Housing Desegregation and Federal Policy

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To Mother,

With Love!

Jack

Contents

Preface

The impetus for this reader arose out of my experience with civil rights policy and legislative events over a six-year period as program manager for fair housing research and evaluation issues for the Office of Policy Development and Research at the U.S. Department for Housing and Urban Development (HUD). At close range, I have observed most of the debates, decisions, and indecision as HUD has sought to implement both Title VI of the Civil Rights Act of 1964, which banned discrimination in federally assisted housing, and Title VIII of the Civil Rights Act of 1968, which outlawed discrimination in most of the private housing market. The strengths and limitations of these two legislative mandates have much to do with the current state of the movement for housing desegregation in America. Virtually all legislation is, however, flawed if only in the inability to anticipate future problems and the ingenuity of men and women in circumventing the law. Walter Mondale's promise on the floor of Congress in 1968 that the soon-to-be-passed Fair Housing Law would replace segregated ghettos by "truly integrated housing patterns" has proved to be just such an unfulfilled prediction. A variety of local and national—social, political, and programmatic—issues have contributed to this still incomplete civil rights promise. This book provides an accounting of much that has happened between the passage of those civil rights mandates and the present.

From within the walls of HUD, hundreds of civil servants and political appointees have sought over the past two decades the means to enforce the country's civil rights requirements, knowing all too well the obstacles in their path. Commitment has worked beside disaffection and confusion in an effort to enforce ambiguous, somewhat unpopular laws. Programs and regulations have frequently become the subject of litigation and legislative revision. HUD's civil rights mandate has thus unevenly evolved as a result of a variety of federal and state court decisions, executive branch programmatic initiatives, congressional revanche, and sporadic regulatory initiatives.

Having witnessed many of these external and internal pressures regarding the issue of housing desegregation, I felt pushed to provide a wider audience with a broad-ranging, "multi-disciplinary" assessment of the diverse voices, interests, and evidence heard from my vantage point at HUD. At one time I believed that holding a conference, bringing together a range of viewpoints and evidence, could facilitate a clearer mandate for action either within HUD or without. I now realize that no single event, sharing viewpoints and data, will overcome the substantial political and institutional obstacles in the path of achieving housing desegregation.

This book is itself only one step out of many needed to clarify, extend, and promote increased understanding and perhaps greater tolerance for housing

integration. My hope is that a similar anthology, prepared a decade from now, will record that decisions were made, action was taken, and the evils of segregation and discrimination were noticeably lessened.

This volume does not include contributions from the broad range of interest groups concerned with these issues. The American Enterprise Institute, the Heritage Foundation, the Potomac Institute, the Leadership Conference on Civil Rights, the National Committee Against Discrimination in Housing, the NAACP, and National Neighbors are all likely contributors to the dialogue on civil rights and desegregation. The views of current or past political figures also are not directly included, although some reference is made to their opinions. The reader may also miss statements and assessments of actions taken by state or local governments or by private community organizations. This collection is deliberately—although by no means exclusively—focused on federal policies and programs.

In addition to my experiences at HUD, there have been a number of colleagues and friends who have played a role in developing my thinking on the topic of desegregation. Before joining HUD, I learned a great deal about the complexities of racial housing policies working with the Office of Neighborhood Stabilization within the New York City Commission on Human Rights. Eleanor Holmes Norton, then chairperson of the Commission, encouraged my research interests and tolerated my naiveté. While at HUD, I benefited greatly from working with George Schermer, a man whose rectitude puts weaker men to shame. I also have a deep professional debt to the staff and leadership of many of the private fair housing centers throughout the country. Working with them over several years taught me about many of the obstacles to civil rights enforcement. A number of attorneys have also helped knock some of the rough edges off my understanding of legal and regulatory issues in fair housing; among them are John Knapp, Harry Carey, Steve Sachs, Larry Pearl, David Deutsch, Rich Stearns, John Herold, and Pat Hampton. I would also like to thank George Galster and Jane Karadbil who provided valuable comments on earlier drafts of my introductory material.

Personally my deepest debts are owed to Danilo and Felicidad. They have given me the encouragement, support, and care I needed to complete this book.

John M. Goering

Housing Desegregation and
Federal Policy

Introduction

JOHN M. GOERING

"Atlanta is Open to You!" the billboard poster reads, apparently offering black families the prospect of living in a home of their choice, anywhere in the city. For some, there will indeed be opportunities to live in racially mixed neighborhoods. Others, however, will see this poster as another reminder of the failed promises of the civil rights struggles of the 1960s. The Atlanta they see is, like most American cities, still largely segregated. Over 85 percent of Atlanta's black population, roughly 200,000 people, would have to move in order to achieve an even distribution of blacks and whites. The fact that Atlanta is statistically slightly less segregated today than it was a decade ago means a great deal to the few families who have found their way out of segregated neighborhoods, but little to the bulk of blacks still living in ghettos.

There are many reasons why America has achieved so little progress in desegregating housing opportunities. At the heart of these reasons is a pervasive uncertainty felt by most whites and many blacks about whether they really want to build and sustain racially integrated communities. What is the point of residential integration? Is it worth all of the social, fiscal, and political costs associated with it? And if it is a worthy national goal, whose job is it to promote desegregation? If the federal government is the choice, what tools does it have to eradicate or even weaken the walls of racial segregation?

Answers to these questions do not come from any single discipline or from comprehensive research aimed at the causes of and impediments to housing desegregation. Lawyers, social scientists, courts, and federal policy analysts have separately, and for years, sought answers and provided arguments concerning housing integration. This book brings together most of these diverse, but intercrossed, threads of policy analysis and debate to provide a portrait of the state of housing desegregation efforts in America in the 1980s.

Understanding how well or poorly the process of housing desegregation is working is facilitated by understanding where the process is pointed as well as where it started. The first section in this collection focuses on the legal and political issues surrounding the goal of housing integration. Housing integration in this instance refers only to the stable sharing of a residential area by whites and minorities and not to any personal interaction or social mixing.[1] How important is the goal of housing integration to whites and blacks, and what are the constitutional and legal problems associated with achieving this objective? These questions are addressed with the legal analyses related primarily to federal law, leaving for others the task of examining the relevance of any state or local laws to the problems of housing desegregation.

The second section provides evidence documenting the extent of segregation as it is experienced by black and Hispanic citizens. The slight declines in housing segregation experienced by blacks, in cities like Atlanta, have not been shared by all Hispanics, leaving room for questions about how different minority groups experience opportunities for housing integration in cities and suburbs throughout the United States. This section also includes statistical analyses of a variety of social and demographic factors as they help explain levels of segregation. Among the major contributors to the level of segregation is the practice of racial discrimination by real estate agents and rental property managers. Such evidence provides clear proof of the extent to which deliberate or inadvertent discrimination acts to sustain segregation. The malleability of racial discrimination, by means of law enforcement, appears as one of the major themes interwoven throughout many of the papers in this collection.

Racial discrimination, as well as demographic and economic factors, is insufficient, however, to explain either the support for or antagonism to housing desegregation and integration. Assessing the attitudinal and sociological pressures associated with racial residential mixing is crucial to understanding the prospects for stable racial integration. The third section of this book provides a brief look at both attitudinal and social issues as they relate to private sector housing. Cumulatively, the first three sections of this collection provide the reader with a sense of the constraints, opportunities, and reasons for promoting the goal of housing integration.

One big piece missing from the puzzle of whether and how it is possible to achieve housing integration is the role of federal legislation, policies, and programs. Although federally subsidized housing constitutes only a small share of the nation's total housing stock, it is often argued that only federal intervention can overcome the major obstacles in the path of achieving a more integrated society. Housing desegregation refers to any of the procedures used to move from a racially separate society to one in which housing integration, or racial residential mixing, is a realistic option for blacks and whites. To what extent have federal housing programs fostered either segregation or desegregation? How have changing congressional civil rights requirements influenced the patterns of dispersal of assisted households? Must the federal government, especially the U.S. Department of Housing and Urban Development (HUD), use only color-blind criteria in implementing its programs, or may race be used in selecting and placing households in publicly assisted housing?

Providing a balanced and current assessment of federal policies is complicated by recent disagreement over the nature of the federal government's responsibility for housing integration. According to the assistant attorney general for civil rights at the U.S. Department of Justice, there is no federal requirement to promote housing integration and a probable prohibition on the use of race-conscious methods (Mariano 1984:1). A former general counsel at HUD, however, rejects this interpretation of federal law, finding clear legislative justification for the goal of housing integration (McGrew 1984:5). Such basic

disagreements will not be quickly nor easily resolved, because they go to the heart of the federal government's responsibility and liability for ending housing segregation. Amendments to the Fair Housing Act of 1968 may be submitted to Congress in 1986 with the prospect that hearings and debate may clarify this federal responsibility.

The disagreements between present and former federal officials are partly a symptom of disagreements that are widely held by black and white Americans. Whites seem to have grown tired of civil rights issues, becoming more disinterested in or resistant to the housing rights of minorities. Black organizations and households also question the benefits and stigma associated with programs for desegregating schools and housing. Many question the costs and wonder about the benefits that appear to be experienced by relatively few. Housing industry groups, such as the National Association of Realtors, sensing this legal and popular discontent, are also pressing to eliminate certain practices promoting housing integration (North 1983a, 1983b; DeMuth 1984:E1).

Popular discontent and legal uncertainty may seem like a strange context for conducting careful policy analysis. It is, indeed, because of the raw feelings and political jousting that a balanced assessment is most needed. At a time when partisan ideology tries to establish public policy, it is most useful to attempt a dissection of legal and empirical issues. This reader was designed, therefore, to offer the best legal and empirical discussion of issues to those concerned about housing desegregation. It attempts to provide clearer definitions where issues have not been neatly defined; it offers legal precision and doubts in place of simple policy declarations; and it provides evidence concerning the operation of a variety of federal programs at a time when such evidence is currently available to only a handful of people in Washington or is the subject of protracted litigation in federal courts.

