

URBAN POLICY in TWENTIETH-CENTURY AMERICA

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**With or Without Jim Crow:
Black Residential Segregation
in the United States**

Ghetto Persistence in the Post-Civil Rights Era

If the national government never really attempted to address the housing needs of the urban poor, federal policy did gradually purge itself of racially discriminatory intent. Beginning in 1948, the federal government began a long twenty-year march toward the acceptance of a color-blind stance on housing issues. First came the Supreme Court decision (*Shelley v. Kraemer*) that rendered restrictive covenants unenforceable. FHA resisted the court's edict for nearly two years, though, and it was not until December 1949 (and after the application of considerable White House pressure by President Harry S Truman) that the agency announced that it would not insure property covered by restrictive covenants after February 1950. Even that ban, however, served the purpose of alerting developers and encouraged many to hasten their applications for covenant-bound property before the announced deadline.⁵³

At most, Truman's persistent prodding in the wake of *Shelley v.*

Kraemer led FHA to take a theoretically "neutral" position on racial matters. His intervention finally forced a reluctant FHA to end its outright refusal to support integrated projects in 1949, but the president declined to go so far as to prohibit federal assistance to segregated developments. FHA simply let the matter rest with each private developer, with predictable results—less than two percent of the housing constructed with federally insured mortgages between 1946 and 1959 was made available to blacks. Executive indifference in the 1950s not only left such FHA practices in force, but led to the virtual gutting of the Race Relations Service of the Housing and Home Finance Agency. One of the stronger voices within the government that promoted racial equality during Dwight D. Eisenhower's administration, according to Charles Abrams, it "degenerated into an official apologist for official acceptance of segregation."⁵⁴

It was more than a decade after *Shelley v. Kraemer* before the next step was taken as John F. Kennedy announced in the 1960 presidential campaign that he would end racial discrimination in all federal housing programs with "a stroke of the presidential pen" if elected. Public opposition to open occupancy and political considerations cramped Kennedy's writing style, though, and it took two years before an executive order executed a partial ban that applied only to new housing and exempted homes financed by savings and loan associations that operated under the Federal Home Loan Bank Board. The final steps came in 1964 when the Civil Rights Act ended discrimination in the bestowal of government benefits and in 1968 when the Fair Housing Act extended the prohibition on discrimination to include virtually all housing; the real estate industry, lenders, and advertisers all fell under the sweep of the law.⁵⁴

The government's assumption of a color-blind posture, however, obviously has had little effect on stubbornly high levels of residential segregation, for three reasons. First, it is a policy that is terribly difficult to enforce. There are no centralized levers or buttons to push as there are in education and employment where school boards or large employers can be scrutinized easily. Housing remains in the hands of uncounted decision makers: literally thousands of real estate agents, lenders, buyers, and sellers. It also is doubtful that more rigorous enforcement could have more than a marginal effect on the overall distribution of population. That is because of the second reason: Competing, prior, and contradictory government policies have already accelerated the separation of the races and frozen the pattern in concrete. Third, and most important, a review of the pertinent behavioral literature seems conclusive in detailing the enormous historical burden imposed by the cumulative weight of the first and

second ghettos. The evidence is overwhelming that people conduct their housing searches in limited areas; that they are most aware of the housing available near their current residences; and that their existing location is the single most critical factor in determining their new location—and each of these findings seems to hold with even greater force for low-income households, renters, and minorities than others. In short, even in the absence of current discrimination, the overwhelming effect of prior restriction has left a living legacy that stretches into future generations.⁵⁵

In the 1930s and 1940s, the federal government mandated racial discrimination; through the 1950s and much of the 1960s, it permitted bias in both the private and public spheres; in the 1970s and 1980s, it outlawed most forms of such discrimination, but only after a sustained postwar building boom served as a federally supported centrifuge that separated an outer layer of whites from a dense black core. Attempting to end discriminatory practices in housing in the post-civil rights era is not simply a matter of closing the barn door a little too slowly—the horse has not only escaped, but it has gotten into the trailer, moved down the interstate, and been put out to stud in rural pastures.

