



# Library podcast

## Richard Rothstein discusses "The Color of the Law"

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[00:00:37] Thank you so much for being here tonight. I'm Stesha Brandon. I'm the Literature and Humanities Program Manager here at The Seattle Public Library. I want to begin tonight's program by acknowledging that we are on Duwamish land. We would like to thank our authors series sponsor Garry Kunis and thank the Seattle Times for their generous promotional support of library programs thank you as well to our program partners. Third Place Books and Black Heritage Society of Washington. Finally we are grateful to The Seattle Public Library Foundation private gifts to the foundation from thousands of donors to help the library provide free programs and services that touch the lives and everyone in our community so to library foundation donors here with us tonight. We say thank you very much for your support. Now I'm delighted to introduce our first speaker Richard Rothstein is a Research Associate of the Economic Policy Institute and a fellow at the Thurgood Marshall Institute of the end Doubleday S.P. legal defense fund and of the horse Institute at the University of California Berkeley. He's the author of a number of books including Class and Schools Using Social Economic and educational reform to close the black white achievement gap and the way we were myths and realities of America's student achievement his newest book The Color of Law a forgotten history of how our government segregated America was recently nominated for the 2017 National Book Award so the color of law a forgotten history of how our government segregated America details the laws and policies that promoted racial segregation in the past and the discriminatory patterns that continue even today. Dan Rose of The Chicago Daily Observer says of the color of law it's quote Virtually indispensable. I can only implore anyone interested in understanding the depth of the problem to read this necessary book end quote. Please help me welcome Richard Rothstein

[00:03:00] Thank you very much Stesha. And thanks to all of you for coming out this evening to hear me speak about this topic as you all know in the mid 20th century we made a national commitment to abolish segregation. We understood that it was immoral. We understood it was unlawful and we understood it was unconstitutional. We began actually in the 1930s it was the first place. Abolishing segregation in law schools and then we went on to abolish it and graduate schools and then colleges and then in 1954 the Brown decision abolished segregation in elementary and secondary education

and then in the 1960s and passed the number of laws that abolished segregation in buses and the restaurants and water fountains and public accommodations of all kinds. Employment yet we've left untouched and have completely ignored the biggest segregation of all and that is the fact that every residential neighborhood in this country every residential metropolitan area in this country is segregated by race. We know it every every metropolitan area that I've ever lived in was racially segregated and I've lived in many. We all see it around us. We accept this a natural part of the environment. That's something we can't do anything about and the question is why is it that we made a national commitment to abolish segregation but left in place the biggest segregation of all.

[00:04:38] The fact that every metropolitan area. I think one reason is obvious and that is that this doesn't take very long to figure out. It's much harder to undo residential segregation than say resident than segregation and water fountains or buses or restaurants if we abolish segregation in restaurants the next day you can go to any restaurants you want. You abolished segregation in buses the next day you can sit anywhere you want. But if we abolish segregation in neighborhoods the next day nothing would be different. And so it's because it's so difficult to imagine how to undo it. We've adopted a national myth to rationalize the fact that we keep that we accept this as part of the natural environment. And that myth is something that's a term that I know that you're all familiar with and many of you probably use I did. It's called de facto segregation. That's what we've got out there. De facto segregation not unconstitutional segregation but segregation that just sort of happened by accident. It happened because maybe a private real estate agents steered people to same race neighborhoods maybe because people like to live with one another of the same race. Or maybe African-Americans don't have enough income to move into middle class white neighborhoods or perhaps because private parties wouldn't sell homes to African-Americans and white neighborhoods. All of these individual private decisions having nothing to do with formal segregation created the segregated environment in which we live. And if it all happened by accident there's not much we can do about it. It'll have to be undone by accident. That's the myth that we've adopted de facto segregation.

[00:06:23] Well I spent a many years as you just heard session describe writing about education policy. And in 2007 I read the Supreme Court case in which the Supreme Court prohibited this school district the school district of Seattle Washington and also the school district of Louisville Kentucky from implementing a very very token school integration plan an attempt to integrate schools that were segregated defacto and the school plan that was to give parents the choice of where their children would go to school. But if the choice of a child would tend to exacerbate segregation that choice wouldn't be on there in favor of the choice of a child that would desegregate a school. So if you had a school that was mostly white and there was one place left and both a black child and a white child applied for that place the black child to be given some preference because it would help to desegregate the school. Very token plan you can't imagine the more token plan. Most young people don't want to go to school outside their own neighborhoods and away from their friends and in addition the cases where you have one place left and this both a black and white applicant for this is trivial. So so you couldn't imagine a more token plan. But the Supreme Court prohibited it and they prohibited it because they said the schools in Louisville Kentucky and Seattle Washington was

segregated because the neighborhoods in which they located the segregated and the neighborhoods in which they located the segregated de facto not by government action.

[00:08:00] And if you have de facto segregation the Constitution doesn't permit you to consciously desegregate. That was the Supreme Court's decision. And I remember reading about the case actually in Louisville Kentucky one of the cities along with Seattle. That was the subject of the suit where in the 1950s a white middle class family in the middle class suburban neighborhood that was all white sold a home to an African-American Navy veteran a middle class fellow with a good income better income than most of the people in the white neighborhood that the home was located. The African-American Navy veteran moved into this home a mob surrounded the home protected by the police the mob firebombed the home threw rocks through the window dynamited it. And after this violence the state of Kentucky arrested tried convicted and jailed the white homeowner the seller for sedition and sentenced him to 15 years in prison. And I said to myself you know this doesn't sound to me like de facto segregation. That might be something more involved than simply personal choices and private action. So I began the work that led to this book and although I knew a little bit about that when I started I was myself stunned about the systematic pattern of federal state and local governments the desegregate this nation on explicitly racial basis not to enact policies that had the unintentional consequence of segregation but to enact policies that explicitly segregated the nation on a racial basis with policies so so powerful that they still determined the racial boundaries that we have today.

