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Like Fleas on a Tiger?
A Brief History of the Open Housing Movement

Alexander von Hoffman

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Alexander von Hoffman is a Senior Research Fellow at the Joint Center for Housing Studies.

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Abstract

Since the open housing movement arose in the 1940s, its champions have convinced the Supreme Court to strike down racial covenants, forced federal housing agencies to abandon discrimination policies, and helping win passage of anti-discrimination legislation such as the landmark Fair Housing Act. Furthermore, residential integration has increased significantly over the last 25 years. Yet the advocates of open housing have continually felt thwarted because they believe that discriminatory practices are the sole reason that segregated settlement persist. The history of the open housing movement, however, shows that the preferences of both whites and African-Americans for certain kinds of neighborhoods in which to live also play a crucial role in determining racial settlement patterns.

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by

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Introduction

"Except in rare instances," Frank Horne, a warrior in the fight against racial discrimination in housing, gloomily reflected in 1967, "we have been little more than inconsequential fleas on the sinuous hide of a man-eating tiger."¹ Over more than five decades, the opponents of housing discrimination have felt thwarted in their struggles for racial justice.

Yet, since the open housing movement arose in the 1940s, its champions have triumphed again and again. The 1948 Supreme Court decision, *Shelley v. Kraemer*, brought to a successful climax a legal campaign, coordinated by Thurgood Marshall of the NAACP, to ban racially restrictive covenants. A pathbreaking crusade in New York City succeeded in changing the discriminatory rental policies at the urban redevelopment project, Stuyvesant Town. Civil rights and housing activists then founded the National Committee Against Discrimination in Housing, which by the early 1960s had changed the discriminatory policies of federal government agencies such as the FHA and persuaded President Kennedy to issue a directive against discrimination in government-subsidized housing.

The opponents of housing discrimination were hardly satisfied, and during the mid-1960s, a time of civil rights marches and urban riots, they launched a shrill attack on the racial ghetto. They convinced Congress in 1968 to pass a national law against racial steering, blockbusting, and redlining, but concluded that these measures had little effect on racial settlement patterns. Since then, open housing advocates have filed hundreds of law suits, won ambitious court orders, and achieved new federal programs in order to discipline the agents of discrimination and disperse the low-income urban population to middle- and high-income communities.

Meanwhile, many African-Americans have advanced economically, and increasing numbers of white Americans have accepted blacks as neighbors. Residential integration has increased significantly in the last twenty-five years. Yet, whether from a preoccupation with total integration or simply a frustration with the failure to achieve integration where they put their greatest efforts, open housing advocates continue to insist that we live in a segregated society.

The long-felt sense of frustration among open housing advocates is rooted in their belief that discriminatory practices are the sole cause of racial settlement patterns. The causes of settlement patterns, however, are complex. The history of the open housing movement shows that the attitudes of both whites and African-Americans toward choosing a neighborhood in which to live also play a crucial role in determining the distribution of the urban population.

Part I. The Beginnings of Open Housing

African-Americans in the Early Twentieth-Century City

In the late nineteenth century, the relatively small number of African-Americans in American cities lived in small enclaves or scattered among whites. During the early decades of the twentieth century, a population movement for the first time brought significant numbers of blacks from the rural South to America's urban centers. Much like the late nineteenth-century immigrants from southern and eastern Europe, many of the Southern black migrants were lower-class; their rough appearance and raucous behavior often provoked disapproval from their assimilated middle-class predecessors and fear and hostility among working- and middle-class whites.²

When they moved to the largest northern cities, the rural migrants, many of whom came from the Deep South, did not disperse but instead poured into areas where African-Americans already lived. As a result, blacks comprised over ninety percent of the population in certain urban districts that were more extensive and homogeneous than the Jewish Ghettos, Little Italies, and Polonias that foreign immigrants had created in the late nineteenth century.

The largest and most famous of the emergent African-American neighborhoods were New York's Harlem and Chicago's South Side Black Belt, but Detroit's Paradise Valley, Pittsburgh's Hill District, and Cleveland's Central Avenue neighborhood were smaller versions of the same kind of residential area. By 1940, if not before, virtually all large American cities with a significant African-American population - the exceptions being some newly growing western cities and old southern cities - had distinct and discrete black neighborhoods.

As two classic studies of African-American life in the 1940s noted, many factors encouraged blacks to live in concentrated settlements within cities. To begin with, the relatively low incomes of the masses of unskilled workers limited their choices to the inexpensive sections of towns. Just as importantly, African-Americans, like other immigrant groups, felt a strong "ethnic attachment," a feeling which was reinforced by their experience in the South as a caste apart. As the racial ghetto developed, black politicians and business people who depended upon black voters and customers found they had a strong interest in maintaining it.³

But the most visible factor in encouraging racially segregated settlements was the prejudice whites commonly felt toward blacks. White hostility toward African-Americans had many sources, including competition over jobs, a need for status, class biases, ethnic clannishness, and simple bigotry. To keep blacks out of white neighborhoods, organizations of white property owners sometimes resorted to violence. Dozens of African-Americans died in ugly riots and mob actions, the most notorious of which occurred in Chicago and East St. Louis in 1919 and Detroit in 1925.

To keep the races separate, white communities also attempted to employ municipal ordinances and zoning, the new practice controlling local land uses, but were ultimately defeated by the fledgling National Association for the Advancement of Colored People (NAACP). A group of white and black social reformers had founded the NAACP in 1909 to achieve equal rights for African-Americans by breaking down the walls of segregation. The

NAACP at first tried to persuade Americans to abandon racial zoning through writing letters to the local press, but when several cities, including Baltimore, Birmingham, and Dallas, adopted segregation ordinances, the organization turned to the courts.

In 1917 Moorfield Storey, a noted Boston attorney and early NAACP member, argued the NAACP's side in *Buchanan v. Warley*,⁴ a case of a segregation law in Louisville, Kentucky. Storey convinced the Supreme Court to strike down such racial zoning. The Court held that the practice was unconstitutional because the state had violated the fourteenth amendment's protections of the right to property for all citizens, regardless of race. For several years, municipalities such as Richmond, Virginia, persisted in passing racial zoning ordinances, but the NAACP successfully challenged these laws by citing the high court's ruling in *Buchanan v. Warley*.⁵

After city segregation ordinances were struck down, whites who wanted to prevent African-Americans from becoming their neighbors began to draw up private agreements that they would not sell or rent their property to Negroes. These racially restrictive covenants took the form of either an attachment to a property deed or an agreement between fellow property owners.

Civil rights attorneys were quick to challenge the restrictive covenants on constitutional grounds similar to those that defeated racial zoning, but the courts disappointed them. In the 1926 landmark decision of *Corrigan v. Buckley*,⁶ the court dismissed the case against the covenants with the opinion that the restrictive covenants, unlike the municipal ordinances, did not constitute a "state action," which violated the fourteenth amendment.⁷

During the 1930s, the best that civil rights lawyers who contested restrictive covenants could do was to block enforcement on technical grounds. One such limited victory came in 1940 in the decision concerning *Hansberry v. Lee*,⁸ a case in which neighbors in Chicago sued an African-American for purchasing a restricted property. The Supreme Court found the covenant invalid because its terms - that 95 percent of the property owners had to sign the agreement - had not been fulfilled, but left untouched the issue of the constitutionality of

restrictive covenants. The more lasting legacy of the case was that it inspired Lorraine Hansberry, the daughter of the man who was sued, to write the Pulitzer-prize winning play *A Raisin in the Sun*.⁹

In spite of the attempts to enforce a residential color barrier through physical intimidation and legal mechanisms, whites in large cities were unable to erect an apartheid system in which African-Americans were systematically confined to particular areas. Whites resisted the entry of African-Americans into some neighborhoods and by limiting the supply of housing helped drive up prices for African-Americans. In an unregulated real estate market, however, blacks were able to expand their areas of settlement by exploiting the desire of white real estate owners to earn profits by selling their properties.

World War II and The Struggle for Living Space

After decades of national indifference, the cause of civil and political rights for African-Americans began to make some small headway in the late 1930s. President Franklin D. Roosevelt, who had done so little for blacks in his first term that civil rights advocates mocked the New Deal as the Raw Deal, began to act more helpfully. He appointed several African-Americans to administrative positions--they were referred to as the "Black Cabinet"--to look out for the interests of the Negro. More importantly, Roosevelt's administration distributed substantial amounts of money and jobs to blacks in relief and public works programs. Politicians competed for the African-American vote in the North, the Supreme Court twice set aside the guilty verdict of the Scottsboro Boys, and new efforts were begun to organize blacks in labor unions, abolish white primaries, and end the practice of lynching.¹⁰

Then, in the early 1940s, World War II accelerated the pace of social change in the United States. One profound effect of the war was an increasingly militant attitude among African-Americans. As almost a million black men and women enrolled in the armed services during the war, many African-Americans insisted upon enjoying the same rights at home that the nation was fighting to give others overseas. They responded when A. Philip

Randolph, the head of the Brotherhood of Sleeping Car Porters, called in 1941 for a giant march on the nation's capital to demand equal access to federal jobs and the end of segregation in the armed forces. The threat of the protest march overcame Roosevelt's reluctance to offend Southern Democrats in Congress, and the president issued an executive order forbidding discrimination in war industries and establishing the Fair Employment Practices Committee.

A budding civil rights movement expressed the new spirit of assertiveness. In 1942 a non-violent protest organization, the Congress of Racial Equality (CORE), was founded, and the membership rolls of the NAACP swelled. Even more significantly, Thurgood Marshall, director of the NAACP Legal Defense Fund, launched a broad assault on the legal bulwarks of racial discrimination in such areas of American life as employment, education, housing, and public facilities.

The war also spurred vast population movements that challenged the old racial order. The production needs of the war effort created a huge demand for industrial labor which, with so many workers serving in the armed services, only alternative sources of labor could meet. The opportunities offered by the defense jobs started another great migration of Southern blacks to the cities; during the 1940s 1.2 million African-Americans migrated to the urban and industrial centers of the North and West.

This massive migration combined with racially concentrated settlement patterns and a housing shortage to force African-Americans into crowded slums similar to those that had spawned the housing reform movement in the nineteenth century. In the midst of the war, Catherine Bauer, a prominent public housing advocate, informed a fellow housing reformer in the federal government's housing agency that "in-migrant Negroes" had taken over San Francisco's pre-war Japantown (many of whose previous residents had been exiled to internment camps). "There are now 12,000 where 4000 used to live," she reported, "and it was substandard then."¹¹

As had been the case during the World War I era, violent conflicts erupted in the 1940s

when African-Americans sought better housing outside the Black Belts. Of nearly 250 wartime incidents of anti-black racial violence, by far the worst was in Detroit. In 1942 the housing authority prepared to open Sojourner Truth Homes, a war workers' public housing project located between a black and a white neighborhood but slated, as its name indicated, for African-American occupancy. Then some officials raised the possibility that whites would occupy the project, and before the matter was resolved according to the original plan, thousands of Polish and black Detroiters brawled in the streets. This housing dispute set the stage for the following year when a three-day race riot, sparked by conflict over African-American access to neighborhoods, public transport, recreational areas, and workplaces, left thirty-five dead.¹²

The victorious conclusion of the war in 1945 only exacerbated the urban problems that wartime conditions had inaugurated. The return of the nation's soldiers worsened the national housing shortage and helped create a housing crisis for African-Americans who continued to pour into the cities. Blacks crammed into rooming-houses, tiny kitchenettes carved out of apartments, and any other space that could conceivably be used for shelter. In Chicago 1500 people squeezed into the large but decrepit Mecca apartment house, while squatters occupied basements, abandoned buildings, and even a stable which caught fire, killing its residents.¹³

After the war, attempts by the growing black population to expand into districts inhabited by whites again sparked violence. Especially in large industrial cities such as Chicago and Detroit, white neighborhoods near the expanding ghetto were the most likely to explode with violence and anti-black rhetoric.