This reader has been constructed in the simple belief that it is impossible to make any progress on behalf of housing integration unless there is a willingness to expose doubts, evidence, uncertainties, and, most importantly, legal and practical options. Perhaps after a process of assessment and debate, it will appear useful to uphold the policy of housing integration but to do nothing further to achieve its implementation. Perhaps there will be strong enough political pressure to abandon the goal as legally unsound and overly costly. Still other voices may prevail and a clearer legislative and programmatic agenda for housing desegregation may be established.

Whatever the likely course of events, it seems clear that nothing will change suddenly or without considerable debate and litigation. Americans will not move suddenly to totally disavow the goal of integration. The question remains as to how much importance will be given to implementing the goal, what legal tools and programs will be available for use, and how long it will take for public officials and neighbors—white and black—to lose their fear of integrated housing.

The focus of this collection is, it should be noted, largely on the issues of

racial integration in housing. Little attempt is made to address all of the complex and distinctive issues related to the segregation or integration of religious or national origin groups, such as Hispanics or Asians. This choice was made both because more is known about racial factors and because of the inadequacy of research on other groups (Feagin and Feagin 1978). Many of the characteristics and findings regarding race may, of course, be applicable to the problems experienced by other groups. It is clear, however, that there are substantial difficulties involved in extending analyses and remedies based on race to other groups in society (Wasserstrom 1977; Schuck 1980; Ford Foundation 1984). Research and policy analysis on black Americans will, it is hoped, extend benefits to others in search of housing integration.

NOTE

1. To early advocates of the goal of housing integration, the realization of this objective would be "a situation in which white and nonwhite families not only live in a spatially mixed community but also accept one another, associate without self-consciousness, and do not look forward to release from each other as neighbors" (Weaver 1956:94). Such social integration would vary from place to place, and would be preceded by some form of spatial integration (Hunt 1959:208; Hamilton and Bishop 1976). At a minimum, a spatially integrated area can be defined as having one or more minority residents. Thus, the remaining white, elderly households left behind in an otherwise minority enclave could be said to create spatial integration; the black families living within a gentrifying white community also represent statistical integration.

   More realistically, residential integration implies both the mixing of more than just token or minimal numbers of the opposite race as well as a measure of stability in their occupancy. Stable spatial residential integration thus means the racial mixing of households over a reasonable period of time, with the assurance of reasonably stable replacement of black and/or white outmovers. Operationally, such areas have been identified as places in which people believed the area will "still have both Negroes and whites moving in during the next five years" (Bradburn, Sudman, and Gockel 1970:7) or in which time series data recorded no net change in the proportion of white and nonwhite residents between decennial censuses (Taeuber and Taeuber 1965: 106).

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Section I
Perspectives on Housing Integration

Introduction

JOHN M. GOERING

When construction of 120 townhouses for low-income families began in Spring 1980 in the Whitman Park area of Philadelphia, the neighbors draped their doors in black crepe in protest (McGrew 1981). In suburban areas of Washington, D.C., newly arrived black families are often greeted by a cross-burning by local Ku Kluxers (Valente 1983). In 1985, there were over thirty attacks by whites on the homes of blacks living in integrated areas in Chicago, including firebombings and stonings (Blackistone 1985). Resistance to the arrival of minority families, as well as to public housing that might be used by them, is a longstanding, continuing part of life in most American cities. It occurs throughout most parts of the country—in New York, Boston, Chicago, Memphis, St. Louis, Cleveland, and San Antonio.

The desegregation of housing for minorities still appears as one of America's most unsettled civil rights frontiers, despite the passage of civil rights laws in the 1960s. Americans now fairly willingly use the same bathrooms, water fountains, and restaurants regardless of race. Minority access to voting rights and to equal employment is reasonably well-entrenched in American legal and social values. Even school desegregation, with all of its contentiousness, generally is recognized by citizens and courts as a valid objective. There remain, however, high levels of resistance and uncertainty about housing integration, with confusion, ambivalence, and disinterest seemingly as apparent now as they were thirty years ago (Abrams 1955; Weaver 1956). The apparent intractability of racial segregation has paralyzed decision makers and led some to conclude that it is time to abandon the goal of housing integration (Piven and Cloward 1980; Downs 1982; Stuart 1982:A1).

Despite these doubts, racial desegregation remains an objective vigorously pursued in dozens of courts throughout the country. The city of Parma, Ohio, for example, was found guilty in 1980 by a federal court of purposefully and illegally excluding blacks from its community (*U.S.A. v. City of Parma* 1980). In Texarkana, Arkansas, a federal appeals court ruled in 1983 that the city and the U.S. Department of Housing and Urban Development had deliberately acted to support a policy segregating blacks in public housing and ordered them to remedy the situation by desegregating their projects with all deliberate speed (*Clients' Council v. Pierce* 1983). In Toledo, Ohio, a federal judge ruled in 1983 that the Toledo Housing Authority had to increase housing opportunities in surrounding suburbs to end a pattern of purposeful discrimination and segregation (*Jaimes v. Lucas* 1983). More recently, the federal government has sued the city of Cicero, Illinois, for policies that deliberately excluded minorities from housing and employment opportunities in the city, creating an ille-

gally all-white enclave (Maitland 1983). Similar cases and charges are being pursued in Yonkers, New York; Cincinnati, Ohio; Memphis, Tennessee; St. Louis, Missouri; Kansas City, Missouri; Glastonbury, Connecticut; Charlottesville, Virginia; and New York City (Kurtz 1983:A2).

Citizens and civil rights organizations continue to charge that their constitutional or legal rights have been violated either by excluding them from the benefits of interracial residential living or by trapping them in black or minority ghettos. Nothing has been done, the charge is made, by federal, state, or local officials to disrupt the segregative status quo. Public policymakers have succumbed to local racist practices and sustained segregated living, decades after it was declared illegal (*Jaimes v. Lucas* 1983; *Clients' Council v. Pierce* 1983; Schnapper 1983).

The responses to such charges vary from case to case and frequently raise questions about the limits of judicial oversight. Federal agencies may reject requests for certain forms of relief or remedy, claiming that no intentional discrimination or violation occurred, that Congress has empowered federal agencies and not courts to determine corrective action in cases where civil rights have been violated, and that, even if the U.S. government were found guilty of fostering segregation, there currently are virtually no housing resources available to promote effective desegregation. In one case in Boston, for example, the plaintiffs requested 3,000 units of integrated housing, a request that was labeled by the Justice Department as a "massive judicial intrusion." Courts might be able to order the elimination of barriers to the development of housing for minorities, but cannot, the federal government replied, order the actual development of that housing as a remedy because Congress has not appropriated funds for either public housing production or assisted housing construction.[1] The claim of fiscal restraint will increasingly confront courts and policymakers with substantial difficulties as decisions are made to allocate dwindling housing resources to meet the nation's diverse housing needs. The options available to federal courts are, therefore, to a degree circumscribed by legislative, fiscal, and administrative decisions.

These limitations suggest the imperative need for a national policy on housing desegregation. Framing a national policy on housing integration is, as Orfield points out in this section, a necessity to ensure that federal housing programs do not intensify the problems of ghettoization. He reminds us of the now unfashionable truth that ghettos not only persist but are expanding. Fair housing laws are insufficient, he argues, to overcome the combination of class and racial impediments to desegregation. Federal and local officials, who often violate the Constitution and civil rights laws, must develop new policies and plans for desegregation that go beyond the mere enforcement of antidiscrimination statutes. Desegregation plans, he stresses, should link efforts at school and housing desegregation, reducing resistance tb unpopular techniques such as busing and thereby increase the marketability of housing desegregation pro-

grams. A national program for integration, he concludes, "is the only decision compatible with the core values of our society."

The fact that there is not unanimity on either the priority or the means to achieve desegregation is highlighted in the next analysis by Leigh and McGhee. Unlike Orfield, they see other priorities and choices for the minority community. Integration may be too "utopian" a goal, with only dim prospects for its realization.[2] Better and more affordable housing, rather than integration, would come first in their priorities. They list reasons for supporting a national integration policy, but also find reasons why the National Urban League might be opposed to one. Central to their opposition, as well as to that of many other fair housing advocates, is the prospect that race-conscious practices will be adopted to restrict the housing choices of minorities in the name of promoting integration. The National Urban League would oppose, they state, "any action that would maintain housing integration by denying free access to minority group members."

Being at the lower end of the pecking order of civil rights priorities is not, then, the only limitation facing the movement for housing integration. It suffers from the more fundamental limitation that in the promotion of stable interracial communities some minorities may be denied their equal housing rights. Polikoff, in this section, thoughtfully addresses many of the key and controversial legal issues that are associated with linking fair housing laws to the promotion of residential integration. Responding to large-scale housing institutions whose practices may directly or indirectly foster segregation is identified, rightly, as a major legal frontier. Several contributors to this section worry about the design of desegregation programs where race is an explicit consideration. The National Urban League, for example, sides with fair housing policies that emphasize choice, regardless of whether the outcome is segregation or some form of integration.

The final contribution to this section is written by one of the major fair housing attorneys in the United States. Polikoff has been plaintiffs' attorney in the *Gautreaux* case (see Vernarelli, Chapter 9 below, for a discussion of the case). He is also currently engaged in litigation regarding integration maintenance or racial diversity programs in Chicago. After reviewing current legal and political issues, he focuses on the specific constitutional and legal standards that would have to be met to implement counseling efforts. He argues that they offer an alternative to approaches that emphasize only freedom of choice and those that use coercion through racial quotas. The compelling interests, the necessity of the means, and the burden and fairness of the specific program must be assessed in order to determine its legality. Polikoff's conclusion leaves a substantial legal challenge as well as critical research recommendations appropriate for both local and national audiences.