[00:09:55] So let me spend a few minutes this evening describing some of those policies. And the subtitle of my book is special mention. I'll say it again it's a forgotten history of how our government segregated America. There is nothing in my book that's new. Historians have known this for years but we've forgotten it. And it's become a race from the popular memory so that we can adopt this myth of a de facto segregation. So perhaps one policy one of the major policies that the government followed came out of its public housing program. Now you all know you think you know what public housing is a place where poor people live. It's a place where lots of single mothers with children live. It's a place with lots of hopeless young men without access to jobs or opportunity. Frequently misbehaving calling the attention of the police engaging in confrontations with the police. Probably maintain buildings. It's generally not a decent place to live. That's not how public housing began in this country. Public housing began in this country the first civilian housing public housing in this country was built during the New Deal. Right at the beginning of the new deal for middle class mostly white families who had lost their homes in the Depression and the needed housing. One of the first New Deal agencies was the Public Works Administration that built the first civilian public housing in this country and it built this public housing on a segregated basis throughout the country not in the south but in the north in the West in the Midwest.

[00:11:38] And there were few projects out here in the West as well some of you may know I'm in a library so I should talk about books I guess. Some of you may remember the The Autobiography of Langston Hughes the great African-American oh the novelist the playwright in his autobiography The Big C.. He describes how he grew up in a integrated neighborhood in downtown Cleveland. We don't

think of downtown Cleveland as being an integrated place today. Working class families living in integrated fashion.

[00:12:14] But we wouldn't be surprised if we got transported to any urban area in the early and mid 20th century because most of them were integrated to some extent. Langston Hughes describes how in this Cleveland neighborhood he went to high school and his best friend was Polish. He dated a Jewish girl. The neighborhood in which he lived the central neighborhood of Cleveland was about half white and half black and the Public Works Administration demolished housing in that neighborhood and built two separate projects one for African-Americans and one for whites creating a pattern of segregation in that area of Cleveland which set the pattern for many years many decades to come. This was true all over the country. I like in my book to talk about places like Berkeley California and Cambridge Massachusetts because they think thought of as being very liberal places and I can persuade you that happens in those places. You'll probably understand that happen everywhere. Cambridge Massachusetts I don't think you have to live there but. The area and centered around central square and near M.I.T. was an integrated neighborhood about half black and half white. The Public Works Administration demolished housing in that neighborhood and created a separate project for African-Americans a separate project for whites creating a pattern of segregation in that community that hadn't previously existed in the south as well but not as I just indicated only in the south Atlanta had an integrated neighborhood called the flats the public works administration demolished housing in that neighborhood to build a housing project for white families only African-Americans who were displaced by the demolition had to double up with relatives or move into other neighborhoods mostly African-American neighborhoods creating segregation in Atlanta which hadn't previously been known segregation in places like Atlanta and the South were known and other areas of life but not in housing because it also these in the country we had integrated neighborhoods at that time simply because workers didn't have automobiles to get to work.

[00:14:14] And so if you had a downtown factory or other downtown workplace that had Irish immigrant employees or Italian immigrant employees or Jewish immigrant employees and African-Americans they all did live in the same neighborhoods and would be able to walk to work. So we headed to great neighborhoods all over in fact there was a guarantee that every city in the country would have an integrated neighborhood at least one because the railroads with higher only African-Americans for baggage handlers the Pullman car company would only handle higher African-Americans for Pullman car porters. So and since railroads with a major form of Vince's city transportation African-Americans had to live in the neighborhoods close to the railroad terminals they'd be able to walk to work and frequently those were predominately white neighborhoods or largely white neighborhoods in Oakland California West Oakland was an integrated neighborhood because of the Pullman car porters who had to live there but most of the people in that neighborhood were white.

[00:15:14] So we had integrated neighbors all over the country and the Public Works Administration demolished many of them to create segregated public housing. This became exacerbated during World War 2 when hundreds of thousands of workers flocked to cities in order to take jobs in the defense industry. And there was no housing for them no housing had been built in the Depression

during World War 2. The population exploded in these cities. I talk in the book about the suburb of Berkeley called Richmond California which was the center of shipbuilding on the West Coast. Richmond before World War Two was a town of about 24000. Very few African-Americans about 200 African-Americans living there working as domestic servants and in white homes. It was a white community by the end of World War 2. Its population was over 100000. It's unimaginable how a community grows from twenty five thousand to one hundred thousand in the space of four years. But the shipyards had to keep on turning out the ships and the federal government wanted the shipyards to keep on turning out the ships.

[00:16:21] The war effort that had somehow find housing for the hundred thousand workers who came to work in the shipyards and so the federal government in this white community built housing for the war workers. It built housing for African-Americans along the railroad tracks and in the industrial area a temporary housing and it built more stable sturdy housing and the white residential areas for whites. Now let me emphasize this is not a case of black workers happened to apply to live in the public housing projects along the railroad tracks and white workers happened to apply to live in public housing in the white areas. This was explicit residential segregation creating segregation in the community had never known it before. You can't say it was following local patterns. This was a federal imposition of segregation in the Bay Area and in the rest of San Francisco the same thing happened. Hunter's Point dry dock of a naval installation needed workers. They needed housing. The federal government and the City of San Francisco built segregated housing for the Hunter Hunter's Point dry dock workers within the city of San Francisco itself during World War 2 3 had 3 projects were built in white areas for white workers only one project was built for African-Americans and the Fillmore district in the Western Addition of San Francisco.

[00:17:40] It was built there because there was some vacant apartments in that community because act out because Japanese Americans had been moved out and placed in internment camps further inland. And so there were lots of vacant apartments there African-Americans started to move into some of them if they came to work up in San Francisco or industries.

[00:17:58] And so the federal government decided that would become an African-American neighborhood and built a project for African-Americans only in that neighborhood.

