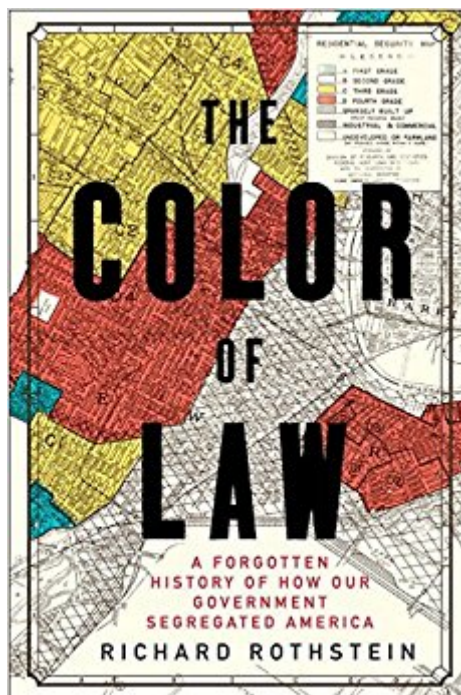




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# The Color Of Law: A Forgotten History Of How Our Government Segregated America



## Synopsis

"Rothstein has presented what I consider to be the most forceful argument ever published on how federal, state, and local governments gave rise to and reinforced neighborhood segregation."

—William Julius Wilson  
In this groundbreaking history of the modern American metropolis, Richard Rothstein, a leading authority on housing policy, explodes the myth that America's cities came to be racially divided through de facto segregation—that is, through individual prejudices, income differences, or the actions of private institutions like banks and real estate agencies. Rather, *The Color of Law* incontrovertibly makes clear that it was de jure segregation—the laws and policy decisions passed by local, state, and federal governments—that actually promoted the discriminatory patterns that continue to this day. Through extraordinary revelations and extensive research that Ta-Nehisi Coates has lauded as "brilliant" (*The Atlantic*), Rothstein comes to chronicle nothing less than an untold story that begins in the 1920s, showing how this process of de jure segregation began with explicit racial zoning, as millions of African Americans moved in a great historical migration from the south to the north. As Jane Jacobs established in her classic *The Death and Life of Great American Cities*, it was the deeply flawed urban planning of the 1950s that created many of the impoverished neighborhoods we know. Now, Rothstein expands our understanding of this history, showing how government policies led to the creation of officially segregated public housing and the demolition of previously integrated neighborhoods. While urban areas rapidly deteriorated, the great American suburbanization of the post-World War II years was spurred on by federal subsidies for builders on the condition that no homes be sold to African Americans. Finally, Rothstein shows how police and prosecutors brutally upheld these standards by supporting violent resistance to black families in white neighborhoods. The Fair Housing Act of 1968 prohibited future discrimination but did nothing to reverse residential patterns that had become deeply embedded. Yet recent outbursts of violence in cities like Baltimore, Ferguson, and Minneapolis show us precisely how the legacy of these earlier eras contributes to persistent racial unrest. "The American landscape will never look the same to readers of this important book" (Sherrilyn Ifill, president of the NAACP Legal Defense Fund), as Rothstein's invaluable examination shows that only by relearning this history can we finally pave the way for the nation to remedy its unconstitutional past. 13 illustrations

## Book Information

Hardcover: 368 pages

Publisher: Liveright; 1 edition (May 2, 2017)

Language: English

ISBN-10: 1631492853

ISBN-13: 978-1631492853

Product Dimensions: 6.4 x 1.3 x 9.6 inches

Shipping Weight: 1.2 pounds (View shipping rates and policies)

Average Customer Review: 4.7 out of 5 stars 87 customer reviews

Best Sellers Rank: #856 in Books (See Top 100 in Books) #1 in Books > Law > Administrative Law > Housing & Urban Development #1 in Books > Politics & Social Sciences > Social Sciences > Urban Planning & Development #1 in Books > Politics & Social Sciences > Politics & Government > Public Affairs & Policy > City Planning & Urban Development

## Customer Reviews

“A powerful and disturbing history of residential segregation in America . . . One of the great strengths of Rothstein’s account is the sheer weight of evidence he marshals. . . . While the road forward is far from clear, there is no better history of this troubled journey than The Color of Law.” —David Oshinsky, New York Times Book Review

