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**Residents Only: Inequality and Development through the Rise of U.S.
Suburbanization**

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Report

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Abstract

Residents Only: Inequality and Development through the Rise of U.S. Suburbanization

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This report examines development and inequality via the lens of residential segregation and suburbanization in the United States. Primarily focusing on development post-World War II, this paper provides a historical analysis of how specific policies around housing and urban planning have contributed to social inequity in the United States. A brief discussion of how these policies have changed over time and their modern implications is included. With a specific focus on Austin, TX, this report also reviews the further effects of residential segregation on other areas such as education, socioeconomic mobility, and more.

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Categorical Inequality and Whiteness as a Mechanism of Social Exclusion

The United States is predicated on the belief that any individual can turn any adverse circumstance into opportunity and prosperity. However, this premise of “equality” was exclusionary from the outset, and remains so today. The notion of “liberty and justice for all” was intended to be bestowed to a specific group, excluding many others, despite boasts of democracy, meritocracy, and equality. Housing policy is a case in point. U.S. federal, state, and local housing policy has created a pattern of spatial and economic isolation for those existing on the social periphery. The lack of opportunity created and available, in the modern era, reinforces a subjugated under-caste in the United States, notably people and communities of color and of lower socioeconomic status.

In the study of development and inequality, more focus is given to problems that are perceived to be quantifiable and concrete. However, categorical inequalities (e.g., race, ethnicity, gender), are as important as variables that are easier to measure (Galbraith, 2016). Critics of categorical inequalities may argue that these variables are a less salient means of studying development and inequality due to the largely binary nature of certain categories. This is a fair critique when considering variables that are socially constructed and may fluctuate depending on their context (e.g., ethnicity and/or nationality). However, it can be argued that categorical inequality still stands as an adequate measure. This paper supports the validity of categorical inequality within the conceptual development, categorization, and attainment of whiteness. Whiteness has been defined in a variety of ways by an array of academics and scholars. For the context of this paper, Ladson-Billings and Tate’s

definition of whiteness from their work, *Toward a Critical Race Theory of Education*, is utilized. In their article, Ladson-Billings and Tate wrote that “whiteness is constructed in this society as the absence of the ‘contaminating’ influence of blackness” (p. 60). Simply put, whiteness exists contextually in juxtaposition with blackness. Within the concept of whiteness the binary of white and non-white exists via the predication of whiteness’ definition in anti-blackness, i.e., to obtain whiteness is to be considered to be not black. The allocation of whiteness is a status that comes with a myriad of social benefits and power hierarchies. Additionally, much of the determining factors in property rights and ownership are linked to proximity to white identity.

In her 1993 work, *Whiteness as Property*, legal scholar Cheryl Harris argues that “racial identity and property are deeply interrelated concepts” stemming from both the colonization of the Americas by European settlers through the theft of property and land rights from indigenous populations, and the self-designated “ownership” of enslaved Africans (and their descendants) as property and a source of labor through chattel slavery (p. 1709). The conceptual framing of whiteness and its relationship to property manifest in four ways: the right of disposition (i.e., whiteness is “inalienable” and increases the property value of whiteness; right of use and enjoyment (i.e., whiteness gives certain individuals the ability to use and enjoy whiteness as it relates to identity and property “at the social political and institutional level to maintain control”); reputation and status property (i.e., the reputation of being white provides both increased property and social status); and the absolute right to exclude (i.e., the fact that whiteness is based on white supremacy and racial subjugation excludes people of color from the “political, economic,

and social” benefits of white identity) (Harris, 1993, p. 1731-1737). Dehumanization via colonization and chattel slavery served as the foundation for the implementation of a racial hierarchy, based in white supremacy, in what would later become known as the United States. The hierarchy propped up “white identity and whiteness [as] sources of privilege and protection; their absence meant being the object of property” (Harris, 1993, 1721). The theft and seizure of indigenous lands through the use of treaties and violence can perhaps be viewed as the earliest phase of U.S. residential segregation. The Indian Removal Act of 1830, the Indian Appropriations Acts of 1851 and 1871, and the Dawes Act of 1887 all served to strip indigenous tribes in the U.S. of their generational homeland and identity and forced them to reside in restricted parcels of land zoned for their residency via the reservation system. This practice of racial zoning would reemerge, to an extent, later for black Americans through a variety of housing laws and policy practices.