[00:18:07] After World War 2 there was still an enormous housing shortage in this country said no housing have been built during the Depression. The. During World War Two. No window of materials could be used for construction for civilian purposes. And so after World War Two present and millions of war veterans returning needing housing saw President Truman proposed a new vast expansion of the public housing program and in Congress conservatives wanted to defeat the public housing program not because for race remember. This was mostly for middle class working white families some projects built for African-Americans on a separate basis. They wanted to defeat it because they thought public housing was socialistic and government shouldn't be involved at all. And so they came up with a device called a poison pill amendment which was an amendment that opponents of a bill in Congress tried to place on the bill in order to in the hopes that if the amendment passes the entire bill will become unpalatable and so conserve. This proposed an amendment to the 1949 housing act that

from now on public housing had to be integrated no more segregation in public housing no more discrimination. Obviously it was well known that public housing was a segregated institution for this amendment to have any meaning. And liberals in Congress of their strategy was if this amendment got passed they would vote for it. I mean if this amendment came up the conservatives would vote for it Southern Democrats would vote against it. But Northern liberals would join them and vote for it. The amendment would pass and then once the amendment was on the bill conserve.

[00:19:50] The Conservatives would flip vote against the final bill. Southern Democrats would now join them in voting against the final bill and that would be a new coalition that would get the bill defeated. Well liberals in Congress campaigned against the integration amendment led by you and Humphrey while Douglass campaigned against the integration amendment and public housing was passed in nineteen forty nine. Which to me is fairly recent history as a segregated program and the federal government used that vote in Congress to justify its continued segregation of all of federal housing programs not just public house. Well shortly after this time many of the large public housing projects that we're familiar with were built and in a few years a development occurred everywhere in the country. Large numbers of vacancies in the White projects long waiting lists in the black projects. And the reason for that was a second major federal program by another New Deal agency the Federal Housing Administration the Federal Housing Administration embarked on a program to suburbanites the white population of cities into single family homes in the suburbs. This is a program that the Federal Government had since World War 1 when some geniuses in the Woodrow Wilson administration decided that if you get white families with a single family homes they couldn't become Bolsheviks. And so they propagandize the all across the country white families to move into single family homes in the suburbs. But there was a pretty unsuccessful campaign because there was no money behind it.

[00:21:24] It was just propaganda. Well the New Deal put money behind this. The Federal Housing Administration guaranteed bank loans to the developers of mass production suburbs on condition that no homes be sold to African-Americans. And on further condition that every home in these suburbs have a clause in its deed prohibiting resale to African-Americans or rental to African-Americans. This was an explicit federal program that was set forth in the underwriters manual of the Federal Housing Administration so a builder like the most famous of these is probably Levittown in New York East. But there were many many others all across the country hundreds of them literally a San Francisco Los Los Angeles. The big symbol of suburbanization in the mid 20th century. The community of Lakewood. Ten thousand homes south of Los Angeles a Panorama City north of it all Levittown. All of these were built on an exclusively white only racial basis by a requirement of the Federal Housing Administration. In this period builders could never have assembled the capital to build as Levittown 17000 homes for which they had no buyers. How could you assemble the capital to build such an enormous undertaking prior to that if you were single family homes were built mostly on a one by one. Or maybe if you had a basis or maybe you had a very risk taking builder he'd build three or four homes not seventeen thousand homes as Levittown. But Levitt took his plans to the Federal Housing Administration that included the materials he was going to use in the design of the homes and a guarantee that no homes would be sold to African-Americans on that basis.

[00:23:01] The Federal Housing Administration approved the plans. He could then take the guarantee to the bank and to banks and get the guaranteed loans to build. That's why all the vacancies developed in the white public housing projects they were being subsidized by the federal government to move into single family homes in the suburbs. White public housing residents and remember up until this point public housing was not subsidized it was work for working families for low and middle class families paying the full costs of their their apartments and their rent. No subsidies involved white families who moved out of public housing and into these suburbs that were financed by the federal government could pay less than their monthly mortgage payments for an FHA or V.A. mortgage than they were paying for rent in public housing. That's how serious this subsidy was. And so all the vacancies developed in the public housing programs eventually the situation became so conspicuous that the all the while the projects were opened up to African-Americans African-Americans moved into all the projects at the same time. And you know this history industry left the cities so there were fewer and fewer jobs. People living in these projects became poor and poor. And we developed the kind of subsidized public the government started to subsidize the projects which people didn't have the rent to pay for them and they became the kind of slum ghettos that we know public housing today.

[00:24:29] This white news that the federal government created around urban areas African-American communities characterizes today every metropolitan area in the and let me just conclude by telling you exactly how this continues to determine the racial landscape of this country homes in these suburbs. For example Levittown or or Daly City and south of San Francisco or Lakewood or Panorama City or in this area the developments built by for example the Boeing family north of Seattle homes in this time paid costs about ten thousand dollars or less in today's money. That's about ninety thousand dollars. White families goodbye. As I say buy those homes and with a mortgage pay less than they were paying for rent and public housing. Today those homes you know they sell for what three hundred four hundred five hundred thousand and more. The white families over the next few generations who are subsidized by the federal government to buy into these suburbs gained over the next few generations. Two hundred three hundred four hundred five hundred thousand dollars in wealth African-American families who were prohibited from moving into single family homes in the suburbs effectively because the FHA would not permit the developments to to sell to them gain no wealth. They were renting apartments in the city whether in the private market or in public housing. Today average more African-American incomes are 60 percent of white incomes on average 60 percent average African-American wealth is 10 percent white wealth. And that enormous disparity between the 60 percent income ratio and a 10 percent wealth ratio is entirely attributable to unconstitutional federal housing policy that was practiced in the mid 20th century.

[00:26:23] It determines much of the inequality that we have in this country today. White families with this wealth were able to send their children to college to care of emergencies medical emergencies or bouts of unemployment or most importantly to bequeath it to their children so their children themselves could go into the middle class and buy homes or have a downpayment for homes.

[00:26:45] African-americans had no wealth were unable to do that. We passed the Fair Housing Act in 1968 that said OK African-Americans are now free to move into these developments that you were prohibited from in the mid 20th century but it's an empty promise because they're no longer affordable

to working class families and they would have been affordable to them and were affordable to them but prohibited to well in my book I described many many policies federal state and local governments that segregated this country.

