Plessy's Legacy: The Government's Role in the Development and Perpetuation of Segregated Neighborhoods

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Plessy v. Ferguson *provided the foundation for a system of segregation and exclusion that adversely affected African Americans throughout the twentieth century. Segregation was perpetuated by federal policies. During the 1940s and 1950s, the federal government facilitated the construction of suburban communities with Veterans Administration– and Federal Housing Authority–insured mortgages. These agencies invented redlining and required lending institutions to insert racially restrictive covenants in deeds for properties they insured. In the 1950s and 1960s, the federal government facilitated the construction of the interstate highway system. The freeways were frequently constructed through African American neighborhoods, displacing the residents. Urban renewal programs caused the destruction of African American communities across the nation. This long and tragic history of structural racism continues to adversely affect the well-being of African American families.*

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The Supreme Court's decision in *Plessy v. Ferguson* provided the legal foundation for an elaborate system of subordination and exclusion.[1] The case was the culmination of a series of post-Reconstruction actions that reestablished white supremacy in the South. This article explains how *Plessy*'s "separate but equal" principle facilitated segregation in the nation's housing markets. *Plessy* did not directly cause residential segregation, but it did legitimize the laws, customs, and practices that established the Jim Crow regime.

In the first decades of the twentieth century, responding to a severe labor shortage, thousands of European immigrants poured into the United States. Ethnic enclaves were established in rapidly growing cities. African Americans, unlike European immigrants, were confined in separate neighborhoods to the least desirable areas in urban communities. Other barriers

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1. *Plessy v. Ferguson*, 163 U.S. 537 (1896).

were also erected. In the 1930s, a federal agency created a system of rating neighborhoods. Black neighborhoods were redlined. Lenders did not make loans in these areas. The American suburbs were developed in the 1940s and 1950s, communities that could not have been established without Veterans Administration (VA) and Federal Housing Administration (FHA) insured mortgages. Those agencies required lenders to include racially restrictive covenants on all properties with federally insured mortgages.

In the 1950 and 1960s, the federal government subsidized the construction of the interstate highway system. Highways were frequently built through black neighborhoods, many of which were physically destroyed in the process. Some local officials used highways to separate black and white neighborhoods, reinforcing residential segregation.

Under the authority of the Housing Act of 1949, the federal government subsidized slum clearance and urban renewal programs. In the years that followed, many black neighborhoods were declared blighted, seized by local governments exercising eminent domain powers, and demolished. In the 1960s, many local governments enacted zoning codes that disproportionately excluded black families from suburban communities.

For more than half of the twentieth century, policymakers at the federal, state, and local levels pursued development strategies that had a devastating effect on African American families. These policies included redlining, restrictive covenants, the interstate highway system, urban renewal, and exclusionary zoning. Federal housing policies barred black families from the largest wealth-producing program in the nation's history—single-family homes in suburban communities. In 2016, the median black family wealth was $13,460, less than 10 percent of the counterpart $142,180 white family wealth. Slightly more than 25 percent of blacks had no or negative wealth, relative to only a little more than 10 percent of whites (Hanks, Solomon, and Weller 2018). These wealth disparities are largely the product of post–World War II government policies that facilitated home ownership and wealth-building for the white families that became America's middle class (Ware 2018).

SEPARATE AND UNEQUAL

Plessy v. Ferguson was not as much an interpretation of constitutional principles as it was a declaration of white supremacy. Decided at the cusp of the twentieth century, the case provided the legal justification for an all-encompassing system of discrimination and exclusion. The events leading to the case began in 1890, when Louisiana enacted a law requiring railway companies to provide separate cars for black and white passengers.[2]

A civic group organized a challenge to the law. Homer Plessy, a thirty-year-old French-speaking Creole, who was seven-eighths Caucasian and one-eighth African, agreed to serve as the plaintiff. The committee selected him in part because of his light complexion. Plessy bought a ticket and boarded a train traveling to Covington, Louisiana. After an orchestrated confrontation with the train's conductor, Plessy was ejected and imprisoned in the parish jail.

The separate car law was challenged on the grounds that it violated the Thirteenth and Fourteenth Amendments of the Constitution. The Thirteenth Amendment outlawed slavery. The Court majority summarily rejected the Thirteenth Amendment argument, stating that "a statute which implies merely a legal distinction between the white and colored races—a distinction which is founded in the color of the two races and which must always exist so long as white men are distinguished from the other race by color—has no tendency to destroy the legal equality of the two races or reestablish a state of involuntary servitude."[3]

The Fourteenth Amendment prohibits states from denying any person equal protection of the laws. In *Plessy*, the Court agreed that the intent of the amendment was to enforce the equality of the two races before the law, "but, in the nature of things, it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished

2. *Plessy*, 163 U.S.

3. *Plessy*, 163 U.S. at 543.

from political, equality, or a commingling of the two races upon terms unsatisfactory to either." The majority concluded that "the enforced separation of the races . . . neither abridges the privileges or immunities of the colored man, deprives him of his property without due process of law, nor denies him the equal protection of the laws within the meaning of the Fourteenth Amendment."[4]

Plessy's lawyers argued that the law deprived him of a valuable property right. The majority disagreed, stating, "we are unable to see how this statute deprives him of, or in any way affects his right to, such property. If he be a white man and assigned to a colored coach, he may have his action for damages against the company for being deprived of his so-called property. Upon the other hand, if he be a colored man and be so assigned, he has been deprived of no property, since he is not lawfully entitled to the reputation of being a white man."[5]

Plessy argued that the segregation law stamped the black race with a badge of inferiority. The majority disagreed. If this were true, it asserted, "it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it. . . . If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits, and a voluntary consent of individuals." Justice Henry Billings Brown's opinion stated further "legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences. . . . If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane."[6]

Plessy argued that the equal but separate premise was irrational and would authorize a state to require separate cars for people whose hair was a certain color, or who are aliens, or who belong to certain nationalities. This would allow states to enact laws requiring blacks to walk on one side of a street and white people on the other; requiring white men's houses to be painted white and colored men's black, or their vehicles or business signs to be of different colors based on the reasoning that one side of the street is as good as the other, or that a house or vehicle of one color is as good as one of another color. The majority rejected, but did not refute, this argument. It said Plessy's hypotheticals went too far. The Court's vague and ambiguous response declared that every exercise of a state's police power must be "reasonable," guided by the established usages, customs, and traditions of their citizens and providing for the preservation of the public peace and order.

Associate Justice John Marshall Harlan authored what became a historic dissent. He exposed the majority's disingenuous reasoning stating, "everyone knows that the statute in question had its origin in the purpose not so much to exclude white persons from railroad cars occupied by blacks as to exclude colored people from coaches occupied by or assigned to white persons."[7]

Harlan continued, "in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. . . . In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott Case.*"[8] This was a prescient observation (Hoffer 2012).

PLESSY AND THE BETRAYAL OF RECONSTRUCTION

Plessy was one of a series of cases that eviscerated the post–Civil War amendments. C. Vann

4. *Plessy*, 163 U.S. at 543.

5. *Plessy*, 163 U.S. at 551.

6. *Plessy*, 163 U.S. at 551–552.

7. *Plessy*, 163 U.S. at 557.

8. *Plessy*, 163 U.S. at 559.

Woodward explains in *The Strange Career of Jim Crow* (2002) that racial segregation emerged in the final decades of the nineteenth century but was uneven in its development and implementation. Practices were different in different localities. *Plessy* was the culmination of a gradual movement that virtually nullified the Fourteenth and Fifteenth Amendments in the South. It expressly endorsed segregation and gave the green light to what became an all-encompassing system of subordination.