In his article, *The Possessive Investment in Whiteness*, Lipsitz (1995) affirms the dual necessity of the subjugation of both black and indigenous populations as a means of affirming whiteness, noting that “colonial and early-national legal systems authorized attacks on Native Americans and encouraged the appropriation of their lands” as well as “legitimated racialized chattel slavery, restricted naturalized citizenship to ‘white’ immigrants, and provided pretexts for exploiting labor, seizing property, and denying the franchise to Asian Americans, Mexican Americans, Native Americans, and African Americans” (p. 371). This is validated through U.S. legal history where whiteness is a status that has been awarded via law and through realignment of social norms throughout U.S. history. The allocation, of lack thereof, of whiteness through legal means has

“established whiteness as a prerequisite to the exercise of enforceable property rights”, allowing for the exclusivity of who has access to property rights and power (Harris, 1993, p. 1724).

Groups that faced initial exclusion from whiteness and were subjected to discrimination, (e.g., immigrants and working class Americans of Irish, Italian, and Eastern European descent) were later reclassified as white to largely boost the sociocultural hierarchies of white supremacy. Witnessing the benefits afforded with racial reclassification and whiteness, individuals of color sought citizenship (and whiteness by proxy) through legal recourse. The 1896 supreme court case of *Plessy v. Ferguson* is most widely known for its decision to uphold the “separate vs. equal doctrine.” What may be less commonly known is that Plessy’s argument for why he should have been allowed to sit in the “white” train car is framed in his seven-eighths European heritage and “[in]discernible” nature of his mixed race status, allowing him “to every recognition, right, privilege and immunity secured to the citizens of the United States of the white race by its Constitution and laws” (Harris, 1993, 1710).

Plessy’s attempt to assert his whiteness to access the full rights and benefits of white U.S. citizenship is a common narrative in U.S. Supreme Court cases regarding property rights. In the 1922 case of *Ozawa v. United States*, Takao Ozawa sought citizenship under the Naturalization Act of 1906 by arguing that people of Japanese descent were “free white people.” His argument was unanimously rejected by the court due to the fact he was not Caucasian (*Ozawa v. United States*, 1922). Harris reemphasizes how litigation has granted access to whiteness and property by “construct[ing]”, “defin[ing] and affirm[ing] critical

aspects of identity (who is white); of privilege (what benefits accrue to that status); and, of property (what legal entitlements arise from that status)” (Harris, 1993, p. 1725). This definition of whiteness was used to further exclude all populations of color from U.S. property rights. The series of Alien Land Laws throughout the Western U.S. (e.g., California, Oregon, Texas, Washington, Arizona, Utah, and Wyoming) enacted beginning in the late 1800s and up to the mid 20th century served to deny both Asian immigrants and Asian Americans their right to property and citizenship (i.e., whiteness) (*Oyama v. California*, 1948).

Rise of the Suburbs: Residential Segregation through Policy, Law, and Action

The inequity of race has permeated into a further inequity into class and socioeconomic deprivation. In his book, *The Color of Law*, Richard Rothstein argues that “federal, state, and local governments unconstitutionally used housing policy to create or reinforce segregation in ways that still survive” (p. 14). Through exclusionary measures that created urban “ghettos” and racially homogenous neighborhoods, residential segregation has become a way of life in the United States. This practice is so entrenched in modern U.S. society its roots have sprouted into the bedrock of other national systems and institutions, resulting in a major disparity of income, wealth, and social and economic mobility. In their work, *American Apartheid*, Massey & Denton (1993) argue that “any process that concentrates poverty within racially isolated neighborhoods will simultaneously increase the odds of socioeconomic failure within the segregated group (p. 179). This statement still remains a facet of life in the U.S. almost two decades later.