[00:27:16] These are just two of the major ones we have not a de facto system of segregation we have the jury system of residential segregation government sponsored segregation that is unconstitutional is the segregation of schools or of state colleges or public transportation that any of the other forms of segregation that we abolished. We haven't done anything about it because we are hobbled by this myth that happened by accident and learning this history. Therefore and how our racial segregation boundaries are an unconstitutional stain on this nation's present environment is a necessity if we're going to begin to address how to remedy it. So that's a brief summary of the book a very brief and I thank you for your attention.

[00:28:13] Now I am happy to welcome Quinton Taylor up to the podium Dr. Taylor is the Scot and Dorothy Bullitt professor of American history at the University of Washington. He is the author of In Search of the racial frontier African-Americans in the American West. Fifteen twenty eight to nineteen ninety and the forging of a black community Seattle's Central District from 1870 through the civil rights era. He is the editor of two anthologies and a two volume collection of primary documents in African-American history as well as the co-author of Dr. Sam the autobiography of Dr. Samuel Kelley soldier educator advocate and friend. Dr. Taylor currently serves on the board of history length interactive history project and was a founding board member of the Central District forum for arts and ideas. Here to give some local context please help me welcome Dr. Quinn Tartt Taylor

[00:29:21] Folks Richard Rothstein is a hard act to follow but I'll try. Essentially he's laid out a very very powerful analysis of racial segregation all over the country and of course many of us who were historians knew about this for a long time and we talked about this. I certainly talked about it in my book on Seattle years ago. But I think what he's done for a lot of us and we may get into some of this on the question and answer session is to say to historians there is a huge missing piece and that missing piece is the role of the federal government. I'm going to take a few minutes to talk about the Seattle scene to talk about what happened here in Seattle in terms of racial segregation. You're gonna see that it's a story that's very similar to what unfolded across the entire country. Although there are some differences but I think that the thing that is both amazing and annoying is that the story in Seattle is very much like the story in most places most metropolitan areas across I'm going to do this presentation a little bit differently from Richard. I have to have slides and so I'm going to give you 20 slides that reflect on what I call the short history of race and housing in the city of Seattle. OK. It's already up.

[00:30:40] So let me let me go through the first slide.

[00:30:44] Nineteen Hundred thank you. And and you can see the growth of the population. This was a very very small community in 1860 and up until 9 1 and exploded in population roughly around 1890.

[00:31:00] And then with nineteen hundred 1910 1920 as Richard Harris remarked that was virtually no racial segregation during the early years of Seattle. Black people lived side by side with white people in places like Capital Hill and places like Queen and in places like downtown Seattle. Indeed it was Seattle was marked by the fact that it had no ghetto. And I think Richard talked about this in the book that in an ironic sort of way there was less segregation in American cities in 1880 than there would be in 1950. And we need to explore that. We're going to talk about how that came about because it sort of goes against the narrative of constant progress in terms of American society.

[00:31:47] Let me let me go through these fairly quickly General slides talking about the growth of Seattle.

[00:31:53] You can see Seattle was almost an instant city. There is a big white house on top of the hill on the left Seattle in 1866 a white structure as the University of Washington. But you can see a nineteenth hundred that Seattle has become a major city.

[00:32:08] And of course by 19th century segregation or touches of segregation began to evolve. This is Horace rebels gate. I would argue that Horace rebels Kate and his family represents Seattle in two ways. Number one they were the wealthiest family black family in Seattle at the time. They they ran the Seattle Republican which was the second largest newspaper in the city. Notice I didn't say the second largest black second largest newspaper in the city but for our purposes the cadence who seemed eminently successful who lived on Capitol Hill who had the best life possible that one could imagine for a black family at that time the cadence were eventually challenged by those who said they didn't belong. As far as we can determine the first. Organized legal effort to remove a black family from a white neighborhood came with the cadence in 1889.

[00:33:07] The effort wasn't successful but two years later the Kennedys moved anyway and it set a pattern that would continue really right up until today.

[00:33:17] This is what I call the genesis of the ghetto. Now I want you to look very carefully at these two maps. They're a very very small African-American populations in Seattle in 1920 and in 1930 just a few dots with few black dots. Maybe I just got a few dots that represent the black population.

[00:33:39] And yet at the very moment that this population was small at the very moment that the white population is overwhelming in Seattle this is an example of a risk for a typical black I want you to take a minute to read the words this is in Seattle.

[00:34:02] This is this twenty third avenue. Now this is this is a typical government but here's here's an image that represents the rep of those government

[00:34:24] And notice the people who are denied entry into those neighborhoods sometimes with the name saying sometimes the group thing Broadmoor I don't have this up here but Broadmoor had a restrictive covenant that included not just all the groups you see here but also people from Turkey

people police in Europe people from Italy and on and on and on. You wonder if we could live in Baltimore with a. Non-Muslim. This is before there was a significant black population in Seattle.

[00:34:59] Now this is this is what Richard talked about and this is what we're going to continue to talk about in the discussion. This is not by accident. The federal government plays a major role and you can see this map.

[00:35:11] You guys have probably heard of redlining redlining exists all over the country including in Seattle. And if you look very closely you see that again.

[00:35:22] Which I gave you. Oh here we go. This is a site.

[00:35:28] This was the area that was predominately black up until. Well actually it is significantly black even to this day but it's predominantly black. Up until the 1960s this area is mostly industrial but you can see. But that was it.

[00:35:44] That was a decision made at the highest levels of the federal government so we essentially deny loans to people who live in this area. This became the ghetto. There is no accident. This became the ghetto World War Two brought his regiment and World War Two brought significant numbers of people to. Two

[00:36:04] Industrial towns all over the country. The atom was third at the lot and you were in Detroit and

[00:36:11] Industrial or war work and literally thousands of people came including African-Americans and African-Americans ended up not surprisingly in the neighborhood that was already established.

[00:36:24] In other words these restrictive covenants created the parameters for the black area. Even when the blacks were much more excuse me were a minority in those areas by the 1940s certainly by 1950 they would be a majority in those areas.

