots in black communities in more than 100 cities across the nation. [GUNFIRE]

Nancy Updike: This is Newark, New Jersey in 1967. Some of you probably lived through the riots in your cities, but for those who didn't, this video from Newark looks like scenes from a foreign war, where the military is fighting in the streets of a city. Truckloads of men in military uniforms are driving through. And riots were happening in cities all over the country. Los Angeles, Chicago, Cleveland, San Francisco, Tampa, Buffalo, Atlanta, Boston, Omaha, Waukegan, Detroit, Durham, Memphis, Milwaukee, Minneapolis.

Nikole Hannah-Jones: I can't imagine this happening in dozens of cities every year for three years. Tanks rolling through American cities. You have combat troops in American cities. Buildings on fire.

Nancy Updike: President Johnson appointed a commission known as the Kerner Commission, Republicans and Democrats, to look into the riots, which were freaking out the entire country-- no surprise. In debates, some members of Congress argued that civil rights legislation, including a housing law, would reward and encourage rioting. The Kerner Commission's report came out while Congress was debating a fair housing bill for the third time, after it had failed to pass twice before. The report was published as a paperback book-- I'm looking down at a copy right now-- and it's got three questions emblazoned on the front. These are the questions President Johnson had publicly asked the commission to address. What happened? Why did it happen? What can be done?

Nikole Hannah-Jones: It sold something like two million copies when it first came out, so Americans were actually really interested--

Nancy Updike: That's a bestseller.

Nikole Hannah-Jones: --in this report. It was definitely a bestseller, and back then it was certainly a bestseller. But you have to understand, there had been four years of rioting in cities all across the country. And so I think many Americans were anxious to read an assessment of why this was.

Nancy Updike: The report is more than 600 pages, but its conclusion was simple, and has been famously and repeatedly quoted since. Quote, "Our nation is moving toward two societies, one black and one white, separate and unequal." The commissioners had spent months going to the cities, looking at data, interviewing people, residents, police, politicians, and they concluded that there was one central driving force behind the riots. This is Nikole quoting from the book. She's got her own copy.

Nikole Hannah-Jones: "Segregation and poverty have created, in the racial ghetto, a destructive environment totally unknown to most white Americans. 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."

Nikole Hannah-Jones: So I think people tend to think that generally people live like they do. And I think that they took great pains to say, we went into these communities--

Nancy Updike: We the commission.

Nikole Hannah-Jones: Exactly, we the Kerner commission. We're like you. You know, we're a largely white male group, and we went into those communities, and--

Nancy Updike: They're not living like us.

Nikole Hannah-Jones: --we found something-- yeah-- that we did not imagine.

George Romney: My fellow citizens, Detroit and much of Michigan have just lived through seven days of terror and trouble and tension.

Nancy Updike: This is the governor of Michigan at the time, George Romney, Mitt Romney's father. George Romney was about to become a huge player in the story of the Fair Housing Act. His state had been hit with one of the worst riots in US history, Detroit in 1967. Romney called in the National Guard, President Johnson sent in army troops, 43 people died, over 1,000 injured, tens of millions of dollars worth of damage. Governor Romney was planning to run for president in the coming year, and he gave a live televised speech to the people of Michigan in the aftermath of the Detroit riots.

George Romney: Some white people and public officials advocate the return to states' rights as a way to legalize segregation of the races. White extremist organizations are preaching hate and arming. More and more Negroes are listening to and supporting Negro leaders who advocate a separate black society in America. These militant revolutionists are preaching hate, violence, and rebellion.

Nancy Updike: Romney believed the country was in danger of splintering, and he laid out a whole plan in his speech to fight that. He wanted tough law enforcement, moral and religious renewal, both very popular ideas. But he also declared that, while others were calling for more separation between blacks and whites in response to the riots, he, Romney, was going to lead Michigan in the opposite direction with a special focus on housing. And he didn't just throw in a token sentence about it.

George Romney: We must have open housing on a statewide basis. Zoning that creates either large-scale economic or racial segregation should be eliminated. We must provide low cost private housing through nonprofit organizations in all parts of the metropolitan area and throughout the state. We must compel real estate agents to--

Nikole Hannah-Jones: I was reading through Romney's papers, and he was getting all of these letters from angry white citizens--

Nancy Updike: After the riots.