Although racially homogenous living arrangements are so commonplace today, this was not always the case. Prior to the 1900s, northern U.S. cities were highly interracial and had yet to be segregated (Massey & Denton, 1993). However, with the end of Reconstruction and the rise of Jim Crow in place, a large out-migration of black Americans from the southern U.S. to the north took place. This major influx of black Americans to northern cities during The Great Migration created racial resentment over perceived competition for jobs and resulted in the implementation of segregated housing measures on a municipal, state, and federal level (Massey & Denton, 1993).

CREATION OF THE FEDERAL HOUSING ADMINISTRATION AND THE HOME OWNERS' LOAN CORPORATION.

FDR's New Deal is now known as an iconic piece of policy due to its efforts to strengthen the U.S. social safety net and turn the tide of the economic damage of the Great Depression. However, this sweeping legislation was embedded in several policies and practices that were harmful to people of color in the U.S. The most notable, perhaps, may be the creation of the Home Owner's Loan Corporation (HOLC). The HOLC, formed in 1933, was intended to assist with mortgages and prevent foreclosure for homeowners in the United States (Massey & Denton, 1993, p. 51). Most famously, the HOLC was responsible for introducing the practice of redlining, which adversely impacted many neighborhoods that were deemed "risky" to receive loans for purchasing homes (Massey & Denton, 1993, p. 51). These neighborhoods were almost exclusively black and brown. Rothstein (2017) writes 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" (p. 199). Even neighborhoods with a small population of black residents, were always coded red, "hazardous" areas resulting in lower property values for neighborhoods with any residents of color and the reinforcement of racially homogenous (i.e., segregated) communities (Massey & Denton, 1993, p. 51-52). Massey & Denton (1993) also note that neighborhoods that may not have been racially integrated but were in closer proximity to neighborhoods of color were given the second lowest rating by the HOLC, incentivizing these communities to move further away from black neighborhoods to protect their real estate values (p. 52). The discriminatory lending policies of the HOLC were also adopted by private banks, leaving and aspiring homeowners of color unable to get both federal and

private funds to finance purchasing a home, further upholding the divestment of black neighborhoods and communities (p. 52). Redlining also led to further racist practices to reinforce residential segregation, such as racial steering and blockbusting that “suburbanized the entire nation on a white-only basis...” (Rothstein, 2017, p. 199).

In 1934, a year after the formation of the HOLC, the Federal Housing Administration (FHA) was created by the Federal Housing Act (Rothstein, 2017). The intent of the FHA was to increase accessibility and affordability of homes for potential buyers, but served to further contributed to the inequity and segregation of residential areas. The FHA soon adopted the HOLC’s standards for evaluating homes and neighborhoods and began offering loans to home buyers with the implementation of the National Housing Act of 1937 (Massey & Denton, 1993, p. 52-53). Massey & Denton (1993) also explain that the Veterans Administration (VA) created by 1944 Servicemen’s Readjustment Act also largely contributed to rapid suburbanization by offering mortgages to those who had served after World War II (p. 53). However, between the HOLC and private lending institutions, black homebuyers were rarely recipients of FHA and VA mortgages and were left out of the home buying process (Massey & Denton, 1993, p. 53). Lipsitz (1995) also confirms that “the Federal Housing Act of 1934 brought home ownership within reach of millions of citizens by placing the credit of the federal government behind private lending to home buyers, but overtly racist categories in the Federal Housing Administration’s (FHA) ‘confidential’ city surveys and appraiser’s manuals channeled almost all of the loan money toward whites and away from communities of color” (p. 372). Together, these

policies served to prop up the benefits of whiteness hierarchically and further intertwine the nature of whiteness and property.