Although the contributors to this section oppose, or are reluctant to recommend the use of, race-conscious integration quotas, their use is a live, although

extremely controversial, part of current legal and policy debate regarding housing integration. One fair housing activist, engaged in a court suit over racial quotas used to maintain integration, argued:

> Integration is a laudable goal, but must minorities who have suffered and still suffer the burdens of racism and the resulting segregation in society, now bear the brunt of society's meager efforts to integrate? A black who is denied an apartment in an attempt to maintain a racially segregated community and a black who is denied an apartment in order to maintain an integrated community are in the same position. They have been denied an apartment because they are black. (Hoeber 1980)

The outright denial of housing to minorities in order to maintain an existing balance or ratio of majority to minority households is a prominent, contentious aspect of the fair housing movement in the United States.[3]

Over a decade ago, prominent policy analysts argued that one of the essential factors determining the racial stability of an area is "a workable mechanism ensuring that whites will remain in a majority—such as some type of quota system—that is both legal and credible" (Downs 1973:99). The use of such racial housing quotas has been noted for years (Deutsch and Collins 1951: 15–16; Grier and Grier 1960:71–74; Bradburn, Sudman, and Gockel 1970: 76–86; Molotch 1972:111; Ackerman 1974; Milgrim 1977). One developer when asked was quite frank in his justification for using quotas: "We're getting some flack from the human relations people and the feds too. They say we are manipulating. I'll tell you something. We are manipulating and I'll tell you something else—we're building more houses, selling more houses, selling to more Negroes, and getting more integration our way than we would if we did it their way" (Schermer and Leven 1968:26).

Such a reaction has been common among developers as well as some citizen groups (McEntire 1960:212–15; Goodwin 1979:159–63). In Oak Park, Illinois, for example, certain areas were exempted from fair housing law enforcement to enable racial proportions to be maintained, although the implementation of a 30 percent minority quota was rejected (Berry 1979:300–301). Quotas, establishing a numerical threshold for the proportion of blacks residing in a building or community, continue to be attractive for two reasons: they are relatively simple and straightforward to administer, and they act to immediately reduce or eliminate the fears of whites that they will become a numerical minority. That is, virtually all quotas establish whites as the dominant percentage. The use of quotas requires none of the complex assessments spelled out by Polikoff; indeed, they are being used in a number of housing developments across the United States.[4]

The use of "benign" quotas to establish or maintain racial integration does indeed appear to many to conflict with the rights of individuals protected by Title VIII of the Civil Rights Act of 1968. The problem of developing legally acceptable standards for race-conscious integration management confronts the

issue that such affirmative criteria frequently act as a ceiling. "Integration management activities that effectively limit black representation in a municipality to no more than the metropolitan wide ratio ascribe the force of law to the proposition that blacks must everywhere constitute a minority" (Lake and Winslow 1981:322).

Federal courts have produced modest but by no means definitive clarification of some aspects of the legality of quotas. In a case involving the Housing Authority of Beaver County, Pennsylvania, a federal court ruled that the authority's use of quotas to "balance" the racial distribution of its tenants was illegal. The authority's use of a ceiling quota, limiting minority participation, violated the Constitution and fair housing laws by denying blacks access to housing solely because of their race and because of the burden or stigma imposed on them. The court decided that individual blacks may not be made to suffer exclusion in an effort to protect the broader societal interest in preventing resegregation. Only a temporary and "precisely tailored" racial goal might be acceptable, one in which the quota "includes as many black residents as is compatible with the need to avoid resegregation" or tipping (*Burney v. Housing Authority of Beaver County* 1982:15,998:590).

Another pending case involving the use of racial quotas in a federally assisted housing project in New York City dramatically illustrates the complexity and controversy surrounding the use of quotas. In 1979, a class action suit was brought by black families who stated that they were denied apartments in the Starrett City complex in Brooklyn because of their race and the existence of a fixed racial quota (*Mario v. Starrett City* 1979). Starrett City, which includes 46 buildings housing over 5,800 families, admitted to the use and necessity of a 70 percent white–30 percent minority quota in order to maintain an interracial community. As a result of this restriction, and the tight rental housing market in New York, the waiting period for blacks soon lengthened to twenty months whereas for whites it was two months.

For some supporters of Starrett City's policy, there was convincing evidence that but for its racial quota the development would have surely tipped, destroying the racial integration in the community. No other way was known to preserve the integrated character of Starrett City that would have less of a discriminatory effect. White fears over tipping could only be allayed through a restriction on the proportion of minorities to approximately one-third the total population. The defendant's expert witness, Oscar Newman, carried forward the logic of this position:

> The fear of taking a morally disturbing position [the use of occupancy controls] has served to perpetuate a far greater immorality: the polarization of American society and the segregation of blacks to intolerable living conditions for generations to come. . . . The public institutionalization of a set limit for minority participation, therefore, works to attract majority residents just as it prevents minority residents from overwhelm-

> ing it. It serves, not only as a mechanism for stabilizing an integrated community, but as a device to allow the tipping point to increase a few points without bringing about white flight. (Newman 1983:203, 205)

More recently, Newman (1985) has gone further in predicting that the use of racial quotas throughout the United States could almost assuredly double the number of minorities currently in residence without leading to resegregation.

An apparent settlement of the Starrett City litigation was reached in May 1984, allowing Starrett to continue its use of quotas with the provision that its ceiling be raised slightly and that other projects throughout the city be made available to minorities. One month later, however, the U.S. Department of Justice filed suit in federal court charging that the policy of using racial quotas violated federal fair housing law by denying blacks access to apartments based on race. The federal government's intervention at the "last moment" (Fried 1984:33) brought it into close alignment with the original accusations by the plaintiffs. That is, the use of the quota denied housing opportunities to minorities in violation of federal fair housing law. "Such a denial of rights to minorities cannot be justified by a purported need to give effect to the racial prejudices of others." (*U.S.A. v. Starrett City* 1984:11). Starrett City's success in achieving integration was at the expense of discriminating against large numbers of blacks and Hispanics.

Currently, no decision has been reached by the court on the suit filed by the Department of Justice. The suit has, however, brought to the surface many previously unspoken disagreements within the civil rights and minority communities (Morley 1984). The NAACP, despite its long support for school integration, is likely to oppose the settlement in Starrett, agreeing with the Department of Justice. The attorney for the NAACP reacted bitterly to Starrett's quota, because it preys on white flight and supports the view that whites feel safe and comfortable only when they are in the majority. Private fair housing centers, which saw in the settlement a means to open up housing opportunities outside of Starrett City, may now feel pressed to defend an agreement that appears to violate the rights of minorities.

The constitutionality and legality of quotas will most likely be resolved only by the Supreme Court. The Court may also need to rule on the legality of a broad range of race-conscious integration maintenance tools currently under litigation in New York, Chicago, and elsewhere (*Greater South Suburban v. South Suburban* 1984), clearing away some of the most pernicious obstacles to establishing national policy for housing integration. It seems unlikely, however, that the precise tailoring required in the *Burney* decision will succumb to the broad-scale social engineering suggested by Starrett's defendants. Courts will probably reluctantly, if at all, attempt to establish national or administrative programmatic requirements. They will more likely leave to others the onerous task of deciding how to systematically address the multiple needs for freedom

of choice in housing and desegregation procedures to sustain stable residential integration, as well as for adequate housing for the country's minority poor.

NOTES

1. This discussion is based on documents submitted to the U.S. District Court for the District of Massachusetts in the case of *NAACP v. Pierce (Harris)* C.A. No. 78-850-S. The documents are the "Plaintiffs Proposed Form of Judgement" submitted on 26 May 1983 and "Defendants Opposition to Plaintiff's Proposed Form of Judgement" submitted on 27 June 1983.

2. "If whites have arrived at a new place, blacks have also arrived at a new place. It is a recognition that they must have economic power. There is less hysteria about integration, but equal hysteria about opportunity and justice. There is more comfort with black identity, and more talk about forming coalitions with whites who are beginning to find that Reaganomics is color-blind" (Gilliam 1982:17).

3. The following is an excerpt from a letter written to the NAACP relating the writers' concerns about racial diversity programs (the letter does not indicate what specific programs are being objected to):

> We think that the attempts of local governments all across the country to control the numbers of Black families in communities, neighborhoods, and buildings, are a far greater danger to our People (indeed to the Country) than the admitted racist activities of some real estate sales-persons. We Blacks should have enough, in the last 10 or 15 years, of the absolutely botched up job others have done in managing our utilization of our Constitutionally endowed prerogatives. But further, in our estimation, none of this preoccupation with that Realtor/Housing Center case should deter the NAACP from coming to grips with the growing pace toward the management of where we Blacks live. Outside of stepping on our freedom of speech, we know of hardly a more suppressive move that governments can take in this society, than to control where we can live. Would any other people in this Country even be thought of as fit subjects for such policies? And, would any other People not raise holy hell at the very thought that they should be shunted around from area to area, in the interests of satisfying white fear that whites will flee an area (or decline to move in)? (Communication from Michael H. Sussman, Assistant General Counsel, NAACP Special Contribution Fund, 25 January 1985)

4. A nonrandom survey of thirty housing developers found that "the creation of integrated projects required setting realistic goals on white, minority, and black participation in the project—never to exceed 40% minority" (Newman 1983:76). There is also limited evidence concerning the use of racial quotas in public housing projects. Ackerman (1974:249-51), for example, provides evidence from San Francisco indicating that federally subsidized housing projects using racial occupancy controls were more likely to be "substantially integrated." Substantially integrated projects were those with at least 20 percent minority (black, Spanish, or white) occupancy. These data do not, however, give any indication of the length of time during which projects retained

balanced, stable proportions of different racial or nationality groups. Nor do the data indicate the racial composition of the census tract or neighborhood for each of the projects. That is, substantial integration may be easier to achieve in only certain kinds of neighborhoods and may last for shorter or longer periods of time depending on other factors.

