

## A Veteran Teacher's Lessons: *The Color of Law* – A Must Read

The landscape of the social studies classroom will be different this fall. Our students will have witnessed, and in some cases participated in, the outpouring of protests against police brutality prompted by the killing of George Floyd at the hands of Minneapolis officers. And as Confederate statues fall and we debate military base names, no doubt our discussions will go beyond the issue of police misconduct to the larger topic of racism in the US. An excellent book, one that can help you and your students navigate this moment, is [\*The Color of Law\*](#) written by Richard Rothstein in 2017.

The subtitle of the book is *A Forgotten History of How Our Government Segregated America*. Meticulously researched and written in a clear and powerful prose, law professor and author, Rothstein documents how 20<sup>th</sup> century governmental housing policies contributed to the prevalence of segregated neighborhoods throughout our nation. The author argues that what we often call “de facto” racism in the north, were intentional government policies leading to the segregation of blacks and whites in the cities and suburbs of the North, Midwest, and West. In his preface, Rothstein writes, “Racial segregation in housing was not merely a project of southerners in the former slaveholding Confederacy. It was a nation-wide project of the federal government in the twentieth century, designed and implemented by its most liberal leaders.”

A good place to start to understand Rothstein's thesis is by watching the seventeen-minute video, [Segregated by Design](#). It is narrated by Rothstein himself and directed and animated by Mark Lopez. In addition, you may want to read the [New York Times book review](#) of the *Color of Law* by David Oshinsky before you dig-in to Rothstein's book itself.

As we know, segregated housing was the rule in the Jim Crow South. Rothstein begins his narrative at the turn of the 20<sup>th</sup> century in the North, where localities established zoning ordinances designed to keep blacks out of white neighborhoods. In addition, he points out that as early as the teens and twenties, US courts upheld housing covenants banning African Americans from white neighborhoods with the argument that these were private agreements.

Rothstein contends that during the 1930s FDR bowed to pressure from segregationist southern Democrats when designing New Deal housing policy. He documents how in city after city, New Deal agencies only funded segregated public housing, while the US Housing Authority (USHA) and the Federal Housing Authority (FHA) refused to underwrite integrated housing.

During WW II many African American southerners migrated to northern and western cities to work in defense industries. For example, in the San Francisco Bay Area white and black laborers worked in the ship yards, including nearby Richmond. African American workers received segregated, temporary housing. Meanwhile, white ship yard workers in Richmond were approved for government loans and assistance to move into a new, whites-only, housing development called Rollingwood. This is one of many examples in Rothstein's book demonstrating how local governments and the federal housing authorities sought to promote and finance segregated middle class white neighborhoods at the expense of black ones or integrated communities.

Unfortunately, after WW II discriminatory housing practices continued. For example, the GI Bill provided veterans with low interest home loans. The FHA often made these mortgages available to white vets for white only neighborhoods, excluding African Americans home from the war. For example, the FHA funded and insured homes for Levittown, the massive post-war suburban housing development in Pennsylvania. Rothstein writes, "... the FHA financed Levittown on condition that, like the Richmond suburb of Rollingwood during the war, it be all white," The California Newsreel's documentary film series, [Race the Power of an Illusion](#), has a very good segment "[The House We Live In](#)" documenting the impact of post war housing segregation. When PBS aired the program they included a website, [Race the Power of An Illusion](#) with a variety of activities for students.

Rothstein's book describes the vast array of both private and public schemes for insuring segregated neighborhoods, including: [racially restrictive covenants](#), [redlining](#), [blockbusting](#), slum clearance, [white flight](#) and state-sanctioned violence against blacks seeking to live in integrated communities. He points out it was the federal government during the New Deal that created the first maps used in redlining, showing poorer African American communities in red and providing justification for banks not to make home loans in these neighborhoods. What emerges from his book is a clear national pattern of discrimination against African Americans and the result: systematic segregation of our cities and suburbs in the North, as well as the South.

The first half of the book documents how we became a divided nation; the second half of the book highlights the devastating impact of housing discrimination on other racial disparities. For example, Rothstein points out that white Americans have primarily built their wealth through home ownership, using the equity in their homes to send their children to college, provide for parents in old age, passing on this generational wealth to their children. In contrast, many African Americans, having been denied the benefits of home ownership, have an average net wealth just one-tenth of their white counterparts.

And as teachers, we certainly know that poorer communities, with lower property values, frequently have segregated, inferior public schools. Rothstein points out, "schools are more segregated today than they were forty years ago, but this is mostly because the neighborhoods in which schools are located are so segregated." Indeed, our zip code also often determines the quality of a variety of city services.

Rothstein discusses the importance and limits of the 1968 Fair Housing Act, passed by Congress with pressure from the Civil Rights Movement. This federal law banned discrimination in housing, allowing African Americans to buy homes in the suburbs. As a result, we have some integration of neighborhoods later in the 20<sup>th</sup> century. However, Rothstein points out that many African Americans, having missed out on wealth creation in earlier decades, were not able to afford expensive homes in the suburbs, even if not prevented from living there by law. His book shows how the past still weighs heavily on the present, having stifled the upward mobility for several generations of African Americans.

Taken together, Rothstein argues our 20<sup>th</sup> century housing policies represent a violation of three Constitutional amendments: the 5<sup>th</sup> Amendment that demands we treat all citizens fairly, the 14<sup>th</sup> Amendment that requires state and local government to treat people equally, and the 13<sup>th</sup>

Amendment, which not only abolished slavery, but was also written to banish the effects of slavery. Rothstein entreats us to accept responsibility and to build a political consensus for remedies which would further integrate our communities. Without being too prescriptive, he explores several ideas, including: rezoning, subsidies, and tax incentives, each providing interesting policy discussions for high school government or economics classes.

US History teachers will be particularly interested in Rothstein's final chapter "Considering Fixes." In it, he surveys several current US History textbooks, showing that each makes little or no mention of the role of the federal government's housing policies in segregating our cities and suburbs of the North during the crucial decades of the 1930's, 40's, and 50's. He concludes that education is paramount, "We might begin with high school and middle school curricula. If young people are not taught the accurate account of how we came to be segregated, their generation will have little chance of doing a better job of desegregating than the previous ones."

Which really brings us to the moment we are living in.

Our students have watched the Americans on the street protesting police brutality. They've seen the headlines that politicians are proposing new laws. They've listened to activists, pundits on the news and social media, referring to "systemic racism". Rothstein's book documents institutional racism in the history of our housing policies, and he's shown us how these practices have led to further inequality between whites and African Americans.

This fall it will be each social studies teacher's responsibility to help our students have an informed dialog and debate over the issues of race in our society. If I were in the classroom this fall, I'd move up *The Color of Law* on my summer reading list. It is one of the best books I've read for preparing social studies teachers for this all-important discussion with our students.