A series of nineteenth-century cases culminated with *Plessy*. In *United States v. Reese*, a black man residing in Kentucky attempted to vote but his poll tax payment was rejected, and he was not allowed to vote.[9] The Supreme Court rejected his challenge, holding that the Fifteenth Amendment did not affirmatively ensure the right to vote but instead merely prohibited states from denying it.

Another case, *U.S. v. Cruikshank*, involved the massacre at which a group of Ku Klux Klansmen used deadly force to break up a black political rally in Colfax, Louisiana.[10] Hundreds of African Americans were shot or killed. Three Klansmen were convicted for violations of an 1870 law that forbade conspiracies to deny the constitutional rights of individuals. The Supreme Court reversed the convictions. It ruled that the First and Second Amendment rights to assembly and bearing arms were intended only to restrict the actions of the federal government and did not apply to the states or private citizens. The Fourteenth Amendment rights to due process and equal protection applied only to state action, not the actions of individuals.

The 1875 Reconstruction Civil Rights Act prohibited discrimination in public accommodations. Five consolidated cases (*United States v. Stanley*, *United States v. Ryan*, *United States v. Nichols*, *United States v. Singleton*, and *Robinson v. Memphis & Charleston Railroad*) involved civil actions filed by African Americans claiming that they had been illegally refused equal access to restaurants, hotels, theaters, and trains as required by the 1875 law.

In the *Civil Rights Cases*, decided in 1883, key provisions of the 1875 act were declared unconstitutional.[11] The Court held that Congress did not have the authority to regulate private acts of discrimination. The Fourteenth Amendment applied only to the actions of state officials. These decisions undermined the rights established by the Fourteenth and Fifteenth Amendments. *Plessy* was the coup de grâce.

THE SPREAD OF SEGREGATION

After the Supreme Court's endorsement in *Plessy*, racial separation was imposed on virtually all aspects of everyday life in the South. Whites and blacks were born in separate hospitals, educated in different schools, and buried in segregated graveyards. Schools, restaurants, hotels, theaters, public transportation, and waiting rooms were segregated as were elevators, parks, public restrooms, hospitals, drinking fountains, prisons, and places of worship. Segregated waiting rooms were required in professional offices, as well as building entrances and cemeteries. Amusement parks had separate cashier windows for blacks and whites.

Segregation was enforced for public pools, telephone booths, asylums, jails, and homes for the elderly and people with disabilities. The labor market was segmented. Jobs were for whites or for blacks, for men or for women. African Americans were domestics, janitors, laborers, and the like. These were the lowest paying and least desirable occupations. New Orleans mandated the segregation of prostitutes according to race. In Atlanta, African Americans testifying in court cases were sworn in using a different Bible than the one used for whites. Marriage and cohabitation between whites and blacks was strictly forbidden in most southern states. "Sundown towns" were not uncommon across the Midwest. In some cases, signs were posted at city limits warning African Americans that they were not welcome at night (Loewen 2006). In other towns, it was simply understood that blacks were not welcome after sundown.

9. *United States v. Reese*, 92 U.S. 214 (1876).

10. *U.S. v. Cruikshank*, 92 U.S. 542 (1876).

11. *Civil Rights Cases,* 109 U.S. 3 (1883).

The country had, in effect, two criminal justice systems: one for whites and another for blacks. When the color line was breached, violence was unleashed against offenders by the Ku Klux Klan and local whites, often in concert with local law enforcement officials.

All branches of the U.S. military were segregated. In 1913, President Woodrow Wilson segregated the federal civil service (Yellin 2013). In 1915, he screened D. W. Griffith's *Birth of a Nation* in the White House. The movie glorified the Ku Klux Klan and portrayed blacks as ignorant brutes. Wilson supposedly said, "It's like writing history with lightning. And my only regret is that it is all terribly true" (Benbow 2010, 509). In 1917, the Wilson administration named ten southern military installations after Confederate generals (Editorial Board 2020). Segregation was codified in state and local laws and enforced by intimidation and violence (Litwack 1998).

In Atlanta, Georgia, for example, blacks could not serve on juries. The races were indexed separately on tax rolls. Atlanta's banks maintained separate teller windows for white and black customers. The Rhodes-Haverty building in Atlanta had four elevators. Three of those going up were for whites and one was for blacks. All four going down, however, were integrated. The apparent logic was that whites and blacks go to separate heavens but the same hell (Pomerantz 1997; Ruechel 1997). Blacks could not try on clothes in department stores. They were expected to wait until all of the white customers were served before they were helped.

A Jim Crow etiquette was scrupulously observed in interactions. Blacks were expected to address a white person by the title of *Mr.*, *Mrs.*, or *Miss*. Whites addressed blacks by their first names no matter if they hardly knew each other or by the epithets *boy*, *uncle*, *auntie*, or the like. If a black person entered a white person's home, they were obligated to use the back door. The purpose of these unwritten but well-known rules was to provide a continual demonstration blacks were inferior to whites and to recognize and acknowledge their inferiority (Myrdal 1944).

THE GREAT MIGRATION AND SUBURBANIZATION

The federal government played an essential role in the development, institutionalization, and perpetuation of residential segregation. When northern and midwestern cities began to industrialize at the beginning of the twentieth century, thousands of African American families migrated from the rural South to cities in the Northeast and Midwest (Wilkerson 2010; Lemann 1991). They were pushed by the violence and intimidation in the segregated South and pulled by the lure of better-paying factory jobs and a higher standard of living. Like the foreign immigrants pouring in from Europe, blacks worked in factories in a rapidly industrializing economy.

When black migrants arrived in urban communities, they encountered many obstacles. In some towns, municipal ordinances prohibited African Americans from occupying properties except in designated neighborhoods. In 1910, Baltimore became the first city in America to adopt a residential segregation ordinance (Power 1983). The laws were challenged and declared unconstitutional as violations of the Fourteenth Amendment in a 1917 decision, *Buchanan v. Warley.* The ruling was based on the rights of whites to sell their property to whomever they wished rather than on the equality rights of African Americans.[12]

After *Buchanan*, the real estate industry devised another tactic: racially restrictive covenants. The covenants were clauses in deeds that prohibited property owners and subsequent purchasers from selling their homes to racial and religious minorities. The Supreme Court implicitly endorsed the covenants in a 1926 decision, *Corrigan v. Buckley*.[13] The Fourteenth Amendment applies only to actions taken by state and local governments. The Court did not decide the merits of *Corrigan,* but did issue an opinion that the Fourteenth Amendment did not prohibit private parties from controlling the use and disposition of their property.

As the northern migration continued, an already severe housing shortage for African Americans grew worse. Blacks were crowded

12. *Buchanan v. Warley*, 245 U.S. 60 (1917).

13. *Corrigan v. Buckley*, 271 U.S. 323 (1926).

into existing ghettos that expanded as whites moved out of adjacent neighborhoods. The overcrowding created financial incentives to violate the covenants. In many cases, a white strawman purchased a property and immediately resold to a black purchaser, usually at a significant profit. In the 1940s, the National Association for the Advancement of Colored People (NAACP) launched a formal litigation campaign that challenged restrictive covenants. In 1948, the Supreme Court held in *Shelley v. Kraemer* that restrictive covenants were private arrangements, but judicial enforcement of discriminatory agreements constituted state action that violated the Fourteenth Amendment.[14] After *Shelley*, the covenants could not be enforced in courts. This was an important but largely symbolic victory for the NAACP (Ware 1989; Ware and Davis 2012). Discriminatory practices continued.