CREATIVE PROBLEM-SOLVING: INFORMAL METHODS IN THE ENFORCEMENT OF RESIDENTIAL SEGREGATION.

In addition to redlining and the denial of loans, other mechanisms were implemented to uphold racially segregated communities and further enforce the “right to exclude” by white property owners. Racial zoning was a practice that began at the local level through city ordinances to keep black residents out of areas where white residents lived (Rothstein, 2017, p. 44). Racial zoning was an immensely popular practice until the *Buchanan v. Warley* (1917) decision overturned the ruling of Kentucky’s Circuit Court and found that racial zoning was unconstitutional and a violation of the Fourteenth Amendment. The Supreme Court noted the violation was not due to racial equity, but because racial zoning “interfered with the right of a property owner to sell to whomever he pleased” and, by proxy with the absolute right to exclude (Rothstein, 2017, p. 45). With this Supreme Court ruling on the books, more creative methods were necessary to uphold the racial homogeneity of residential areas on a national scale. The solution to this problem presented itself in the form of restrictive covenants.

Restrictive covenants maintained the racial homogeneity of residential areas by contractually prohibiting homeowners to sell or lease their property to people of color (Rothstein, 2017, p. 77). Restrictive covenants quickly become all the rage across the country. In fact, restrictive covenants were so widespread that they were recommended by the Federal Housing Administration (Massey & Denton, 1993, p. 54). The racialized nature

of restrictive covenants again fits into “property function of whiteness” based on the nature of the covenants giving white property owners the right to enjoy their communities and uphold the reputation and status by keeping them exclusively white. Members of a community were able to sue if black residents moved into their neighborhood (Rothstein, 2017, p. 79). Restrictive covenants remained highly utilized until the 1948 *Shelley v. Kraemer* case, where the Supreme Court found enforcing restrictive covenants violates the Equal Protection Clause of the Fourteenth Amendment. However, aspects of these covenants remained and began to take form through more interpersonal interactions.

Realtors, as well as neighborhood and homeowners’ associations were another informal mechanism used to uphold residential segregation. Some real estate boards had stipulations in place that barred realtors from selling home to Black people; doing so would result in license revocation (Massey & Denton, 1993, p. 37). In addition to the outright refusal of some realtors to sell homes to Black home buyers, others used more covert and insidious methods of residential exclusion. Through the practices of blockbusting and racial steering, realtors were able to stoke the fears and prejudices of white homeowners who sought racial homogeneity in their neighborhoods and communities and exploit the economic investment of black homebuyers. Through blockbusting, realtors were able to capitalize on racial animus by convincing white homeowners black families would be “invading” their neighborhood and lowering their property values (Massey & Denton, 1993, p. 38). White homeowners, fearing integration and property depreciation, would then sell their home for a lower price to realtors, who later resold the home to black homebuyers at a higher price based on high demand to move out of public housing (Massey & Denton,

1993, p. 38). Realtors knew that because of their inability to receive mortgages, black homebuyers would default on their payments after a few months. As a result they charged black buyers a higher down payment, collected payment until the buyers defaulted, evicted them, and then began the process all over again with new perspective black homeowners (Massey & Denton, 1993, p.39). These methods induced mass white flight in suburban areas, resulting in a decrease in property values and lack of economic opportunity for middle-class black families who did manage to move into the community and keep up with payments. Due to their massive financial investment, these residents were compelled to stay and pay off their homes, even when the neighborhood began to decline around them as a result of segregation (Rothstein, 2017, p. 97). Additionally, neighborhood and community associations played a major role in the development of inequity in U.S. housing by making membership a requirement in purchasing a home and then including a “whites-only” clause (Rothstein, 2017, p. 79). This became a common practice in the development of residential subdivisions throughout the U.S. (Rothstein, 2017, p. 79). Massey & Denton note that these “improvement associations” often lobbied for zoning restrictions and boycotted businesses that had more integrative practices (p. 36). Neighborhood associations also played a major role in enforcing restrictive covenants.

