

*Excerpt from The Color of Law: The Forgotten History of How Our Government Segregated America, by Richard Rothstein*



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II

**REMEDIES THAT** can undo nearly a century of *de jure* residential segregation will have to be both complex and imprecise. After so much time, we can no longer provide adequate justice to the descendants of those whose constitutional rights were violated. Our focus



can be only to develop policies that promote an integrated society, understanding that it will be impossible to fully untangle the web of inequality that we've woven.

The challenge is more difficult because low-income African Americans today confront not only segregation but also the income stagnation and blocked mobility faced by all Americans in families with low or moderate incomes. Historically, African Americans have made progress mostly when opportunity is expanding for all and whites are less fearful of competition from others. Thus, to provide an adequate environment for integration efforts, the United States also needs a full employment policy, minimum wages that return to their historic level and keep up with inflation, and a transportation infrastructure that makes it possible for low-income workers to get to jobs that are available. This book is not the place to argue for these and similar policies, but I would be remiss if I pretended that desegregation was compatible with economic stress and insecurity.

I hesitate to offer suggestions about desegregation policies and remedies because, imprecise and incomplete though they may be, remedies are inconceivable as long as citizens, whatever their political views, continue to accept the myth of *de facto* segregation. If segregation was created by accident or by undefined private prejudices, it is too easy to believe that it can only be reversed by accident or, in some mysterious way, by changes in people's hearts. But if we—the public and policy makers—acknowledge that the federal, state, and local governments segregated our metropolitan areas, we may open our minds to considering how those same federal, state, and local governments might adopt equally aggressive policies to desegregate.

### III

ONLY IF we can develop a broadly shared understanding of our common history will it be practical to consider steps we could take to fulfill our obligations. Short of that, we can make a start. Several promising programs are being pursued in some jurisdictions. Civil rights and fair housing organizations in most cities advocate and,

in many cases, help to implement reforms that begin to ameliorate the worst effects of *de jure* segregation. While we attempt to build public and political support for the more far-reaching remedies, we should advance the presently possible reforms as well. We might begin with high school and middle school curricula. If young people are not taught an accurate account of how we came to be segregated, their generation will have little chance of doing a better job of desegregating than the previous ones.

One of the most commonly used American history textbooks is *The Americans: Reconstruction to the 21st Century*. A thousand-page volume, published by Holt McDougal, a division of the publishing giant Houghton Mifflin Harcourt, it lists several well-respected professors as authors and editors. The 2012 edition has this to say about residential segregation in the North: "African Americans found themselves forced into segregated neighborhoods." That's it. One passive voice sentence. No suggestion of who might have done the forcing or how it was implemented.

*The Americans* also contains this paragraph: "A number of New Deal programs concerned housing and home mortgage problems. The Home Owners Loan Corporation (HOLC) provided government loans to homeowners who faced foreclosure because they couldn't meet their loan payments. In addition, the 1934 National Housing Act created the Federal Housing Administration (FHA). This agency continues to furnish loans for home mortgages and repairs today."

The authors do not mention that an enduring legacy of the HOLC was to color-code every urban neighborhood by race so that African Americans would have great difficulty getting mortgages. That the FHA suburbanized the entire nation on a whites-only basis is overlooked. The textbook does acknowledge that "a number of" New Deal agencies—the truth is that it was virtually all—paid lower wages to African Americans than to whites but fails to refer to the residential segregation imposed by the government's public housing projects.

*United States History: Reconstruction to the Present*, a 2016 textbook issued by the educational publishing giant Pearson, offers a similar account. It celebrates the FHA's and VA's support of single-family developments and gives Levittown as an example of suburban-

ization without disclosing that African Americans were excluded. It boasts of the PWA's bridge, dam, power plant, and government building projects but omits describing its insistence on segregated housing. Like *The Americans*, it employs the passive voice to avoid explaining segregation: "In the North, too, African Americans faced segregation and discrimination. Even where there were no explicit laws, **de facto segregation**, or segregation by unwritten custom or tradition, was a fact of life. African Americans in the North were denied housing in many neighborhoods."

This is mendacious. There was nothing unwritten about government policy to promote segregation in the North. It was spelled out in the FHA's *Underwriting Manual*, in the PWA's (and subsequent agencies') racial designation of housing projects, in congressional votes on the 1949 public housing integration amendment, and in written directives of federal and state officials.

With very rare exceptions, textbook after textbook adopts the same mythology.<sup>2</sup> If middle and high school students are being taught a false history, is it any wonder that they come to believe that African Americans are segregated only because they don't want to marry or because they prefer to live only among themselves? Is it any wonder that they grow up inclined to think that programs to ameliorate ghetto conditions are simply undeserved handouts?

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