The American middle class grew rapidly during and after World War II (Massey and Denton 1993; Rothstein 2017; Fox 1990). Before the war, working-class whites lived in ethnic enclaves in cities or in small towns and rural communities. Extended families often occupied the same residence. As the nation industrialized, wages grew after the 1935 Wagner Act facilitated the formation of labor unions and collective bargaining. The 1944 G.I. Bill provided returning veterans with financial assistance for college expenses and insurance for home mortgages. Millions of servicemen were able to afford homes for the first time. In 1947, real estate developer William Levitt purchased four thousand acres of farmland on Long Island, New York, and converted it into the largest privately planned community in American history.

Suburban communities could not have been developed without the federal government's support. Communities such as Levittown were constructed in metropolitan regions across the nation. Residential construction rose from 114,000 new homes in 1944 to 1.7 million by 1950 (Suddath 2009). All of this was facilitated by the introduction of fixed-rate, thirty-year mortgages insured by the Veterans Administration and Federal Housing Authority (Massey and Denton 1993; Ware 2018; Jackson 1985; Freund 2010). Mortgage interest and local property taxes could be deducted from federal income taxes. In many cases, buying a home was cheaper than renting. Middle-class American families could achieve the American dream—a single-family, detached home on a quarter-acre lot.

Housing segregation was mandated by the federal government. The Home Owners' Loan Corporation (HOLC), a federal agency established during the 1930s Depression, fostered residential segregation by redlining (Oliver and Shapiro 1997; Rothstein 2017). Land economists believed that property values were closely linked to the racial composition of neighborhoods. The HOLC rated every neighborhood in America A, B, C, or D using color-coded maps. The lowest quality rating, D, was red. Neighborhoods rated A had to be homogenous and occupied by the families of business and professional men who were white and usually native born. Neighborhoods in which blacks resided were rated D. Lenders were discouraged from making loans in those neighborhoods (Howell 2006). The HOLC neighborhood risk maps institutionalized discrimination based on race and geography.

The FHA used HOLC's system to develop criteria for selecting the mortgages it would insure. The FHA's underwriting standards reflected the model of neighborhood change developed by the economist Homer Hoyt (1933). Hoyt describes the patterns of development of residential neighborhoods according to his "sector theory" of neighborhood change. According to sector theory, areas developed along certain sections of a city. A high-grade residential area was the center of attraction that pulled other residential areas toward it. However, if a high-rent district was established in another sector, other high-rent districts would extend out from that point and pull the growth of the city in that direction as lower-income groups moved into the houses in older neighborhoods. In this invasion-succession model, newly constructed neighborhoods were occupied by white families (Gordon 2005). Over time, the neighborhood transitioned from white Protestant to Jewish families and finally African Amer-

14. *Shelley v. Kraemer*, 334 U.S. 1 (1948).

icans as the housing stock grew older and began to deteriorate.[15]

The FHA developed Residential Security Maps that assigned every neighborhood a place somewhere along this continuum (Nelson et al. 2020). The FHA's *Underwriting Manual* warned lenders that neighborhoods could retain their values only if the properties were occupied by the same social classes and racial groups. The agency urged the use of restrictive covenants to maintain neighborhood stability. The FHA's 1935 manual stated, "If a neighborhood is to retain stability it is necessary that properties shall continue to be occupied by the same social and racial classes. A change in social or racial occupancy generally leads to instability and a reduction in value." The 1939 *Underwriting Manual on Racial Restrictive Covenants* stated,

> The Valuator should realize that the need for protection from adverse influences is greater in an undeveloped or partially developed area than in any other type of neighborhood. Generally, a high rating should be given only where adequate and enforced zoning regulations exist or where effective restrictive covenants are recorded against the entire tract, since these provide the surest protection against undesirable encroachment and inharmonious use. To be most effective, deed restrictions should be imposed upon all land in the immediate environment of the subject location. . . . Recommended restrictions should include provisions for the following. . . . Prohibition of the occupancy of properties except by the race for which they are intended. (Weaver 1948, 72)

After the decision in *Shelley v. Kraemer*, the FHA made some largely cosmetic changes to its manual. Explicit references to race were removed. However, the *Manual* continued to warn against introducing adverse influences that would diminish the desirability of the neighborhood or lower property values. Local real estate boards warned members not to introduce elements into a neighborhood that would be detrimental to the property values and explicitly included blacks among the undesirable elements. Real estate publications used in college and university courses and by practicing realtors continued to urge separating "inharmonious" populations.

Revised editions of *Hoyt's Principles of Urban Real Estate* toned down some of its racial references but did not abandon its message that white neighborhoods needed protection from "inharmonious groups" (Weimer and Hoyt 1939). Home equity is the principal source of wealth for most American families. The federal government's discriminatory policies excluded African Americans from the largest wealth-producing programs in the nation's history; single-family homes in suburban communities purchased with VA- and FHA-insured mortgages (Rothstein 2017; Oliver and Shapiro 2019). The continuing black-white wealth disparities are largely the product of post–World War II government policies that excluded African Americans.

REVERSE REDLINING AND GHETTO LOANS

For most of the twentieth century, redlining prevented African Americans from securing mortgage loans. Reverse redlining is essentially the opposite; minority populations are targeted by lenders who provide mortgages for higher fees and costs than those to similarly situated white customers. The loans, many of which were made with inadequate regard for the borrowers' ability to make payments, resulted in defaults, massive foreclosures, and the loss of billions of dollars in home equity. In *Race for Profit: How Banks and the Real Estate Industry*

15. "If the entrance of a colored family into a white neighborhood causes a general exodus of the white people it is reflected in property values. Except in the case of Negroes and Mexicans, however, these racial and national barriers disappear when the individuals of the foreign nationality groups rise in the economic scale or conform to the American standards of living. . . . While the ranking may be scientifically wrong from the standpoint of inherent racial characteristics, it registers an opinion or prejudice that is reflected in land values; it is the ranking of race and nationalities with respect to their beneficial effect upon land values. Those having the most favorable effect come first in the list and those exerting the most detrimental effect appear last: 1. English, Germans, Scots, Irish, Scandinavians 2. North Italians 3. Bohemians or Czechoslovakians 3. Poles 4. Lithuanians 5. Greeks 6. Russian Jews of lower class 6. South Italians 6. Negroes 7. Mexicans" (Hoyt 1933, 314–16).

Undermined Black Homeownership, Keeanga-Yamahtta Taylor shows how many financial institutions used exploitative loan products that drained the wealth of African Americans (Hauser 2008; Brescia 2009; Squires 2005; Fisher 2009; Taylor 2019).

The products that created this problem were subprime mortgages. Prior to the emergence of subprime lending, most mortgage lenders made mainly prime loans to borrowers with incomes and credit histories that indicated they were unlikely to default on their obligations. In the early 1990s, technological advances in automated underwriting allowed lenders to predict with improved accuracy the likelihood that borrowers with blemished credit histories would repay loans (Steil et al. 2018).

By the early 2000s, lenders dramatically increased their marketing of these products. From 2000 to 2005, housing prices rose dramatically and many borrowers therefore viewed adjustable rate mortgages as a good bet. They frequently used adjustable rate mortgages with low payment in the first two years. In 2006, home values started to decline. By 2008, the United States found itself in a housing crisis. Supply outstripped demand and home values declined for the first time in many decades.

Financial institutions targeted low-income borrowers in inner-city communities with subprime loans that had higher interest rates and fees. To gain the trust of borrowers, originators worked through local social structures and interpersonal networks to enlist trusted intermediaries such as religious leaders, small business owners, and individuals in community-based organizations. These mortgages were called ghetto loans by some of the lenders' employees.