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Chapter One

The Movement for Housing Integration

Rationale and the Nature of the Challenge

GARY ORFIELD

The cause of fair housing hardly occupies a leading place on the nation's political agenda. Many Americans believe that the problem of discrimination has already been solved.[1] Others think that the government has already done too much. Just after the election of President Reagan, conservatives in the Senate killed a very modest fair housing enforcement bill with little reaction around the United States.[2] There have been no major demonstrations against housing segregation for more than a decade. The issue has been virtually ignored for the past two years and Justice Department enforcement of the weak federal law on the books has been drastically reduced.[3] There has in fact been very little effort for any kind of integration in recent years and yet few issues will so profoundly affect the future of our society.

Housing segregation and the possibility of integrated housing are so important to our future because race is the central structural problem of American urban society and because a family's spatial location determines so much in our sprawling, highly segregated metropolitan areas. It not only determines whether or not one's children will grow up in a multiracial setting with friends of different groups but it also determines the quality of schools, the level of municipal services, increases in housing value, relative tax burdens, ease of access to work, safety, and much else.[4]

The differences among communities within any large metropolitan area are vast. In terms of economics, educational level, community wealth, ethnic background, and other ways, they are greater, often much greater, than the difference between the United States and some separate countries. Moving from a declining part of a ghetto or barrio to a prosperous white suburb is in some ways like moving to another country. Whether this kind of move can become commonplace and stable integration can be achieved on a substantial and growing scale will do much to define whether or not we can keep alive the dream of equality in a single society. The alternative is to fulfill the prophecy of separate and unequal societies with minority families largely confined to a situation of undesired segregation and permanent inequality.

No one seriously discusses housing integration policy as a way to rapidly reverse racial inequality in urban areas. Segregation is so widespread, so deeply rooted in customs, expectations, and practices, and so strongly reinforced by differences of income and wealth at a time when many cannot afford to participate in the home ownership market, that it would be foolish to expect a rapid transformation.

The speed and comprehensiveness of the integration is not nearly so crucial as the fact that policies do create a real possibility of a different racial future. They can create channels out of the ghetto and the barrio that really work rather than find the out-migrant rapidly swamped in an even larger pattern of expanding minority segregation. One consequence can be the creation of a safety valve permitting access to the social and economic mainstream for highly motivated, highly successful minority families who are always the most frustrated with arbitrary racial distinctions. Finally, a successful policy can begin to change white attitudes by showing that integration can be stable rather than a mere prelude to a destructive racial transition.

Since the mid-sixties there has been a wide diversity of attempts to deal with the problems of the cities, from the liberal interventionist strategies of the Great Society to the antigovernment, free market philosophy of the Reagan administration. The Great Society effort embraced many approaches simultaneously. These included the War on Poverty with its community action and Headstart programs, massive compensatory education efforts under the 1965 Elementary and Secondary Education Act, expanded job training, comprehensive community-based planning in the Model Cities program, a turn toward subsidizing private housing construction and low-income home ownership, and unprecedented civil rights policies that increased black voting power, desegregated southern schools, made job discrimination illegal, and produced a federal law against housing discrimination.[5]

The programs were reduced and consolidated to some extent under presidents Nixon and Ford. Civil rights enforcement was sharply curtailed, and there was a concerted effort to increase the autonomy of the state and local governments in urban policy.[6] The Carter administration brought a partial return to programs more targeted on the poor and minorities but no major new programs.[7] The Reagan administration adopted the view that urban aid programs had actually harmed both the cities and the economy and proceeded to cut and dismantle a number while giving local officials free reign in others.[8]

The relatively brief period since the mid-sixties has seen experiments touching virtually the full range of ideas seriously discussed by urban experts. If one adds to this list the experience with policies initiated by individual state and local governments, and by federal courts in response to findings of constitutional violations, it is possible to assess the outcomes of many approaches to urban improvements.

The experience shows several important things. First, no policy directed at improving the conditions of the poor in urban areas is likely to be pursued consistently for any length of time. Policies have been extremely erratic and have changed dramatically over the past fifteen to twenty years.[9] Second, no policy is likely to receive sufficient funds, even in the most liberal times, to permit any approach to equality for the residents of the poverty areas of the great cities.[10] Third, there has been a strong tendency to abandon federal controls and strong national regulation in favor of local and state autonomy. This

means that programs tend to lose what focus they had on the poor and minorities.[11] Fourth, the implementation of change in desperately poor areas is a very complex process with high risks of waste and corruption in some areas. The difficulty and the existence of these legitimate points of criticism make maintenance of the programs all the more difficult. Fifth, there is very little private interest in investment in such areas, even under the most far-reaching incentives and subsidies. Large and small experiments, from urban renewal to Model Cities, from black capitalism to community development corporations, from tax exemptions to free job training and subsidized employment programs, have failed to achieve significant ghetto economic growth or even to offset continuing declines.[12]

Not only is there a good deal of evidence that ghetto enrichment policies have been too small to make much difference and have become less rather than more targeted over time, but there is also strong evidence that even these small efforts are extraordinarily vulnerable to political attack. Both the Reagan administration and conservative governments in a number of state capitals have shown that cutting off programs channeling money into depressed minority communities can be a very popular political program. Such cutbacks appeal to the widespread white belief that urban and racial problems are not the result of institutionalized discrimination operating over time but of the personal failings of the people in the ghetto or barrio.[13] The Reagan cuts, for example, eliminated programs such as public service jobs and the poverty program and cut particularly sharply at housing subsidy programs serving very low income families in very poor areas. Although social and educational programs aimed at the middle class were largely spared in the budget fights of 1981–82, there was little politically effective defense of many of the programs intended to make separate more equal in American cities.[14] The sharp reduction in the political strength of inner cities caused by the 1982 reapportionment of Congress and state legislatures only compounded these difficulties.[15]

The ghetto enhancement strategy is based on a belief in white goodwill and willingness to continually commit large resources to dealing with ghetto problems caused ultimately by discrimination. There is no evidence, however, that whites believe that they are responsible or that they are willing to commit such resources.[16] Indeed, as middle-class minority families increasingly separate themselves from poor inner-city communities, it is not clear that there will ever be politically effective demands for such commitments.

In the decades of argument about competing strategies of "ghetto enhancement" or integration, integrationists have argued consistently that, in a white-dominated society, separate is inevitably unequal both in terms of the resources that go into a community and in terms of the way in which society values that community, its institutions, and its people. This is not true because there is something inferior about blacks and Latinos or something "magic" about white neighborhoods or schools; the basic problem that integration addresses is the

problem of white prejudice and the fact of institutional and individual discrimination in favor of whites and white communities.

Whereas most integrationists believe that racial integration is a very important end in itself in a multiracial society, most minority families who prefer integrated schools and neighborhoods do so on a more pragmatic basis—the conviction that white decision makers will channel more real resources, rewards, and recognition to institutions and communities serving significant numbers of influential whites as well as blacks or Latinos. They are right.

Integration as the Only Real Alternative to Ghettoization

Segregation is not a fixed phenomenon—it is dynamic, constantly spreading, and usually associated with a wide range of negative developments for affected minority communities over time. These changes are associated with white responses to racial change and the general white inability to distinguish middle-class minority families and neighborhoods from the minority poor. Thus, although the first minority families moving into white areas near ghettos or barrios often have higher incomes and status than the whites they buy from, often epitomizing the very values that the local whites claim to defend most vigorously, the white majority commonly views them as harbingers of the neighborhood's rapid racial transformation and decline and not as assets for the neighborhood culture. Whites then proceed to act in ways that make this self-fulfilling prophecy come true. Special circumstances exist, of course, when the changes connected with movement toward racial segregation do not occur, but this cycle is still the dominant reality in most communities and the prevailing expectation of most whites.

The belief in the inevitablity of ghetto expansion is not merely a product of public fears or of prejudices in the real estate market but has also been the dominant perspective of researchers who have shaped scholarly understanding of racial change. Most of the major statistical studies of residential segregation through analysis of the 1970 census found few exceptions to the pattern of virtually complete racial transition in communities that began racial integration. A new analysis of metropolitan Chicago reports that, even though there had been a great deal of black movement out from earlier ghetto areas during the 1970s, blacks were even more likely to be concentrated in virtually all-black communities than they were a decade earlier and that all-black communities ranked far below white or integrated communities in income, employment, education, and other measures studied.[17]

The only way to avoid the by-products of this process in specific neighborhoods adjoining ghettos and to diminish the white expectations that underlie segregation is by achieving stable integration. The key process in racial transition is the virtual exclusion of many integrated or transitional communities

from the white housing market. Neighborhoods usually change racially, not because of a sudden flight of existing white residents, but because of the unwillingness of enough white families to buy or rent housing.[18] The shrinkage or disappearance of white demand and a very active minority market, including buyers and renters steered by realtors believing that the community is in transition, can rapidly change the racial composition of a neighborhood. The only way to avoid this process is by maintaining an active white market for local housing and mobilizing community support for an integrated neighborhood. In a community adjoining an existing ghetto or barrio, unless there is a very high price barrier or some other special circumstances, this usually requires a concerted community effort to monitor real estate practices, deal with any telltale signs of decay, maintain well-integrated public schools, and recruit families into the neighborhood.[19]

The entire situation sometimes changes if the community can deal with the fear of resegregation. Communities that preserve stable integration and offer assurance of relative stability are no longer seen as places to flee because of predictable decline but as places in which investment is far more secure than other white areas in the path of expanding minority populations. These communities have mastered a major threat to their future and have mobilized resources and community organization that are extremely valuable for their future. Whereas housing in an area threatened by racial change is often seen by whites as a speculative investment, homes in stable integrated areas are viewed differently. Small businesses, which often leave racially changing areas, find integrated communities much more attractive.