The resistance by whites to black neighbors was not just a matter of racial bigotry. Members of working-class groups, such as the Irish, Italians, and Slavs, placed an extremely high value on home ownership and worried about maintaining the values of the properties into which they had poured much of their savings. Their suspicions and fears easily flowered into outrage when they witnessed the transformation of formerly neat upper-middle-class neighborhoods into deteriorated low-income slums filled with "noisy roomers, loud parties,

auto horns, and in general riotous living." Those who lived near the black belts were extremely anxious to preserve a sense of ownership of their communities and avoid the first steps of what seemed an inevitable turnover of population.¹⁴

The Campaign Against Restrictive Covenants

The movement of African-Americans into formerly all-white areas renewed the legal struggle over racially restrictive covenants. During the 1940s, Caucasians, as they called themselves in legal documents, brought at least a hundred suits, including two in Los Angeles against the well-known black film actresses, Hattie McDaniel and Ethel Waters, for violating restrictive covenants. Lawyers for the African-Americans responded by challenging the legality of the covenants.¹⁵

As several cases climbed the appellate ladder, Thurgood Marshall and the NAACP Legal Defense Fund (LDF) stepped in to spearhead the legal fight against racial covenants as a part of the LDF's comprehensive attack on racial discrimination. Under Marshall's direction, the NAACP commissioned a report on the legal issues involved in the covenant cases, issued a national call for contributions to the campaign, and between 1945 and 1947 organized three national conferences to publicize and devise strategy for the anti-covenant campaign.¹⁶

Marshall and his fellow lawyers pursued two basic lines of legal attack. The first was to advance a novel legal theory that recognized the validity of racial covenants as voluntary private agreements, but rejected their enforcement by the courts as unconstitutional "state action" similar to racial zoning laws.¹⁷

The second was to introduce non-legal materials from the social sciences in order to persuade judges that the covenants were inimical to a sound public policy. The Supreme Court had first acknowledged the pertinence of such materials in 1908 when Louis Brandeis and the National Consumers' League had used a sociological brief to defend the ten-hour law for women, but only since the late 1930s had a more liberal Court begun regularly to accept this kind of data.¹⁸

The anti-covenant attorneys chose to emphasize non-legal sociological material in their briefs for a number of reasons. One was that legal precedents in covenant cases seemed to support the Caucasian's claims, necessitating a different line of argument. Another reason was that the courts had long held that contracts that countered public policy were unenforceable.¹⁹

But most of all, the use of sociological material promised to be an effective courtroom tactic. Anti-covenant lawyers had presented such non-legal material in the appeals process, and although they had not won any cases on constitutional grounds, in two decisions in 1945 and 1947, an appellate court judge in Washington, D.C., had issued powerful dissents that cited the harmful social effects of racial covenants in the nation's capital. Thurgood Marshall and his fellow anti-covenant attorneys relied heavily on sociological material in their Supreme Court arguments--the sociological brief in the Detroit case ran to ninety-two pages. In presenting the material, legal scholars have noted, Marshall in effect told the Justices, "Here is *why* you ought to decide in our favor; once you so decide, we are confident you will be able to think up the appropriate legal reasons for doing so."²⁰

In order to demonstrate that scholarly opinion overwhelmingly supported their position, in September 1947 Marshall and the anti-covenant lawyers called on their supporters to publish descriptions of the pernicious effects of covenants and the ghetto. The NAACP, the American Council on Race Relations, and the American Civil Liberties Union (ACLU) had already published a pamphlet on discrimination in housing by Charles Abrams, a lawyer and housing expert, and now covenant opponents, including some of the leading attorneys themselves, wrote numerous articles attacking the evils of racial covenants in law reviews and liberal journals such as *Survey Graphic*, *Architectural Forum*, and *Commentary*.²¹

Both the social science treatises and the anti-covenant literature combined the environmental determinism of housing reform with the integrationist agenda of the civil rights organizations, creating a potent mix of ideas that open housing advocates would follow for decades. Housing reformers and sociologists had long argued that the overcrowded and

squalid environment of the slums caused the crime, juvenile delinquency, and immorality that existed among its inhabitants. Although few, if any, studies had ever been conducted to demonstrate how the environment inflicted moral harm, social scientists and reformers inferred a causal relationship by noting the correlation between the incidence of social problems and the slum districts. They further concluded that the African-Americans who inhabited urban slums were subject to its malevolent influences.²²

The opponents of restrictive covenants contended that discriminatory practices such as covenants forced African-Americans to live in the slums, creating compulsory ghettos. Writers such as Loren Miller, a lawyer in many Los Angeles anti-covenant cases who helped write the briefs presented to the Supreme Court, and Robert Weaver, president of the American Council on Race Relations and the author of a book-length sociological memorandum distributed by the NAACP to the attorneys of the covenant cases, condemned the compulsory racial ghetto.

In the past, they argued, immigrants and even African-Americans had clustered voluntarily in their own districts, but now, regardless of income or aspirations, blacks could not escape the new ghettos. The writers admitted, in passing, that other factors--including informal prejudices of whites, low incomes, and African-Americans' sense of solidarity--were also at work, but they emphasized above all the role of racial covenants in creating racial ghettos.²³

After the Supreme Court agreed in October 1947 to hear a group of four covenant cases from Detroit, Washington, D. C., and St. Louis, national attention began to focus on what promised to be a landmark decision. Eighteen racial minority, labor, religious, and civil liberties organizations--including the ACLU, the American Federation of Labor, the Congress of Industrial Organizations (CIO), the American Jewish Congress, and the Congregational Church--filed *amicus curiae* briefs many of which echoed the arguments of the anti-covenant polemicists.²⁴

The team of anti-covenant lawyers scored an even greater coup when the United States

government filed an *amicus curiae* brief in support of their case. Leaders of the NAACP and its allies publicly had lobbied the Justice Department and behind the scenes had urged officials of other government agencies to persuade the Attorney General, Tom Clark, to enter the case. Letters from Oscar L. Chapman, Under-Secretary of Interior, to Clark indicate that this strategy paid off. The attitude of the president was equally important: Harry Truman feared the Southern bloc less than had Roosevelt and spoke out more forcefully in favor of civil rights than his predecessor.²⁵

In May 1948 the Supreme Court decided the cases in the decision known as *Shelley v. Kraemer*²⁶ and struck down enforcement of racial restrictive covenants. In its decision, the Court accepted the "state action" theory and declared that racial covenants opposed the nation's public policy. Although the legal theory of state action has turned out to be a legal cul-de-sac from which few new opinions have sprung, the favorable decision encouraged Marshall to use non-legal material in the historic *Brown v. Board of Education* lawsuits.²⁷

Despite their rhetoric to the contrary, the opponents of housing discrimination knew that restrictive covenants had not created the ghetto. Although unjust and a nuisance, racial restrictive covenants were notoriously ineffectual in preventing African-Americans and other minorities from purchasing homes in white neighborhoods. In the 1940s African-Americans inhabited large areas of Chicago and Los Angeles that were blanketed by restrictive covenants designed to keep blacks out. Even such a dedicated opponent as Robert Weaver understood that covenants could confine African-Americans only temporarily. "In reality," he admitted, "it was the economic pressure of an extremely tight housing market, rather than the restrictive agreements, that kept colored residents out and covenants intact."²⁸

Soon after the Court's decision in *Shelley v. Kraemer*, newspaper editorialists and leading opponents of covenants announced that they did not expect the patterns of racial segregation in housing to change anytime soon. Anti-covenant leaders such as Loren Miller and Weaver recognized that the covenants expressed not only white peoples's prejudices against African-Americans, but also their fears of declining property values and neighborhood quality of life.

They believed that both prejudices and fears would take time to overcome.²⁹

The covenant opponents also knew that many African-Americans were reluctant to live in integrated or predominantly white neighborhoods not only because they were unwilling to move to areas where they were not wanted but also because they preferred to live among other African-Americans. The goal of "most Negroes," sociologists St. Clair Drake and Horace Cayton concluded in their landmark study of black society in Chicago, was "the establishment of the *right* to move where they wish, but [also] the preservation of some sort of large Negro community by voluntary choice." Given free choice, they observed, the great majority of African-Americans would probably "live as a compact unit for many years to come."³⁰ The nagging reality of African-American attitudes would bedevil the open housing movement in the years to come.

Racial Discrimination and the Federal Government: Public Housing

While opponents of housing discrimination challenged court enforcement of restrictive covenants, government housing agencies were engaged in far more blatant forms of discriminatory "state action." Like the reformers who developed model dwellings in the late nineteenth and early twentieth centuries, officials in public housing authorities encouraged racial segregation. On the eve of World War II, very few projects interspersed nonwhites and whites, a small number of projects housed blacks and whites in separate sections, and the great majority of projects rented to members of one race only. During the war the government's defense housing program integrated some projects, notably on the West Coast, but most public housing remained segregated or only minimally integrated.

During the New Deal, African-Americans had established a beachhead within the government bureaucracy which might have promoted integration of public housing projects. Roosevelt's Secretary of the Interior, Harold Ickes, a strong supporter of civil rights organizations such as the NAACP, created the position of race relations adviser for the experimental public housing program of the Public Works Administration (PWA). After the

Wagner-Steagall Housing Act of 1937 established a permanent public housing program, Nathan Straus, the first director of the United States Housing Administration (USHA), followed Ickes' example and instituted a Racial Relations Service which soon expanded to the field offices of the USHA.³¹

Yet even though ardent integrationists such as Robert Weaver and Frank S. Horne headed the racial relations unit during the 1930s and 1940s, they did little to integrate public housing. Their initial goal at the Racial Relations Service was to ensure that a fair proportion of public housing and related construction and management jobs went to blacks, a group that contained some of the most needy Americans and was too often ignored by white officials. Racial relations officials also conducted research, reviewed the selection of sites for housing developments, wrote family relocation policies for slum clearance projects, and helped local housing authorities cope with racial conflicts.³²

Several factors inhibited officials from integrating government-sponsored public housing projects. During the initial PWA program, Ickes ruled that the predominant racial character of a neighborhood should determine the race of all the occupants of a public housing project, a policy that set a precedent for many years. The structure of PWA's successor, the USHA, placed control of development and management of public housing projects in the hands of local authorities, and many public housing authority officials, including the prominent New York houser Langdon Post, were afraid to risk the public housing program by advocating another controversial issue, racial integration. In the segregated South, where public housing was politically popular, integration of housing projects seemed unthinkable.³³

Just as it did in private housing, moreover, black solidarity encouraged separation of the races in public housing. During the 1930s and 1940s, African-American political leaders in cities such as New York and Chicago demanded that new public housing projects be built for African-Americans in their neighborhoods. In those years, urban blacks were primarily interested in obtaining better accommodations and more jobs. Furthermore, Black Belt political representatives gained nothing by dispersing their constituents to housing projects

outside their legislative districts.³⁴

After the war, however, campaigns to end segregation spilled into the area of public housing. At the 1946 annual meeting of the National Public Housing Conference (NPHC), members of the NAACP touched off a loud floor fight when they proposed a hard-line resolution in favor of banning segregation in all public housing. Officials from southern housing authorities, who were the most active lobbyists and fund raisers in the organization, vociferously opposed the measure. In order to resolve the dispute which threatened to rend the organization, the NPHC convened a Race Relations Committee, chaired by one of its leaders, Catherine Bauer.³⁵

The NPHC committee wrote a long report that recommended a regional double standard. The committee stated that interracial living in public housing could succeed and should be encouraged in the North. In the South, in contrast, federal housing authorities could not insist on integration of public housing "as long as state and local laws and obvious public intent in the South decree separation in the use of public facilities." Although Bauer persuaded both the NAACP and southern factions to endorse the report, thereby saving the organization, she knew that the equivocal compromise had merely evaded the issue.³⁶

During the debate over the Housing Act of 1949, conservative Republicans led by Senators John W. Bricker and Harry P. Cain exploited the division among supporters of public housing by proposing an amendment that would have prohibited discrimination in public housing. The Bricker-Cain amendment was a poison pill intended to alienate southern congressional support and send the housing act to defeat. Reluctantly, liberals such as Senator Paul H. Douglas of Illinois opposed the amendment on the grounds that solving the housing shortage with new public housing was a greater necessity for the masses of blacks confined to slums in the inner city. The debate sowed bitterness among the civil rights integrationists who were slow to forgive practical housing supporters such as Douglas and Charles Abrams for opposing Bricker-Cain.³⁷

The issue of racial segregation in public housing also presented difficult problems in the

field which, the NPHC report notwithstanding, were just as daunting above the Mason-Dixon line as below it. Nowhere were the difficulties more clearly illustrated than in Chicago, where Elizabeth Wood, the resolute and highly principled director of the Chicago Housing Authority (CHA), responded to the drastic needs of the African-American population by placing small numbers of blacks in the city's new public housing projects on the city's outskirts. Even this limited policy provoked massive white violence in 1946 and 1947.

In the late 1940s, the city council forced Wood and CHA chairman Robert Taylor³⁸ to accept an informal quota system that continued one-race occupancy at old projects and placed no more than ten percent black residents at new projects in white neighborhoods--a figure which CHA officials accepted because they knew too great a proportion would trigger the departure of the whites. With the support of the city's predominantly white liberal organizations and such stalwarts as Robert Weaver and Saul Alinsky--but none of the African-American political leaders--Wood then entered into a protracted struggle with the city council over the location of a host of new public housing projects. After she lost the battle, blacks were largely constrained to public housing projects in black neighborhoods.³⁹

Racial Discrimination and the Federal Government: The FHA

As far as the enemies of housing discrimination were concerned, however, the worst offender in the federal government was not the public housing authority, but the Federal Housing Administration (FHA). The FHA had been established in 1935 to insure mortgage loans and promote single-family home ownership, a policy that directly competed with the goal of government-owned rental apartments. The early public housing leaders--whose ranks included Robert Weaver and Charles Abrams--condemned the FHA as a tool of the private real estate and building industries.⁴⁰

For their part, civil rights advocates held a grudge against the FHA for aggressively pursuing a policy of containment of African-Americans in the ghetto. Conventional wisdom in the real estate field held that the safety of an investment was influenced by the social status

and wealth of the borrower and the residents of the neighborhood where the loan was made. Hence, mainstream real estate lenders, insurers, and brokers were dubious about working class neighborhoods and immigrant borrowers and considered loans to residents of neighborhoods inhabited by members of racial minority groups to be the riskiest of investments.