Nikole Hannah-Jones: --after the riots, who were on the one hand commending him for his law and order approach-- they called in the National Guard, there were actually, again, army combat troops were brought to quell it-- and they really were applauding him for his use of force in quelling the riots. Some of them wanting him to go even further, some of the letters being very openly racist, and his response to them I found to be remarkable. Most politicians, I think, would've played into that for popularity.

Nancy Updike: Thank you for your support.

Nikole Hannah-Jones: Exactly. I'll do it again if I have to. But his answer to them was, yes, I had to, we will not accept lawlessness, but at the same time we can't just look away from what's caused this. And he believed that housing segregation and the conditions created by the ghetto were what led to the riots, and that it was his duty to address those. And--

Nancy Updike: He wrote--

Nikole Hannah-Jones: He wrote that in letters, over and over.

Nancy Updike: George Romney was way out ahead of the federal government here. The Fair Housing Act had failed to pass Congress in 1966, failed again in 1967, even though it was gaining votes. In 1968, the Kerner Commission report came out, but still the bill was expected to fail a third time, until Reverend Martin Luther King was assassinated. A week later, the Fair Housing Act passed, and the fight to implement it began. The next president after the Fair Housing Act passed was Richard Nixon, and to head the department that was going to oversee the new law he appointed George Romney, former governor of Michigan, former businessman, recent author of a book called *The Concerns of a Citizen*. In the book, there's a speech he gave that starts, "I have just returned from a tour across America. It was the kind of tour that few Americans have taken and few would care to take. I saw the America of ugly streets and rotten buildings. The America of congestion, illiteracy, and want. The America of shattered expectations and rising fury." He gave that speech months before the Kerner Commission report came out.

Nikole Hannah-Jones: George Romney was of the Republican Party's more liberal Northern wing. And he actually ran against Nixon in the presidential election, and part of his undoing was his outspokenness on the issue of race. He actually said that the white suburbs had created a noose around the black inner cities, which is pretty strong language evoking lynching, but that's what he believed was happening.

Nancy Updike: Why did Nixon pick Romney to lead housing? He definitely wasn't a political soul mate. But Romney made sense. He was a high profile Republican who was credible on housing issues because of his stand in Michigan. So Romney's new job was Secretary of HUD, the Department of Housing and Urban Development. And this was a job for a confident man, because here's HUD in 1968. It's a newly formed department-- had been created only three years before-- and it was administering programs that, until recently, had explicitly discriminated based on race, running public housing that was either only for whites or only for blacks, denying loans in integrated areas, now charged with doing the exact opposite, enforcing the brand new fair housing law. And for enforcement, Romney was left mainly with a vague section of the law that instructed HUD to--

Nikole Hannah-Jones: "Affirmatively further" the provisions of the law, so--

Nancy Updike: And those are the words in the law, "affirmatively further."

Nikole Hannah-Jones: Yes. It wasn't just that the government had to stop discriminating and enforce the law, but the law was written to say, you actually have to take proactive steps to dismantle the segregation that you helped create.

Nancy Updike: The question was how to do it. Here's how Romney went about trying to fulfill that mandate to affirmatively further fair housing.

Nikole Hannah-Jones: He realizes-- so the US Department of Housing and Urban Development was giving billions of dollars in grants for sewers and highways, and to build housing in communities all across the country, and Romney decides that that is a good choke point. That if communities are going to be taking federal dollars, particularly federal housing dollars, they better be willing to open themselves up to people of different races, particularly African Americans at that time. But he also knows that this is not something that Nixon is going to be happy with.

Nancy Updike: President Nixon was complicated on civil rights, like he was on everything. His administration worked to build up minority-owned businesses. They made efforts to desegregate schools. But when it came to housing, Nixon was vehemently against what he called forced integration. So opposed that for a while he was bent on pushing a constitutional amendment to ban it.

Nikole Hannah-Jones: Of course, Romney would say it's voluntary integration because you don't have to take these federal dollars, and if you don't want the money, then do what you want.

Nancy Updike: We're just not going to pay for it.

Nikole Hannah-Jones: Right.

Nancy Updike: Romney had the backbone and the bullheadedness of a true believer. He thought housing segregation was a central part of, quote, "the greatest crisis in our nation's history." He didn't have the patience for building momentum or trying to sway Nixon. So Romney's archives have all of these letters going back and forth between Romney and his advisers, and his advisers writing each other, putting together their plan to affirmatively further the Fair Housing Act.