Analysis of patterns of racial change in all metropolitan Chicago census tracts from 1970 to 1980 identified 61 stably integrated black-white tracts and 135 stable Hispanic-white tracts. In both categories these tracts ranked far above the all-minority areas and also other comparable tracts that went through racial transition during this period. The stable tracts had higher incomes, less poverty, less unemployment, and considerably higher educational levels.[20]

The situation of the neighborhood that has faced and resolved the threat of racial change is much more like that of a community undergoing "gentrification" than that of a community threatening to become a low-income ghetto. The class status of such a community is likely to be stable or rising and its attractiveness can eventually produce beneficial financial returns for those who held or made investments when the future was insecure.[21] Investment in maintenance or major rehabilitation is much more likely, and in some cases there may be a special need for special programs to prevent displacement of minority families.[22]

Fair Housing: Accomplishments and Limitations

Considerable progress has occurred since the fair housing movement first emerged in the aftermath of World War II. Like all major reforms, the solution

of one set of major problems has both revealed more complex and related issues and suggested some of the ways to address them.

The campaign for fair housing began with the simple problem of apartheid, often fully supported by government and sustained by overt discrimination, intimidation, and frequent violence. Segregation of blacks in northern cities was almost total and a virtual white consensus fostered the practice. The courts upheld, and the federal government strongly encouraged, a system of racial covenants that made integrated housing illegal in many areas. Blacks were living in neighborhoods of extremely high density and deplorable housing quality, paying higher rents for worse housing.[23]

The first reform was outlawing overt discrimination. The law had to require that minority and white Americans get equal opportunity to obtain housing in the private and public sectors. More than a generation of work was necessary to win the victories stretching from the Supreme Court's decision against restrictive covenants in 1948 to the federal fair housing law in 1968. Finally, a quarter century after housing segregation had been a virtually unchallenged norm, the Congress, the president, and the Supreme Court had taken the position that overt discrimination was wrong and illegal.[24] Although there was no significant enforcement machinery, the change in goals was very significant.

These reforms have transformed the lives of significant numbers of middle- and upper-income nonwhite families and led to improved housing quality and choice for millions of black and Hispanic households. In many solid middle-class and wealthy areas that had always been all-white, a small number of blacks and other minorities has moved in without incident and now shares routinely in the lives of many well-served and privileged communities, largely insulated from the problems of the inner city.

The total confinement of minority families in dense inner-city neighborhoods is now largely a thing of the past.[25] Although some areas near ghettos have remained all white through more than a quarter century of fair housing because of their intense racial hostility, ghettos and barrios have been able to expand, often with great speed and over large distances.

Comparing the location of the black population in the mid-1940s with the 1980s in any large American city is an astonishing experience. The physical area included in segregated minority communities has expanded *exponentially*. Population increases alone do not drive this expansion. Indeed, the ghettos became much larger in a number of central cities losing black population in the 1970s. In some large metropolitan areas minority communities have expanded across city boundary lines to include dozens of square miles of suburbia.[26]

The existing housing system does not produce a stable and "efficient" boundary between the minority and white markets. The basic mechanisms of change—the desire of young minority families for better housing and neighborhoods and the specialization of certain sectors of the housing market in racial conversion—produce a powerful impulse toward continuing expansion of the boundaries of the minority areas. This now appears to occur whether or

not there is any increase in the number of households. When the demand created by migration stops, this can produce a more rapid cycle of decay and collapse of neighborhoods in the heart of the minority community. Without new migrants, those moving out are not replaced by newcomers at the core of the ghetto. Because there is no white demand inside ghetto boundaries apart from the small number of areas affected by gentrification, the economic value of housing there plummets and decline and abandonment become commonplace.

Although the rapid expansion of the ghetto has not produced integration for most blacks, it has permitted the filtering process to work to eliminate much of the completely unacceptable housing stock and to upgrade the quality of housing for minority families by greatly increasing the supply of housing units in the minority housing market. Under certain circumstances, the rapid expansion of segregation, combined with the virtual absence of any white demand for housing units within minority areas, may mean that there are excess housing units and therefore a less rapid increase in prices and rentals than in the white or integrated housing markets. There is evidence that the housing situation of blacks has improved dramatically in the past generation with the lessening of the housing *overcharges* so obvious in the 1940s.[27] Fair housing deserves a good share of the credit for such changes.

The Problem Redefined

Part of the reason for the original fair housing movement was the obvious inequality in housing opportunities between whites and blacks. To a significant extent, housing is better now and fair housing has helped. The change came for a small number of black families in the way foreseen by fair housing advocates. Many others, however, live in better housing but in the midst of much larger ghettos, ghettos larger than anyone imagined a generation ago. The previous focus on black segregation is also now widening to encompass increased awareness of the existence of large barrios housing segregated low-income and working-class Hispanics. Such barrios are experiencing many problems paralleling but often different from those seen in the black ghettos.[28]

Obviously, fair housing laws and court decisions alone did not and do not produce integrated cities. As research accumulates on racial change in cities since the passage of fair housing laws, it is apparent that, although new laws ended the absolute confinement of the ghetto, they left untouched many of the basic forces that spread segregation. The most important problem is not one of prosecuting individual violators in a basically fair housing market, although this is what the new law addresses. Rather, the basic problems are very widespread institutional discrimination, the inertia of segregation, the fear of resegregation, and the behavior of both minority and white families based on a long history of residential segregation and neighborhood transition.[29] All of these

factors produce a tendency to continue the spread of segregation. Special efforts, *beyond fair housing laws*, were necessary in virtually all of the substantially integrated areas adjoining existing segregated minority communities to achieve stable residential integration.[30] The nature of the special efforts and the possibility of applying them on a much broader scale provide an agenda for the next generation of efforts to achieve racially integrated urban neighborhoods.

Communities that have remained integrated have identified a number of forces that produce racial transition and devised strategies to deal with each. These forces include discrimination and steering of housing customers by brokers and rental agents; the "self-steering" of blacks and whites based on the limited knowledge by most minority homeseekers of areas any distance away from the minority communities (and thus their tendency to focus very heavy demands on nearby integrated areas); and the fear of white businesses, organizations, churches, and residents that integrated neighborhoods will soon become black or Hispanic.[31] The tendency for public schools to become minority institutions while their neighborhoods are still residentially integrated furthers the process of resegregation. Whites fear that the first signs of commercial disinvestment, declines in municipal services, declines in housing upkeep, or a rise in crime indicate that the community is in a downward spiral.[32] If subsidized housing or FHA home financing suddenly become apparent in the neighborhood on a large scale, people often perceive these actions as judgments about the area's declining future and racial change.[33]

Successfully integrated communities have found it necessary to mobilize to deal directly with these problems early in the process of racial change. Some have learned how to do so despite the lack of support or even hostile actions from city, state, and federal agencies. The lessons show that the achievement of the gains of stable integration on a large scale requires an explicit goal of integration, rather than nondiscrimination alone. More importantly, it requires at least a temporary mobilization of resources to respond to the ghettoization process and generate a steady white, as well as black, demand for housing in the area.[34]

The most important impact of success is that it permits both the old-time white residents and the minority newcomers to remain in the kind of neighborhood they want to live in—a stable community that does not face the spiral of decline that often comes after ghettoization. It permits "natural" integration in the neighborhood schools and creates the best conditions for improved race relations—conditions of equal status and shared community experience.[35] Such neighborhoods help the city both by maintaining their economic and educational vitality and by attracting and holding groups of concerned citizens who often exert considerable influence on a citywide basis.[36] Perhaps their most important function is to show other communities that the ghettoization process is not inevitable and to open the possibility of broader achievement of integration.

The Policy Agenda

Integration, like other social policy reforms, is often dismissed in the current political mood as either irrelevant or impossible. It is, in fact, an extremely powerful reform when properly implemented, because it deals with the problem of racial and class separation, school segregation, and neighborhood decline all at the same time, while creating conditions that foster better race relations. It has a positive impact on these problems in a way that is more acceptable to the public than such alternative policies as busing for school integration. There is evidence, for example, that children growing up in integrated neighborhoods have the most positive experiences in integrated schools.[37]

We have learned how to increase urban integration, not because of national policies or major civil rights campaigns, but because of practical experience in a number of individual neighborhoods and suburbs. Whites who did not want to flee, and blacks who did not want to live through the ghettoization process again, learned how to maintain integration because it was their only alternative. Studies of migration patterns and of the impact of widely divergent types of school desegregation plans that have been implemented in different cities and metropolitan areas also have increased our understanding. The courts have experimented with an extraordinary range of approaches that can now be analyzed.

These experiences indicate that successful housing integration requires concerted intervention in the housing market. They also indicate that school desegregation plans should include as much as possible of the housing market in order to encourage neighborhood integration by reducing concerns with fleeing or avoiding a neighborhood with a racially changing school.[38] Research on the impact of federally assisted housing and rent subsidies on residential and school integration shows that, in the absence of federal housing policies explicitly committed to integration and operated with an accurate understanding of the nature of urban racial change, virtually any form of housing subsidy is likely to intensify, rather than diminish, the problems of ghettoization.

Conclusion

The need now is for policies and actions that support integration on the part of local governments and school districts that have a great deal to gain from stable integration. The federal government also needs to express a position on this issue, while fostering research, supportive policies, or experiments. At a time when much of the previous urban policy has been dismantled and the next round of urban reform is being considered, an urgent need arises to recognize both what has been accomplished and what could be achieved through an aggressive attack on one of the core problems of urban America—massive and spreading residential segregation. Only a tiny investment has occurred in un-

derstanding, modifying, or eliminating the ghettoization process in contrast to the large investment in research and programs that accepts segregation as a given while trying to improve conditions within segregated minority communities. Future policy and research priorities should correct this failure.