FHA regulators embraced such conservative real estate reasoning and for years condoned racially restrictive covenants--actually writing them at times. Even after the Supreme Court's decision, the agency announced that *Shelley* did not prevent it from honoring mortgages on covenanted properties. Moreover, the FHA's *Underwriting Manual* specifically warned against insuring loans to blacks or to owners in racially mixed neighborhoods. In the view of Charles Abrams, the FHA's "racial policy...could well have been culled from the Nuremburg laws."⁴¹

After the *Shelley* decision, the NAACP applied intensive pressure on the FHA to modify its policies. Walter White, the chief executive of the NAACP, sent Harry Truman a strong letter of protest and a memorandum prepared by anti-discrimination lawyers. Thurgood Marshall met repeatedly with the Solicitor General to submit drafts of revised FHA regulations and sternly lectured FHA officials that following local segregation customs was strictly unacceptable. In late 1949 the agency finally agreed to delete offending references to race in the *Underwriting Manual* and to deny insurance to mortgages with racial covenants--but not until the following year, thus allowing developers who discriminated more time to obtain insurance. The FHA continued to encourage development of suburbs which were closed to African-Americans and to refuse insurance to racially mixed housing cooperatives.⁴²

Stuyvesant Town

While reformers campaigned to end racial covenants and change federal housing policies, New Yorkers fought a battle that culminated in the founding of the first organizations dedicated to eliminating discrimination in housing. Initiated in 1943 under the guidance of

Robert Moses, the Stuyvesant Town project represented the very evils against which liberal public housing supporters had long warned. It forcibly removed low-income families without rehousing them, reduced the overall number of housing units in a time of shortage, created market-rate housing, and used public money (in the form of tax exemptions) to support a profit-making venture of a private entity. Worst of all, the rental policy for the new project banned minorities.⁴³

Civil rights and public housing advocates immediately raised the issue of discrimination. At a public hearing in May 1943, Prentice Thomas of the NAACP and Harold Buttenheim, a long-time supporter of public housing and a leader of the Citizen's Housing Council, asked the New York City Planning Commission not to approve the project unless the developer adopted a provision that protected potential tenants from discrimination. The chairman of the Metropolitan Life Insurance Company, which was developing Stuyvesant Town, inadvertently created a *cause cé_l_bre* when he told a newspaper reporter that the company would not rent to blacks because "Negroes and whites don't mix. Perhaps they will in a hundred years but not now." The rising level of opposition was not politically powerful enough to prevent approval by the Board of Estimate, but a cause had been born.⁴⁴

The five-year battle to integrate Stuyvesant Town was fought on many fronts. On the legal front, the American Civil Liberties Union, the NAACP, and the American Jewish Congress helped the advocates of fair housing to challenge the right of Metropolitan Life to discriminate. In the most significant case, *Dorsey v. Stuyvesant Town*,⁴⁵ three African-American veterans sued Metropolitan Life for depriving them of their right to rent in the project. On behalf of the ACLU and American Jewish Congress, two veterans of the anti-covenant campaign, Charles Abrams and Will Maslow, argued the case. They asserted that the government's role in acquiring and clearing land for a private developer constituted "state action" in support of racial discrimination. In a decision which the Supreme Court refused to review, however, the appeals court rejected this argument and declared that regulation of such public-private enterprises should be left to the legislature.⁴⁶

In 1948 the representatives of sixteen groups involved in the Stuyvesant Town campaign organized the New York Committee on Discrimination in Housing. One of the founders, an idealistic lawyer named Hortense Gabel, first learned of the idea at a dinner party with Rabbi Stephen M. Wise, the crusading reformer who had started the American Jewish Congress. Gabel originally thought that the aim of the new organization was to integrate only public housing and was stunned when Wise smilingly told her no, all housing. "It was such a breathtaking thing that you could dream that someday Negroes might have the chance to live wherever they wanted to," she later recalled. "It was like getting drunk--that there was a world leader like Rabbi Wise who could even dream of thinking that we would have a ghetto-less country."⁴⁷

Despite the setback in the courts, the New York Committee on Discrimination in Housing and a Stuyvesant Town tenants' organization continued the fight. While a few tenants defied the management by inviting African-Americans to stay in their apartments, the Committee on Discrimination in Housing wrote and lobbied successfully for path-breaking legislation such as the Brown-Isaacs law of New York City (1951) that made it illegal to discriminate in housing developments assisted by the city government. Eventually, in January 1952, Metropolitan Life succumbed to the pressure and adopted a non-discriminatory rental policy.⁴⁸

Although the anti-discrimination forces had won a great moral victory, the new rental policy had little effect. Relatively few African-Americans moved to Stuyvesant Town, mainly because few applied for admittance. Low incomes and long waiting lists for apartments deterred many New York blacks from applying.

But lack of integrationist fervor among African-Americans also kept them away. Indeed since the 1930s, minorities had shown a great reluctance to move to integrated public and private housing projects. At first Stuyvesant Town tenant leaders had assumed "that blacks would welcome the chance to step up into a white world," but they later realized that "evidence contradicted that myth."⁴⁹

The National Committee Against Discrimination in Housing

Among the most significant results of the fight to integrate Stuyvesant Town was the creation of a permanent national organization dedicated to wiping out racial discrimination in the housing field. When the passage of the Housing Act of 1949 opened federal coffers to urban redevelopment, the New York State Committee on Discrimination in Housing held a national conference to discuss ways to correct federal government policies. The United States Solicitor General garnered national publicity for the committee when he announced at the conference that the FHA would no longer insure builders who discriminated. (As mentioned above, the policy that the agency later implemented was far more limited in scope.) Reformers from across the country deluged the committee with requests for information and advice.

Perceiving the potential for action on a national scale, in 1950 the New York open housing reformers founded a new organization with a more forthright title, the National Committee Against Discrimination in Housing (NCDH) and began operations out of the same ten-by-fifteen-foot office that headquartered the New York Committee on Discrimination in Housing.⁵⁰ Until late in the 1960s when it received significant funding from philanthropic foundations, the NCDH was essentially an organization of organizations; run by a small staff, it coordinated and encouraged the activities of liberal civil rights, religious, and labor organizations as well as individuals to the cause of integration in housing.

Fittingly enough, Robert Weaver and Charles Abrams, two old friends and leaders in the struggles against restrictive covenants and Stuyvesant Town, served as the first president and vice-president of NCDH. Even after they left their posts to take other positions, Weaver and Abrams stayed close to the organization, each returning at the end of their careers to serve as president. The other leading officials of the NCDH during its first decades were also veterans of anti-segregation wars; they were generally drawn from the upper ranks of the NAACP (for example, Loren Miller and Robert Carter) or the Racial Relations Service of the federal public

housing agency (for example, Frank S. Horne and Edward Rutledge).

The culmination of earlier work in the field of housing discrimination, the NCDH focused principally on education, lobbying, and legal work. To spread the word about the cause, the organization published and distributed printed materials including pamphlets and model anti-discrimination legislation and held national conferences that brought local civil rights, religious, and labor leaders to report their work and listen to national leaders such as Eleanor Roosevelt espouse the cause. The organization goaded elected officials and agency heads to adopt policies against discriminatory practices. Not surprisingly given the history of fighting housing discrimination in the courts, the NCDH also pursued legal proceedings in anti-discrimination cases.⁵¹

Part II. Open Housing Comes of Age

The 1950s: Two Steps Forward, One Step Back

During the 1950s, the population of American cities continued to undergo fundamental changes. The mass movement of African-Americans brought another 1.5 million people to northern cities. Another massive population flow carried whites to the suburbs, which boomed thanks to the rising demand for homes, federal programs such as FHA mortgage insurance, and the large-scale operations of real estate developers such as Abraham Levitt and Sons. Federal urban renewal and highway building programs also uprooted hundreds of thousands of people, most of whom were working and lower class and many of whom belonged to racial minorities.

Such great movements of people naturally altered the population of urban neighborhoods. African-Americans continued to expand their areas of settlement into previously all-white neighborhoods during the 1950s and helped reduce the amount of residential segregation in northern cities. The standard measure of segregation is an index of dissimilarity, which indicates the proportion of the black population that would have to move in order for a given community to achieve total integration. The average index for eighteen northern cities declined from 88 to 85 between 1950 and 1960. (It rose only in Chicago, Indianapolis, and

Pittsburgh, but by less than one point.)⁵²

As before, however, the arrival of blacks in certain white neighborhoods in cities such as Detroit, Miami, and Chicago periodically provoked violent outbursts that delayed or prevented black movement into those areas. Yet for all the drama of the riots, the racial character of urban areas depended upon factors that would attract new white residents and keep the current ones from departing. Neighborhoods in northern Philadelphia, for example, maintained a blue-collar white population in large part because of the ample number of jobs that the area's many industrial firms provided.⁵³

In other neighborhoods where whites were aging or departing for the suburbs without being replaced by more whites, the arrival of African-Americans began a process of racial transition. Instead of maintaining stable proportions of members of different races, these areas changed, sometimes rapidly, from white occupancy to black occupancy. And a small number of neighborhoods attracted both blacks and whites, creating long-term integrated environments.

The NCDH, however, focused on fighting discrimination rather than the patterns of racial change in neighborhoods. During the 1950s, the organization drafted model anti-discrimination laws for cities and states and lobbied the Housing and Home Finance Agency (the federal government's consolidated housing authority) to encourage open or non-discriminatory occupancy policies in new FHA-supported private housing and all public housing. In the private sphere, it worked with local interracial housing committees in Norfolk and Minneapolis and began a campaign to get the Levitt company to open the new Levittown in Bucks County, Pennsylvania. After a decade of work, open housing advocates could point to thirty-two cities and ten states that had prohibited discrimination in government-supported developments.⁵⁴

Nonetheless, the fledgling open housing movement seemed stalemated by entrenched political opposition and persistent racial settlement patterns for much of the 1950s. Despite two landmark civil rights events--Thurgood Marshall's greatest triumph, the 1954 Supreme

Court decision in *Brown v. Board of Education of Topeka*⁵⁵ that overturned the separate but equal doctrine in education, and the heroic 1956 bus boycott in Montgomery, Alabama, that established the reputation of Martin Luther King, Jr--the march to integration soon encountered resistance at the local level--especially in Little Rock where officials shut the city's schools rather than integrate them--and diffidence at the federal level.

The administration of President Dwight Eisenhower proved as cool to civil rights initiatives in housing as in other areas. Albert M. Cole, Eisenhower's chief of the Housing and Home Finance Agency (HHFA), first attempted to persuade the real estate and building industries that they should build for the Negro market, but then made it clear that he intended to do nothing to end discrimination.⁵⁶ Cole also disciplined the racial relations service, now known as the Intergroup Relations Branch. After the *Brown* decision Frank S. Horne, the agency's director, had gone around the country declaring his pride in being a member of the United States government. The following year, however, Cole forced Horne out for being too assertive on civil rights. Cole's men at HHFA then isolated Horne's successor, Philip G. Sadler, who was also an advocate of non-discrimination, from the decision-making process.⁵⁷

The anti-discrimination movement made some progress at the state level in 1956 when the Democratic governor of New York, Averell Harriman, named Charles Abrams to be the director of the State Commission Against Discrimination. With the support of the governor, Abrams widened the jurisdiction of the agency to cover all types of housing in New York, obtained the cooperation of the local field operatives of the FHA, HHFA, and Veterans Administration not to aid developers who violated the state's law against discrimination, and acquired the ability to issue cease and desist orders. Although Abrams showed the potential of an executive agency for enforcing anti-discrimination policy, he was frustrated in his attempt to secure legislation giving the agency power to initiate complaints (as opposed to responding to them) and resigned after Nelson Rockefeller defeated Harriman in the 1958 gubernatorial election.⁵⁸

Attempts to integrate public housing also suffered setbacks. The long-time director of

the Chicago Housing Authority, Elizabeth Wood, lost her job because of her racial and patronage policies in 1954. The previous year the CHA inadvertently placed an African-American couple in the Trumbull Park housing project in the steel mill district of South Deering, and thousands from the Polish and Slavic neighborhood responded by bombarding the couple's apartment night after night with bricks and fireworks. Wood, never one to back down, sent additional black families to integrate the project, initiating an armed siege which lasted for years. Although city officials dutifully sent the police to quiet the upheavals, they were unhappy with Wood's controversial policy.⁵⁹

Then after Wood alienated the newly elected mayor, Richard J. Daley by refusing to hire his cousin to be CHA general counsel, the CHA commissioners reorganized her out of the directorship. Wood decided to go down fighting and blasted the commissioners for their unspoken policy of refusing to let blacks rent in certain Chicago projects. Inevitably Wood was fired, but she had made her departure and the racial policy into national issues.

Under the thumb of the city's politicians, the Chicago Housing Authority then began a sharp descent from the high-minded idealism of the Elizabeth Wood years. The City Council allowed white residents to veto new public housing projects in their districts, forcing all new construction into black neighborhoods. Mayor Daley acquiesced to this arrangement by appointing to the Board of Commissioners in 1956 (and to the chairmanship of that body in 1963) Charles Swibel, a corrupt real estate developer known to his critics as "Flop House Charley" for his ownership of skid-row hotels riddled with building code violations. The principle achievement of the CHA in the Daley years was the largest concentration of public housing in the country, a four-mile strip of monolithic public housing towers located near a superhighway in the heart of the old Black Belt and occupied completely by African-Americans.⁶⁰

Less politicized housing authorities also drew the color line. In Philadelphia an attempt in the mid-1950s by idealistic housing officials to integrate and disperse public housing projects collapsed in the face of a wall of opposition in white neighborhoods and a growing

black public housing population. A survey in 1960 found that eighty percent of American public housing projects were completely segregated. Most of the other projects contained only token numbers of minority families.⁶¹

The Discovery of De Facto Segregation

In the late 1950s, the residential color line took on greater significance for civil rights and housing advocates who realized that the integration of neighborhood schools depended upon racial settlement patterns. "Since the Supreme Court decision on desegregation of schools," declared Catherine Bauer in 1956, "the frontier for race relations has been shifting more and more to the housing field."⁶²

When civil rights advocates surveyed the racial situation in the north, they realized that the races were segregated in practice even where there were no discriminatory laws on the books. In 1958 the integrationists began to expound a theory of *de facto*, as opposed to *de jure*, segregation to condemn the discriminatory practices of school officials in the urban north. Soon they applied the theory to other realms of life such as housing.⁶³

For the opponents of discrimination in housing, the housing field appeared rife with *de facto* segregation, the situation seemed to be worsening. With the removal of legal racial barriers, Frank Horne bitterly noted in 1958, previously white public housing projects and integrated so-called transitional areas were rapidly becoming all-black ghettos. "Increasingly," Horne wrote, "the effect of over-all city planning, site selection, racial restrictions in the rest of the housing supply and now urban renewal policies result in the anomaly that general application of non-discriminatory tenant selection often leads to *de facto* segregation."⁶⁴

The theory of *de facto* segregation implied that someone was discriminating, but it did not specify whom. Sometimes, such as when school officials assigned students to far-away districts to preserve racial homogeneity, it was obvious who the agents of discrimination were, but other times it was not.