Nikole Hannah-Jones: And they're trying to figure out, OK, how do we do this without letting Nixon know. And so they have all these strategies-- we can just tell him, but if we tell him, he'll stop it. Or we can maybe let him know a little bit. Or do we just completely launch it under the radar and then let him know at some later point. And that's ultimately what they decide to do. They decide that they're just going to start this project called Open Communities. And they're going to launch it, they're going to start withholding money, and they're just going to hope that the federal bureaucracy will provide them cover, that Nixon won't really know what's going on until they're deeply into enforcing the law.

Nancy Updike: So under Romney, HUD started checking, were communities complying with the Fair Housing Act, and if not, withhold money. Use federal dollars as both carrot and stick.

Nikole Hannah-Jones: Really, HUD could go after almost any community at that point, right, because almost every community was discriminating in some way in the way it was dealing with housing and development dollars. In Boston, there was-- they were trying to build some government housing, and Boston was blocking that housing, so that came to HUD's attention. And HUD says, OK, you either allow this housing to go in, or we're going to-- we're not going to give you this grant. And these cities were basically building highways, they were building infrastructure, almost entirely with federal dollars in some cases, so this was a pretty big deal. And remarkably, cities started to comply when they were threatened with these federal dollars.

Nancy Updike: As Romney is moving ahead with his plan, having some initial successes, he gets a letter from Nixon's advisor John Ehrlichman, saying basically--

Nikole Hannah-Jones: Uh, we're starting to hear about some program you have, but we haven't given any clearance. And Romney just brushes it off, and he's like, oh, we're just talking about it, we're not actually really doing anything yet. Of course he was. But, you know, it's a federal bureaucracy, and HUD was just one of many agencies, so--

Nancy Updike: So he just lies.

Nikole Hannah-Jones: He-- yeah.

Nancy Updike: In order to keep moving ahead with this, and that works.

Nikole Hannah-Jones: And it works--

Nancy Updike: For a while. Romney clearly had guile, but he couldn't keep his program secret forever. And he'd started something that couldn't last without the support of the White House. And the White House was hearing complaints about what he was doing. From Michigan, Romney's home state. Romney had tried to withhold money from a city called Warren, Michigan, because of discriminatory housing policies. Romney had had a previous run in with Warren as governor.

Nikole Hannah-Jones: Very, very segregated. When an interracial family had tried to move into a neighborhood, Romney had been forced as governor to send in the state police, because the neighbors raised such a ruckus and were threatening that family.

Nancy Updike: Warren was one of the places white Detroiters had fled to after the riots.

Nikole Hannah-Jones: So these were people who felt very raw, who had intentionally moved to this community so that they would not have to live around black people, and they were very upset.

Nancy Updike: As HUD secretary, Romney made a tentative deal with Warren officials, and that might have been the end of it, but then the case got press. The Detroit News headline was “US picks Warren as prime target in move to integrate all suburbs.” Residents of Warren and other suburbs were up in arms. Warren’s mayor said the town would not be, quote, “a guinea pig for integration experiments.” The White House told Romney to back off and give Warren the money. When Nixon had appointed Romney, he praised his, quote, “missionary zeal.” Now Nixon and his advisers were talking in memos behind the scenes about having, quote, “a serious Romney problem.” When Romney tried to pressure Atlanta, a group of Nixon’s Southern supporters met with the president. They’d been key to his election.

Nikole Hannah-Jones: They tell him, you made promises to us. That’s why we supported you. And now people are beginning to think of you as Mr. Integrator, which was an insult, apparently. And they told him, we in the South are motivated by race. And these are all in meeting notes from that meeting with Nixon, and they pressured him to do something to rein Romney in. And that’s when he starts to freeze Romney out of the administration.

Nancy Updike: Nixon stopped meeting with Romney. Not only were some of his supporters complaining to him, he also didn’t agree with what Romney was doing. He sent an intermediary to Romney to tell him that his special skill set would now be most useful to the administration in Mexico as ambassador.

Nikole Hannah-Jones: Romney didn’t want that. It’s very clear from the unofficial resignation letter that Romney wrote Nixon that he knew he was being pushed out and that Nixon wanted a HUD secretary that was more to his political liking. He turned it down, and he resigned.

Nancy Updike: A new law is a battlefield. People and branches of government fight over interpretation and enforcement, and lack of precision in a law’s wording can be turned to anyone’s advantage. Romney had used the broadness of affirmatively furthering fair housing to push federal action. Nixon used the vagueness of those words to limit federal action.