INFRASTRUCTURE AND URBAN PLANNING AS A MEANS OF SPATIAL ISOLATION.

In the 1940s and 50s, the U.S. government began taking a larger interest in community investment. Neighborhoods that remained racially segregated were still funded at the state and federal level through public works projects that allowed these

neighborhoods to amass community resources and wealth (Lipsitz, 1995, p. 373). Lipsitz also notes that many of these financially well off communities went on to become “independent municipalities”, further increasing the socioeconomic status of these areas, while “urban renewal programs in cities throughout the country devastated minority neighborhoods” (p. 373). A major impact of this funding can be seen today in the disparities in public schools. Massey & Denton (1993) argue that spatial mobility also provides a means of social mobility (p. 14). Schools in well-funded, well-resourced areas tend to be higher performing and have better academic outcomes, while schools in communities that are not as economically mobile face challenges accessing resources for teachers and students. Lipsitz reiterates this point by explaining that “federally funded highways designed to connect suburban commuters with downtown places of employment destroyed already scarce housing in minority communities and often disrupted neighborhood life as well” (Lipsitz, 1995, p. 374). This displacement of residents resulted in the destruction of communities that were never able to recover for reform in their original location. Black communities were further displaced with the passage of The American Housing Act in 1949 and the Housing Act of 1954, which allowed local governments to create separate racially segregated housing projects or segregate within housing projects (Rothstein, 2017, p. 31). Families of color also were moved into public housing projects in an effort to “revitalize” existing black neighborhoods in the city for white families (Massey & Denton, 1993).

With the eventual out-migration of middle-class homebuyers of color from housing projects to the suburbs, public housing in urban areas experienced a loss of wealth,

resources, and, consequently, a loss of investment and social capital in these spaces (Rothstein, 2017, p. 37). This concentration of residents of lower socioeconomic status compounded existing challenges and resulted in the creation of racially isolated “ghettos” that have become economically stagnant. Problems of urban “blight, crime, and instability” were shifted further away from thriving whites neighborhoods and deeper into the “ghetto”, resulting in many poor Americans of color essentially being trapped in residences that have fallen into economic strife (Massey & Denton, 1993, p. 56). Massey & Denton (1993) note that “any process that concentrates poverty within racially isolated neighborhoods will simultaneously increase the odds of socioeconomic failure within the segregated group (p. 179). This lack of economic mobility and social isolation experienced by Black residents in concentrated areas of poverty can lead to other social challenges like increased social isolation and interpersonal tension or conflict, higher levels of unemployment, disparities in educational resources, inadequate access to quality of medical and mental healthcare, and a number of additional social welfare issues.

Modern Implications

The passage of the Fair Housing Act in 1968 labelled racial discrimination in housing to be illegal, however, over half a century's worth of damage had been done. De facto segregation may have been deemed unconstitutional, but de jure segregation continues to be a pervasive practice in the U.S. housing system. In the U.S., owning a home remains the primary method in which individuals accumulate wealth and build financial equity. The inability to own a home for a long period of time created a major disparity in the distribution of wealth for white families and families of color that has ramifications for generations. With the most recent housing crisis during the U.S. recession in 2008, homeowners of color, again, were disproportionately impacted in comparison to their white counterparts. The gap in homeownership for Americans of color vs. white Americans is a direct and intentional result of policies that have disenfranchised Americans of color from owning a home and thus, the building of person financial capital.

URBAN “RENEWAL”, URBAN DEVELOPMENT, AND GENTRIFICATION.

The concept of urban renewal has been utilized in United States housing policy since the mid-twentieth century. According to Lipsitz (1995), urban renewal projects after World War II allowed European immigrants and European Americans that had previously been considered ethnic minorities to assimilate into the identity of American whiteness, allowing them to access the benefits of whiteness and leave their homes in city and urban settings for the suburbs. A common method of urban renewal used to disenfranchise communities of color was the construction of highways through neighborhoods of color.