“Masterful” —The Rothstein book gathers meticulous research showing how governments at all levels long employed racially discriminatory policies to deny blacks the opportunity to live in neighborhoods with jobs, good schools and upward mobility.” —Jared Bernstein, Washington Post

“Essential” —Rothstein persuasively debunks many contemporary myths about racial discrimination. Only when Americans learn a common and accurate history of our nation’s racial divisions, he contends, will we then be able to consider steps to fulfill our legal and moral obligations. For the rest of us, still trying to work past 40 years of misinformation, there might not be a better place to start than Rothstein’s book.” —Rachel M. Cohen, Slate

“Rothstein’s work should make everyone, all across the political spectrum, reconsider what it is we allow those in power to do in the name of ‘social harmony’ and ‘progress’ with more skepticism” —The Color of Law shows what happens when Americans lose their natural rights of life, liberty, and the pursuit of happiness, or in the case of African-Americans, when there are those still waiting to receive them in full.” —Carl Paulus, American Conservative

“Virtually indispensable” —I can only implore anyone interested in understanding the depth of the problem to read this necessary book.” —Don Rose, Chicago Daily Observer

“Original and insightful” —The

central premise of [Rothstein's] argument is that the Supreme Court has failed for decades to understand the extent to which residential racial segregation in our nation is not the result of private decisions by private individuals, but is the direct product of unconstitutional government action. The implications of his analysis are revolutionary.

• - Geoffrey R. Stone, author of *Sex and the Constitution* "Through meticulous research and powerful human stories, Rothstein reveals a history of racism hiding in plain sight and compels us to confront the consequences of the intentional, decades-long governmental policies that created a segregated America."

• - Sherrilyn A. Ifill, president of the NAACP Legal Defense and Educational Fund "Masterful Rothstein documents the deep historical roots and the continuing practices in law and social custom that maintain a profoundly un-American system holding down the nation's most disadvantaged citizens."

• - Thomas B. Edsall, author of *The Age of Austerity* "This wonderful, important book could not be more timely With its clarity and breadth, the book is literally a page-turner."

• - Florence Roisman, William F. Harvey Professor of Law, Indiana University "One of those rare books that will be discussed and debated for many decades. Based on careful analyses of multiple historical documents, Rothstein has presented what I consider to be the most forceful argument ever published on how federal, state, and local governments gave rise to and reinforced neighborhood segregation."

• - William Julius Wilson, author of *The Truly Disadvantaged* "At once analytical and passionate, *The Color of Law* discloses why segregation has persisted, even deepened, in the post-civil rights era, and thoughtfully proposes how remedies might be pursued. A must-read."

• - Ira Katznelson, author of the Bancroft Prize-winning *Fear Itself*

Richard Rothstein is a research associate of the Economic Policy Institute and a Fellow at the Thurgood Marshall Institute of the NAACP Legal Defense Fund. He lives in California, where he is a Fellow of the Haas Institute at the University of California in Berkeley.

When William Julius Wilson writes that a book is "the most forceful argument ever published on how federal, state, and local governments gave rise to and reinforced neighborhood segregation," it grabs your attention. Rothstein's book is exactly that--a seminal work on the history of housing discrimination that is required reading for anyone who cares about the effect of residential segregation on cities and schools in our country. Rothstein demonstrates that such segregation isn't the result of just or even primarily individual choices, such as "white flight," as has long been popularly understood--what legal experts call "de facto" segregation. Instead, with example after