The need for federal and local policies supporting integration addresses not only pragmatic realities of urban change but also the legal and moral imperatives of our constitutional system and national ideology. Since 1964, there has been a clear legal requirement for action to end segregation created by governmental action. The judiciary has found a history of local official action designed to segregate the public schools in virtually every city examined by federal courts.[39] Although the courts have examined the history of housing segregation by public officials far less often than school segregation, an impressive body of findings now exists that shows a history of local and federal actions designed to segregate housing. These actions have violated the constitutional guarantee of "equal protection of the laws," and they have created a constitutional requirement that government officials develop and implement plans to overcome the continuing effects of this government-imposed segregation. These must be plans for integration.

Equal protection of the laws and equal opportunity more broadly defined are not only legal goals but also a basic part of American public ideology. Most Americans believe that black and Hispanic people should have equal access to housing and neighborhoods they can afford and whites say that they are ready to accept nonwhite neighbors. In fact, most whites believe that this equal opportunity already exists.[40]

The job of researchers and responsible officials is to portray the consequences of segregation: the continuing failure of promises to make separate communities equal and the availability of workable policies. We must explain as clearly as possible the severity of contemporary segregation so that policies designed to aid integration can draw upon profound legal, empirical, and ideological roots.

There is a choice to be made. I believe that it is a choice between a clearly unworkable policy of equalizing segregation in a society where separate has always been unequal and a difficult, but possible, policy of building an integrated society. A decision to pursue integration is the only decision compatible with the core values of our society.

NOTES AND REFERENCES

1. A 1981 *Washington Post*/ABC News survey found, for example, that only 16 percent of whites believed that blacks still faced discrimination in the housing market. *Washington Post*, 24 March 1981, p. A2.

2. The bill died despite a favorable majority in the Senate because of a conservative GOP filibuster, with 78 percent of Republicans and the Republican leader unwilling to

end debate and bring the measure to a vote. *Congressional Record*, S15852, 9 December 1980; *Congressional Quarterly Almanac 1980*, 72-S, roll call 496.

3. Citizens Commission on Civil Rights, *A Decent Home: A Report on the Continued Failure of the Federal Government to Provide Equal Housing Opportunity* (Washington, D.C., March 1983).

4. John F. Kain and John M. Quigley, *Housing Markets and Racial Discrimination: A Microeconomic Analysis* (New York: National Bureau of Economic Research, 1975); Louis Harris and Associates, Inc., *A Survey of Citizen Views and Concerns about Urban Life* (Report to the U.S. Department of Housing and Urban Development [HUD], February 1978); Deborah Haines, *Black Homeowners in Transition Areas* (Chicago: Chicago Urban League, 1981).

5. Sar A. Levitan and Robert Taggart, *The Promise of Greatness* (Cambridge: Harvard University Press, 1976).

6. Michael N. Danielson, *The Politics of Exclusion* (New York: Columbia University Press, 1976); Bernard J. Frieden and Marshall Kaplan, *The Politics of Neglect: Urban Aid from Model Cities to Revenue Sharing* (Cambridge: MIT Press, 1975); White House Domestic Council, *1976 Report on National Growth and Development* (Washington, D.C., 1976).

7. *The President's National Urban Policy Report, 1980* (Washington, D.C., 1980).

8. *The President's National Urban Policy Report, 1982* (Washington, D.C., 1982); John L. Palmer and Isabel V. Sawhill, eds., *The Reagan Record* (Washington, D.C.: The Urban Institute, 1984), chap. 7.

9. The massive housing subsidy programs created in 1968, for example, were substantially abandoned in 1973 and those initiated for housing construction in 1974 were substantially abandoned in 1981.

10. This is clearly apparent in reports prepared in the late 1960s, after a historic expansion of federal assistance. *Report of the National Advisory Commission on Civil Disorders* (1968); National Commission on Urban Problems, *Building the American City* (1968).

11. All presidents elected since Lyndon Johnson have urged a larger state and local role in urban programs, and Nixon, Ford, and Reagan have campaigned for weaker civil rights enforcement.

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Chapter Two

A Minority Perspective on Residential Racial Integration

WILHELMINA A. LEIGH

JAMES D. MCGHEE

The purpose of this chapter is to provide an answer to the question, how does the minority community feel about the goal of residential racial integration? The first section contains a discussion of the historical search for ways to achieve residential racial integration. The next section discusses the extent of residential racial integration in the United States to date. The third section analyzes the attitudes of blacks toward residential integration, and the fourth integrates the analyses of the preceding sections.

History

"The mission of the National Urban League is to enable blacks and other minority group members to cultivate and exercise their full human potential on par with all other Americans."[1] Part of being able to exercise one's full human potential on a par with other Americans is the ability to choose the type and the location of one's residence. Home ownership has long been the means by which most Americans acquire wealth.[2] Black Americans, likewise, value the ownership of suitable housing and its associated housing bundle—including the neighborhood, schools, municipal services, and other factors to enhance their general well-being.[3]

The freedom to choose to live unharassed in any neighborhood where a person can afford the housing also is part of exercising one's full human potential. To the extent that different ethnic or racial groups of neighbors occupy housing in given locations, blacks seeking to acquire housing there also are seeking residential racial integration.

Historically, many barriers have thwarted blacks seeking the type and location of housing they want. Discriminatory hiring practices and differential wage scales have reduced the income levels of many black households and prevented them from purchasing homes.[4] Even when their incomes were not a problem, other obstacles existed. Redlining by mortgage lenders and insurance companies has meant either refusals to provide loans and mortgage insurance or their availability at higher rates or for shorter periods of time. Lenders and insurance companies have often used such practices with those seeking to buy in certain neighborhoods. Common characteristics of redlined neighborhoods

often include the ethnic or racial makeup of the residents, the age of the housing stock, and the income level of the residents. Such neighborhoods are either predominantly ethnic or black, shifting toward a nonwhite majority, or located near predominantly ethnic or black areas.[5] The housing stock is generally more than fifteen years old, and the residents are primarily in the low- and moderate-income brackets.

Other barriers to the free choice of blacks and to the establishment and maintenance of racially integrated neighborhoods have been the practices by real estate agents of blockbusting and steering. Steering means directing white households to all-white neighborhoods and referring black households either to all-black neighborhoods or to integrated neighborhoods. Real estate agents thus accelerate the pace of racial change by influencing the white households in integrated neighborhoods to sell their houses, often at a loss, but certainly at less than the loss that they have been led to anticipate with the influx of more black neighbors. Real estate agents or developers buy these artificially devalued properties for resale at a markup to black households. Although it occurs most often in the home purchase market, steering also exists in the rental market. In this instance, agents often refer blacks to the units of lowest quality in the neighborhoods that brokers believe to be in transition.[6]

What have blockbusting and steering meant in terms of the ability of blacks to acquire the type of housing they want in the locations they desire? Although empirical evidence is inconsistent on the results of blockbusting, it was one of the major vehicles that enabled blacks and other minorities to acquire ownership of homes (albeit at inflated prices) in neighborhoods they might otherwise have found barred to them.[7] It is the pursuit of their desired housing bundle that has caused blacks to bump up against whites residentially. Thus, the fear among whites of residential racial integration, and the assistance of loan insurance from the Federal Housing Administration (FHA),[8] often unintentionally combined to provide "decent, safe, and sanitary dwellings" for many black families.

Extent of Residential Racial Integration

The dominant pattern of racial dispersion throughout contemporary metropolitan areas has concentrated blacks and other minorities in the inner city and whites in the outer suburbs. Residential moves by blacks to achieve racial integration have flowed largely from cities—perceived as the areas with the most crime, the worst housing, the worst schools, and the worst conditions in which to raise children—to suburbs.[9] To what extent has residential racial integration occurred in recent years? To what degree have black (and white) households functioned as if this were a desirable by-product or a worthwhile end product?

Interviews with blacks and whites in the *1978 HUD Survey on the Quality*

of Community Life revealed that little actual residential integration exists. Eighty-nine percent of the whites interviewed said that they lived in all-white or mostly white neighborhoods; 52 percent of these white households lived in all-white neighborhoods. Among the blacks interviewed, 55 percent said that they lived in predominantly minority neighborhoods. Only 8 percent of the white households and 32 percent of the black households surveyed indicated that they lived in neighborhoods where half the residents were white and half were minorities.[10] Moreover, in responding to questions about the importance of the ethnic and racial background of the residents when they were deciding whether to move into a neighborhood, among residents of mostly white neighborhoods, 18 percent felt it was either important or very important, and 28 percent of those in mostly minority neighborhoods held the same view.[11] A similar finding emerges when the responses of black and white residents are analyzed separately. Twenty-eight percent of the black households and 20 percent of the white households viewed the ethnic or racial background of neighborhood residents as either important or very important.[12]

Thus, although about half of all the whites and blacks surveyed said they lived in neighborhoods with some degree of integration—from mostly black to mostly white—fewer than 10 percent of the whites and only 32 percent of the blacks live in neighborhoods that are approximately evenly integrated by race. When moving, a higher percentage of blacks than whites view the ethnic and racial composition of their new neighborhoods as important.

Statistics from the 1980 census for thirteen large American cities (New York City, Chicago, Detroit, Philadelphia, Los Angeles, Washington, D.C., Houston, Baltimore, New Orleans, Atlanta, Dallas, Cleveland, and St. Louis) confirm a trend toward increasing black suburbanization.[13] In the United States as a whole, one out of every five black Americans now lives in the suburbs, and the black population is growing faster in the suburbs than in the central cities. In only one place—New York City—did the flow of blacks to the suburbs diminish between 1960–70 and 1970–80. Although the black suburban population increase around New York City was 77,494 for 1960–70 and 68,127 for 1970–80, the percentage of suburbanites who are black increased between 1970 and 1980 from 6 to 8. In Houston, though the suburban black population increased from 3,819 for 1960–70 to 14,100 for 1970–80, because of overall population growth in this primary metropolitan statistical area (PMSA), the percentage of suburbanites who are black decreased from 9 to 6. The largest increases in the percentage of the total black suburban population occurred in Washington, D.C.—an increase from 8 percent in 1970 to 17 percent in 1980—and in Atlanta, Georgia—an increase from 6 percent in 1970 to 14 percent in 1980.