There is no question that attempts to create a color-blind market under civil rights law have failed. However, the dual market that survived in the post-civil rights era was not the same one that existed twenty or thirty years before. White abandonment of America's central cities has ended much of the scarcity that characterized the earlier black housing market. Housing prices have fallen proportionately, and the "race tax" that elevated costs paid by blacks above those paid by whites for equivalent shelter is not the factor it was a generation earlier. The quality of housing available to blacks also has improved substantially over the past forty years, particularly for the growing middle class. Even the poor have derived some benefits here, and the public housing units occupied by thousands—despite the scandalous conditions endured by many—still represent a net gain over the ramshackle hovels pressed into service by the end of the Great Depression. However, during the same period, homeownership and a suburban life style became the common expectation of the vast middle class where previously they had been luxuries reserved for the wealthy. Gains for blacks were relatively less. Segregation still persists, but currently more alternatives are available for upwardly mobile blacks. White desertion of the central city has opened new neighborhoods, and the black middle class has been quick to respond. One result is the increasing class differentiation currently found within urban black communities.⁵⁶ Always present to some extent, the ability of well-to-do blacks to distance

themselves from poor people has become much more pronounced in the past decade or two; and spatial distance generally has reflected social, ideological, and political difference as well. The full implications of this movement have yet to be seen.

The flight of the black middle class from the poorest sections of the central city also must be placed in the context of the broader assimilation experience of other migrants to urban America. Before 1950, the most mobile segments of the black middle class were denied the role played by their earlier white ethnic counterparts. As the older immigrant communities dispersed, those who enjoyed some measure of economic success led the movement and eased the transition into the American mainstream for those who trailed them. The recent availability of more decent housing, however, has allowed economically successful blacks to undertake that outward push with different results. One consequence is that, as the indexes of dissimilarity of the largest U.S. cities indicate, this movement is proceeding within the context of continued racial segregation; black economic achievement and material well-being have not heralded the "disappearance" of those "assimilated" blacks as was the case with their ethnic competitors. Interestingly, the existence of ample housing stocks and respectable alternatives to the most impoverished communities apparently have led to a reduction of the pressure placed on white suburban areas. Attempts to promote and manage the integration of such all-white neighborhoods, thus, have not been notably successful because of both continued white resistance and seeming black indifference. White accommodations and integration were valued more, it appears, in times of housing shortage when they were the only alternatives to deplorable living conditions. In part, this phenomenon might reflect a new kind of "voluntary" segregation; it is possible that, finally, the centripetal pull of black "cultural affinities" is being tested and has been found to be more enduring than those of the white ethnics. Given past history, though, it might also simply reflect the judgment that entry into all-white communities is just not worth the risk or aggravation, and it is certainly no longer necessary to achieve a decent standard of living.

A second major consequence of this black middle class movement is that it threatens to leave the poor population behind in large blocks of public housing and deteriorating core areas. The decline in overt racism and the spotty enforcement of antidiscrimination laws have meant little to the poorest blacks. Past practices have had their effect, and institutional, ideological, behavioral, and political legacies continue to hamper efforts—whether internal or external—to alter their lives materially. Their continued segregation, not simply by race, but

increasingly by class as well, is characteristic of the third stage in the evolution of America's black urban communities. Rather than being placed in an advantageous position by their more successful representatives, those left behind seem more distant and more isolated from the mainstream than before.⁸⁷

The persistence of racial segregation remains a central feature of urban life in the United States, and unquestionably will remain so for the foreseeable future. Unable to alter deeply rooted patterns of segregation, the civil rights era ban on racial discrimination did not affect the hard-core economic problems that continue to plague central cities and their residents. If the ghetto has been gilded for some and escaped by others, it shows no signs of disappearing and, indeed, may now present the dual problems of race and poverty in more concentrated form than ever before.