A Powerful, Disturbing History of Residential Segregation in America

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THE COLOR OF LAW
A Forgotten History of How Our Government Segregated America
By Richard Rothstein

In the summer of 1950, with Americans reeling from the news of North Korea’s invasion of South Korea and Senator Joseph McCarthy’s ever expanding “Red hunt” in Washington, Time magazine ran a disarmingly cheerful cover story about the nation’s housing boom, titled: “For Sale: A New Way of Life.” Featuring the builder William Levitt, who had recently transformed some Long Island potato fields into a sprawling complex of starter homes — two bedrooms, one bath and an extension attic for $7,990 — it spoke reverentially of the development’s parks and playgrounds and many rules. “Fences are not allowed,” Time noted. “The plot of grass around each house must be cut at least once a week,” and laundry couldn’t be hung outside “on weekends and holidays.”

One rule, however, was conveniently absent from the piece. Homeowners in Levittown were forbidden to rent or sell to persons “other than members of the Caucasian race.” Asked about this so-called “racial covenant,” Levitt blamed society at large. “As a Jew, I have no room in my mind or heart for racial prejudice,” he said. “But I have come to know that if we sell one house to a Negro family, then 90 or 95 percent of our white customers will not buy into the community. This is their attitude, not ours. As a company, our position is simply this: We can solve a housing problem, or we can try to solve a racial problem, but we cannot combine the two.”

At first glance, Levittown stands as a prime example of de facto segregation, which results from private activity, as opposed to de jure segregation, which derives from government policy or law. Levitt, after all, appeared to be an independent businessman responding to the prejudices of the home buyers he hoped to attract. In truth, it wasn’t that simple. As Richard Rothstein contends in “The Color of Law,” a powerful and disturbing history of residential segregation in America, the government at all levels and in all branches abetted this injustice. “We have created a caste system in this country, with African-Americans kept exploited and geographically separate by racially explicit government policies,” he writes. “Although most of these policies are now off the books, they have never been remedied and their effects endure.”

Levittown reflected this dynamic. Popular with World War II veterans and their families, its 17,500 houses required no down payment. The federal government guaranteed low-interest bank loans for Levitt to build them, and low-interest mortgages for veterans to buy them. The government also made clear that developers receiving these incentives must sell to whites only.
It didn’t stop there. In the 1950s, following a Supreme Court decision that restricted the scope of racial covenants, an African-American veteran bought a house in a second Levitt development outside Philadelphia. A white mob formed, the house was pelted with rocks and crosses were burned on the lawn. Amazingly, the black family held out for several years before moving back to a segregated neighborhood. Rothstein sees this incident, and dozens like it, as an insidious form of de jure segregation — the failure of racially biased police and public officials to protect African-Americans from unlawful intimidation.

One of the great strengths of Rothstein’s account is the sheer weight of evidence he marshals. A research associate at the Economic Policy Institute, he quite simply demolishes the notion that government played a minor role in creating the racial ghettos that plague our suburbs and inner cities. Going back to the late 19th century, he uncovers a policy of de jure segregation in virtually every presidential administration, including those we normally describe as liberal on domestic issues.

Indeed, some of the worst offenses occurred with Franklin Roosevelt in the White House. One of his New Deal centerpieces, the Public Works Administration, built 47 public housing projects, all rigidly segregated, 17 for blacks, the rest for whites. His vaunted Tennessee Valley Authority put white employees in a “model village” of 500 homes, while blacks endured “shoddy barracks” far from their jobs. When war came, the Roosevelt administration provided housing for white defense plant workers, but only temporary, poorly constructed dwellings for black workers. The few protesters included Eleanor Roosevelt, whose pleas for fairness fell on deaf ears. The president, no friend of civil rights, argued that ending the Great Depression and winning World War II must take precedence over divisive social issues.

Among Rothstein’s more telling examples is Stuyvesant Town, a 9,000-apartment complex built on Manhattan’s East Side in the 1940s by the Metropolitan Life Insurance Company. The process of construction began with the city condemning 18 square blocks of a racially integrated neighborhood and transferring the land to the company, which received tax relief as well. Met Life executives made it clear that Stuyvesant Town was for “white people only” — a policy that led to protests and a compromise whereby the company agreed to lease a handful of apartments to “qualified Negro tenants,” while building a “smaller development” for black renters in Harlem. By this point, however, Stuyvesant Town was almost fully leased. Blacks were shut out, and would remain so, because New York City’s rent control laws kept turnover low for the original white tenants and their “lawful successors,” while rapidly rising rents for its vacated apartments made the development unaffordable for even middle-class families. Today, African-Americans constitute a minuscule part of Stuyvesant Town, which sits in one of Manhattan’s most famously “progressive” districts. (Donald Trump received a paltry 15 percent of the vote there in the recent presidential election.)

What are the remedies? Here, Rothstein has less to add. A number of his pet ideas have no hope of gaining public acceptance, he readily admits, like withholding mortgage interest and property tax deductions from those living in neighborhoods that actively exclude blacks and the poor, or having the federal government buy a percentage of the houses that come up for sale in Levittown, which would then be resold to African-American buyers for $75,000 — far below their current market value but equal, in today’s dollars, to the original asking price of $7,990.
Sadly, there is no easy fix. Though many states place restrictions of some sort on “exclusionary zoning,” a few have gone further to mandate “fair share” requirements for low- and moderate-income suburban housing, with incentives both for developers and local communities — a plan Rothstein favors.

As a call to arms, “The Color of Law” may be difficult for potential allies to embrace. Interracial alliances break down, Rothstein insists, “when whites develop overly intolerant judgments of the unfortunate — from a need to justify their own acceptance of segregation that so obviously conflicts with both their civic ideals and their religious ones.” Supposedly blinded by bigotry or ignorance, they refuse to acknowledge what Rothstein seems to see as self-evident: that the myriad social problems plaguing the inner cities today arise from race discrimination, and race discrimination alone. To dare to challenge this — to speak of individual agency, for example — is akin to flogging the victim. End of discussion.

Rothstein, moreover, rejects the phrase “people of color,” because it lumps African-Americans with groups that didn’t suffer as systematically at government hands — like Asians and Hispanics. (First- and second-generation Mexicans live in segregated neighborhoods by choice, we are assured, not because they are forced to.) While the history of African-Americans is undoubtedly unique, ranking groups by the discrimination they endured may not be the most productive way to proceed.

In his preface, Rothstein writes that America has a constitutional obligation to remedy de jure segregation in housing, and that its story must be told. While the road forward is far from clear, there is no better history of this troubled journey than “The Color of Law.”