example, he proves that housing segregation is the result of decades of explicit government policies--"de jure" discrimination--which prevented blacks and whites from living together as a matter of law (not just personal preference) throughout most of the 20th century. In just one of the many examples Rothstein gives, he cites the case of Wallace Stegner, the fiction writer, who was recruited to teach at Stanford immediately after WWII. Housing was scarce across the country during this post-war period. Stegner and friends formed a cooperative to purchase a 260-acre ranch in Palo Alto in which they planned to build 400 affordable homes for low-paid professors and other working-class families. The co-op had 150 members, three of whom were black. But as part of its official policy, the Federal Housing Authority (FHA) wouldn't insure loans to a cooperative or development that included black residents. And no bank would issue a loan or a mortgage to any builder or developer without this government backing. Thus, the cooperative was effectively barred from creating integrated housing--even when its members wanted it! Their "choice," in fact, wasn't a choice--but was the result of "de jure" discrimination. Because the Veterans' Administration also relied on FHA rules for underwriting, black servicemen were similarly barred from receiving the same VA loans for housing that white vets enjoyed. As Rothstein shows, such practices weren't just characteristic of the Jim Crow south, but occurred in every metropolitan area and region of the country. As a result, blacks were barred from participating in the post-war housing boom and the wealth this boom created for the generations that followed, resulting in the wealth discrepancy that is still evident today. These government policies also effectively combined to prevent blacks from working at better jobs (located far from where they were allowed to live) or attending better schools. Instead, blacks were frequently confined to rental apartments, which actually cost more than comparable housing would cost in white neighborhoods, further eroding any economic gains blacks might make. As Rothstein shows, in the rare instances that African Americans did manage to buy housing in white neighborhoods, they typically encountered racial violence to drive them from their homes; such violence was tolerated or even encouraged by local authorities. As Rothstein shows, school boards similarly promoted segregated housing as official policy. At every turn, for decade after decade, it was virtually impossible for blacks to improve their station by moving into middle-class neighborhoods where whites also lived and where economic and educational opportunities congregated. Such policies, although clearly unconstitutional, persisted throughout most of the 20th century, Rothstein writes, and continue to have a profound influence on the prospects for blacks today. Even the conservative justices of the Supreme Court have acknowledged that "de jure" discrimination must be remedied. It is thus Rothstein's conclusion that we must acknowledge and address the effects of this injustice, whose discriminatory impact is

ongoing. Along with Matthew Desmond's book "Evicted," Rothstein's "The Color of Law" demands a radical rethinking of how we conceive of segregation--and how to address it.

Easy read that lays out facts and figures about policies of the federal, state and local governments that created residential segregation in the United States. The housing patterns produced by these policies in turn leads to school segregation and the creation of high poverty neighborhoods with few employment opportunities, low property values and low taxes. A vicious cycle of poverty is created. Many Americans do not know this history of how the GI bill, FHA programs and many others were administered to create segregation.

Rothstein's book is a damning survey of the federal, state and local governments that created, enforced and perpetuated racial segregation with their openly racist policies and rules from the 1920s to 1960s. It's as clear and well-written as it is persuasive."In some cities, the government provided war housing only for whites, leaving African Americans in congested slums and restricting their access to jobs. In other cities, like Richmond (California), war housing was created for African American workers as well, but it was segregated. By the war's end, the Lanham Act had combined with PWA and USHA programs to create or solidify residential racial segregation in every metropolitan area they had touched. When construction of civilian public housing resumed, it continued to promote segregation. Local governments, with federal support, were responsible for its racial character. Segregation violated constitutional rights whether it was federal, state, or local government that insisted upon it. The examples that follow--from the Northeast, Midwest, and Pacific Coast--reflect a racial design that prevailed throughout the country during the war and its aftermath."The New Deal's housing projects in Chicago, Detroit and elsewhere were a lousy deal if you were not white, but Rothstein's indictment is fair and balanced:"It would be going too far to suggest that cities like these would have evolved into integrated metropolises were it not for New Deal public housing. But it is also the case that the federal government's housing rules pushed these cities into a more rigid segregation than otherwise would have existed. The biracial character of many neighborhoods presented opportunities for different futures than the segregated ones that now seem so unexceptional. Yet those opportunities were never seized."Rothstein modestly suggests a number of "remedies" to compensate for the financial losses and missed educational opportunities their kids suffered because they were deliberately forced by discriminatory federal government housing and lending policies and local laws to live in segregated low-income city neighborhoods. He puts too much faith

in governments to fix the things they broke, and doesn't include instantly empowering market-oriented weapons like school vouchers, which would help black parents get their kids out of failed urban public schools. His book's great value comes from showing readers that it was deliberate government policies, not private choices or voluntary social forces, that created, enforced and perpetuated racial segregation in the North for nearly a hundred years. I wish I had been able to read this book last year when I was writing '30 Days a Black Man: The Forgotten Story That Exposed the Jim Crow South,' which only touches lightly on how Northern cities like Pittsburgh, Portland and Washington, D.C., kept their neighborhoods rigidly segregated.

Terrific accounting of the Federal governments deliberate segregation of American neighborhoods, cities and towns. This book will open eyes to the truth about the origins of racism and the political party responsible for much of the problem.

Excellent book!

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