[00:36:41] And this of course is the central district. Look strange here. Well first of all no. But secondly all of this area would be developed this is Pill Hill the extension of downtown but all of this was part of the African-American community a segregated community and a community that was segregated by federal action and of course this is a reflection people knew about this. People understood that you couldn't live anywhere in Seattle. People understood restrictive covenants. These are restrictive covenants that pepper the city of Seattle even in the nineteen forty in the late 1940s.

[00:37:22] You can see the language the language I'm sorry the language hasn't changed very much. Restrictions on blacks and animals a growing ghetto. In other words this is a consequence restrictive covenants. I like to repeat that. Limit the number of people and type of people that live a. A conflict. Why is that African-Americans and other people of color end up living in a relatively few areas and that industrial overcrowding becomes.

[00:37:58] Overcrowding is not as bad in Seattle as it is in other places.

[00:38:02] But the restricted government did its job in terms of building or channeling African-Americans the vast number of African-Americans into the Central District.

[00:38:14] I love this quote.

[00:38:15] This is General Hatcher general Hatcher was a black realtor. You can see his statement in 1961. And also look at the consequence of restrictive covenants. The vast majority of African-Americans something like 80 percent of the black population in Seattle live there are consequences with segregation.

[00:38:42] As Richard pointed out speculative fiction and segregation is in some ways the most insidious consequence of this because in many respects we still see segregated communities and segregated schools. The question is are the schools segregated because of the community of local communities segregated because of the school. I think more than likely it is the communities that are segregated first and that extends to the school.

[00:39:09] Then there are consequences. Now obviously these numbers are different from Seattle today but they are different only because of an extended period of busing to try to reduce the segregation and see outward leads.

[00:39:24] And maybe in some other places there was a large population that said no to segregation. Like you said it is

[00:39:32] Particularly relevant to Seattle in the 90s there was a civil rights. I don't have time to get into it now. But if there were literally thousands of them or Seattle and somebody looked like it would be solved in terms of those demonstrations and one of the three major areas that would be addressed. Was Open how. That is. How did you break down the ghetto. How do you create an environment where people can live. Anywhere they want to be. And of course they were never going to be thousands of people in Seattle who would be involved in. The campaign. Using your right to. The point. We're giving to. President

[00:40:10] There was this one that was just protected. Maybe this wasn't enough. Even if the campaign itself seemed a very glorious at the time.

[00:40:20] I don't know who finishes your but she was one of those people who reached out at the time to try to bring about integrated housing in Seattle. This is the. Earliest that. Integrated I mean we could do a whole lecture on the attempts by others to bring about. The. But this is essentially one person's. Way of play. We will welcome black people and. Other white whites in three out of the brain of the other. To welcome black people as well so much so

[00:40:56] Now.

[00:40:57] There are a couple of things going on here. First of all black folks live all over again in the home county all the way down the federal way I guess. Merci. I learned so much that in the

[00:41:11] But they listen. But but if you look at this again you'll see there's a

[00:41:16] Concentration of concentration that no longer clips of different. In other words basically the goal. And I hope that because I want. To talk about. How. Even when their suburban. Integration is an extension of the literary ghetto

[00:41:33] In the central city Seattle is unique. I can say that. We have always believed. That by the year 2000 three more black people in the greater the the upon we all. Lived in the suburbs. Another leftover from number empathy concentration of

[00:41:54] A poor black people in Brooklyn. And that. Pattern. Tended to reflect. What was going on. In the rest of the country. And of course one could argue that even suburbanization often brings about concentration. This is written I said. Federal Way. This table further shows the different scales the rise of the suburban black population. I've got mixed feelings. About that. On one hand one could argue that it was good that black people had the ability to move into the suburbs. On the other hand we have to understand that gentrification which I'm gonna get through in a minute many of which of course those black folks are things that were oh OK.

[00:42:41] Thank you type well and written you guys a local you know that well written you know but these have become some of the most diverse communities in the greater Seattle area. But in some ways they are extension

[00:42:57] An extension of the Central District.

[00:42:59] They are the places where people would move to if they left the places that we can. Again we can talk about why the Central District was going was going to be almost deserted. These maps show the change a tremendous change in decline in the black population.

[00:43:21] Looking up here my eyes are bad. I think the black population by 2010 was what six thousand.

[00:43:28] I don't know the percentage but it was the lowest percentage in and it would continue to drop.

[00:43:37] And of course that would be continued gentrification.

[00:43:40] Gentrification is taking place folks as we speak now this is the last line we can get into the questions the questions and the discussion noticed the data on this.

[00:43:53] Seattle is still grappling with the legacy of racial segregation yes what happened to Horace came to the end in 1989. The impact of that is still going on. To this day we are still segregated by even as much as we can brag about the fact that there are more black people in the suburbs than in the city in Seattle.

[00:44:16] We nonetheless know that there is significant concentration of black folk in certain areas. Even in those suburbs.

[00:44:23] And we also know and Richard pointed out that we also know that there is a tremendous wealth gap of tremendous disparity between the wealth of black people and others.

[00:44:34] And one of the reasons have not been principal is what the long legacy of segregation and the role of the federal government in bringing about the so this is my last word. We're going to we're going to stop at this point. And where should we just fed way into a discussion OK.

[00:44:59] But what I wanted to do essentially was to tell you the Seattle story the local story then in some ways in many ways reflects on the huge that in many ways reflects.

[00:45:13] Thank you reflects on policies that come naturally from the federal government.

[00:45:23] And that's why let me say again that's I think the major contribution that Richard has made in this discussion.

[00:45:31] I for one as a historian understood that racial segregation existed in Seattle when every other place and we and we can document that. I didn't know that the federal government was significantly if not primarily responsible. And I think that brings me to the first question Richard. We think of the federal government and certainly the federal government in the 1930s under the Roosevelt administration and the Franklin Roosevelt administration as a as a government that's committed to racial justice.

[00:46:06] Certainly I have taught that for years in my classes. We've talked about Eleanor Roosevelt. We talked about the role of the FCC.