Lipsitz (1995) points out that “the process of urban renewal and highway construction set in motion a vicious cycle: population loss led to decreased political power, which made minority neighborhoods more likely to be victimized by further urban renewal and freeway construction, not to mention more susceptible to the placement of prisons, waste dumps, and other projects that further depopulate these areas” (p. 375).

The insidiousness of urban renewal programs is masked by the veneer of beautifying a community or adding resources that will foster growth and development. It’s worth noting that this is not a tactic used by the stereotypical overtly racist government entities of the south. Many urban renewal programs were frequently implemented utilized by “liberal mayors” and “pro-growth coalitions” in the 1950s and 60s , resulting in the destruction of “ninety percent” of low-income housing units (Lipsitz, 1995, p. 374). Today, this pattern continues in burgeoning cities that champion liberalism and democracy as a tenet of their community. Meanwhile, community and city revitalization efforts touted as opportunities to revitalize failing, “blighted” neighborhoods and provide new, affordable dwelling units for residents frequently displace black and brown communities in an attempt to seize valuable or desirable areas for capitalistic development. This “renewal” often allows for developers, both commercial and residential, to partake in land-grabbing practices that decrease an areas affordability for current residents and allow for the gentrification of urban areas.

Gentrification is another massive problem currently plaguing a number of major U.S. cities. In what seems to be a reverse practice of redlining, these formerly “hazardous” areas are now appealing due to location or affordability, resulting in higher

housing costs and the displacement of long-time residents of color of their communities or even cities (Freund, 2018). This can be examined in many cities experiencing population growth throughout the U.S.

AUSTIN AS A CASE STUDY IN RESIDENTIAL SEGREGATION.

In recent years, Austin, Texas has received increasing attention for its rapid growth and the high quality of life it affords its residents. However, Austin has a long-standing legacy of intentional displacement and solidifying the connection between whiteness and property. The most notable and enduring practice of Austin's racial exclusion results from 1928 master plan, "A City Plan for Austin, Texas." In this plan, Koch & Fowler, an Engineering Consulting group from Dallas, wrote about the creation of a "negro district" to solve the "race segregation problem" (p. 57). Prior to the 1928 plan, Austin had 15 freedman communities that were established after the Emancipation and the end of chattel slavery in the U.S. These communities were dispersed throughout the city, but were primarily located centrally and west of what is known today as Interstate 35. This plan outlined forcing Austin's black residents to move to the east side of town (east of I-35) to concentrate the city's black population to one area. Naturally, this plan did not go over well with Austin's black community

The plan also outlined ideas to construct roads and parks through black neighborhoods, increasing the property value of the area and making it desirable for white Austinites (Koch & Fowler, 1928, p. 27). The plan was adopted on March 22, 1928 and by 1932 nearly all of Austin's black residents had been forced to move east. This occurred

through the denial of public goods and services (e.g., sanitation, utilities) to communities that refused to move. Once these residents did move, the city continued to use local city planning measures to isolate residents. Rothstein (2017) writes that Austin was home to one of “the first [US Housing Authority (USHA)]-funded projects” that helped further the master plan of 1928 (p. 23). Public housing projects were built on the east and west side of Austin for black and white residents, respectively, to “create a more rigid segregation than had previously existed” (Rothstein, 2017, p. 23). Rosewood Courts, a housing project that is still in use today, was one of the earliest projects. Built in 1939, the land for this housing project was “obtained by condemning Emancipation Park, the site of an annual festival to commemorate the abolition of slavery” (Rothstein, 2017, p. 24). Despite protests from black Austinites, the park being privately owned by the Travis County Emancipation Organization, a neighborhood association, and other sites of public land being available, the city condemned the park and constructed the housing project in its place (Rothstein, 2017, p. 24).