In many cases, borrowers could handle the monthly payments at the relatively low teaser rate, but after the new interest rates went into effect, they could not afford the increased payments. Declining home prices pushed a record number of borrowers under water, meaning the balances owed on their mortgages were higher than the market value of their homes. An oversupply of homes, declining home values, rising unemployment levels, and other problems significantly decreased the demand for homes.

These conditions resulted in a massive wave of defaults and foreclosures. The impact was devastating. African Americans lost more than half of their wealth through falling homeownership rates and job losses (Rugh and Massey 2010). A number of class actions were filed against lenders (Relman 2008; Husain 2016). Most of them settled. These activities violated the Fair Housing Act and the Equal Credit Opportunity Act, but the federal regulatory and enforcement agencies did not intervene in a meaningful way.

SEPARATE NEIGHBORHOODS PERPETUATE SEGREGATED SCHOOLS

One of the lingering vestiges of the Jim Crow era is de facto segregation in central city schools. In the early 1930s, the NAACP decided to launch a legal campaign in courts that challenged segregation. Charles Houston, the Harvard-trained dean of Howard Law School, was hired as the NAACP's first full-time counsel. Houston developed what became known as the equalization strategy. A series of cases would be filed arguing that the segregated educational institutions in the South did not comply with *Plessy*. Black and white schools were separate but not equal. Houston and his NAACP colleagues believed that if the equality aspect of the "separate but equal" principle were enforced, southern states could not bear the burden and expense of maintaining a dual educational system that was equal. Segregation would eventually collapse under its own weight (Kluger 2004; Greenberg 1994; Cottrol et al. 2003).

The first cases targeted graduate and professional education in Maryland, Missouri, Texas, and Oklahoma. After the successes in the equalization cases in the 1930s and 1940s, the direct challenge was launched in 1950. *Brown v. Board of Education* consisted of six cases filed in five jurisdictions. The case in South Carolina was *Briggs v. Elliott* and in Virginia was *Davis v. Prince Edward County*. The two Delaware cases were *Beulah v. Gephardt* and *Belton v. Gephardt*. *Brown v. Board of Education* involved a school district in Kansas. The District of Columbia case was *Bolling v. Sharpe.*[16]

The cases were consolidated at the Supreme

16. *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954); *Bolling v. Sharpe*, 347 U.S. 497 (1954).

Court level, argued in 1952, and reargued in 1953. The decision in the *Brown* cases was announced on May 17, 1954. Chief Justice Earl Warren read the unanimous opinion. After emphasizing the importance of education to a democratic society, the Court framed the issue as whether "segregation of children in public schools solely on the basis of race. . . deprives the children of the minority group of equal educational opportunities."[17] The Court found that it did, concluding that "to separate [black] children from others of similar age and qualifications generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in ways unlikely ever to be undone." The Court went on to rule that "separate educational facilities are inherently unequal."[18]

School desegregation efforts were undermined in the early 1970s. In a Detroit, Michigan, case, the NAACP argued that school desegregation efforts could not succeed without including suburban districts. The Supreme Court held in that suburban school districts could not be required to participate in court-ordered desegregation plans unless it could be proven that their actions contributed to segregation in the jurisdiction in which the case arose.[19] This meant that suburban communities from which blacks had been excluded were effectively protected from school desegregation efforts. Over the next thirty years, busing was used to promote diversity in schools with limited success. The levels of neighborhood segregation in many urban communities is still quite high.

When *Brown II* was decided in 1955, neighborhoods were already segregated after decades of discriminatory practices the federal government had mandated. In the 1940s and 1950s, white families in cities were rapidly moving to the surrounding suburbs. With the advent of school desegregation, *white flight* to suburban communities accelerated. A demographic pattern developed that continues into the present. Black families were confined to large, continuous settlements of densely inhabited neighborhoods packed tightly around the urban core. Whites lived in suburban neighborhoods with separate school districts. This frustrated school desegregation efforts in urban communities.

URBAN RENEWAL AND "NEGRO REMOVAL"

The Housing Act of 1949 had the ambitious goal to "provide a decent home and suitable environment for every American family."[20] Despite its lofty aspirations, the act facilitated the use of urban renewal programs to create racially separate neighborhoods. Efforts to develop federal housing policies began in the mid-1920s when the market for the development of land in cities was shrinking because of the movement of middle-income families and industry to surrounding areas. Neighborhoods adjacent to the central business districts (CBDs) were home to deteriorating buildings, decreased occupancies, and unsafe structures. Downtown business owners feared that property values in the CBD would decline rapidly. These areas were low-income neighborhoods occupied by recent immigrants and racial minorities. Redlining and restrictive covenants confined African American families to geographically compact areas near the CBD that had the oldest buildings and deteriorating infrastructures.

Downtown elites, business owners, universities, elected officials, and other groups wanted large areas to be redeveloped for high-end commercial and residential uses surrounded by parks, efficient transportation systems, and attractive amenities. Proposals were made that included enacting state laws empowering municipalities to redevelop declining and dilapidated areas adjacent to central business districts. The transition could be accomplished by demolition of the existing structures followed by large-scale rebuilding. Sizable tracts of land had to be assembled within a reasonable time at an affordable price. The redevelopment proposals included public-private coordination of

17. *Brown*, 347 U.S. at 483.

18. *Brown*, 347 U.S. at 494–495.

19. *Milliken v. Bradley*, 418 U.S. 717 (1974).

20. Congressional declaration of national housing policy. 42 U.S. Code § 1441.

urban land use, long-term federal loans to cities at low interest rates, generous tax subsidies, and write-offs for local redevelopers. This approach became the core of urban revitalization programs throughout the nation. It tended to enhance residential segregation.

The acquisition of large contiguous tracts would have been difficult because of the various parties and interests that owned and controlled the properties. The solution was to use local governments' eminent domain powers to acquire the land and resell it to private corporations at a discounted price coupled with tax abatements. Local governments were expected to bear the cost of amenities such as new street systems, transportation facilities, schools, playgrounds, buildings, and utilities such as water and sewer lines.

The Housing Act of 1937 authorized local communities to create housing authorities with the legal power of eminent domain to acquire privately owned land for slum clearance and new construction. After the Housing Act of 1954 was adopted, cities could use federal funds to build new housing in cleared areas and to pay private developers to construct highways, office buildings, and shopping malls.

Local real estate officials and local elites viewed the Housing Act as a mechanism for eliminating blighted areas surrounding the central business district and using federal subsidies to engineer downtown redevelopment and growth. The act stipulated that major urban cities would receive funds to renovate blighted areas, including neighborhoods classified as slums and buildings deemed unsafe and uninhabitable. In *Berman v. Parker*, the District of Columbia's Planning Commission proposed to begin redevelopment in the southwestern area of the city.[21] That section was home to approximately five thousand people, 98 percent of whom were African American. Surveys prepared for the commission found that 58 percent of the dwellings had indoor toilets, more than 80 percent had no central heating, and 29 percent had no electricity.

Included in the properties to be condemned was a department store in reasonably good condition. The store's owners sued, arguing that the store posed no threat to public order, health, or safety. The Supreme Court held when a locality determines that the post-redevelopment use of private property has a public purpose, it is free to undertake reasonable methods to see that the purpose is promoted.

Urban renewal projects were intended to condemn slum neighborhoods, tear down the buildings, and resell the cleared land to private developers at a reduced price. In addition to relocating the residents to safe and sanitary housing, the program was intended to stimulate large-scale private rebuilding, add new tax revenues for cities, revitalize downtown areas, and halt white flight to the suburbs. Local housing authorities constructed low-income housing developments in segregated, inner-city neighborhoods. Because urban renewal was intended to clear areas of concentrated poverty, low-income families and minorities were disproportionately affected (Anderson 1964). Public housing was expected to replace the homes that were razed, but the new projects did not have enough units to house the displaced families (Austin, Popkin, and Rawlings 2008).