Searching for some mechanism like racial covenants that was responsible for segregated housing, housing reformers, civil rights advocates, and scholars blamed the "blockbuster" or "panic peddler" for the wholesale racial changes. Blockbusters were unscrupulous real estate agents or investors who frightened whites into selling their homes at fire sale prices and then turned around and sold the properties at higher prices to blacks. In order to scare white property owners about an "invasion" of blacks in a neighborhood, the blockbuster was reported to resort to ominous late-night phone calls, leaflets, and even hiring African-Americans to walk up and down all-white blocks.⁶⁵

Blockbusting, however, was a product, not a cause of the complex forces that induced the races to settle in different areas of the city. Blockbusters carried out an economic function for which there was a demand--in this case selling property to African-Americans. Panic peddlers told Charles Abrams in the mid-1950s that they only operated in areas that offered large numbers of quick purchases at declining prices, in other words, areas already in transition. In the late 1950s community organizers working for Saul Alinsky to calm troubled waters on Chicago's South Side found panic but few blockbusters in the areas of racial transition.⁶⁶⁶⁷

Research suggests that white blockbusters (some blockbusters were African-American) were simply small-property brokers whose hunger for profit overcame their racial prejudices. They stood in contrast to larger and more respectable brokers whose "principles" prevented them from handling the sales of white-owned properties to African-Americans until some proportion of the neighborhood had been occupied by African-Americans. The brokers who sold white-owned properties to blacks could only operate in soft real estate markets, generally in neighborhoods with aging housing stock and shrinking population or where the process of racial transition was already underway.⁶⁸

Progress At Last

Whether or not they understood the causes of racial residential patterns, the housing

integrationists began to make headway in their fight against discrimination in the late 1950s and early 1960s. The growing civil rights movement raised the consciousness of white Americans and spurred the formation of fair housing committees across the United States. Some committees encouraged local governments to bar discrimination and invited African-Americans to move to their communities, although in cases such as the affluent Boston suburbs of Natick and Wellesley, blacks were unlikely to come in significant numbers. Other grass-roots groups worked in integrated areas to maintain a white population and prevent communities from becoming completely African-American.

An increasing number of state and city anti-discrimination laws also strengthened the movement. Not long after New Jersey passed an anti-discrimination law, William Levitt in 1958 again defied anti-discrimination advocates by announcing that he would not sell the FHA-insured homes in his new Levittown to African-Americans. Soon representatives of local organizations formed a New Jersey Committee Against Discrimination and, with the aid and advice of the NCDH, began to mount a publicity and legal campaign against the developer. The anti-discrimination reformers triumphed two years later; on the eve of the dismissal of his legal challenge to the state law, Levitt surrendered and announced he would sell to nonwhites.⁶⁹

During the 1960 campaign for president, the NCDH persuaded both parties to adopt open housing planks. John F. Kennedy raised the hopes of public housers and civil rights advocates when he promised if elected to outlaw housing discrimination by federal agencies with a "stroke of a pen." After the election, however, frustration set in when it became clear that the new president was in no hurry to issue an executive order. Charles Abrams, now president of the NCDH, helpfully sent him a sweeping draft order that would have banned discrimination in all forms of federally assisted housing and all federally regulated and assisted lending institutions, but to no avail.

The hopes of the advocates were raised again when at year's end Kennedy nominated one of their own, Robert Weaver, to head the federal housing bureaucracy, HHFA. Yet the

president, wary of political repercussions, refused to act on the executive order. Abrams, who had replaced Weaver as president of the NCDH, initiated a national lobbying effort to force the president's hand. Finally, in the fall of 1962, Kennedy issued a limited order which, to the disappointment of the open housers, only covered housing that would be built in the future.⁷⁰

Part III. Crisis And Climax In Open Housing

Ghettophobia

By the mid-1960s the social and political context of the movement to end housing discrimination had begun to change. The northern and urban migrations of African-Americans slowed to a virtual halt. Large numbers of whites continued to move out of the city into the suburbs, opening up large new territories for blacks to settle. As African-Americans spread across the city and into the inner suburbs, their accommodations improved. Density levels and the number of substandard dwellings dropped; long gone were the desperately tight housing market, overcrowding, and kitchenette apartments of the early postwar years.⁷¹

The degree of urban segregation declined almost everywhere during the 1960s. Among thirty large cities, the index of dissimilarity rose only in Newark. The average for northern cities dropped by four points to 85; for southern cities, by almost three to 89.⁷²

As middle-class African-Americans departed the ghetto for middle-class districts, they left their lower-class neighbors behind. As a result, the inner cities and traditional ghetto areas--and especially the public housing projects within them--developed large concentrations of poor people afflicted by habitual unemployment, broken families, illegitimacy, and alcohol and drug addiction. Crime rates, which rose throughout the country during the 1960s, escalated dramatically in the core areas of large cities. Just as the southern civil rights movement was reaching a triumphant climax with the passage of the Civil Rights Act of 1964, the Harlem riot of 1964 touched off four years of sporadic violence in the African-American ghettos of northern cities. The riots and rising crime rates convinced many that the

state of race relations and urban poverty had reached a crisis.

In response, integrationist civil rights advocates renewed their attack on the ghetto with an urgency bordering on hysteria. An explosion of studies by scholars, civil rights advocates, and journalists portrayed African-American neighborhoods as places of almost unrelenting despair. Earlier depictions of the ghetto had emphasized the injustice of housing discrimination and noted the correlation of social problems with overcrowded slums; now theories of a self-perpetuating cycle of poverty inspired grim portraits of the racial ghetto as an evil place that inflicted oppressive poverty, dangerous housing, inferior schools, chiseling storekeepers, and brutal police upon its inhabitants. People who lived in such neighborhoods, according to the ghetto studies, faced almost insurmountable barriers to finding jobs or living a stable social life. The color gap in wealth and poverty seemed to be widening as America's inner cities dissolved into a tangle of pathologies of violence, drugs, and defeatism.⁷³

In 1965 Kenneth Clark published *Dark Ghetto*, an influential book that epitomized the ghetto pathology school of thought. Clark was the psychologist whose experiments with African-American children's responses to dolls had been an important basis for the Supreme Court decision in *Brown v. Board of Education* case in 1954. An idealistic intellectual, Clark had served from 1962 to 1964 as chief consultant and chairman of the board of directors of the government-funded Harlem Youth Opportunities Unlimited (Haryou) and helped produce an extensive report that analyzed the problems faced by Harlem youth, an experience that inspired him to write *Dark Ghetto*.⁷⁴

As Clark admitted, *Dark Ghetto* is a cry of anguish in the form of an academic essay. In it he spelled out the social problems facing African-Americans: "low aspiration, poor education, family instability, illegitimacy, unemployment, crime, drug addiction and alcoholism, frequent illness and early death." Inferior racial status with its attendant despair and hatred, he added, aggravated the problems of urban poverty.⁷⁵

Although Clark was hard pressed to diagnose the causes of social problems precisely, he strongly believed that the physical environment was involved. "The most concrete fact of the

ghetto, he wrote, "is its physical ugliness--the dirt, the filth, the neglect." Echoing housing reformers such as Jacob Riis, Clark charged that unsafe, deteriorating, and overcrowded housing was killing off the residents of Harlem, particularly its infants. According to Clark, overcrowding increased the rate of infection, poor facilities for washing and food-storage caused skin and digestive diseases; inferior kitchens, defective electrical connections, and poor lighting increased the number of accidents and fires. Bad plumbing bred disease-bearing flies and maggots, while rats bit helpless infants.⁷⁶

Clark's theme--that the malevolent isolation of the ghetto interlocked with past injustice and present prejudice and harmed African-Americans in complex and profound ways--was generally taken up during the 1960s. On the eve of the enactment of the Civil Rights Bill of 1965, President Johnson gave a major speech at Howard University on the progress and prospects of African-Americans and directly echoed Clark:

Most...Negroes live in slums. Most of them live together - a separated people. Men are shaped by their world. When it is a world of decay ringed by an invisible wall - when escape is arduous and uncertain, and the saving pressures of a more hopeful society are unknown - it can cripple the youth and desolate the man.⁷⁷

The spreading fear of the ghetto and the excited political atmosphere of the mid-1960s recharged the integrationist energies of the open housing forces. In 1964 Abrams expanded the NCDH and hired two new executive directors, Jack E. Wood, Jr., the National Housing Secretary for the NAACP, and Edward Rutledge, the Housing Director for the New York State Commission for Human Rights and a former protégé of Frank Horne in the Racial Relations Service.⁷⁸

In the ferment over civil rights and the inner city, the open housing reformers significantly widened the scope of their agenda beyond simply ending discriminatory practices, such as racial covenants or biased rental policies. Now they wanted to eliminate the ghetto altogether. In 1965 the NCDH launched a nationwide campaign for open

occupancy that deliberately moved, in Rutledge's words, "beyond the issue of discrimination *per se* to those broad social, economic, and political factors which support and extend the ghetto walls." NCDH director Wood helped persuade the NAACP to enlist local branches of the NAACP in a sweeping program to ensure racial integration in the housing field. The NCDH held a national conference attended by participants from one hundred cities and thirty-two states in October on the theme of "How to Break Up the Racial Ghetto."⁷⁹

In 1966 Wood participated in the White House Conference on Civil Rights and helped draft four housing goals that went further than merely removing barriers to free selection of housing. The goals were affirmative action to achieve open markets, dispersion of moderate- and low-cost housing throughout metropolitan areas, development of racially inclusive new towns and suburbs, and revitalization of the existing ghetto. Using the momentum generated by the White House Conference, the NCDH organized a series of its own meetings in different regions of the country to generate aggressive action against the ghetto.⁸⁰

Yet for all their assertiveness, the open housing leaders failed to recognize that many African-Americans were unenthusiastic about living in integrated neighborhoods. A 1964 study of a Boston urban renewal district found that only four percent of the 250 middle-class families in the sample moved outside the African-American area. A large majority never even looked at the lists of affordable housing in white neighborhoods which the renewal agency had provided them. The researchers concluded that although some of the black families felt they would be turned down if they tried to move to white areas, most liked the inexpensive housing they had and wanted to be near friends and relatives. "Negroes do not move," one woman explained to the interviewer, "because they feel more comfortable with other Negroes."⁸¹

The NCDH's own newsletter in 1963 summarized a Philadelphia study that found that when choosing a home, most African-Americans looked first for good quality housing and neighborhood amenities. "Integration as such," the study concluded, "was a secondary consideration." After surveying blacks who had moved out of an all-black housing complex

in New York City in the mid-1950s, Oscar Handlin discovered that "not one respondent suggested that an integrated neighborhood was in itself an attraction and relatively few gave that factor any weight at all."⁸²

Given these attitudes--not to mention the perception that white neighborhoods were often unfriendly toward African-Americans, the integrationists not surprisingly encountered black resistance to their program. In New York City, where ninety-five percent of the housing supply was covered by fair housing legislation, reformers ran a massive educational program from 1964 to 1965 to "convince Negroes that good housing is also integrated housing." After fifteen months of trying to disperse minority households throughout the area, "Operation Open City" could only point to eighty cases of families that had found "mainstream" homes.⁸³

Chicago 1966

The deepening sense of an "urban crisis" inspired Dr. Martin Luther King and SCLC leaders to try their hand at breaking the chain of poverty in the ghetto. In 1966 King and his lieutenants came to Chicago to begin the northern drive of the civil rights movement. They chose the issue of housing as the front line of attack. James Bevel, King's man in the field, believed that getting the poor good jobs was more important, but he felt that housing would produce the riveting drama and clear victory that would revive hope in dejected ghetto-dwellers.⁸⁴

The Chicago Freedom Movement, as the coalition of SCLC and local civil rights groups was called, absorbed the slogans, arguments, and demands of the open housing movement. "To wipe out slums, ghettos, and racism," the leaders declared, "we must create an *open city* with equal opportunities and equal results." This single sentence appropriated both a favorite motto and the thinking of the open housing movement. It conflated the overlapping but distinct conditions ("slums, ghettos, and racism") and combined anti-discrimination and integrationist goals ("equal opportunities and equal results").⁸⁵

The Chicago Freedom Movement demanded that realtors and lenders stop discriminating,

slumlords stop exploiting tenants, and that the government rebuild slums, improve public housing, and construct lots more low- and modest-cost housing. The civil rights leaders believed, in line with the theories of the open housing advocates, that agents--slumlords, real estate brokers, savings and loan associations, the Chicago Housing Authority--orchestrated the city's segregated residential patterns. By means of executive orders, they thought, high government officials could impose discipline on the real estate system (by suspending the licenses of real estate brokers, for example) and end discrimination in housing.⁸⁶

Chicago Freedom Movement leaders planned protest marches to real estate offices located in all-white middle-income neighborhoods well behind the residential color line. They anticipated that demonstrations would provoke white violence which, as in the southern civil rights campaigns, would increase public support for the cause. When the pressure of public opinion grew strong enough, they hoped, Mayor Daley and the city's other powerbrokers would order the agents of segregation to cease their evil ways.

The first sign that this reasoning was flawed came at the outset when King and SCLC seized an old apartment building infested with rats and lacking heat, only to discover that the owner was an old sick white man without any money. Nonetheless in the ensuing months, the Chicago Freedom Movement held prayer vigils and marches in all-white communities. In working class neighborhoods such as Gage Park they were harassed and stoned by fierce white mobs whose hatred and hostility surpassed anything that the battle-scarred veterans of the civil rights movement had ever encountered.

The marches created an uproar but little support. The city's newspapers, which had originally greeted King, turned sour on the campaign, and the ghetto dwellers had not responded *en masse*. King's trusted adviser Bayard Rustin told the civil rights leader, "For God's sake, Martin, this is getting you nowhere! Settle for something."⁸⁷

That August at a summit meeting with the mayor, the head of the Chicago Housing Authority, and the city's industrial and real estate executives, the civil rights leaders won only token concessions to their demands for open housing. As frustration grew within the

movement, working-class whites, angry with Daley for allowing the marches, helped defeat Illinois' liberal Democratic senator, Paul Douglas. In Washington, the Civil Rights Act of 1966 was defeated; Illinois's Republican senator, Everett Dirksen, blamed the bill's open housing provisions.⁸⁸ King moved on to Cleveland in 1967 vowing to avoid the mistakes he had made in Chicago.⁸⁹

A fundamental mistake may have been the choice of the housing issue. Like open housing advocates elsewhere, Chicago Freedom Movement's leaders ignored the complex factors which shaped racial settlement patterns. They initially proposed Project Open City, a wildly unrealistic scheme in which Chicago's political and business leaders would somehow command every all-white "closed community in the city and suburbs" to increase its Negro population by one percent for five years. Instead, the open housing service established as part of the summit meeting agreement set a more modest goal of placing a thousand families in white communities throughout the Chicago area.

