

“We wish to pretend that the nation did not single out African-Americans in a system of segregation specifically aimed at them, we diffuse them as just another *people of color*.” (*The Color of Law*, Richard Rothstein)

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Over the past few months, the Black Lives Matter (BLM) movement has been popularized and integrated into mainstream American media. While converts to the new anti-discriminatory normal post black screens and hotlines on their social media pages, there are still unashamed opponents of the movement. Some reckon that “All Lives Matter”, discounting the years in which we treated African-Americans as second-class citizens, and touting poverty as a universal problem. Others are in fear of the methods by which the BLM has expressed their views and believe that political change can occur without public protest. Needless to say, some opponents are racist, believing that the color of your skin should and does determine your educational attainment and eventual income level.

How did we get here? Did we not abolish slavery? Did we not outlaw discrimination? Public policy since the passage of the Thirteenth Amendment in 1866 has ignored Section 2, authorizing Congress “to pass all laws necessary and proper for abolishing all badges and incidences of slavery in the United States.” That was over 150 years ago. Did the Jim Crow laws sufficiently abolish the badges of slavery? Did our lending institutions reliance on publicly administered redlining maps abolish the badges of slavery? No. Our public housing and education policy has forced African-Americans into ghettos, or “a neighborhood where a government has concentrated a minority and established barriers to exit.”

But this is not what we are taught in school. We are taught that after the Civil War, all African-Americans were free from the shackles of slavery and were allowed to participate in the market for housing, employment, and services. We learn about Reconstruction policy and our transition into the “separate but equal” era as an organizational tactic. We learn that each public reform after the Thirteenth Amendment was a movement toward equality. We take comfort in this illusion and turn a blind eye to carefully construed oppression.

How did we manage to create a temporary buffer between an America that could accept an integrated society and those that maintain the hate and fear championed by the Confederacy? We created modern structural racism based on the spatial organization of federal funding. Plat maps determined the use and size of property, breaking up Civil War reparations into trivially sized parts throughout the South. Racial zoning in the early 1900s determined the areas permissible for African-Americans to reside. The U.S. Census Bureau was created in 1902, though modest surveys had been carried out before, to inventory race, income, and education, and inform apportionment of discretionary funding. By dividing cities into wards and neighborhoods, federal, state, and local governments could determine where money would be used to carry out infrastructure projects, invest in schools, and provide social services. While racial zoning was explicitly outlawed in 1917 with the Supreme Court decision of *Buchanan v. Warley*, racially restrictive covenants overlaid zoning maps through the 1960s. Zoning was popularized for all municipalities in 1923, when Congress passed the Standard State Zoning Enabling Act (SZA), making zoning legally enforceable. Hundreds of cities determined their formal uses of land by ownership and located African-Americans adjacent to the lowest valued property in the modern day “inner city”.

Fear caused by absence of wealth has always led to conflict, as seen by the German acceptance of Nazism in the 1930s and the complicit white acceptance of restricting opportunity by race. The Great Depression brought panic, with bank runs crippling the commercial banking system and the Smoot-Hawley Acts suffocating consumption. Black Americans were not the priority. They were to be the last to receive a job, a handout, or a loan. The Great Depression also yielded the expansion of the federal government into previously private markets; in 1933, the Tennessee Valley Authority (TVA) created jobs through the construction of infrastructure and homes. "Negroes [did] not fit in this program." The same year, the Civilian Conservation Corps (CCC), a precursor to job training programs, was segregated and mostly operated in areas inaccessible by foot to African-Americans. With the National Housing Act of 1934 and the creation of the Federal Housing Administration, we began the process of "Redlining" cities, almost exactly overlaying inaccessibility to homeownership with high concentrations of African-Americans. Maps, created by the Home Owners' Loan Corporation as contracted by the Federal Home Loan Bank Board, were made publicly available for each U.S. city, and were used by commercial banks to determine lending risk. Used in some areas until the 1990s, Redlining maps arranged the access to accumulated wealth by color. Later, in 1937, FDR signed the Housing Act that began the mass construction of Section 8 Public Housing in the United States. From San Francisco to Memphis to Miami, temporary housing was built in the same industrial areas that were racially restricted for African-Americans and later Redlined, minimizing compensation for public procurement. Since homeownership was not an option and few African-Americans had access to jobs or education that yielded high salaries, they were denied private loans and flooded public and rental housing. Soon, public housing became associated with poverty and poverty became associated with race.