During the late 1950s and 1960s, multifamily buildings dominated American public housing. Housing officials in America and Europe were inspired by Le Corbusier's visions of towers rising out of vast expanses of grass and greenery. Le Corbusier, a Swiss-born modernist-architect, exerted a powerful influence on a generation of designers who were mesmerized by his bold drawings of what he called the radiant city (Fishman 1977). The movement for modernism also gained support from city officials and developers, who saw sleek skyscrapers as a way of modernizing the aging urban landscapes of postwar America. Many public housing complexes adopted the Brutalist style that evolved from the modernist architectural movement of the early twentieth century.[22]

Public housing contributed to social problems because it concentrated impoverished

21. *Berman v. Parker*, 348 U.S. 26 (1954).

22. The term originated from the French word for *raw*, as Le Corbusier described his choice of material, *béton brut*.

families in high-density, multifamily dwellings. The housing projects erected to replace slums soon became dilapidated and crime ridden. They were disproportionately home to poor, single-parent households. Many projects became lawless places, overrun by gang activity. They were a cold and alienating urban presence. Among some tenants, a feeling of being crowded into housing with other tenants from similar backgrounds made some residents feel that they were being excluded from mainstream society. In many cases, inadequate funding and poor management caused many developments to fall into disrepair. Urban renewal was labeled "Negro removal" because of the ways it destroyed many thriving, black communities (Baldwin 1963). An estimated 80 percent of the people displaced were African Americans (Price 1991; Teaford 2000; Pritchett 2003).

Low-income, multifamily housing developments intensified racial and economic segregation. The Housing Act of 1949 intended to relieve a housing shortage, but the program destroyed thousands more units than it replaced and dislocated tens of thousands of small businesses and residents. In 1974, the federal government discontinued the urban renewal program amid widespread urban protest and neighborhood discontent about the destabilizing effects of the program on inner-city communities (Gotham 2001; Teaford 2000).

THE INTERSTATE HIGHWAY SYSTEM

The interstate highway system transformed transportation in America but destroyed many black neighborhoods. In 1919, Lieutenant Colonel Dwight Eisenhower participated in a transcontinental convoy organized by the U.S. Army Motor Transport Corps. The group traveled three thousand miles from Washington, D.C., to Oakland, California, and by ferry to San Francisco. The participants encountered difficult conditions. Half the distance was over dirt roads, wheel paths, desert sands, and mountain trails. During World War II, Eisenhower was stationed in Germany, where he was impressed by the network of high-speed roads then known as the Reichsautobahnen. After he was elected president in 1952, Eisenhower was determined to build an American system of interstate highways.

The interstate highway system revolutionized transportation but inflicted irreparable damage on urban neighborhoods (Caro 1975). The roads displaced families from their homes, sliced communities in half, and led to abandonment and decay in urban communities (DiMento and Ellis 2013). On June 26, 1956, Congress passed the Federal-Aid Highway Act of 1956. Revenue from the federal gas and other motor-vehicle taxes was credited to the Highway Trust Fund to pay the federal share of interstate construction and all other federally aided highway projects. The intent was the program would be self-financing.

Interstate highways are controlled-access expressways with no at-grade crossings. They have overpasses and underpasses instead of intersections. They are at least four lanes wide and designed for high-speed driving. They were intended to eliminate traffic congestion, replace undesirable slum areas with attractive roadways, and make transportation more efficient. The interstates made travel in and out of American cities simpler and sped the growth of suburbs. The highways increased the mobility of Americans, allowing them to move out of cities and establish homes in suburban communities and to travel quickly from one region to another for vacation and business.

The 1956 Highway Act authorized the construction of a forty-one-thousand-mile network of interstate highways and allocated $26 billion to pay for them. The act set the federal share for interstate construction at 90 percent in recognition of the national scope of the project. Each state transportation department managed its own program for location, design, right-of-way acquisition, and construction. States are responsible for the ownership and maintenance of the system.

In many cases, local officials used highways to separate black and white neighborhoods, reinforcing residential segregation (Badger and Cameron 2015). Interstate highway construction destroyed entire neighborhoods and isolated others, creating inner-city ghettos. As former U.S. Department Transportation Secretary Anthony Foxx explained,

> The interstate highway system is at once a marvel of ingenuity and efficiency . . . and an

> example of how physical barriers can create and exacerbate social ones. No city was spared the system's effects, largely affecting minority and low-income areas in Detroit, New Orleans, Los Angeles, Chicago, New York City, and my hometown, Charlotte [North Carolina]. . . . Many routes cut through the hearts of low-income and minority communities, often in conjunction with urban renewal programs that purported to remove urban blight. There are numerous examples of ensuing disparate impacts, be it the Dan Ryan Expressway in Chicago separating the Robert Taylor homes (an iconic, largely African American housing project constructed in the late 1950s and demolished in the mid-2000s) from the rest of the city or I-95 displacing 1,093 (out of 1,289) minority families in Camden, New Jersey. (Foxx 2018)

The combination of cars, highways, concrete, and oil made the central cities the chief casualty of suburbanization. The combination of urban renewal's demolition and the construction of interstate highways turned many central city communities into ominous, dystopian landscapes of poverty and despair (Biles 2014; Biles, Mohl, and Rose 2014; Lee 2016).

EXCLUSIONARY ZONING

Local governments have the legal authority to regulate the use of land within their borders. Over the years, they have used their zoning powers to perpetuate segregated neighborhoods. New York City was the first municipality to enact zoning ordinances.[23] In *Euclid v. Ambler Realty*, the Supreme Court held that municipalities could regulate private property even if the zoning decreases the value of the property.[24] This case gave rise to the concept of Euclidean zoning, a system in which a municipality is divided into areas in which specific uses of land are permitted. Planners believed that the uses to which land was dedicated should be separated. This meant, for example, that one area within a municipality would be the devoted to factories, another to retail and commercial developments. Other areas will be devoted to farmland and finally specific areas would be limited to residential uses.

In residential areas, disputes arose concerning the zoning that tended to exclude African Americans. A typical example of exclusionary zoning is a limitation of residential development to single-family housing on large lots. This practice has been challenged because it excludes a disproportionate proportion of racial minorities. In *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, a development organization applied to the Village of Arlington Heights for rezoning of a fifteen-acre parcel from single-family residential to multifamily residential, intending to build federally subsidized low-income housing.[25]

After the request was denied, a civil action was filed claiming that the denial of rezoning violated the Fourteenth Amendment and the Fair Housing Act. The Supreme Court held that a municipality's zoning decision would not be held unconstitutional solely because it had a racially disproportionate impact. The development organization did not prove that the zoning board acted with a discriminatory intent, which is required to prevail on a claim alleging a violation of the Equal Protection Clause of the Fourteenth Amendment.[26]

In *Huntington Branch, NAACP v. Town of Huntington* a suit was filed by a developer claiming that the New Jersey township violated the Fair Housing Act by restricting private construction of multifamily housing to a narrow urban re-

23. NYC Planning, "Zoning Background," accessed September 8, 2020, https://www1.nyc.gov/site/planning/zoning/background.page.

24. *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926).

25. *Arlington Heights v. Metropolitan Housing Dev. Corp.*, 429 U.S. 252 (1977).