Like New York's Open City campaign, the housing service met with little enthusiasm among the city's African-Americans. Black community leaders opposed the service because it would dilute black political strength. After a year of operation, only about sixteen of 537 applicants had moved to white communities, and embattled working-class neighborhoods such as Gage Park and Cicero remained lily-white. Chicago's open housing advocates blamed their failure on a lack of government support for the service and insufficient power to police the discriminatory agents such as real estate brokers.⁹⁰

The Debate about the Ghetto

Even had they been inclined to do so, the open housing advocates had little time to analyze their inability to alter segregated housing patterns. In the late 1960s the open housing movement faced a formidable challenge from an array of civil rights leaders, policy makers, and intellectuals who disavowed the anti-ghetto policies of the open housing crusade and expressed the strong sense of racial solidarity among African-Americans.

Within the civil rights movement, the "black power" schism challenged the integrationist principles of open housing. Racial solidarity had been a persistent theme in twentieth-century African-American history. Booker T. Washington's self-help economic program at the turn of the century, Marcus Garvey's back to Africa campaign in the teens and twenties, and Elijah Muhammed's Muslim sect during the postwar era embodied ethnocentrist and separatist beliefs that contrasted sharply with NAACP-style integrationism. African-American political and community life in urban districts such as New York's Harlem and Chicago's Black Belt also expressed race pride.

Similar separatist sentiments now arose within the civil rights movement. In 1966 Stokely Carmichael, the charismatic leader of the Students for Non-Violence Coordinating Committee (SNCC), began rallying support for the slogan "black power," and helped precipitate a split between the increasingly militant and nationalist groups such as SNCC and the Congress of Racial Equality (CORE) and the more moderate and integrationist organizations such as SCLC and the NAACP.

Black power advocates rejected the notion that blacks had to live in white neighborhoods in order to improve their lives; furthermore, they realized that open housing did not engender great enthusiasm among inner-city blacks. In Chicago, supporters of black power opposed King's leadership of the Chicago Freedom Movement and the goal of an open city by appealing to the reluctance of blacks to move to white neighborhoods. "Is token integration the solution to our problem?" SNCC leaders asked the city's black residents. "Would you move your family into Gage Park? Who is kidding who?"⁹¹

At the same time, the increasingly popular idea of curing poverty and hopelessness from within the afflicted community generated policy rivals to open housing. Community organization, an approach espoused by Saul Alinsky and his followers, aimed at giving disenfranchised people the tools to seize political power and gain control of their collective destiny. Alinsky's organizations in the ghettos of Chicago and Rochester inspired numerous grass-roots efforts to empower the inner-city population, not disperse it.

The policy of community action also emphasized strengthening rather than abandoning troubled neighborhoods. As part of the War on Poverty legislation enacted in 1964, the Johnson administration implemented the Community Action Program, which called for the maximum feasible participation of the residents of an area receiving federal funds to remedy social problems. The Model Cities program, another Johnson initiative which was passed in 1966, aimed at producing a coordinated attack on housing, employment, and other social problems within particular communities.

In 1966 Richard A. Cloward, a pioneer of community action, and Frances Fox Piven articulated the case in the academic and popular press against integrationist urban policies. In a direct slap at the open housing movement, they pointed out that the multitude of legal reforms and education campaigns had failed to alter patterns of residential segregation. Citing the historical precedents for ethnic self-help efforts, Piven and Cloward embraced the concept of racial separatism and urged reformers to abandon the goal of desegregation because it was delaying urgently needed improvements in the inner city.⁹²

In response to these challenges, the integrationist leaders sharpened their arguments. For example, Frank Horne, now chairman of the NCDH executive committee, blasted critics of open housing for wishing to "polish up" the ghetto. Horne explained that he learned long ago while working with Nathan Straus and Robert Weaver at the USHA that "traditional racist-oriented forces" created the ghetto. "Housers know," he recalled, "that *ghetto* and *congestion* are practically synonymous," and thus open housing was necessary to unlock more living space. Moreover, Horne charged, the recent slum rehabilitation and model cities programs compromised with an evil akin to "Attila or Hitler or Beelzebub." The ghetto must be destroyed because, Horne declared, it "is the bar sinister; it is the Pandora's box out of which fly segregated schools, segregated lives and violence in the streets."⁹³

In 1967 the NCDH took aim at the Model Cities program in a widely publicized broadside entitled *How the Federal Government Builds Ghettos*. The NCDH manifesto rehearsed the history of discriminatory policies of the FHA and public housing and proposed

withholding all types of federal funding, including infrastructure projects and military contracts that would benefit segregated all-white communities. The real goal was to persuade the federal government to force local governments to adopt affirmative open housing policies by threatening to withhold funds for Model Cities and other programs.⁹⁴

Ironically, Weaver, now Secretary of the new Department of Housing and Urban Development (HUD), was forced to respond to charges similar to those he himself had made. On the day after NCDH released its manifesto, he leaked a recent memo that had ordered HUD undersecretaries to meet nondiscrimination requirements or answer to him. Then, in an effort to satisfy both sides in the ghetto debate, Weaver held a press conference in which he asserted that HUD was pursuing a policy of simultaneously breaking down segregation and building up the inner city.⁹⁵

1968: A Year of Victories

Just as it was being called into question, the cause of open housing received a tremendous boost from the presidential commission to investigate the urban riots. Known as the Kerner Commission after its chairman Governor Otto Kerner of Illinois, the National Advisory Commission on Civil Disorders issued a report in March 1968 that painted a stark picture of American society dividing into two worlds, one black and the other white. Specifically, the Commission placed much of the blame for the riots on the racial ghettos, whose history and character it traced in detail.⁹⁶

The Kerner Commission emphatically endorsed the policy of integration by moving substantial numbers of African-Americans from the ghetto. The commissioners stated that it would be necessary to enrich the ghetto as a short-term transition, but that dispersal would be the best way for ghetto residents to obtain jobs, improve their education, and get better housing. Integration would also unify the nation, halting the ominous slide toward a dual society. To this end, the commission recommended the passage of a national open-occupancy law and a policy of placing federally subsidized low-income housing outside the ghetto.⁹⁷

The Kerner Commission report prepared the way for the passage of a landmark piece of open housing legislation. In January 1968 Lyndon Johnson called on the Congress to pass the omnibus civil rights bill, with its open housing provision, which had been defeated in 1966. Liberal Senator Walter Mondale pressed the case for open housing with the words of NCDH leaders Edward Rutledge and Algernon Black, but conservative opposition once more stalled the legislation. The tide changed, however, following the assassination of Martin Luther King and the riots it triggered. On April 9, Johnson signed the bill.⁹⁸

Often called the Fair Housing Act, Title VIII of the Civil Rights Act of 1968 was an unprecedented triumph for the open housing forces. The fair housing act banned discrimination in any kind of real estate transaction on the basis of race, color, religion, and national origin (the category of sex was added in 1974). The principal exceptions were single-family houses sold without a broker or advertising and owner-occupied buildings with four or fewer units. Furthermore, the law prohibited biased real estate brokering (known as steering), blockbusting, and redlining (the withholding of mortgages from residents of inner-city and low-income areas). Although conservatives weakened the enforcement mechanisms of Title VIII, the new law set the moral and legal authority of the government against housing discrimination.⁹⁹

Soon thereafter, the open housing forces won another great victory. In 1965 an open housing organization in St. Louis had begun the case of *Jones v. Mayer*,¹⁰⁰ in which an African-American bail bondsman sued a suburban developer for refusing to sell him a house, as a means of applying or restoring the Civil Rights Act of 1866, which guaranteed all citizens, regardless of race, the right to receive and convey real and personal property. When the case lost in the initial round, the NCDH picked up a large share of the costs of appeal and entered an *amicus curiae* opinion. In June 1968 the Supreme Court found in favor of the plaintiffs and ruled that racial discrimination in any real estate sales or rentals was illegal.¹⁰¹

In *Jones v. Mayer*, the Supreme Court had at last found a simple principle upon which to judge the legality of private behavior. Emboldened by the Congress's passage of the Fair

Housing Act, the Court upheld a century-old act of Congress that, as NCDH leaders Wood and Rutledge pointed out, was far more sweeping than the recent law. By recognizing that the long-neglected law established the rights of blacks to purchase and sell property, the Court struck down discriminatory practices without recourse to the convoluted theories of state action and public policy it had relied upon in the racial covenant case, *Shelley v. Kraemer*, and in *Brown v. Board of Education*.¹⁰²

The Job Is Never Done

The great legislative and judicial victories of 1968 inspired open housing forces to broaden their attack on discrimination. The court decisions encouraged new open housing litigation. During Richard Nixon's first administration, HUD officials initiated court action against local housing authorities for segregating public housing while, at the same time, HUD was being sued for encouraging segregation by subsidizing low-income housing developments in areas that already inhabited by poor blacks.¹⁰³

Meanwhile a phalanx of lawyers sent from or paid by open housing organizations, including the NCDH and the NAACP, pursued an ambitious major legal campaign based on *Jones v. Mayer* and Title VIII. Integrationist attorneys filed suits to overrule exclusionary zoning, building permits, and other land-use controls that keep African-American and low-income households out of towns and developments.¹⁰⁴

A few of the open housing cases resulted in judicial orders that public housing or other subsidized low-income housing be placed in all-white middle-class or affluent communities. Endlessly contested and complex to administer, these court-ordered plans have been expensive, time-consuming, and made only marginal differences in rates of residential racial segregation.¹⁰⁵

The most significant of the new legal actions were *Gautreaux et al v. Chicago Housing Authority* and *Gautreaux et al v. U. S. Department of Housing and Urban Development*,¹⁰⁶ which produced the longest continuous court-ordered plan in United States. The Gautreaux

cases recapitulated Chicago's turbulent history of housing disputes. In 1965 the head of the Chicago Urban League convinced the West Side Federation, an organization formed to coordinate Martin Luther King's Chicago rallies, to change its demand for more low-income housing on the black West Side to one for housing in white areas. In 1966 a civil rights lawyer for the American Civil Liberties Union agreed to pursue a class action suit in federal court on behalf of public housing tenants. The Urban League then found volunteers to act as plaintiffs, among whom was Dorothy Gautreaux, a leader of a public housing tenants' organization.¹⁰⁷

The plaintiffs claimed that housing officials had discriminated against public housing tenants by forcing them into segregated housing projects. The key document turned out to be a copy of an agreement made in 1954 between Elizabeth Wood's successor as director of the Chicago Housing Authority and the chair of the city council's housing committee. As we have seen, Wood's attempts to place integrated housing projects in white areas had precipitated a bruising battle with the city council. The agreement, made soon after Wood was fired, gave the council the right to approve sites for future public housing projects, virtually all of which were located in African-American neighborhoods. The federal judge found for the plaintiffs.¹⁰⁸

After years of litigation and the untimely death of Gautreaux herself, the cases resulted in court orders and a negotiated agreement with HUD that low-income families with rental vouchers be placed in suburban homes and that "scatter-site" low-rise public housing units be built outside heavily African-American neighborhoods.¹⁰⁹

As in the past, the open-housing remedy for discrimination had little impact upon urban settlement patterns. The Leadership Council for Open Communities, a product of the Chicago Freedom Movement negotiations of 1966, was given responsibility for carefully screening and placing low-income families in carefully chosen and prepared communities. The Leadership Council, which encountered difficulties finding eligible families who wanted to live in the suburbs, took fifteen years, from 1981 to 1996, to relocate 7,100 families, a tiny

fraction of the over 1.8 million African-Americans who lived in the city.¹¹⁰

The part of the Gautreaux decision that ordered that public housing be placed at scattered sites in Chicago's non-black neighborhoods moved even more slowly than the suburban program. For two decades, as city councilors exercised veto power over low-income projects in their districts and mayors kept their distance, the scatter-site program went nowhere. Then in 1987 an impatient federal judge appointed a private developer to build the housing. Unable to afford land in the high real estate markets of the upper-middle-class white neighborhoods, the court-appointed housing developer built new low-income housing in transitional neighborhoods bordering the African-American districts or communities with other low-income groups. Today, thirty-odd years after Gautreaux was originally filed, new sites are vigorously opposed by Mayor Richard M. Daley, the son of the man who ruled Chicago when the suit was filed, and by neighborhood residents, including a minority ethnic group, Mexican-Americans.¹¹¹

The open housing movement pursued other means besides lawsuits to ferret out discrimination. Under its new director, Ed Holmgren, a former director of Chicago's Leadership Council of Metropolitan Open Communities, NCDH championed the use of audits--sting operations whereby evenly matched pairs of black and white renters or buyers anonymously tested real estate firms for discrimination. From 1976 to 1977, NCDH obtained HUD funding and directed a \$1 million audit covering forty metropolitan areas across the country.¹¹²

Although these and subsequent audits found many real estate brokers who failed the discrimination test, there is serious question as to what effect the exercise of catching brokers out can have upon housing patterns. Recent research in the highly-segregated city of Detroit suggests that most low-income blacks, convinced that the real estate firms were unfriendly, avoided the brokers and obtained housing on their own.¹¹³

As American politics shifted to the right during the 1980s, the open housing movement's flagship organization, NCDH, struggled to survive. The election of Ronald Reagan to the

presidency cut off the flow of money from federal grants, and after the dissipation of the civil rights movement, philanthropic donors became less interested in subsidizing the organization. After years of scrambling for funds, NCDH finally closed its doors in 1987.