The statistics now available do not say anything about the socioeconomic levels of the new black suburbanites or whether their moves are advancing racial integration. Examination of these questions certainly is one of the areas that research on residential racial integration in the 1980s should emphasize.

However, it is possible to conclude already that both increasing numbers and percentages of blacks are voting with their feet for the suburbs, whatever that may mean for racial integration and the overall quality of their lives.

Attitudes of Blacks toward Residential Racial Integration

How do black Americans feel about the goal of achieving residential racial integration? For what reasons might they prefer residential racial integration of neighborhoods? Residential racial integration per se is not now and may never have been the desideratum among blacks. The more fundamental concern among black Americans has been freedom from impediments to the fulfillment of their human potential. If blacks get the housing units that they want, and the characteristics include a racially integrated neighborhood, they are willing to accept integration as a useful although not essential outcome.

According to opinions interviewees expressed in the *1978 HUD Survey on the Quality of Community Life*, 57 percent of all blacks and 15 percent of all whites would prefer the racial composition of their neighborhoods to be half white and half minority.[14] However, one has to temper this finding with other findings from this and other surveys about the perceived and actual accompaniments to residence in neighborhoods that are racially integrated.

Pro

As the preceding section noted, residential racial integration has become an important by-product in the search for both suitable housing and a decent residential environment.[15] As part of this decent residential environment, we assume that blacks prefer a high level of amenities—that is, quality public schools, low crime rates, responsive police and fire departments, regular garbage collection, good road maintenance, and other qualities. If living in integrated neighborhoods is the only way to acquire suitable housing, then it is certain that blacks who have that goal would not oppose racial integration. Likewise, if living in racially integrated neighborhoods provides access to quality local schools and if the acquisition of quality education is a high priority among black households, then they would not be averse to racial integration.

If living in a decent environment is defined as living in an environment with lower crime rates, particularly lower rates of crime against persons, and if the suburbs have lower crime rates, then black Americans seeking decent environments will seek residences in the suburbs. If municipal services—street cleaning, snow removal, fire and police protection, garbage collection—are part of a decent environment and if neighborhoods that are residentially racially integrated are the ones that provide high levels of municipal services, then black

Table 1. Attitudes of Residents Toward Local Amenities, by Neighborhood Composition (Percentage of Total)

	Residents of Mostly Minority Neighborhoods	Residents of Mostly White Neighborhoods
Felt Schools Excellent or Pretty Good	45	61
Felt Crime a Serious Problem	71	34
Felt Police Excellent or Pretty Good	52	69
Felt Garbage Collection Excellent or Pretty Good	70	75
Felt Fire Protection Excellent or Pretty Good	77	84
Felt Road Maintenance Excellent or Pretty Good	38	47

SOURCE: Prepared by the National Urban League Research Department from the 1978 Survey on the Quality of Community Life: A Data Book (Washington, D.C.: U.S. Department of Housing and Urban Development, 1978), pp. 226-227, 416, 424-425, and 432.

Americans will seek the localities that satisfy their desire for such services. They will then accept the racial integration that may come along with it.

Evidence from the *1978 HUD Survey on the Quality of Community Life* confirms the above reasoning to some extent (see Tables 1 and 2). Opinions expressed both by residents of minority and white neighborhoods and by blacks and whites separately indicate some of the factors that could motivate moves that may yield residential racial integration. In all instances, more residents living in mostly white neighborhoods feel that their municipal services are excellent or pretty good than do those living in mostly minority neighborhoods (Table 1). Thus, strong incentives exist to move from mostly minority neighborhoods to mostly white ones if greater satisfaction with municipal services is an objective. The uniformly smaller percentages of black than of white households feeling such high levels of satisfaction also suggest that it would be blacks (as one minority group) who would relocate from the mostly minority to the mostly white neighborhoods for these reasons (Table 2).

If blacks are working for firms that are decentralizing because land costs in the suburbs are lower than in cities and if they want to keep their jobs and decrease commuting time between home and job, then blacks who currently live in the cities may want to move to the suburbs. To the extent that the suburbs have largely white populations, black households, by pursuing easier

Table 2. Attitudes of Residents Toward Local Amenities, by Race (Percentage of Total)

	Blacks	Whites
Felt Schools Excellent or Pretty Good	59	63
Felt Crime a Serious Problem	69	29
Felt Police Excellent or Pretty Good	56	69
Felt Garbage Collection Excellent or Pretty Good	69	75
Felt Fire Protection Excellent or Pretty Good	70	72
Felt Road Maintenance Excellent or Pretty Good	31	47

SOURCE: Prepared by the National Urban League Research Department from the 1978 Survey on the Quality of Community Life: A Data Book (Washington, D.C.: U.S. Department of Housing and Urban Development, 1978), pp. 224-225, 414-415, 422-423, and 430-431.

work access, may also be racially integrating neighborhoods. Once again, residential racial integration is achieved not in its own right but as the by-product of pursuing other goals.

Con

Although there are many possible reasons to look with disfavor on residential racial integration, most of them center on the location of the process,[16] that is, in existing white neighborhoods or in existing minority neighborhoods. One objection to the residential racial integration of minorities into existing white suburban neighborhoods relates to its impact on minority voting block strength. To the extent that the movement of blacks from cities to suburban areas reduces their numbers in inner-city voting jurisdictions, they are reducing their power as the plurality or majority of voters in certain wards. This loss of concentrated voting power often means the difference between the election of a black official and a white official. Insofar as representation in elected office by a member of one's same ethnic or racial group bestows advantages upon constituents, one could argue that the suburbanization that leads to residential racial integration is not desirable for black communities as a whole.

Another objection to residential racial integration has been the dissolution of community and kinship networks. If residential racial integration requires

minorities to move to a predominantly white suburb, the minority group social network—churches, civic groups, and the like—will lose members and may lose its effectiveness. The social isolation of being greatly outnumbered as a minority resident in a predominantly white suburb could only aggravate the hurt of any racially motivated harassment experienced there and would certainly lessen the willingness of minority groups to move to integrate. The personal and social costs of integration may be too high for minorities to bear willingly.

A final and slightly different type of objection to residential racial integration relates to the integration of existing minority neighborhoods by whites. Since the early 1970s, neighborhoods once predominantly black and redlined by lenders and insurers have attracted some whites as places in which to buy and renovate homes. The process whereby higher income whites replace lower income blacks, usually in declining inner-city neighborhoods, is known as gentrification and has been decried by many since first observed. Positive aspects of the process can include both spatial deconcentration of racial minorities and strengthening of the city tax base. Negative aspects are its resemblance to the "Negro removal," with which urban renewal became synonymous,[17] and the reduction of the already limited supply of housing available to low- and moderate-income people.

Insofar as the "gentry" are moving into vacant buildings without displacing existing tenants (who cannot afford to buy their units), such a process fosters the goals of neighborhood renewal and residential racial integration. However, insofar as the process displaces either tenants unable to buy their units (often converted to cooperatives or condominiums) or owners no longer able to pay the real estate taxes associated with the inflated assessed values such new investment in the neighborhood brings, then it clearly has negative effects. For example, in the major renovation areas of Washington, D.C., between 1970 and 1980, the black population decreased by 36 percent and the white population increased by 7 percent.[18] No one knows where the people who are displaced go. Because they were vulnerable to displacement from their original neighborhoods, financial constraints are likely to limit their ability to move to the suburbs and integrate neighborhoods there. Due to changes in prices or conditions brought about by neighborhood reinvestment, they no longer had the freedom to choose whether to move or to remain.

In this instance, freedom of choice for minorities over the types and locations of residences has been constrained by economics, although the changes that result include the racial integration—at least in the short run—of many neighborhoods that formerly were all black. In this case, some see the displaced as seriously "dispossessed":

> While displacement has always produced severe hardship to the lower-income, when it was caused by urban renewal or other earlier programs the "trickle down" theory provided comfort to some that lower-income

people whose homes were demolished could find housing which was being abandoned by higher-income persons. Displacement due to reinvestment turns the trickle down theory on its head; it is the higher-income who are now usurping the homes of the lower-income, leaving nothing left to trickle down.[19]

Long-term residential racial integration seems to be an elusive goal in the United States. Few neighborhoods integrated by the in-migration of blacks have remained integrated over time. The phenomenon of integration by whites through the gentrification process is still new enough that it is unclear how stable this integration may be. Although gentrification may bring about integration within some city neighborhoods in the short run, it probably will do little to further integration in the longer run and may generate increased crowding or pocket ghettos in other parts of the metropolitan areas.

The case of gentrification and the other issues discussed in this chapter demonstrate how large a part home ownership plays in creating freedom of mobility. If those who were displaced—blacks or others—had been able to buy their apartments after developers converted them to cooperatives and condominiums, they might have moved from their neighborhoods only temporarily, during renovation, rather than permanently. However, encouraging more home ownership cannot remedy, by itself, the inability of many owners to meet the property tax payments required to enable them to stay in their neighborhoods. In any case, the movement of blacks from inner-city areas either voluntarily (in pursuit of an enhanced housing bundle or racial integration in the suburbs) or involuntarily (by gentrification or reinvestment displacement) has the same net effects—of diluting black voting strength within cities and of weakening the social and cultural fabric of black communities.

Summary and Conclusion

In viewing questions from a minority perspective, it is important to remember that no single "minority community" position exists on housing or almost any other issue. The competing motives of individuals and the diversity of opinion within minority groups prevent anything resembling consensus on most issues. However, an identifiable similarity of motives and reasonably clear agreement on goals does provide a glue that binds together the fragile coalition of groups often called the "minority community." One common motive is the desire to improve the living conditions of minority group members, and a common goal is to ensure equal access to "decent, safe and sanitary dwellings."