Today, the 1928 plan is seeing a reversal via gentrification. Areas of East Austin that were previously redlined and deemed hazardous are now considered to be desirable, increasing property taxes and pushing long-time residents and business owners of color out of the area and ushering in the construction of mixed-used developments, restaurants, bars, and eateries, and remodeled/new construction homes skyrocketing property values. This displacement has grown to the point that black residents are being pushed out of the city altogether, and into surrounding towns in the Austin metro area like Pflugerville and Manor, as a result of the continuous increase in the cost of living, adding to Austin’s

reputation as one of the most economically segregated cities in the country and as one of the only rapidly growing cities whose black population is shrinking.

EDUCATION.

Living in segregated neighborhoods results in the living of segregated lives. This is particularly evident in the demographics of public schools. Students living in more affluent areas have access to more affluent schools that tend to be largely homogeneous along the lines of race, ethnicity, and class (Ladson-Billings & Tate, 1995). School choice policies and “the failure of the U.S. public education system” have received increasing national attention in more recent years; however, the argument for school choice has been around for decades. Roda & Wells (2013) note that “prior to the Civil Rights Act of 1964, southern school districts implemented so-called freedom-of-choice and tuition voucher programs specifically to assure that schools remained racially segregated” (p. 261). Although almost 65 years have passed since the *Brown v. Board of Education* (1954) ruling found segregated public schools to be unconstitutional, Jim Crow era legislation still lingers within the American school system today. These remnants are adversely affecting students of color, particularly Black and Latinx youth of lower socioeconomic status, as U.S. schools are more segregated now than they were in the 1970s. This trend continues with school districts across the country rapidly re-segregating and is reinforced (e.g. residential segregation, housing discrimination, unequal distribution of resources to schools with students of lower socioeconomic status, income inequality, and a myriad related issues). According to Roda and Wells (2013) “a growing body of school choice research has shown that when school

choice policies are not designed to racially or socioeconomically integrate schools, that is, are “colorblind” policies, they generally manage to do the opposite, leading to greater stratification and separation of students by race and ethnicity across schools and programs” (p. 261). In other words, if educational policies are not specifically written to help benefit students of color and do not have explicit guidelines for doing so, then these marginalized individuals will be harmed by the very policies that are supposedly claiming to provide more equality and opportunity.

The push for school choice is representative of the decades long, nationwide shift from *de jure* segregation to a *de facto* practice within the U.S. education system. Proponents of school choice policies tend to argue that creating choice for students and their legal guardians combats social inequity, however, counterarguments can be made that the options for in “school choice” are unequally distributed across racial, ethnic, and class lines and result in schools that are more homogenous than traditional public schools. As a result, school choice policies can be seen as a modern reimaging of *Plessy v. Ferguson* (1896)’s “separate but equal” doctrine, resulting in schools that are divided by race, ethnicity, and class, but do not provide the same benefits and services to students.

Ladson-Billings & Tate (1995) make substantial remarks the exclusionary principles of school choice, noting that “white flight and the growing insistence on vouchers, public funding of private schools, and schools of choice” allows these schools to select their student population (p. 60). They also argue that should students of color make it into the school of their choice, exclusion policies are upheld within schools “by resegregation via tracking, the institution of ‘gifted’ programs, honors programs, and

advanced placement classes” that makes Black students feel like “intruders— who have been granted special permission to be there” (Ladson-Billings & Tate, 1995, p. 60). Regarding academic performance, Tedin & Weiher (2004) found, specifically in Texas, that the charter school dropout rate is three higher than the dropout rate in traditional Texas public schools (p. 1131). It is also noted that most research regarding charter school has shown that most charter students “do not significantly outscore” students attending traditional public schools “on measurable indicators of academic performance” (Chapman & Donner, 2015, p. 137). These findings show that choice does not necessarily improve educational outcomes.