At the end of the Reagan administration, the political pendulum swung back towards the center, and the open housing movement regrouped. In 1988 local fair housing organizations, including Chicago's Metropolitan Leadership Council and New York's Open City, formed a new organization, the National Fair Housing Alliance. Like its predecessor, the Alliance served as an information clearinghouse and lobbyist, although it did not provide lawyers to sue landlords as NCDH had once done.¹¹⁴

Open housing advocates persuaded the Congress in 1988 to enact new legislation which significantly toughened the enforcement provisions of the Fair Housing Act. The amendments made it easier to sue against discriminatory behavior and substantially raised the amounts of compensation for damages and punitive awards. The powers of HUD and the Justice Department to prosecute or sue were expanded, and the judicial process for anti-discrimination cases was streamlined. At the same time, HUD instituted a Fair Housing Initiatives Program to fund educational and enforcement activities of state and local governments and nonprofit organizations.

With the new legal machinery and support for legal actions against racial bias in housing, the number of anti-discrimination law suits multiplied. Legal advocates established open housing law centers in cities such as Cleveland, Detroit, and Chicago to disseminate legal information about hundreds of open housing cases.

Under President George Bush, the federal government began a trial program based on the Gautreaux court-ordered dispersal project. HUD is currently implementing the Moving to Opportunity Demonstration program in Baltimore, Boston, Chicago, New York, and Los Angeles. When working-class suburbanites in the Baltimore area learned about the program, however, they grew angry and forced a delay in its implementation. It was a vivid reminder of fifty years of fierce resistance to government-sponsored neighborhood integration plans

and the political difficulties such programs encounter.¹¹⁵

The Changing Urban Scene

While open housing forces advocates struggled on, the social geography of urban America was virtually transformed. The most profound development was the arrival of a majority of African-Americans into the middle-class. In 1970, thirty-six percent of American blacks held middle-class jobs, by 1990 the figure had risen to fifty-nine percent. In 1940, only one percent of African-Americans earned an income twice that of the poverty level; by 1970, the figure had risen to thirty-nine percent; by 1995, it had risen further to forty-nine percent.¹¹⁶

The movement of America's urban population accelerated during the last quarter century. Aided by their newfound prosperity, over six million African-Americans left the cities for the suburbs since 1970. Although little recognized, the black suburban migration actually exceeds the black postwar migration to the cities. Meanwhile, foreign immigration to the United States resumed on a scale not seen since the early twentieth century. Over 8.5 million immigrants, mainly from central America, Asia, and eastern Europe, arrived during the 1980s, and seven million of them came to urban areas.

The great movements of people eroded the old inner-city ghetto patterns. The departure of middle- and working-class blacks depleted the population of the inner city ghettos which--like the public housing projects within them--increasingly became the domain of poor single mothers and children. In several large cities--most notably Los Angeles--immigrants repopulated the inner city and transformed old ghetto neighborhoods into multi-ethnic, multi-racial districts. In addition, a small but persistent backwash of upper-middle class whites into the central cities gentrified formerly lower- and working-class neighborhoods. In almost all cities, the proportion of blacks living in all-black areas declined significantly; in Los Angeles, the historic black ghetto ceased to exist.¹¹⁷

As African-Americans fanned out across metropolitan areas, segregation declined

noticeably, if unevenly, across the nation. For the period between 1970 and 1990, the index of dissimilarity fell in twenty-seven of the the thirty metropolitan areas with the largest black populations. The average index dropped eight points to 67 for all the areas, by seven points in the north to 78, and nine points in the south to 66. In twelve areas--Atlanta, Baltimore, Washington, Norfolk-Virginia Beach, Tampa-St. Petersburg, Miami, Boston, Kansas City, Dallas, Houston, San Francisco, and Los Angeles--the index dropped by ten or more points.¹¹⁸

Significantly, integration made few inroads in the old inner-city neighborhoods and eastern and midwestern metropolises that had been the targets of the great open housing campaigns. Instead the number of integrated areas rose especially in suburbs and in booming southern and western cities such as San Diego, Anaheim, Houston, and Atlanta. Segregation retreated most dramatically in urban areas whose economies were based on military, government, and university institutions.¹¹⁹

The spread of integration encouraged a new grass-roots movement dedicated to preventing racial transition in integrated neighborhoods, rather than the open housing movement's policy of encouraging African-Americans to move to all-white communities. In 1970, leaders from twelve local organizations interested in preserving racial integration created National Neighbors, a federation which competed with NCDH for foundation support.¹²⁰

Like open housing, integration management attempted to control population movements. To keep the Chicago suburb of Oak Park from becoming an all-black community, for example, town officials during the 1960s and 1970s took several measures, including vigorous code enforcement, lavish spending on rehabilitation, and an extensive rental service that tried to distribute African-Americans throughout the town. Other cities attempted to balance their populations racially by marketing to whites and maintaining proportions of racial groups, activities that came uncomfortably close to the sort of discriminatory racial steering and quotas that had been used to keep blacks out. In the absence of positive external circumstances, however, integration maintenance alone was insufficient to preserve racial

balance.¹²¹

Yet despite the difficulties of integration maintenance, the number of stable integrated neighborhoods multiplied and the rate of racial succession slowed. A study of racially mixed census tracts in thirty-eight cities shows that from 1970 to 1980 the proportion of stable integrated neighborhoods increased from seventeen percent to twenty-three percent and the proportion of those experiencing a racial turnover decreased from seventy-two percent to sixty-one percent of the cases. A study of thirty-four metropolitan areas indicated that during the 1980s fully half the tracts remained integrated and only forty-six percent experienced racial succession.¹²²

Of course, some whites continued to shun neighborhoods with African-Americans or hoped that African-Americans would not move to their precincts. As in the past, some are simply bigoted, but others fear a large influx of lower-class African-Americans into their neighborhood would bring more crime, inferior schools, and lower property values. (It is worth noting that middle-class blacks continue to harbor similar feelings about lower-class black neighbors.)¹²³

Nonetheless, white Americans clearly became more willing to live in neighborhoods with members of racial minorities. In 1942 eighty-four percent of whites in a national sample answered yes to the question of whether Negroes should live in separate sections of towns. From 1958 to 1978 Gallup polls found that the proportion of a national sample of whites who said they would move if a black lived next door fell from forty-four to fourteen percent. In the same period, the proportion of white respondents who would move in the face of "great numbers" of blacks dropped from fifty to twenty percent.¹²⁴

Both research studies and practical experience in integration maintenance suggest that local circumstances--such as the presence of amenities, the situation in the schools, and the housing supply--influenced the decisions of whites to stay in or move to neighborhoods where African-Americans live. In Oak Park, Illinois, for example, the large number of landmark houses, including some designed by Frank Lloyd Wright, were among the features that

attracted white professionals to the Chicago suburb. The reputation of local schools often determines the decision of families with school-age children to live in a racially mixed neighborhood.¹²⁵

The attitudes of African-Americans, in particular their feelings of racial solidarity, also determined the extent of integration. Nathan Kantrowicz measured the clustering of urban ethnic groups up to 1970 and found that long after their immigration to the United States, white ethnic groups remained highly separated from one another. If blacks were a white ethnic group that had not experienced discrimination, he concluded, their settlements would produce a segregation index measurement of least 55, and possibly higher.¹²⁶

African-Americans have continued to demonstrate the kind of strong feelings of racial solidarity which hampered earlier open housing efforts. When asked to choose the racial composition of a neighborhood, most blacks polled in opinion surveys taken from the 1960s to the 1990s preferred neighborhoods that were home to a high proportion of blacks. Large majorities favored an integrated neighborhood, but one comprised of fifty percent or more black residents--a proportion with which most whites are uncomfortable. In most of the surveys, fifteen to twenty percent of African-Americans reported a desire to live in an all-black neighborhood and less than ten percent wanted to live in a predominantly white neighborhood.¹²⁷ (The sense of African-American solidarity recently found expression within the NAACP, a bastion of integrationism, when local chairmen opposed the organizations strong commitment to school integration.)

Exploring the implications of the preferences of African-Americans, Stephan and Abigail Thernstrom calculated that if all African-Americans in a city with a twenty percent black population lived in neighborhoods racially integrated in a 50-50 proportion, that city would have a segregation index of 75--higher than than the index of nine of the metropolitan areas with the largest black populations!¹²⁸

Part IV. Conclusion: The Paradox of Open Housing

One might have expected open housing advocates in the 1990s to look back on a half-century of effort and celebrate their achievements in the cause of obtaining justice for African-Americans. They won court decisions striking down racial zoning and restrictive covenants and forced federal housing agencies to change their discriminatory policies. They proposed and successfully supported passage of local, state, and federal legislation barring discrimination in housing, including the landmark Fair Housing Act and subsequent amendments. They instituted audits of real estate brokers and lenders, filed countless anti-discrimination law suits, and forced private real estate developers and owners to adopt non-discriminatory practices.

It also would be understandable if the proponents of open housing took credit for the decline of residential segregation over the last twenty years. The open housing movement helped disseminate the now-widely accepted principle that racial discrimination in the housing market is unjust and established a means of legal redress in cases of such discrimination.

Yet instead of joy, open housing advocates feel a familiar sense of frustration. They are dismayed that despite all their efforts, segregation rates remain above 70 in many large metropolitan areas--including Chicago and New York where they have been most active. Discounting the general trend toward integration, the open housing supporters dwell on what they called "hyper-segregation" in cities such as Milwaukee and Detroit. An "American apartheid" system, integrationist scholars and open housing practitioners declare, prevails in the nation's cities.¹²⁹

As they have since the beginning of the movement, the opponents of discrimination in housing blame racist practices for the persistence of racial clustering and urge more anti-discrimination programs. Sociologists Douglas Massey and Nancy Denton, for example, call for a massive federal effort that would expand Gautreaux-type programs, fund open housing groups to prosecute legal actions, institute annual audits permanently, and require all licensed

real estate brokers to take a HUD non-discrimination course.¹³⁰

Open housing advocates still do not recognize that discrimination was and is but one of the causes of racial settlement patterns, a blindspot which was intensified by the ghettophobia that emerged in the 1960s. However heinous and unjust they were, practices such as restrictive covenants, blockbusting, and racial steering at most exacerbated situations that were created by other forces, especially the preferences of whites and blacks for certain kinds of neighborhoods and housing.

Today many of both races are willing to live in integrated neighborhoods, and the extreme residential segregation characteristic of early and mid-twentieth-century cities is waning. If African-Americans continue to prosper and gain acceptance among whites as equals and if they give up their strong sense of racial identity, they eventually will disperse among the general population. But at least for the immediate future, such total integration remains out of reach. One crucial reason is that, as in the past, a majority of African-Americans prefer to live in neighborhoods where half or more of the residents are black, and a significant minority prefer to live in all-black neighborhoods. Conversely, only a minority of whites feel comfortable living in a majority black area.

Hence, the paradox of the open housing movement persists. The advocates of open housing fight for residential integration by suppressing discrimination in housing, but this approach, history shows, has little direct effect on the racial settlement patterns by which they measure their success. The integrationists fail to understand the complex causes of settlement patterns. Until they do, they will neither appreciate their own accomplishments nor the progress Americans have made toward an open society. After five decades of heroic effort and achievements, the enemies of discrimination in housing will continue to feel as

inconsequential as fleas on a raging tiger.

Notes

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- ¹. Frank Horne, "What Price, Rebuilding Ghettos as Ghettos?" *Trends in Housing* 11:1 (January 1967), 4.
 - ². Gilbert Osofsky, *Harlem: The Making of a Ghetto* (New York: Harper and Row: 1968), 127-149, 140 (negative reactions of African-Americans to migrants); Allan H. Spear, *The Making of a Negro Ghetto* (Chicago: University of Chicago Press, 1967), 168-170; Nancy J. Weiss, *The National Urban League, 1910-1940* (New York: Oxford University Press, 1974), 108-111, 117-125.
 - ³. Gunnar Myrdal, with the assistance of Richard Sterner and Arnold Rose, *An American Dilemma: The Negro Problem and Modern Democracy* (New York: Harper & Brothers Publishers, 1944), 619-620; St. Clair Drake and Horace Cayton, *Black Metropolis: A Study of Life in a Northern City*, rev. ed. (New York: Harper & Row, Publishers, 1962), 113-115, 198-210.
 - ⁴. 245 U.S. 60 (1917).
 - ⁵. Clement E. Vose, *Caucasians Only: The Supreme Court, the NAACP, and the Restrictive Covenant Cases* (Berkeley: University of California Press, 1959), 3-4, 51-2.
 - ⁶. 271 U.S.W. 323 (1926).
 - ⁷ The case concerned a suit in Washington, D.C. against an individual for violating an agreement made in 1921 by thirty neighbors not to let blacks buy or occupy their properties for twenty-one years.
 - ⁸. 311 U.S. 32 (1940).
 - ⁹. Vose, *Caucasians Only*, 55-6; Mark V. Tushnet, *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961* (New York: Oxford University Press, 1994), 87.
 - ¹⁰. Harvard Sitkoff, *A New Deal for Blacks - The Emergence of Civil Rights as a National Issue. Volume I: The Depression Decade* (New York: Oxford University Press, 1978).
 - ¹¹. Catherine Bauer to Coleman Woodbury, June 25, 1943, Catherine Bauer Wurster Papers, Bancroft Library, University of California, Berkeley, California (cited hereafter as CBW Papers).
 - ¹². Robert C. Weaver, *The Negro Ghetto* (New York: Harcourt, Brace, and Co., 1948), 90-6; Domenic J. Capeci, Jr., *Race Relations in Wartime Detroit: The Sojourner Truth Housing Controversy of 1942* (Philadelphia: Temple University Press, 1984).
 - ¹³. Weaver, *Negro Ghetto*, 57-71, 84-90, 99-124; Drake and Cayton, *Black Metropolis*, 90-91, 206-7, 576-7; Arnold R. Hirsch, *Making the Second Ghetto: Race and Housing in Chicago, 1940-1960* (Cambridge: Cambridge University Press, 1983), 16-28.
 - ¹⁴. Capeci, *Race Relations*, 164-5; Hirsch, *Making the Second Ghetto*, 186-93; Thomas J. Sugrue, "Crabgrass-Roots Politics: Race, Rights, and the Reaction against Liberalism in the Urban North, 1940-1964," *Journal of American History* 82: 2 (September 1995), 551-578, 561 (quotation). See the holdings of the Chicago Historical Society for letters to the Chicago Housing Authority in this period blame the black newcomers for the deterioration of South Park Avenue from its formerly elegant conditions.
 - ¹⁵. Vose, *Caucasians Only*, 56-7.
 - ¹⁶. Although ultimately successful, Marshall had some difficulty in getting the lawyers to agree on and abide by a common strategy. Vose, *Caucasians Only*, 57-64; Mark V. Tushnet,

Making Civil Rights Law, 87-91.