[00:46:15] We've talked about the attempts to try to integrate facilities across the country in some instances led by activists within the federal government. There are 5 people in the Roosevelt Roosevelt administration that were members of the NAACP and yet we have this yet. We have literally thousands. I want to emphasize this worth thousands of federal state and local officials who were committed to racial segregation. And I guess my first question to you Richard is how do we. How do we reconcile our our ideas about the liberalism of the Roosevelt administration and the north in general with the reality of this rise of segregation Well I don't think that the New Deal was liberal when it came to racial matters.

[00:47:05] It was liberal with the fact that economic matters. But you mentioned the FEC the FEC the Fair Employment Practices Commission which was established in nineteen forty one only AFTER A Philip Randolph the president of the Brotherhood of Sleeping Car Porters organized a one hundred thousand person march on Washington to demand that war industries hire African-Americans which they weren't doing. Eleanor Roosevelt as you mentioned she was a of course she wasn't elected anything but she was a she was a of a more liberal on racial matters a person than anybody else in the administration. She negotiated between a Philip Randolph and her husband to try to get the march called off if only he would establish the Fair Employment Practices Commission but the Fair Employment Practices Commission had no enforcement powers. So throughout the war despite the FEC the war industries continued to refuse to hire African-Americans. African-Americans flocked to the Democratic Party during the New Deal not because it was racially progressive but because it was economically progressive and African-Americans were getting economic benefits even though although on a segregated basis that they had never received before. But there were very few integrationists in the Roosevelt administration. It's not that they didn't know any better because there were some Frances Perkins the secretary of labor Harold Ickes the secretary of the Interior. These were pro integration officials but they were a minority and the Democratic Party as a whole through and through the 1930s and afterwards was a segregationist party not just in the south but throughout the Northern Democrats acquiesce in this. The my my favorite anecdote to help people understand this is this some of you may remember the a couple of years ago there were protests at Princeton University over the fact that the the named so many of its buildings and its School of Public Affairs at the Woodrow Wilson Woodrow Wilson was the first the president from a southern state after the Civil War.

[00:49:24] And Wilson came into office and embarked on a program to segregate the federal civil service. Prior to that on the republic administrations before the Wilson's administration civil service was integrated and African-Americans were making more and more gains in the federal civil service under Wilson. Curtains were placed in civil service and in federal government offices to separate black and white workers African-American workers in the civil service with the motive if they were in any position of authority over white workers separate bathroom facilities were built in basements of federal government offices. Well the um the assistant secretary of the Navy who is responsible for implementing this policy in the Navy Department was Franklin Eleanor Roosevelt. So I'm not suggesting that this was his idea that he would have come up with this on his own but this was part of the Democratic Party policy that he grew up in. And when asked about why he didn't challenge it his reason was and it may be a you can judge this for yourself a legitimate reason. He said his first priority in the 1930s had to be fighting the depression and he wouldn't have gotten his economic programs past the fear challenge of racial segregation. And during World War Two is fighting the war. And he wouldn't have gotten support for the war the war was very controversial at first if he had taken on controversial positions like this before a reason. I don't think it's accurate to think of the New Deal as being racially progressive.

[00:51:04] I mean you're You're shocking me in a whole host of ways but one of the things that's shocking about your book and I hope everybody if you haven't already read is that you will buy it tonight he will read it. One of the things that I think is is in many ways disturbing is the way you lay out

the argument that racial discrimination continues that there is still segregation in housing and segregation is not simply the result or the legacy of policies of the past but that there are practices that continue into the present time. I wonder if you could talk about some of those practices because most people myself included weren't familiar with those.

[00:51:45] Well I'm sure there are practices in the present time are not racially explicit the way they were in the under the Federal Housing Administration for example or or under the public housing program but because we've never undone the effects of the prior segregation you can have now policies which purportedly are race neutral but which reinforce segregation and well we have three major housing programs the federal government operates by far the largest one is the subsidy to single family homeowners most of whom are white through the mortgage interest deduction the federal government spends far more money on the mortgage interest deduction than it spends on any housing program for low income families. But it also has two programs that it operates for low income families to support their housing. One is one that I'm sure you've heard talked about that if you're not familiar with it The Section 8 voucher program technically called the Housing Choice Voucher Program which is a program that provides a subsidy for low income families to enable them to buy to rent apartments at market rates at the average market rate rental rates for their larger area while paying no more than 30 percent of their income in rent. So the federal government the Section 8 vouchers make up the difference between 30 percent of income and the average rental rate in an area but that reinforces segregation because it doesn't I'm sure you can figure this out just thinking about it.

[00:53:22] If you take the average rental rate in the metropolitan area that rate is going to be too low to rent in a middle class community in a high opportunity community. And it's actually going to be too high to rent in a segregated community. So landlords under the Section 8 program exploit the program by charging more than the market require for Section 8 voucher holders. The result is that most Section 8 vouchers are used in already segregated communities because they're not sufficient to move to integrated communities or middle class communities. The last two years of the Obama administration the administration adopted a rule that permitted local housing authorities to adjust the subsidies so that there was a higher subsidy and middle fee for rentals and middle class communities and a lower subsidy for rental in segregated communities. Low income communities the Trump administration has announced it won't enforce that rule. So this policy continues to perpetuate segregation. The same thing is true of the other program for low income families it's called the Low Income Housing Tax Credit which is a program that's run out of the Treasury Department that subsidizes developers to build housing for low income families.

[00:54:38] And these developments are overwhelmingly placed in already segregated neighborhoods because the land is cheaper there because developers that don't meet any community opposition when they buy there. And since it's low income housing they can rent them the apartments easily because they can put a sign in the window and people walking by can see it. So that program also reinforces segregation the vast majority of low income housing tax credit developments are place and already segregated neighborhoods in order to undo the unconstitutional. I keep on emphasizing that word unconstitutional because it's no different from school segregation in the south and 19th before

1954 in order to undo the unconstitutional housing policies that created segregation and we need very explicit and aggressive policies that are equally explicit racially as the ones that segregated the country. And one of the if I can say this my my favorite line in my book my own book is that um uh the Constitution doesn't say let's let bygones be bygones. It's not the constitutional principle. And once we've identified a constitutional violation we're obligated to remedy it. And so the purpose of what I'm talking to you about today is to help you identify it so you'll be motivated to remedy it.