In the post-World War II Era, suburbia became synonymous with the American Dream. While the U.S. Supreme Court case, *Shelley v. Kraemer*, ruled that "enforcement of racially restrictive covenants [was] a violation of the Equal Protection Clause of the Fourteenth Amendment", suburbanization was the new loophole to desegregation. Inspired by the Federal-Aid Highway Act of 1956, newly wealthy veterans and young families worshipped the automobile culture and fled the city in search of private land; the single-family home became a birthright for the white American. To minimize costs for highway building, the architects of the project snaked eminent domain acquisitions through the Black neighborhood, casting monolithic concrete portals from the home to the office. This period is seen as the hollowing out of the city as urbanites fled, tax base was reduced, and public infrastructure crippled. Commercial and social activity displaced from the street and airlifted to the strip mall. African-Americans were the most impacted by this shift as they were forced away from service jobs and into localized manufacturing, an economic sector that has precipitously floundered since that time period.

The 50s and 60s signaled a time for change. Martin Luther King Jr. defined equality and the Civil Rights Era served as a catalyst for hope, reform, and new beginning. The Great Society reforms, enacted by Lyndon B. Johnson, were the fruits of a decade of tear gas, assassinations, and police brutality. In 1964, LBJ signed the Civil Rights Act into effect, beginning the desegregation of schools and prohibiting discrimination. Later, in 1968, he signed the Fair Housing Act, "prohibit(ing) discrimination concerning the sale, rental, or financing of housing based on race, religion, national origin, and sex." The 60s also brought a welfare system that considered the inequities in our government's distribution of resources through Medicare and Medicaid, the Jobs Corps, the Teachers Corps, and Food Stamp Acts. While the legislation was in place to bridge the attainment gap and raise the minimum standard of living, local partners responsible for implementing these laws often had no intention of seeing their mission through. Cities again used eminent domain, this time, under the guise of using "urban renewal to manage blight"; wards of African-American history were razed and reimaged as standardized housing.

The boundaries of the “ghettos” were established with densified housing and funding based on demographic information. Areas with the greatest income stratification and racial segregation, the Bay Area, Chicago, Minneapolis, and Houston were also the cities that gradually increased funding for police forces, with Chicago doubling its police funding per capita between 1964 and 1974. Cities already experiencing “urban decay”, specifically with declining populations and concentrated minorities spent more per person on police. Baltimore, one of the victims of a declining manufacturing sectors and infamous for its police brutality, spends \$904 per person, over \$200 more than any other American city. As the inner-city tax base declined and the spending on the police force grew, lower funding allocations were available for education and neighborhood improvements. Students from Detroit recently sued their school system to prove literacy as a basic right; they lost the first hearing. The link between percentage of homeownership, average property value, and elementary school grade drove the entrance of the middle class to sprawling suburbs, curtailing local funding, and increasing proliferation of crime and joblessness.

The Fair Housing Act was used as a loophole in the real estate market to monetize affordable housing, with developers vying for federal money to build uniform, modular under budget units on sites adjacent to industrial wastelands. The severity of the housing shortage was exacerbated with an economic sectoral shift to the service economy, shrinking the middle class from a lack of demand for salaried unskilled labor. Developers continued to expand our suburbs, manufacturing towns closed up shop and the job search moved to the city. The homes built during this time period are largely representative of the American housing stock today, oversized and overpriced for their intended audience. The oversupply of middle-class housing is still prevalent in our housing market today as low-income earners are “cost-burdened” and allocate over thirty percent of their income toward housing. The public housing built between 1940 and 1970 has received little restoration or routine maintenance. The percentage of African-Americans in rental and public housing is still over ten percent greater than the percentage of white Americans.

Why did the reforms fail to create the utopia of equality as was imagined by our Civil Rights activists? We never integrated our housing stock. We passed the Community Reinvestment Act in 1977 to make home loans accessible to low- and middle-income buyers and pledged investment into all neighborhoods—but allowed mortgage institutions to capitalize on those incapable of making monthly payments and continued to undersupply affordable homes. We created a system of subsidies that tied the recipient to the public or rental property, to their under-funded public infrastructure, and to their historically oppressed economy. We never allowed Martin Luther King’s dream to become a reality because white children still do not attend elementary school with black children. We villainized the welfare recipient when welfare was their only option. We terminated job training programs without replacing them with an equal education system.