¹⁷. Vose, *Caucasians Only*, 68-9.

¹⁸. Vose, *Caucasians Only*, 64-5.

¹⁹. Vose, *Caucasians Only*, 22.

²⁰. Vose, *Caucasians Only*, 57; Stephen L. Wasby, Anthony A. D'Amato, and Rosemary Metrailler, *Desegregation From Brown to Alexander: An Exploration of Supreme Court Strategies* (Carbondale, Ill., Southern Illinois University Press, 1977), 39.

²¹. Vose, *Caucasians Only*, 160-161; note 45, 275.

²². Harvey Warren Zorbaugh, *The Gold Coast and the Slum: A Sociological Study of Chicago's Near North Side* (Chicago: University of Chicago Press, 1929, 1976); Clifford R. Shaw, et al. *Delinquency Areas*, (Chicago: University of Chicago Press, 1929); Maurice R. Stein, *The Eclipse of Community, An Interpretation of American Studies* (New York: Harper and Row, Publishers, 1964), 30-39; Myrdal, *American Dilemma*, 376, 1290 (note 36); Weaver, *The Negro Ghetto* 257-61.

²³. Vose, *Caucasians Only*, 162-3; Loren Miller, "Covenants for Exclusion," *Survey Graphic* 36:10 (October 1947), 543, 558; Weaver, *Negro Ghetto*, 7, 257-9, 269-271; Charles Abrams, *Forbidden Neighbors: A Story of Prejudice in Housing* (New York: Harper and Brothers, 1955), 73-78.

²⁴. Vose, *Caucasians Only*, 157, 163-7, 193-197.

²⁵. Vose, *Caucasians Only*, 168-174, 191-2; *Civil Rights, The White House, and the Justice Department, 1945-1968* (New York: Garland Publishing, Inc., 1991), 4-5.

²⁶. The four cases were *Shelley v. Kraemer*, *McGhee v. Sipes*, 334 U.S. 1 (1948); *Hurd v. Hodge* and *Urciolo v. Hodge*, 334 U.S. 24 (1948)

²⁷. Vose, *Caucasians Only*, 205-10; Tushnet, *Making Civil Rights Law*, 36-7.

²⁸. Drake and Cayton, *Black Metropolis*, 184-189; Weaver, *Negro Ghetto*, 234-237, (quotation, 236).

²⁹. Miller, "Covenants for Exclusion," 559; Vose, *Caucasians Only*, 212; Weaver, *Negro Ghetto*, 333-4.

³⁰. Weaver thought that "minorities are conditioned to segregated living." Weaver, *ibid*; Abrams, *Forbidden Neighbors*, 273-5, *passim*. *Black Metropolis*, 198, 201.

³¹. For the history of the Racial Relations Service, later the Intergroup Relations Branch see Records of the Public Housing Administration, Records of the Intergroup Relations Branch (cited hereafter as IRB), RG 196, National Archives (cited hereafter as NA), College Park, Maryland, especially Philip G. Sadler, "The Dream and the Substance," manuscript, 1954, IRB, RG 196, NA.

³². Robert C. Weaver, "The Negro in a Program of Public Housing," *Opportunity* July 1938, 203; Robert C. Weaver, *The Negro Ghetto* (New York: Harcourt, Brace, and Co., 1948), 158; "Special Problems and Approaches in Housing of Minorities and the Role of the Racial Relations Service," in Housing and Home Finance Agency, *Sixth Annual Report* (Washington D.C., 1952), 91-96.

³³. Weaver, *Negro Ghetto*, 165.

³⁴. Weaver, *Negro Ghetto*, 74-5; John T. Metzger, "Rebuilding Harlem: Public Housing and Urban Renewal," *Planning Perspectives* 9:3 (July 1994) 255-296; The People's Welfare Organization of Chicago, *History of Dearborn Homes* (Chicago: 1950), 21-35.

³⁵. Catherine Bauer to Dorothy Gazzolo, March 28, 1947, CBW Papers.

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- ³⁶. National Public Housing Conference, Committee on Race Relations, "Race Relations in Housing Policy," December 13, 1946, 5 (a later version was issued on February 24, 1947); Bauer to Gazzolo, CBW Papers.
- ³⁷. Richard O. Davies, *Housing Reform During the Truman Administration*. (Columbia, Missouri: University of Missouri Press, 1966), 107-8; Abrams, *Forbidden Neighbors*, 353; Henderson, "Housing and the Democratic Ideal," 322-3.
- ³⁸ Taylor, an African-American, served as a commissioner of the CHA from 1938 to 1950. He suffered the posthumous fate of having Robert Taylor Homes, one of the country's most notorious housing projects, named for him.
- ³⁹. Martin Meyerson and Edward C. Banfield, *Politics, Planning, and the Public Interest: The Case of Public Housing in Chicago* (Glencoe, Ill.: The Free Press, 1955); Hirsch, *Making the Second Ghetto*, 218-232.
- ⁴⁰. Abrams, *Forbidden Neighbors*, 153-4.
- ⁴¹. Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (New York: Oxford University Press, 1978), 207-210; Weaver, *Negro Ghetto*, 71-3, 143-148, 217-222; Charles Abrams, "The Segregation Threat in Housing," *Commentary* 7:2 (February 1949), 123-131; Abrams, *Forbidden Neighbor*, 229.
- ⁴². Tushnet, *Making Civil Rights Law*, 97; Abrams, *Forbidden Neighbor*, 233-4; Weaver, *Negro Ghetto*, 149-154; Catherine Bauer to Raymond Foley, July 7, 1947, CBW Papers.
- ⁴³. Abrams, "Segregation Threat," 125; Abrams, *Forbidden Neighbors*, 251-9.
- ⁴⁴. Arthur Simon, *Stuyvesant Town, U.S.A.: Pattern for Two Americas* (New York: New York University Press, 1970).
- ⁴⁵. 299 N.Y. 512, 87 N.E.2d 541 (1949), cert. denied 339 U.S. 981 (1950).
- ⁴⁶. Simon, *Stuyvesant Town*, 57-69, 82-5.
- ⁴⁷. Robert Caro, *The Power Broker: Robert Moses and the Fall of New York* (New York: Random House, Inc., 1975), 962.
- ⁴⁸. Simon, *Stuyvesant Town*, 77-100.
- ⁴⁹. Abrams, *Forbidden Neighbors*, 273; Simon, *Stuyvesant Town*, 104.
- ⁵⁰. *Trends in Housing* 4:4 (July-August 1960), 4-5.
- ⁵¹. Ibid; "Rebuilding Our Cities For Everybody," Fourth Annual Conference on Discrimination in Housing, National Committee Against Discrimination in Housing, New York City, 1952. For an historical sketch of the National Committee Against Discrimination in Housing, see Juliet Saltman, *Open Housing: Dynamics of a Social Movement* (New York: Praeger Publishers, 1978), 39-115.
- ⁵². Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge, Mass., Harvard University Press, 1993), 47.
- ⁵³. John F. Bauman, *Public Housing, Race, and Renewal: Urban Planning in Philadelphia, 1920-1974* (Philadelphia: Temple University Press, 1987), 161-2.
- ⁵⁴. Saltman, *Open Housing*, 45-47; *Trends in Housing* 4:4 (July-August 1960), 4-5.
- ⁵⁵. 347 U.S. 483 (1954) and 349 U.S. 294 (1955).
- ⁵⁶. Speech by Albert M. Cole to Annual Conference of the National Association of Mutual Savings Banks, Atlantic City, New Jersey, May 17, 1955, IRB, RG 196, NA;; Cole to Senator Herbert Lehman, February 2, 1956; IRB, RG 196, NA; Glenn Fowler, "Cole Bars Part in Segregation," *New York Times*, November 14, 1958.
- ⁵⁷. Frank S. Horne, "After Fifteen Years: The Record and the Promise," keynote address,

Annual Meeting of the New York State committee on Discrimination, May 29, 1954; Henderson, "Housing;" Abrams, *Forbidden Neighbors*, 379; Philip G. Sadler to Commissioner (Cole), PHA, office memorandum, "Commentary, Housing Report of Civil Rights Commission," September 22, 1959, IRB, NA.

⁵⁸. Henderson, "Housing," 329-347; "VA Aids NY SCAD Enforce Bias Law," *Trends in Housing* 2:4 (June-July 1958), 5.

⁵⁹. Eventually the neighborhood at last grudgingly acquiesced to the presence of a few black families in the projects. Arnold R. Hirsch, "Massive Resistance in the Urban North: Trumbull Park, Chicago, 1953-1966," *Journal of Urban History* 82:2 (September 1995), 522-550.

⁶⁰. Hirsch, Making the Second Ghetto, 234-8; Elizabeth Wood, press release, August 30, 1954; Robert Gruenberg, "Trumbull Park: Act II," *The Nation*, September 18, 1954.

⁶¹. Bauman, *Public Housing, Race, and Renewal*, 127-130, 160-174; "Public Housing Program Still 80% Segregated," *Trends in Housing*, 4:4 (July-August 1960), 6.

⁶². Catherine Bauer, "The Pattern of Urban and Economic Development: Social Implications," *The Annals* 305 (1956) 60-69, cited in Thomas F. Pettigrew, "Racial Issues in Urban America," in Bernard J. Frieden and William W. Nash, Jr., *Shaping an Urban Future: Essays in Memory of Catherine Bauer Wurster* (Cambridge, Mass.: MIT Press, 1969) 56.

⁶³. Alan B. Anderson and George W. Pickering, *Confronting the Color Line: The Broken Promise of the Civil Rights Movement in Chicago* (Athens, Ga.: University of Georgia Press, 1986), 72-90.

⁶⁴. Frank S. Horne, "Interracial Housing in the United States," *The Phylon Quarterly* 19:1 (Spring 1958), 13-20, 16 (quotation).

⁶⁵. Jack Rothman, "The Ghetto Makers," *The Nation*, October 7, 1961, 222-25; W. Edward Orser, *Blockbusting in Baltimore: The Edmondson Village Story* (Lexington: University of Kentucky, 1994); Hirsch, *Making the Second Ghetto*, 34-36; Massey and Denton, *American Apartheid*, 38.

⁶⁶ Alinsky's organizers nonetheless loudly decried the actions of blockbusters as a way of deflecting whites' anger away from the incoming blacks toward an imaginary villain, a tactic which, since their accusations received much press coverage, no doubt helped spread the myth.

⁶⁷. Abrams, *Forbidden Neighbors*, 277; Sandford Horwitt, *Let Them Call Me Rebel: Saul Alinsky, His Life and Legacy*, 2d. ed. (New York: Vintage Books, 1992), 343.

⁶⁸. Rose Helper, *Racial Policies and Practices of Real Estate Brokers* (Minneapolis: University of Minnesota Press, 1969).

⁶⁹. "US Supreme Court Lets NJ Law Stand," *Trends in Housing*, 4:3 (May-June 1960).

⁷⁰. *Trends in Housing*, 4:5 (September-October 1960), 5:1 (January-February 1961), 6:5 (September-October 1961); Henderson, "Housing and the Democratic Ideal," 347-359; Carl Brauer, *John F. Kennedy and the Second Reconstruction* (New York: Columbia University Press, 1977), 210-211.

⁷¹. Richard F. Muth, *Cities and Housing: The Spatial Pattern of Urban Residential Land Use* (Chicago: University of Chicago Press, 1969); U.S. Department of Commerce, *Construction Review* 37:4 (July/August 1991), 53; Peter G. Rowe, *Modernity and Housing* (Cambridge, Mass.: MIT Press, 1993), 184.

⁷². Massey and Denton, *American Apartheid*, 47.

⁷³. Joe T. Darden, *The Ghetto: A Bibliography*, Council of Planning Librarians, Exchange

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⁷⁴. Kenneth B. Clark, *Dark Ghetto: Dilemmas of Social Power* (Middletown, Conn.: Wesleyan University Press, 1965).

⁷⁵. Clark, *Dark Ghetto*, xxxiv, 27.

⁷⁶. Clark, *Dark Ghetto*, 30-1, 106.

⁷⁷. Lee Rainwater and William L. Yancey, *The Moynihan Report and the Politics of Controversy A Trans-action Social Science and Public Policy Report* (Cambridge, MIT Press: 1967), 128-129.

⁷⁸. Saltman, *Open Housing*, 52-9; *Trends in Housing*; 8:2 (September-October, 1964).

⁷⁹. The NAACP program included exerting influence over government urban renewal and housing programs, increased mortgage lending, passage and enforcement of fair housing laws, and litigation against agencies and private institutions that practiced or encouraged discrimination. See *Trends in Housing* 9:4 (July-August 1965). *Trends in Housing* 9:5 (September-October 1965), 1 (quotation).

⁸⁰. *Trends in Housing* 9:5 (September-October 1965); 10:2 (March-April 1966), 8; 10:5 (August 1966); 10:9 (December 1966).

⁸¹. Lewis G. Watts, Howard E. Freeman, Helen M. Hughes, Robert Morris, and Thomas F. Pettigrew, *The Middle-Income Negro Family Faces Urban Renewal* (Boston: Department of Commerce and Development, Commonwealth of Massachusetts, 1964), 95.