[00:56:00] I know we're running short of time but can you sort of explore a couple of the examples you use in your book where you talk about remedies or you talk about ways in which we can bring about this integrated racially integrated housing in America well OK.

[00:56:18] But I resist talking about remedies because I think they are premature. I think it's a. Until we have a new consensus around this history until we recognize the unconstitutionality of our residential boundaries we're not going to be able to have the kinds of conversations that develop remedies.

[00:56:35] So let me talk about an extreme extreme example that's so politically unrealistic to be laughable and that is so take the examples I gave before of the suburb suburbs that were built with FHA support on an exclusive white basis in the mid 20th century I said those homes sold for about one hundred thousand dollars in today's money. Today they sell for four hundred five hundred thousand dollars. Well let's say we understood that this was unconstitutional that the racial makeup of Lakewood or Levittown or new or the suburbs built by Boeing in Seattle that the racial composition was unconstitutional. What we would then do perhaps is adopt a national policy that the federal government would buy up homes in these suburbs at market rates 300 400 thousand dollars and sell them for qualified of qualified African-Americans for one hundred thousand dollars. That would be a narrowly targeted constitutional remedy for a constitutional violation. And I have given this talk a talk like this to the American Bar Association's other lawyers groups. No lawyer can tell me has ever told me that this is not a narrowly targeted remedy for a identifiable constitutional violation we're not not about to do that. There are many remedies that we could implement. Short of that that are still unrealistic but perhaps more realistic than the one I just mentioned.

[00:58:00] We can start at the low end with the things I just talked about. It would be very easy to remedy the Section 8 and low income housing tax credit programs so that they could be used primarily in high opportunity neighborhoods to help to desegregate high opportunity neighborhoods. We could in the in between the two extremes we could. And in my book I go through a long history of how exclusionary zoning policies policies the suburbs have adopted to prohibit the construction of single family homes on small lot sizes or townhouses or anything that would tend to integrate those communities. Those are racially motivated historically and those should be repealed and we could pass a law Congress could enact a law prohibiting exclusionary zoning ordinances and requiring every suburb every community to have its fair share of moderate and low income housing. So those are remedies we could implement. But the very first task we have to do is to have a public education campaign to establish the basis for these remedies I see we're getting we're getting questions from the audience and I want to turn to those in a minute.

[00:59:15] My quite a few here but I've got one more question and it's about contemporary politics. And I've got to actually read what you said in your book with the election of Donald Trump one year ago we could argue that the nation is almost equally divided between those who think we've done too much to address racial inequality and those who believe we haven't done nearly enough. Now you talked about education in your book and actually the education of judges education of other people.

[00:59:48] That's a long term solution. Is there anything you can leave us with tonight. And when I say us I mean the people in this room to try to address this problem.

[00:59:58] Is there anything that we can do right now to deal with racial segregation across Sure. Well as a you heard at the beginning about me.

[01:00:09] I spend most of my time before I wrote this book on education policy and the course of writing this book. I looked at all of the most commonly used textbooks in American history use in high schools across the country. And if I can use a in a technical social scientific term what I found was that every one of those textbooks lies about this history and they are.

[01:00:35] There's not a single one there's not there's not a single one that describes the history that I've told you today accurately and I'll say this I said this is somebody before the one thing I'm proudest about this book about this book is that it's been out for six months now and not a single historical fact has been challenged by any historian. So it's it's well established history the most commonly used American history textbook in this country today is something called the Americans. It's twelve hundred pages in that textbook this one paragraph with the subhead of discrimination in the north in that one paragraph. There's one sentence that about housing that reads as follows. In the north African-Americans found themselves forced into segregated housing. That's it. You know the these textbook publishers they they spend a lot of money hiring a copy editors looking for a passive voice sentences but they they all fell asleep when they came across this. Not. No mention of who did the forcing how it happened. You know it's like African-Americans woke up one day they looked out the window and said hey look we're in a segregated neighborhood. Well every one you know what we can do today. Every one of you every one of us is in the school district has access to a PTA or a board of education or a school principal or a superintendent or teachers and we can demand that this history be taught accurately because if the next generation learns this history as poorly as we've all learned it and I include myself in this before I did this research if the next generation knows this history as poorly as we did they're going to be in this poor position to remedy is been.

[01:02:16] So I think the first thing we need to do and I'm not talking about just educating high school students because in the course of demanding these curricular changes you'll stir up a lot of adult activity as well.

[01:02:28] And that's something I think everybody can participate in. First of all

[01:02:35] You are doing a remarkable public service. You are educating all of us.

[01:02:40] I've got questions here from the audience and I'm going to do my best to read them what effect this forced busing and desegregated the segregated suburbs have upon middle class black flight. Why was Seattle. Why was the Seattle Housing Authority integrated. OK

[01:03:04] Well I let me just say briefly a busing I don't think is the solution to this problem. We can't desegregate schools without desegregating the neighborhoods in which they are located. And I personally as I as an education expert believe in neighborhood schools not. Because I want to maintain segregation but because parents need to be involved in their children's education. But we should have integrated neighborhoods schools where children can go to school in their own neighborhoods and be an integrated environments and that can only be done with residential desegregation.

[01:03:38] The next question is actually for me it says.

[01:03:41] Q What are your thoughts about reparations to African-Americans for wealth inequality caused by the unconstitutional housing policies and practices you have described.