Nikole Hannah-Jones: Nixon begins to gather his lawyers and staff to determine just how narrowly he can enforce the Fair Housing Act. And he sends out a staff to produce these memos for him. And when one of his staff members comes back and says, well, what Romney was doing was actually within the law, and I don’t think we can ignore this mandate to be active in breaking down segregation, he’s chastised for that, as kind of not being on board, and is told to go back in and rewrite a more narrow reading.

Nancy Updike: In a private memo to his advisers, Nixon wrote, quote, “Even if I should become convinced, and I don’t think it would be possible to convince me, that forced integration of education and housing was in the best interests of blacks and not too detrimental to whites, I could not possibly support it in good conscience.”

Nikole Hannah-Jones: He, I think-- it’s easy to demonize him, but I think Nixon encapsulates that tension that has always been with us around issues of race in that we never put as much effort into undoing the harms as effort that we’ve put into creating them. And he believed that he was taking the more practical, moderate view, which is, of course legal segregation is wrong, and it’s a good thing that we have gotten rid of that, but it’s also wrong to disrupt people, to force upon people something that they don’t want.

Nancy Updike: President Nixon elaborated on his views in that memo to his advisers Ehrlichman and Haldeman, basically a long single-spaced typed letter.

Nikole Hannah-Jones: What was most chilling about that letter to me-- and this was-- he was doing all this-- it was an eyes only memo to his two most trusted advisers, this was not something that he talked about publicly-- and what he said was, “I realize that this position will lead us to a situation in which blacks will continue to live for the most part in black neighborhoods, and where there will be predominantly black schools, and predominantly white schools.”

Nancy Updike: And you’re reading this from the letter.

Nikole Hannah-Jones: I’m reading directly from the letter. So he understands that what this means is that what-- the very issues that the civil rights laws were supposed to pass-- I mean address-- will go unaddressed, right. By taking this view, the schools will still be segregated and neighborhoods will still be segregated. And if you think about the way that we talk about these issues today, the argument is that yes, legal segregation was wrong, but policies that take race into account to address these issues are just as wrong. So where has that left us? It’s left us in a place where we no longer have segregation by law, but we still have segregation by fact, and this moderate view says that there’s nothing we can or should do about it. And I think when you think about that logic, that’s a logic that has held true really over the last 40 years.

Nancy Updike: The Fair Housing Act has been enforced unevenly by the federal government, to say the least, in the last four decades. A lot has depended on individual people or advocacy organizations bringing lawsuits under the act one at a time, or the Department of Justice bringing lawsuits. For the first 20 years of the law, HUD didn't even have the power to sue a landlord or company if HUD believed they were discriminating. HUD couldn't compel anyone to do anything. They could just mediate, like a sort of housing couples therapist. And the part of the Fair Housing Act that was meant to address the big picture, to make sure zoning laws and local housing policies comply with the law, the mandate to affirmatively further fair housing, to actively fix the problem, that's been more or less in a coma since George Romney left, even though periodically people try to revive it by deciding on some new interpretation of what it means to affirmatively further fair housing. The Obama administration recently made a move to revive it. We'll see what happens with that. So given this record of enforcement, where are we? Well, there's no question that black-white segregation has declined significantly overall in the United States. Specifically, some African Americans have left the highly segregated cities of the Northeast and the Midwest and migrated to less segregated Sun Belt cities. Also, relatively small numbers of African Americans who can afford it have moved into formerly all white or mostly white communities. What's left behind are concentrated areas that are usually poor and mostly African-American. But that can make it seem like segregation now is all about poverty rather than race, and it's not. The average African-American household making \$75,000 a year or more, that family lives in a poorer neighborhood than the average white family making less than \$40,000 a year. That is, a black family making twice as much money as a white family probably still lives in a poorer neighborhood. That's according to a study from Brown University. Racial segregation and not just people's income is key to understanding where people live and why, though I'm not sure we're facing the reality of that today.

Nancy Updike: The point of the Fair Housing Act is not that every black person in America has to have a white neighbor, and anything short of that means they're being discriminated against, but look at where we are 45 years later. Some states have no housing testers at all. They're basically on the honor system. In the places that do have it, most of the testing is done not by the government, but by advocacy organizations [which hires actors to ask about vacancies to see if apartments discriminate]. Which for New York City means its 8.3 million people are relying for most of their testing for compliance with the Fair Housing Act on a nonprofit organization and a group of actors hired part-time.