26. In *Texas Department of Housing and Community Affairs v. Inclusive Communities Project*, the Supreme Court held that the disparate impact theory applies to housing discrimination claims. This was significant because the Court had not previously applied the disparate impact theory to housing discrimination cases. 135 S. Ct. 2507 (2015).

newal area and refusing to rezone the parcel outside of this area where the organization desired to build multifamily housing.[27] The district court refused to invalidate the zoning restriction. The appellate court held that the zoning restriction had a discriminatory effect and that the town had not shown a legitimate justification for its actions that outweighed the adverse effect.

In *Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel*, a civil action was filed challenging the township's system of land use regulation on grounds that low- and moderate-income families were unlawfully excluded from the municipality.[28] The New Jersey Supreme Court held that a municipality may not, by a system of land use regulation, make it physically and economically impossible to provide low- and moderate-income housing in the township. The ordinance, which allowed only upscale, single-family houses on large lots, was so restrictive that it was contrary to the state's general welfare (Massey et al. 2013). The Court ordered that all New Jersey municipalities take affirmative actions to provide realistic opportunities for their fair share of the region's need for affordable housing for low- and moderate-income people. The state subsequently enacted legislation requiring municipalities to enact zoning that facilitates the construction of affordable housing.

Climbing Mount Laurel includes a systematic evaluation of the Ethel Lawrence Homes, a housing development produced after the *Mount Laurel* decision. The authors assessed the consequences for the surrounding neighborhoods and their inhabitants, the township of Mount Laurel, and the residents of the Ethel Lawrence Homes. Their analysis reveals what social scientists call *neighborhood effects*, the notion that neighborhoods can shape the life trajectories of their inhabitants. *Climbing Mount Laurel* shows that building affordable housing projects is a cost-effective approach to integration and improving the lives of the poor that has no adverse effects for the surrounding community.

SEGREGATION AND THE SOCIAL DETERMINANTS OF HEALTH

According to the leading public health researchers, the single most important condition that continues to have adverse effects on the socioeconomic status and the health of African Americans is residential segregation (Williams and Collins 2001). The state of an individual's health is the result of a complex web of influences, including social, economic, political, physical, behavioral, and biological factors. Health is influenced by innate physical factors, such as age, gender, and genetic predisposition. It is also affected by behaviors and lifestyle factors, such as tobacco use and physical activity. However, lifestyle choices are made within the context of a person's social and community networks as well as the broader social, economic, and physical environment. What public health researchers refer to as the "social determinants of health" are the conditions in which people live, learn, work, and play. Communities experience health burdens grounded in inequities in these social determinants.

Racial boundaries are widely used in the United States to keep nonwhites from achieving their full potential through political policies, social policies, and family wealth. Neighborhoods characterized by few or otherwise lacking economic and employment opportunities are likely to have underfunded educational systems and inadequate access to health and social services. They also lack healthy food retailers, stable housing, and safe recreational spaces. These conditions are influenced by larger structural forces, including economic, education, and political systems, social norms, culture, and power. The negative aspects of living and working conditions in inner-city communities are largely the result of historic and contemporary policies, practices, and attitudes that have caused an unequal distribution of resources across communities (Gee and Ford 2011; Bailey et al. 2017).

The history and legacy of structural racism has resulted in many black neighborhoods facing a lack of employment opportunities. Resi-

27. *Town of Huntington v. NAACP*, 488 U.S. 1023 (1988). See also Fair Share Housing Center, "Mount Laurel Doctrine," accessed September 8, 2020, https://fairsharehousing.org/mount-laurel-doctrine.

28. *Southern Burlington County NAACP v. Township of Mount Laurel*, 67 N.J. 151, 336 A.2d 713, N.J. (1975).

dential segregation is the legacy of the nation's history and has long been identified as the root of many social and racial inequities in American cities. Where you live determines how long you live (Teitelbaum and Lawton 2017). Although different racial, ethnic, and immigrant groups have experienced segregation in the United States, African Americans have been victims of an unparalleled level of deliberate segregation that is perpetuated today through individual actions, institutional practices, and public policy (Williams and Braboy Jackson 2005; Schulz et al. 2002).

Today at least one in four minority home seekers will encounter some form of racial discrimination. African Americans are "steered" away from white neighborhoods by real estate agents (Galster and Godfrey 2005). African Americans are turned down for mortgages and charged higher interest rates and points at disproportionate rates. Health inequities are largely a function of the separate and unequal neighborhoods in which most blacks and whites reside. The inequities for blacks include low access to credit, insecure land tenure, a lack of access to healthy food, and a high prevalence of a range of illnesses. Research demonstrates that racial health inequities grounded in segregation are more than a function of diminished socioeconomic status of individuals living in segregated communities. Health inequities remain even after income and education levels are considered (Williams and Sternthal 2010; Williams and Collins 2011).

The ways in which segregation contributes to health inequities include poor quality housing, inadequate heat, noise, overcrowding, and the presence of environmental hazards and allergens. Segregation perpetuates negative social environments that include exposure to violence, crime, and systematic differences in policing and incarceration. Inner-city residents live in a substandard environment populated by ubiquitous fast food outlets and alcohol retailers. These conditions have a devastating effect on inner-city residents.

CONCLUSION

Segregation is a tool used to promote and preserve white supremacy. Racial separation makes it easier to isolate, surveil, and police black people concentrated in inner-city communities. *Plessy v. Ferguson* provided the legal foundation for a discriminatory structure that continues to burden the lived experiences of African Americans.

Substantial progress has been made since the enactment of the civil rights laws of the 1960s. Progress in eliminating vestiges of segregation has been significant, but the pace has been slow. As one study explains,

> Residential segregation has generally slowly declined over the past several decades following the passage of the 1968 Fair Housing Act. Yet today it remains a pressing issue throughout many areas of the country. . . . Of the different demographic groups examined, by far the highest levels of segregation were between non-Hispanic whites and blacks. The Milwaukee-Waukesha, Wisc., metro area recorded the highest dissimilarity index, followed by New York, Chicago and Detroit-Warren-Dearborn, Mich. Nationally, the median black-white dissimilarity index—which ranges from 0 (fully integrated) to 1 (fully segregated)—was 0.526.[29]

The black population residing in U.S. cities has declined steadily for decades. Between 1970 and 1995, seven million blacks moved to suburban communities. This number is considerably larger than the 4.5 million who moved from the south to the north during the Great Migration during the first half of the twentieth century. The percentage of African Americans living in urban cores shrank from 47 to 41.7 percent between 1990 and 2017. The black population of the central cities in the nation's hundred largest metropolitan areas declined by three hundred thousand between 2000 and 2010. By 2010, most African Americans nationwide lived in suburban communities. Affluent black families have moved to suburban communities, leaving

29. *Governing*, "Residential Segregation Data for U.S. Metro Areas," September 2018, https://www.governing.com/gov-data/education-data/residential-racial-segregation-metro-areas.html (accessed September 8, 2020).

lower-income families in impoverished, inner-city neighborhoods.

The architecture of America's built environment reflects decades of government-sponsored segregation. High levels of residential separation persist causing public schools in urban communities to remain segregated. African Americans and Latinos and Latinas have less wealth than whites, fewer opportunities for upward mobility, lower income levels, and fewer chances to build wealth. This is *Plessy*'s legacy.

Recommendations

Reinstate HUD regulations that required localities to implement the requirement to develop plans that affirmatively further fair housing by taking meaningful actions that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that address significant disparities in housing needs, replacing segregated living patterns with integrated living patterns and transforming racially and ethnically concentrated areas of poverty into areas of opportunity.

Increase the level of African American of homeownership. In 2004, the height of homeownership in the United States, nearly half of all African American families owned homes. It fell to 43 percent in 2017, virtually erasing all the gains made since the passage of the Fair Housing Act in 1968.

Expand credit availability, particularly for Federal Housing Administration lending, which black families rely on for 45 percent of their purchase loans (Lamb et al. 2016).