[01:03:53] Let's put me on the spot here. I'm in a way I'm going to deflect this to Richard as well because I think one of the things that he talked about in terms of his book What's the difference. You know we can talk about nominal nature about terminology. The difference between remedies and reparations and I'm gonna I'm gonna suggest one thing and I don't know if Richard's going to agree with me on this but I think the problem or the trap with reparations is that there is a one time payment that somebody once said you know you get your 40 acres and a Lexus unfortunately. Unfortunately that one time payment doesn't really resolve the major issues including segregated housing including bad schools and the like. What Richard is advancing is a system of remedies that will extend over time that will change the nature of American society much in the way that segregation evolved over time government policy created and crafted the segregation over time.

[01:04:54] And we have to we have to be equally committed to over time fixing it.

[01:04:59] Reparations are an interesting concept and certainly I think one can make an argument that African-Americans certainly deserve them because of all that's happened. But I don't know if that's that's going to be the panacea for the situation that African-Americans and other people of color find themselves excuse me.

[01:05:20] Take both. OK take both.

[01:05:23] What gives you the most hope. I guess this is for you Richard. What

[01:05:28] What gives you the most worry in regards to equality in law and law housing and politics.

[01:05:37] Well what gives me the most hope is that we are now engaged in this country in the most honest passionate accurate conversation about the legacies of slavery and Jim Crow than we've ever had before in American history. And if you don't read my book I can suggest something much shorter for you to read the speech that the mayor of New Orleans Mitch Landrieu gave when he presided over the removal of a statue of Robert E. Lee which described in the most accurate and passionate and accurate terms not only the legacy of slavery and the conditions of slavery but also what their effects ongoing effects are today. And even two years ago it was inconceivable that a white elected Southern politician Southern politician a white elected Southern politician would make a speech like this.

[01:06:32] So we're in an environment we're talking about things that we haven't before talked about whether it's the removal of of commemorative statues to defenders of slavery or whether it's the reaction to my book which has stunned me more like I can say I did not expect this kind of reception. Whether it's the Black Lives Movement and the conversations that they've begun or whether it's the tension that the horsey Coats has gained from his writings in the Atlantic or the MacArthur award that was given the last month to the Cole Hannah Jones a writer who in much more graphic and dramatic terms than I can do describe the effects of residential segregation on schools in Ferguson and those neighborhoods. So we're having these conversations and that gives me great hope of course I like many other people I'm sure are frightened by the exposure of white supremacist groups in recent years. Under this under the present administration. So both are going on there's the frightening white supremacy but there's also a renewed discussion about racial justice that we've never before had in this country I'm not exaggerating I can't think of any previous period where it was discussed so accurately and I'm uh the reason I flew all the way up to Seattle was to get you to continue that conversation.

[01:08:02] Next question your book and Carole Anderson's white rage laid to rest the myth of an evolution toward an improved black experience black American experience.

[01:08:13] Will you please comment on this very briefly.

[01:08:19] I don't think it's accurate to say that there have been no progress. We now have a black middle class that's integrated into a broader society to a greater extent than ever before. So we've made some progress.

[01:08:31] We have I mentioned you know we talked a lot about Levittown but Levittown is now 2 percent African-American as a result of the Fair Housing Act 2 percent is 2 percent more than 0 percent. So to say that we've made no progress at all I think is an exaggeration. But the metropolitan area of New York City is about 15 percent African-American.

[01:08:51] So we've got a long way to go Are you aware of any successful efforts to address the problems of gentrification just just barely just dimly it's just not an area of my expertise.

[01:09:05] I'm aware of some things why can't the Oak Park Illinois is one place that's a pretty successful I was telling some people this afternoon about Montgomery County outside of Washington D.C. that's done fairly successful job and ensuring inclusionary communities. But I. Gentrification. The only way to stop gentrification is to gentrify every community to make sure that every community has its share of affluent middle class moderate and low income housing and that needs to be done with zoning laws. Gentrification if it preserves if there was zoning laws that preserve the share of low and moderate income housing in those communities and if the communities to which the low income families were being displaced were also integrated communities then it might be a good development. But what's happening is the only place the people are being displaced who is new segregated neighborhoods because they don't have access to the broader metropolitan area.

[01:10:05] Down to the last two questions and this one is interesting. Can I read to understand the best opposition to your book

[01:10:16] You'll have to ask Sasha to invite somebody else you can ask me that question.

[01:10:21] Ok. OK. The last question wow this is a question I already raised.

[01:10:28] What what can we do as individuals to rectify this injustice. Let me try one more OK. You mentioned something about sundown towns in Seattle I don't know if there were some downtowns in Seattle. Shall I keep going. To get the last question. OK. As a young white graduate student some of some of the only affordable places we have to live are in areas being gentrified. We do not contribute to and we do not perpetuate this gentrification. I guess that's a statement rather than a question.

[01:11:05] Single family zoning in Seattle was created with racist intent and continues to have inequitable impacts.

[01:11:12] Knowing this is it is as racist to refuse to remove it.

[01:11:19] Well OK I can I can answer that. I um. But partly repeating what I said before if we understood this history we understand that those kinds of zoning rules were unconstitutional are unconstitutional because they were racially motivated.

[01:11:33] In the book I describe how the entire zoning movement was an attempt to exclude African-Americans and at that time immigrants from white neighborhoods.

[01:11:49] Somebody was telling me before that Fred Frederick Law Olmsted Junior was a designer of a park here in Seattle. Well Frederick Law Olmstead Junior was a member of a committee formed in the Harding Administration chaired by Secretary of Commerce Herbert Hoover that was designed to create zoning throughout the country. There was no zoning in most places. At that point and Frederick Law Olmstead Junior said that despite any Supreme Court case to the contrary every community should exclude African-Americans from its residences. So that's the origin of zoning in this

country. If we understood this history we would perhaps be more prepared to ban ordinances that excluded low moderate income housing OK.

[01:12:40] We're gonna we're going to try one more one more in parts of Seattle.

[01:12:45] I see lawn signs saying black lives matter right next to signs saying No up zone. What would you say that these homeowners about how these issues are connected.

[01:13:04] I repeat everything I said to you this evening. Thank you.

[01:13:09] Thank you.

[01:13:17] Thank you so much. Quint Hart and Richard. They'll be signing books. And thank you all for coming and for your insightful questions and thanks to both of you

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