The 1970s saw the interference of foreign countries in domestic crises. The rise of interdependence and international trade led to the fear of American inferiority at the height of the Cold War. This fear would once again lead to fiscal and monetary policy that prioritized the health of the macroeconomy over internal programs that intended to raise the standard of living. The Organization of Arab Petroleum Exporting Countries, containing most of the American oil imports, boycotted the sale of fossil fuels to the United States alliance with Israel in the Yom Kippur War. This began a decade long battle against the inflation of the prices of consumer goods. When inflation rates reached fifteen percent in 1980, usually at three percent, Federal Reserve Chairman, Paul Volcker, saw no other option but to stimulate a mild recession. He did so through increasing interest rates and his policy did lower inflation to four percent in six years.

While effective, he placed the burden of the recession on the working class as labor became more expensive for firms and they had no choice but to fire employees. African-American hourly wage employees were statistically the first fired. By 1983, the African-American unemployment rate reached twenty percent; during this time, the national unemployment rate never exceeded ten percent. Concurrently, the Reagan administration cut taxes and programs that funded welfare programs that mainly served communities of color. The Volcker Recession was unnecessarily stimulated by massive deflation and job loss; the same result could have theoretically been achieved by raising taxes. The afflicted were not the priority and neither Congress nor the executive branch would dare increase taxes in fear of political suicide. Much like the Tax Cuts of 2017, America failed to use the fiscal policy action that would encourage economic stability; instead, those forced into the welfare system were continued to be misrepresented as apathetic free riders by the media and responsible parties.

The Reagan years also stunted the potential gains to educational equality from the Great Society reforms and ushered in a new form of racism. In the era of new wealth, we are still told that our society is a meritocracy. We attend school and those who are the “smartest” earn the highest standardized test scores, propelling their entrance to the best colleges and universities, and perpetuating the stigma that African-Americans are less capable and less willing to meet the meritocratic measure of success that governs our job market today. Our state and local public education systems maintain obtuse quality standards, based on area median income, and federally funded programs, such as Title I, have had negligible impact. This discrimination is the implicit badge of slavery that Abraham Lincoln intended to abolish over 150 years ago. This ideology is the root of our opposition to the BLM plea for acknowledgement and revision of American political bias, and it is the wolf in sheep’s clothing that allows us to cover racial proclivities with reluctance to maintain Title VII requirements and affirmative action standards.

The maturation of the service economy and embrace of professional occupations determined the next reorganization of our demographics. Beginning with the expanding demand for services and technology in the late 1990s and heightened after the 2008 crisis, residents of suburbs began their mass pilgrimage to the city. Real estate developers acknowledged the demand for new housing stock and retail opportunities and began purchasing swaths of low-cost property, often containing the vestiges of public and rental housing. The so-called “filtering” process forced low-income renters into over-budget, dated suburban homes in exchange for their cheaply purchased land to be gentrified, stylized, and rented out at a premium in the private market. With their subsidies received tied to the unit, rather than the tenant, the renter has been subjugated to their landlord and location regardless of personal preference. Today, the percentage of cost-burdened African American households has risen to over thirty percent due to the woeful shortage of affordable rental homes for low-income households.

As a result, American policy is ours to fix and the growing pains are ours to bear. Solutions for the broke and broken are never perfect, but perfection should not inhibit the exploration of alternatives to continued oppression. The BLM movement could have come from a place of hatred, but it came from a place of fear. Not the same fear that propelled New Deal reforms to exclude African-Americans, but a fear that the American government will continue to over promise and under-deliver, and a fear that the children of the oppressed will be quartered to the same “ghettos” as the children of slaves. Now is also the appropriate time to voice concerns for Black justice as our recessions past have resulted in disproportionately high unemployment for people of color and counterproductive investment in the lowest income areas. Opposers of the movement should not view the demand to be seen as an equal as violent or boisterous, but a reminder that inequality is a structural problem created by the United States government. If “We the people” still strive to “promote the general Welfare”, we are all responsible for not just

increasing awareness through the currency of social media, but finding a path to equal opportunity.

“Thomas Jefferson was wrong when he proclaimed that America was to be the ‘Empire of Liberty.’ Empires are always oppressive, dominating and based on racial superiority.” (Maurice Ferre, *Disposable City*)