⁸². "Study Cites Influences which Deter Integration" *Trends in Housing* 7:3 (May-June 1963), 2; Edward C. Banfield, *The Unheavenly City Revisited* (Prospect Heights, Ill.: Waveland Press, Inc., 1974, 1990), 92-95; Oscar Handlin, *The Newcomers: Negroes and Puerto Ricans in a Changing Metropolis* (New York: Anchor Books, 1962), 93.

⁸³. "Capahosic Housing Conference," *Trends in Housing* 9:3 (May-June 1965).

⁸⁴. Anderson and Pickering, *Confronting the Color Line*, 188-192; James R. Ralph, Jr., *Northern Protest: Martin Luther King, Jr., Chicago, and the Civil Rights Movement* (Cambridge: Harvard University Press, 1993), 88-90; Mary Lou Finley, "The Open Housing Marches: Chicago, Summer '66," in David J. Garrow, ed., *Chicago 1966: Open Housing Marches, Summit Negotiations, and Operation Breadbasket* (Brooklyn, New York: Carlson Publishing, Inc., 1989), 7.

⁸⁵. Italics in the original. "Program of the Chicago Freedom Movement, July 1966," in Garrow, *Chicago 1966*, 102.

⁸⁶. Finley, "Open Housing Marches," 8-9; Ralph, *Northern Protest*, 99-104; Anderson and Pickering, *Confronting the Color Line*, 197-199.

⁸⁷. Anderson and Pickering, *Confronting the Color Line*, 260.

⁸⁸. Ralph, *Northern Protest*, 56-7, 149-219; Anderson and Pickering, *Confronting the Color Line*, 237-271.

⁸⁹. For a list of achievements see Ralph, *Northern Protest*, 225-229.

⁹⁰. Anderson and Pickering, *Confronting the Color Line*, 260-1, 281; Brian J. L. Berry, *The Open Housing Question: Race and Housing in Chicago, 1966-1976* (Cambridge, Mass.:

Ballinger Publishing Co., 1979) 27, 46-47, 61.

⁹¹. Anderson and Pickering, *Confronting the Color Line*, 275-6.

⁹². Frances Fox Piven and Richard A. Cloward, "The Case Against Urban Desegregation," *Social Work* 12:1 (January 1967), 12-21; Frances Fox Piven and Richard A. Cloward, "Desegregated Housing--Who Pays for the Reformers' Ideal?," *New Republic*, December 17, 1966.

⁹³. Frank Horne, "What Price, Rebuilding Ghettos as Ghettos?" *Trends in Housing* 11:1 (January 1967), 4.

⁹⁴. National Committee Against Discrimination in Housing, *How the Federal Government Builds Ghettos* (New York: 1967).

⁹⁵. Robert Weaver to President Lyndon Johnson, memorandum, February 9, 1967; Robert Weaver to Harry C. McPherson, Jr., memorandum, March 22, 1967, National Committee Against Discrimination in Housing file, Subject Correspondence Files of Secretary Robert C. Weaver, Box 305, RG 207, NA; "US Is Labeled Ghetto Builder," *Trends in Housing* 11:2 (February 1967).

⁹⁶. *Report of the National Advisory Commission on Civil Disorders*, (New York: Bantam Books, 1968).

⁹⁷. *Report of the National Advisory Commission on Civil Disorders*, 215-226, 263.

⁹⁸. George R. Metcalf, *Fair Housing Comes of Age* (Westport, Connecticut: Greenwood Press, Inc., 1988), 75-85.

⁹⁹ Individuals had to initiate complaints, and HUD could only use persuasion or refer cases to the Justice Department.

¹⁰⁰. 392 U.S. 409 (1968)

¹⁰¹. Metcalf, *Fair Housing Comes of Age*, 37-42; "Case Tests 1866 US Law," *Trends in Housing* 10:9 (December 1966); "1866 Act Opens Up All Housing," *Trends in Housing* 12:5 (May-July 1968).

¹⁰². Wasby, D'Amato, and Metraller, *Desegregation From Brown to Alexander*, 243-250.

¹⁰³. See, for example, Jerris Leonard, Assistant Attorney General, to Richard C. Van Dusen, February 6, 1970 and other correspondence for 1970; Van Dusen to Samuel J. Simmons, memorandum, February 28, 1970; Subject Files of Under Secretary Richard C. Van Dusen, 1969-72, RG 207; *Shannon, et al. v. HUD, Romney, et al.*

¹⁰⁴. Metcalf, *Fair Housing Comes of Age; 20 Years after Brown: Equal Opportunity in Housing*, A Report of the United States Commission on Civil Rights, December 1975; "Fair Housing Groups Find Pattern Suit Data," *Trends in Housing* 14:6 (June-July 1970); Saltman, *Open Housing*, 85-90.

¹⁰⁵. In the ambitious Mount Laurel decisions, for example, New Jersey's judges attempted to induce communities throughout the state to develop their "fair share" of low-income housing. See Charles M. Haar, *Suburbs Under Siege: Race, Space, and Audacious Judges* (Princeton: Princeton University Press, 1996); David L. Kirp, John P. Dwyer and Larry A. Rosenthal, *Our Town: Race, Housing, and the Soul of Suburbia* (New Brunswick, New Jersey: Rutgers University Press, 1995).

¹⁰⁶. The original case was 296 F.Supp. 907 (N. D. IL, 1969) and 304 F.Supp. 736 (N. D. IL, 1969). The cases referred to as *Gautreaux et al v. U. S. Department of Housing and Urban Development* bore the names of the HUD secretaries, Robert Weaver, George Romney, James Lynn, and Carla Hills in the years between 1966 and 1976. There were many *Gautreaux*

decisions, but see *Gautreaux et al v. Romney*, 448 F.2d 731 (7th Cir., 1971); *Gautreaux v. Romney*, 363 F.Supp. 690 (N. D. IL, 1973) *rev'd* 503 F.2d 930 (1974), and *Hills v. Gautreaux* 425 U.S. 284 (1976).

¹⁰⁷. Elizabeth Warren, *The Legacy of Judicial Policy-Making: Gautreaux V Chicago Housing Authority - The Decision and Its Impacts* (Lanham, Maryland: University Press of America, 1988), 12-18.

¹⁰⁸. Warren, *Legacy*, 29-31.

¹⁰⁹. Alexander Polikoff, *Housing the Poor: The Case for Heroism* (Cambridge, Mass.: Ballinger Publishing Co., 1978), 147-159.

¹¹⁰. Flynn McRoberts, "Gautreaux Housing Program Nears End," *Chicago Tribune*, January 12, 1996; Irving Welfeld, "Exercises in Irrelevance: Federal Enforcement of Fair Housing in Federally Subsidized Housing," in *Issues in Housing Discrimination Volume 1 A* Consultation/Hearing of the United States Commission on Civil Rights, Washington, D.C., November 12-13, 1985, 221-229.

¹¹¹. McRoberts, "Gautreaux Housing Program Nears End"; John Kass, "Daley Vows to Protect Property Values," *Chicago Tribune*, April 27, 1996; Fran Spielman, "Scattered-Site Could Spark Flight from City, Daley Says," *Chicago Sun-Times*, April 27, 1996; Fran Spielman and Art Golab, "Scattered-Site Housing Foes Fume," *Chicago Sun-Times*, May 2, 1996.

¹¹². Saltman, *Open Housing*, 81-2, 92-96, 103-108.

¹¹³. Reynolds Farley, "Racial Differences in the Search for Housing: Do Whites and Blacks Use the Same Techniques to Find Housing?" *Housing Policy Debate* 7:2 (Summer 1996), 367-386.

¹¹⁴. William Cellis III, "Fair-Housing Groups Form National Alliance," *Wall Street Journal*, August 22, 1988, 15.

¹¹⁵. Karen De Witt, "Housing Voucher Test in Maryland Is Scuttled by a Political Firestorm," *New York Times*, March 28, 1995, B 10; Department of Housing and Urban Development, Office of Policy Development and Research, *Expanding Housing Choices for HUD-Assisted Families* (Washington, D. C.: Department of Housing and Urban Development, 1996).

¹¹⁶. Stephan and Abigail Thernstrom, *America in Black and White: One Nation, Indivisible*, (New York: Simon and Schuster, 1997), 185, 191, 196.

¹¹⁷. In eighteen selected large cities, the proportion of African-Americans living in census block groups that were at least ninety percent black fell an average of eight percent between 1980 and 1990. The proportion fell in all cities except for Philadelphia and Cleveland which had no change. Stephan and Abigail Thernstrom, *America in Black and White*, 216-219.

¹¹⁸. Massey and Denton, *American Apartheid*, Table 8.1, 222; Stephan and Abigail Thernstrom, *America in Black and White*, 214-5.

¹¹⁹. Farley and Frey, "Changes in the Segregation of Whites From Blacks"; Peter B. Wood and Barrett A. Lee, "Is Neighborhood Racial Succession Inevitable? Forty Years of Evidence," *Urban Affairs Quarterly* 26:4 (June 1991), 610-620; Wood and Lee, "Is Neighborhood Racial Succession Place Specific?" *Demography* 22 (1985), 21-40; John E. Farley, "Black-White Housing Segregation in the City of St. Louis - A 1988 Update." *Urban Affairs Quarterly* 26:3 (March 1991), 442-450. Even pessimists admit segregation has declined, although they assert too little and too slowly. See, for example, Massey and

Denton, *American Apartheid*; Richard A. Smith, "The Measurement of Segregation Change Through Integration and Deconcentration, 1970-1980," *Urban Affairs Quarterly* 26:4 (June 1991), 477-496.

¹²⁰. Juliet Saltman, *A Fragile Movement: The Struggle for Neighborhood Stabilization* (New York: Greenwood Press, 1990), 313-368.

¹²¹. W. Dennis Keating, *The Suburban Racial Dilemma: Housing and Neighborhoods* (Philadelphia: Temple University Press, 1994; Berry, *Open Housing Question*, 277-303; Saltman, *A Fragile Movement*; Edward Walsh, "Town's Pitch To Whites Hits Nerve," *Boston Globe*, March 26, 1995; Don Terry, "In White Flight's Wake, a Town Tries to Keep Its Balance," *New York Times*, March 11, 1996; Rodney A. Smolla, "Racial Occupancy Controls and Integration Maintenance: A Constitutional and Statutory Analysis," in *Issues in Housing Discrimination*, 156-171.

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¹²³. D. Garth Taylor, "Housing, Neighborhoods, and Race Relation: Recent Survey Evidence," *The Annals of the American Academy of Political and Social Science* 441 (January 1979), 34-37; Ingrid Gould Ellen, "Sharing America's Neighborhoods."

¹²⁴. Reynolds Farley and William H. Frey, "Changes in the Segregation of Whites from Blacks During the 1980s: Small Steps toward a More Racially Integrated Society," *American Sociological Review* 59 (1994), 23-45; Howard Schuman, Charlotte Steen, and Lawrence Bobo, *Racial Attitudes in America: Trends and Interpretations* (Cambridge, Mass.: Harvard University Press, 1985); Stephan and Abigail Thernstrom, *America in Black and White* 220-222.

¹²⁵. John R. Ottensmann and Michael E. Gleeson, "The Movement of Whites and Blacks into Racially Mixed Neighborhoods: Chicago, 1960-1980," *Social Science Quarterly* 73:3 (September 1992) 645-662; Ingrid Gould Ellen, "Sharing America's Neighborhoods;" Saltman, *A Fragile Movement*.

¹²⁶. Nathan Kantrowicz, "Racial and Ethnic Residential Segregation: Boston, 1830-1970," *The Annals of the American Academy of Political and Social Science* 441 (January 1979), 41-54.

¹²⁷. An analysis of recent data from Atlanta, Boston, Detroit, and Los Angeles, showed 57% chose a half-black, half-white neighborhood; 19% chose a predominantly black neighborhood; 16% chose an all-black district; and 8% chose a predominantly or all-white area. Reynolds Farley, Elaine L. Fielding, and Maria Krysan, "The Residential Preferences of Blacks and Whites: A Four-Metropolis Analysis," *Journal of Housing Policy Debate* 8:4 (1997). Another study combined first and second choices of Detroit area respondents in 1976 and 1992. Of these, 29% and 22% respectively chose predominantly white areas (but only 5% and 4% chose an all white neighborhood); 82% and 77% respectively chose the half black and white district; and 17% and 20% respectively chose all black neighborhoods. Reynolds Farley, Charlotte Steeh, Tara Jackson, Maria Krysan, and Keith Reeves, "Continued Racial Residential Segregation in Detroit: 'Chocolate City, Vanilla Suburbs' Revisited," *Journal of Housing Research* 4:1 (1993), 1-38. Clark's interpretation of survey data from Detroit, Kansas City, Cincinnati, and the nation between 1978 and 1983, however, found a lower African-American preference for all-black neighborhoods, ranging from 5% to 12%; but a

strong preference (66% to 92%) for half and mostly black neighborhoods; and an aversion (3% to 10%) for mostly white areas. See William A. V. Clark, "Residential Segregation in American Cities," *Issues in Housing Discrimination*, 39.

¹²⁸. Stephan and Abigail Thernstrom, *America in Black and White*, 229.

¹²⁹. Massey and Denton, *American Apartheid*; Gary A. Tobin, ed., *Divided Neighborhoods: Changing Patterns of Racial Segregation (Urban Affairs Annual Reviews: 32)* (Newbury Park, Ca.: Sage Publications, 1987); Open Housing Center website, www.fairhousing.com/ohc; OPEN in Philadelphia. For an integrationist view that blames the persistence of housing segregation on a liberal constituency badly weakened by urban riots and the Vietnam war, black nationalists, and the rise of conservatives to power, see Gary Orfield, "Race and the Liberal Agenda: The Loss of the Integrationist Dream, 1965-1974," in Margaret Weir, Ann Shola Orloff, and Theda Skocpol, *The Politics of Social Policy in the United States* (Princeton: Princeton University Press, 1988, 313-356.

¹³⁰. Massey and Denton, *American Apartheid*, 229-233.