Residential segregation is not just a problem for charter school and other schools of choice, but for traditional public schools as well. Schools located in neighborhoods and communities that do have access to upward social and economic mobility leave students under-resourced and . Returning to the example of Austin, students at public schools in the Austin Independent School District (AISD) may have vastly different experiences and access to resources depending on what side of I-35 their school is located on. These disparities are largely amplified through district zoning boundaries and school feeder patterns. The schools themselves represent serve as a microcosm of the composition and demographics of the neighborhoods, allowing for larger community relationships, opportunities, and challenges to replicate themselves in an education context.

Possible Policy Suggestions

With a track record of endurance and adaptability, one may question if anything can be done to reverse the consequences of residential segregation. The foundational underpinnings and reinforcement through law and policy would lead one to assume the answer is no. The extreme magnitude of the problem of residential segregation would need a solution that is “complex and imprecise” and equally widespread to “undo nearly a century of *de jure* residential segregation” (Rothstein, 2017, p. 197). However, some legislators have attempted to enact policies that would roll back some of these discriminatory traditions at the municipal, state, and federal level. In *The Color of Law*, Richard Rothstein offers a number of suggestions he believes may serve to the lessen the gap induced by residential segregation. Rothstein write that “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” (p.198).

On the local level, some proposals include prohibiting exclusionary zoning practices and implementing inclusionary zoning. Rothstein (2017) claims that doing away with ordinances “that prohibit multifamily housing or that require all single-family homes in a neighborhood be built on large lots with high minimum requirements for square footage” could be a method to integrate neighborhoods as these zoning laws, “prevent both lower-income and middle-income families from settling in affluent suburbs” (Rothstein, 2017, p. 204). Inclusionary zoning policies incentivize residential developments to leave a number of housing units available for prospective residents of lower socioeconomic status, and in exchange, the developers “receive development rights or zoning variances” from the

city (Schwartz, Ecola, Leuschner, & Kofner, 2012, p. 13). Inclusionary zoning is seen as a means to increase residential socioeconomic diversity, and as an alternative or complement to low-income or affordable housing programs, by providing poorer residents a form of social mobility. The efficacy of inclusionary zoning is still under review, but statistics have shown that property values are actually higher in racially integrated areas (Rothstein, 2017, p. 94). In the case of states with more conservative legislatures, it would be more of a challenge to enact equitable housing measures statewide. In Texas, for example, inclusionary zoning was banned by the state legislature in 2005. However, inclusionary zoning has been called “a positive effort to integrate low and moderate-income families into middle-class and affluence neighborhoods” (Rothstein, 2017, p. 205).

Another interesting idea of Rothstein’s would be purchasing a percentage of homes based on a city’s racial/ethnic makeup and reselling those homes to people of color at the property value these homes would have during the mid-20th century (Rothstein, 2017). This idea sufficiently pushes back on the concept of whiteness as property by allowing people of color to maintain their identity as non-white individuals, yet be included in the benefits of whiteness. Of course, this policy would be extremely challenging to pass, with potential opposition decrying affirmative action and “reverse racism” and potential arguments over the financial aspects of the plan. This also plays into the argument for reparations for black Americans as a result of slavery and its aftermath of continued oppression into the modern era.

Conclusion

Since the end of the Reconstruction era, residential segregation has been a staple of life in the United States. The aftermath of residential racial segregation and adverse conditions of poverty, created and supported by U.S. public policy and social codes post-Reconstruction, have manifested themselves in a variety of ways for a number of reasons. The most covert, yet explicit, form is the interconnectedness of whiteness and property and the ways in which these rights are upheld via the litigation of whiteness. This legacy of disenfranchisement through federal, state, and local law and public policy has left a chasm in racial and class equity that appears to be irreversible and is continually fostering adverse conditions of poverty in a modern context. In order to remedy these injustices and produce equitable outcomes, bold and widescale policy and laws will need to be enacted by the same system in the U.S. that developed and perpetuated these inequities.

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