Allow greater use of alternative data in mortgage underwriting decisions, including use of rental payment history, and utilities to benefit black homebuyers.

Incorporate new options such as rental payment history and utilities into the mortgage evaluation process which could help black families build credit and buy homes without having to resort to less desirable lenders such as subprime mortgages.

Report payments on telecommunication and utility bills to credit bureaus.

Develop a more thoughtful approach for lenders to recognize the realities of income variability and focus more on consumer education and housing counseling related to building credit and using low and no down payment and down payment assistance programs.

Improve financial literacy. American homebuyers' lack of knowledge and understanding of personal finances, economics, risk, and money-related subjects in general was a major cause of the millions of home foreclosures and the collapse of the housing market in 2008.

Require implicit bias training for lending officials. Racial disparities in the approval rates for mortgage loans are striking. This may be at least partly attributed to implicit bias. Often operating outside the decision maker's attentional focus, and outside a person's awareness, negative stereotypes can covertly but powerfully influence the way information about the stereotyped target is processed and used. Decision makers can act based on a person's race or sex, even subjectively believing that they are acting based on a legitimate, nondiscriminatory reason.

REFERENCES

Anderson, Martin. 1964. *The Federal Bulldozer: A Critical Analysis of Urban Renewal, 1949-1962.* Cambridge, Mass.: M.I.T. Press.

Austin, Margery, Susan J. Popkin, and Lynette A. Rawlings. 2008. *Public Housing and the Legacy of Segregation*. Washington, D.C.: Urban Institute Press.

Badger, Emily, and Darla Cameron. 2015. "How Railroads, Highways and Other Man-Made Lines Racially Divide America's Cities." *Washington Post*, July 16. Accessed September 8, 2020. https://www.washingtonpost.com/news/wonk/wp/2015/07/16/how-railroads-highways-and-other-man-made-lines-racially-divide-americas-cities.

Bailey, Zinzi D., Nancy Krieger, Madina Agénor, Jasmine Graves, Natalia Linos, and Mary T. Bassett. 2017. "Structural Racism and Health Inequities in the USA: Evidence and Interventions." *Lancet* 389(10077): 1453–463.

Baldwin, James. 1963. "Urban Renewal Means Negro Removal." PBS interview by Kenneth Clark, YouTube.com. Uploaded June 3, 2015. Accessed September 8, 2020. https://www.youtube.com/watch?v=T8Abhj17kYU.

Benbow, Mark E. 2010. "Birth of a Quotation: Woodrow Wilson and 'Like Writing History with Lightning.'" *Journal of the Gilded Age and Progressive Era* 9(4): 509–33.

Biles, Roger. 2014. "Expressways Before the Interstates: The Case of Detroit, 1945–1956." *Journal of Urban History* 40(5): 843–54.

Biles, Roger, Raymond A. Mohl, and Mark H. Rose. 2014. "Revisiting the Urban Interstates: Politics, Policy, and Culture Since World War II." *Journal of Urban History* 40(5): 827–30.

Brescia, Raymond H. 2009. "Subprime Communities: Reverse Redlining, The Fair Housing Act and Emerging Issues Regarding the Subprime Mortgage Crisis." *Albany Government Law Review* 2(1): 164–215. Accessed September 8, 2020. http://www.albanygovernmentlawreview.org/Articles/Vol02_1/2.1.164-Brescia.pdf.

Caro, Robert A. 1975. *The Power Broker: Robert Moses and the Fall of New York*. New York: Alfred A. Knopf.

Cottrol, Robert J., Raymond T. Diamond, and Leland B. Ware. 2003. *Brown v. Board of Education: Caste, Culture, and the Constitution.* Lawrence: University Press of Kansas.

DiMento, Joseph F. C., and Cliff Ellis. 2013. *Changing Lanes: Visions and Histories of Urban Freeways*. Cambridge, Mass.: MIT Press.

Federal Housing Administration. 1939. *Underwriting Manual*. Washington: Government Printing Office. Accessed September 9, 2020. https://www.huduser.gov/portal/sites/default/files/pdf/Federal-Housing-Administration-Underwriting-Manual.pdf.

Editorial Board. 2020. "Putting Heroes, and Traitors, Where They Belong." *New York Times*, July 11. Accessed September 9, 2020. https://www.nytimes.com/2020/07/11/opinion/confederate-rename-military-bases.html.

Fisher, Linda E. 2009. "Target Marketing of Subprime Loans: Racialized Consumer Fraud and Reverse Redlining." *Journal of Law and Policy* 18(1): 121–55. Accessed September 8, 2020. https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1132&context=jlp.

Fishman, Robert. 1977. *Urban Utopias in the Twentieth Century: Ebenezer Howard, Frank Lloyd Wright, Le Corbusier*. New York: Basic Books.

Fox, Kenneth. 1990. *Metropolitan America: Urban Life and Urban Policy in the United States, 1940–1980*. New Brunswick, N.J.: Rutgers University Press.

Foxx, Anthony. 2018. "More Than Engineering: Infrastructure Shapes Places." Urban Institute, January 16, 2018. Accessed September 8, 2020. https://www.urban.org/infrastructure/more-engineering-infrastructure-shapes-places.

Freund, David M. P. 2010. *Colored Property: State Policy and White Racial Politics in Suburban America*. Chicago: University of Chicago Press.

Galster, George, and Erin Godfrey. 2005. "By Words and Deeds: Racial Steering by Real Estate Agents in the U.S. in 2000." *Journal of the American Planning Association* 71(3): 251–68. DOI: 10.1080/01944360508976697.

Gee, Gilbert C., and Chandra L. Ford. 2011. "Structural Racism and Health Inequities: Old Issues, New Directions." *Du Bois Review* 8(1): 115–32.

Gordon, Adam. 2005. "The Creation of Homeownership: How New Deal Changes in Banking Regulation Simultaneously Made Homeownership Accessible to Whites and Out of Reach for Blacks." *Yale Law Journal* 115(1): 186–227.

Gotham, Kevin Fox. 2001. "A City Without Slums: Urban Renewal, Public Housing, and Downtown Revitalization in Kansas City, Missouri." In "City and Country: An Interdisciplinary Collection." Special issue, *American Journal of Economics and Sociology* 60(1): 285–316.

Greenberg, Jack. 1994. *Crusaders in the Courts: How a Dedicated Band of Lawyers Fought for the Civil Rights Revolution*. New York: Basic Books.

Hanks, Angela, Danyelle Solomon, and Christian E. Weller. 2018. "Systematic Inequality: How America's Structural Racism Helped Create the Black-White Wealth Gap." Washington, D.C.: Center for American Progress. Accessed September 8, 2020. https://www.americanprogress.org/issues/race/reports/2018/02/21/447051/systematic-inequality.

Hauser, Susan E. 2008. "Predatory Lending, Passive Judicial Activism and the Duty to Decide." *North Carolina Law Review* 86(6): 1501–56.

Hoffer, Williamjames Hull. 2012. *Plessy v. Ferguson: Race and Inequality in Jim Crow America*. Lawrence: University Press of Kansas.

Howell, Benjamin. 2006. "Exploiting Race and Space: Concentrated Subprime Lending as Housing Discrimination." *California Law Review* 94(1): 101–47.

Hoyt, Homer. 1933. *One Hundred Years of Land Values in Chicago: The Relationship of the Growth of Chicago to the Rise in Its Land Values, 1830–1933.* Chicago: University of Chicago Press.

Husain, Asma. 2016. "Reverse Redlining and the Destruction of Minority Wealth." *Michigan Journal of Race & Law* 22 (November 2). Accessed September 8, 2020. https://mjrl.org/2016/11/02/reverse-redlining-and-the-destruction-of-minority-wealth.

Jackson, Kenneth T. 1985. *Crabgrass Frontier: The Suburbanization of the United States*. New York: Oxford University Press.

Kluger, Richard. 2004. *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality*. New York: Vintage Books.

Lee, Timothy B. 2016. "Before-and-After Maps Show How Freeways Transformed America's Cities." *Vox,* June 19, 2016. Accessed September 27, 2020. https://www.vox.com/2014/12/29/7460557/urban-freeway-slider-maps.

Lemann, Nicholas. 1991. *The Promised Land: The Great Migration and How it Changed America*. New York: Vintage Books.

Litwack, Leon F. 1998. *Trouble in Mind: Black Southerners in the Age of Jim Crow*. New York: Vintage Books.

Loewen, James. 2006. *Sundown Towns: A Hidden Dimension of American Racism*. New York: Touchstone.

Lamb, Charles M., Randolph S. Kent, Jacqueline M. Sievert, Michael R. Staszkiw, and Elizabeth A. Tillman. 2016. "HMDA, Housing Segregation, and Racial Disparities in Mortgage Lending." *Stanford Journal of Civil Rights & Civil Liberties* 12(2): 249–82.

Massey, Douglas S., and Nancy A. Denton. 1993. *American Apartheid: Segregation and the Making of the Underclass*. Cambridge, Mass.: Harvard University Press.

Massey, Douglas S., Len Albright, Rebecca Casciano, and Elizabeth Derickson. 2013. *Climbing Mount Laurel: The Struggle for Affordable Housing and Social Mobility in an American Suburb*. Princeton, N.J.: Princeton University Press.

Myrdal, Gunnar. 1944. *An American Dilemma: The Negro Problem and Modern Democracy*. New York: Harper and Row.

Nelson, Robert K., LeDale Winling, Richard Marciano, Nathan Connolly, et al. 2020. "Mapping Inequality: Redlining in New Deal America." *American Panorama*, edited by Robert K. Nelson and Edward L. Ayers. Accessed September 8, 2020. https://dsl.richmond.edu/panorama/redlining/#loc=4/36.71/-96.93&opacity=0.8

Oliver, Melvin L., and Thomas M. Shapiro. 1997. *Black Wealth / White Wealth: A New Perspective on Racial Inequality*. New York: Routledge.

———. 2019. "Disrupting the Racial Wealth Gap." *Contexts* 18(1): 16–21.

Pomerantz, Gary. 1997. *Where Peachtree Meets Sweet Auburn: A Saga of Race and Family*, repr. ed. New York: Penguin Books.

Power, Garrett. 1983. "Apartheid Baltimore Style: The Residential Segregation Ordinances of 1910-1913." *Maryland Law Review* 42(2): 289–328. Accessed September 8, 2020. http://digitalcommons.law.umaryland.edu/mlr/vol42/iss2/4.

Price, Alfred D. 1991. "Urban Renewal: The Case of Buffalo, N.Y." *Review of Black Political Economy* 19(3-4): 125–59. DOI:10.1007/BF02895341.

Pritchett, Wendell E. 2003. "The 'Public Menace' of Blight: Urban Renewal and the Private Uses of Eminent Domain." *Yale Law & Policy Review* 21(1): 1–52. Accessed September 9, 2020. https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1451&context=ylpr.

Relman, John P. 2008. "Foreclosures, Integration, and the Future of the Fair Housing Act." *Indiana Law Review* 41(3): 629–52. Accessed September 8, 2020. http://journals.iupui.edu/index.php/inlawrev/article/view/3950/3912.

Rothstein, Richard. 2017. *The Color of Law: A Forgotten History of How Our Government Segregated America*. New York: Liveright.

Ruechel, Frank. 1997. "New Deal Public Housing, Urban Poverty, and Jim Crow: Techwood and University Homes in Atlanta." *Georgia Historical Quarterly* 81(4): 915–37. Accessed September 9, 20020. http://www.jstor.org/stable/40550189.

Rugh, Jacob S., and Douglas S. Massey. 2010. "Racial Segregation and the American Foreclosure Crisis." *American Sociological Review* 75(5): 629–51. DOI:10.1177/0003122410380868.

Schulz, Amy J., David R. Williams, Barbara A. Israel, and Lora Bex Lempert. 2002. "Racial and Spatial Relations as Fundamental Determinants of Health in Detroit." *Milbank Quarterly* 80(4)(December): 677–707.

Squires, Gregory D. 2005. "Predatory Lending: Redlining in Reverse." *Shelterforce*, January 1. Accessed September 9, 2020. https://shelterforce.org/2005/01/01/predatory-lending-redlining-in-reverse.

Steil, Justin P., Len Albright, Jacob S. Rugh, and Douglas S. Massey. 2018. "The Social Structure of Mortgage Discrimination." *Housing Studies* 33(5): 759–76. DOI: 10.1080/02673037.2017.1390076.

Suddath, Claire A. 2009. "Brief History of The Middle Class," *Time*, February 27. Accessed September 9, 2020. http://content.time.com/time/nation/article/0,8599,1882147,00.html.

Taylor, Keeanga-Yamahtta. 2019. *Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership*. Chapel Hill: University of North Carolina Press.

Teaford, Jon C. 2000. "Urban Renewal and Its Aftermath." *Housing Policy Debate* 11(2): 443–65. DOI: 10.1080/10511482.2000.952137.

Teitelbaum, Joel, and Ellen Lawton. 2017. "The Roots and Branches of the Medical-Legal Partnership Approach to Health: From Collegiality to Civil Rights to Health Equity." *Yale Journal of Health Policy, Law & Ethics* 17(2): 343–77.

Ware, Leland. 1989. "Invisible Walls: An Examination of the Legal Strategy of the Restrictive Covenant Cases." *Washington University Law Quarterly* 67(3): 737–72.

———. 2018. *A Century of Segregation: Race, Class, and Disadvantage*. Lanham, Md.: Lexington Books.

Ware, Leland, and Theodore Davis. 2012. "Ordinary People in an Extraordinary Time: The Black Middle-Class in the Age of Obama." *Howard Law Journal* 55(2): 533–74.

Weaver, Robert. 1948. *The Negro Ghetto*. New York: Harcourt, Brace and Company.

Weimer, Arthur M., and Homer Hoyt. 1939. *Principles of Urban Real Estate*, rev. ed. New York: Ronald Press.

Wilkerson, Isabel. 2010. *The Warmth of Other Suns: The Epic Story of America's Great Migration*. New York: Random House.

Williams, David R., and C. Collins. 2001. "Racial Residential Segregation: A Fundamental Cause of Racial Disparities in Health." *Public Health Reports* 116(5): 404–16.

Williams, David R., and Pamela Braboy Jackson. 2005. "Social Sources of Racial Disparities in Health." *Health Affairs* 24(2): 325–34.

Williams, David R., and Chiquita Collins. 2011. "Racial Residential Segregation: A Fundamental Cause of Racial Disparities in Health." *Public Health Report* 116(5): 404–16.

Williams, David R., and Michelle Sternthal. 2010. "Understanding Racial-Ethnic Disparities in Health: Sociological Contributions." *Journal of Health and Social Behavior* 51(1): S15–27. DOI:10.1177/002214651038383.

Woodward, C. Vann. 2002. *The Strange Career of Jim Crow: A Commemorative Edition*. New York: Oxford University Press.

Yellin, Eric S. 2013. *Racism in the Nation's Service: Government Workers and the Color Line in Woodrow Wilson's America*. Chapel Hill: University of North Carolina Press.