In order to understand the minority perspective on residential racial integration, we must distinguish between the minority community as a collection of individuals with one set of motives and priorities and the organizations that represent individuals who may hold a quite different set of motives and priori-

ties. This is not to say that the organizations are not representative of their constituencies but only that individuals may behave very differently from organizations. For example, a minority organization may have a philosophical concern that focuses on the long-range attitudinal changes that might occur as a result of a closer association between members of different races and ethnic groups. This concern might center on the idea that if people of different ethnic backgrounds lived in the same neighborhoods, their children would attend the same schools, socialize together, and thereby come to know each other as individuals rather than merely as members of another racial group. Theoretically, this would result in reduced prejudice and bigotry that might carry over into adulthood.

Similarly, parents living in integrated neighborhoods would interact in a context of mutual problems and concerns that would transcend racial and ethnic identification and, again, become individuals to one another rather than out-group members. Thus, residential racial integration may be seen as a long-term method of fostering mutual respect among various racial or ethnic groups. Nevertheless, this motive probably is not uppermost in the minds of individuals as they seek housing and other goods and services for their families. It *is* a consideration when civil rights, service, or advocacy groups form national policies or take positions on the issue of housing. Part of the difficulty in understanding the minority community's positions on residential integration stems, perhaps, from the reluctance of its organizations to express clearly and repeatedly such seemingly utopian goals. Often they are reluctant because the attainment of these goals is uncertain at best and, even if attained, no one could attribute such successes conclusively to a specific set of actions, policies, or conditions.

Historically, the National Urban League has opposed any activity that would limit for any reason the access of minority group members to any housing that they could afford. At the same time, the organization has concerned itself with limiting the diffusion of black political power, acquiring jobs, limiting urban displacement, and a myriad of other, separate issues related to housing. Although the National Urban League opposes any policy of so-called "spatial deconcentration," for example, it does not object to the movement of blacks to suburbs by personal choice. Even if this movement eventually results in neighborhoods that are no longer racially integrated, the League would oppose any action that would maintain housing integration by denying free access to housing to minority group members. The overriding issue here is better, more affordable housing for minorities, not housing integration.

Similarly, while the National Urban League condemns urban renewal projects that are merely euphemisms for "Negro removal," it recognizes that open housing means that whites also must be free to move into previously black areas, a trend occurring now in many urban centers. However, this process becomes problematic when realtors, bankers, thrift institutions, and insurers conspire to influence the process to the detriment of minority group members.

In view of the impediments that blacks face when they seek to exercise their full freedom of choice in terms of residence type and location, the National Urban League has served as an advocate for the elimination of discriminatory barriers to free choice. One such advocacy action was a court suit that the League filed against the Office of the Comptroller of the Currency and other financial regulatory agencies.[20] Although the court ruled that the organization did not have standing as a plaintiff against certain of these agencies, as a result of the suit the League obtained agreements to ameliorate the racially and sexually discriminatory aspects of the home mortgage lending process involving several institutions.

This chapter began with a statement of the mission of the National Urban League; it is appropriate to close on that same point. The National Urban League seeks to enable blacks and other minority group members to exercise their full human potential. Although the organization pursues broad policy concerns and objectives regarding residential racial integration, whatever personal choices enable minority group members to realize their life potential, the League, by its very definition, supports. Residential racial integration has been enhanced over the years by the cumulative fulfillment of the mission of the organization and by the personal choices the members of its constituency have made. We are confident that it will continue to evolve in this fashion.

NOTES

1. National Urban League, *Manual*, p. 2.

2. The use of home ownership as the primary form of wealth accumulation has been noted since the 1930s. See Gries and Ford, *Home Ownership, Income, and Types of Dwelling*, p. 1.

3. The concept of the housing bundle is explained at length in Kain and Quigley, *Housing Markets and Racial Discrimination*, pp. 256–63.

4. As far back as 1932, President Hoover's Committee on Home Building and Home Ownership noted that blacks, who are predominantly renters, are required to spend larger proportions of their incomes on rent than are other groups. It was also found that home ownership among blacks was increasing at that time despite difficulties with financing and the high interest rates paid for second mortgages, which were common for home purchases then. See Gries and Ford, *Negro Housing*, p. 71.

5. Naparstek and Cincotta, *Urban Disinvestment*, p. 10.

6. A useful discussion of both blockbusting and steering can be found in Lake, *The New Suburbanites*.

7. See Taeuber and Taeuber, *Negroes in Cities*, p. 22, for a discussion of the factors that lead to increased prices of houses after the in-migration of blacks to a neighborhood.

8. "Housing Discrimination Must Be Dealt with by HUD," p. 317.

9. *1978 HUD Survey*, p. 2.

10. Ibid., pp. 298–99.

11. Ibid., p. 610.

12. Ibid., pp. 608–9.

13. Carlson, "Blacks Increasingly Head to Suburbs," p. 29.

14. *1978 HUD Survey*, pp. 298–99.

15. In the *1978 HUD Survey*, 40 percent of all residents of a large city but only 13 percent of all residents of a medium suburban city considered the condition of the housing in their community to be a severe problem (pp. 220–21). Additionally, 51 percent of all blacks in the survey but only 16 percent of all whites considered the condition of housing in their community to be a severe problem (pp. 224–25). In mostly white neighborhoods, 19 percent of the residents felt housing conditions to be a severe problem, whereas, in mostly minority neighborhoods, 44 percent of the residents shared that sentiment (pp. 226–27).

16. An extended discussion of possible disadvantages to the residential integration of suburbs by minorities is found in Calmore, "Fair Housing vs. Fair Housing."

17. The legacy of urban renewal programs in the United States is explored in Anderson, *The Federal Bulldozer*; Wilson, *Urban Renewal*.

18. Feinberg, "D.C. Leads Country in Renovation."

19. Werner, "Displacement," p. 11.

20. *National Urban League v. Office of the Comptroller et al.*, U.S. District Court of the District of Columbia, Civil Action No. 76–718, April 1976. (The final order was filed 3 May 1978.)

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Chapter Three

Sustainable Integration or Inevitable Resegregation

The Troubling Questions

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A trend toward black suburbanization, beginning in the 1970s, has been documented in a number of studies.[1] Will this demographic development merely extend to the suburbs the residential segregation patterns so familiar in most of our central cities? Or does it present an opportunity for fostering racially diverse communities?

Growing numbers of suburban municipalities are grappling with the complexities of attempting to maintain themselves as racially diverse.[2] This chapter addresses some of the legal, especially constitutional, and policy questions posed by those efforts. Particular attention will be paid to race-conscious housing counseling. We will use this term to refer to an important but controversial activity: a counseling and referral service carried on by a municipal or municipally supported housing agency that collects information about racial residential patterns and encourages homeseekers to consider housing options that persons of their race are unlikely to consider (i.e., white homeseekers are encouraged to consider moving to integrated areas and black homeseekers are encouraged to consider predominantly white neighborhoods).[3] The significance of regional efforts not confined to a single municipality will also be discussed.

Background

The experience of one Chicago suburb illustrates the difficulties of attempting to maintain racial diversity. In 1967 the Commission on Human Relations of Markham, Illinois, issued a report that spoke glowingly of Markham's "stable racial integration":

> Markham enjoys substantial and stable racial integration. In the strife ridden 60's, here Negroes and whites have learned to live together as co-laborers, learn together as students, govern together as equals and worship together as brothers. We recognize the presence of problems but, we have learned that life in a community such as ours is an exciting and rewarding experience. We pledge ourselves to strive for the full attain-

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> ment of the integration goal. We welcome all people of good will to share in this rich inter-racial life. We are pledged to demonstrate the success of racial integration to our metropolitan area.[4]

However, the same report cast doubt on Markham's ability to make good on its pledge to demonstrate the success of racial integration:

> This Commission worked actively to implement peaceful integration and cooperated with the Veterans's Administration, the Illinois Commission on Human Relations and the real estate brokers handling non-white sales. Now that we are working just as hard to maintain that integration we find not only a lack of cooperation from these sources but actual opposition. . . . In the past, all-Negro subdivisions have developed in the Chicago suburbs and some suburban areas have gradually changed into non-white sections, but we believe our situation marks the first significant extension of the Chicago pattern of block-by-block transition to the suburbs.[5]

Markham's black population, which was about 2.5 percent in 1950, rose to 21 percent in 1960, 50 percent in 1970, and 70 percent in 1980; it was estimated to be about 75 percent in 1984. Most neighborhoods are either entirely black or are steadily losing their white residents. The Human Relations Commission is defunct.[6]

The Markham experience highlights a conundrum of race relations in the United States: blacks move into previously all-white neighborhoods, but the resulting integration does not persist and the neighborhoods eventually lose virtually all their white residents. One analysis offers this explanation:

> Given decades of history that the entry of blacks into a neighborhood signals its transition to an all-black neighborhood; given that many neighborhoods are still closed to blacks; given the natural tendency of minority families to seek housing in areas where they know they will be welcomed; given the wider range of choice open to whites—all these factors push newly integrated neighborhoods in the direction of becoming all-minority neighborhoods. When illegal racial steering is added, the resulting transition to a resegregated neighborhood becomes almost inevitable.[7]

A village president warns members of the National League of Cities that they must face the resegregation issue. "Inaction," he contends, "is tantamount to support for segregation, racial change and resegregation in town after town throughout the metropolitan areas across our nation."[8]

Small but growing numbers of integrated suburban municipalities across the country have begun to address the resegregation issue.[9] Their efforts to maintain their racially diverse character have taken a variety of forms, including:

- Race-conscious housing counseling—a counseling service that encourages homeseekers to consider housing options that persons of their race are unlikely to consider;

- Affirmative marketing—attempts to induce or require real estate agents to inform racial groups about available housing in neighborhoods to which members of such groups are not likely to be attracted without special efforts;
- Racial record keeping—maintaining records on the racial composition and home buying and apartment seeking "traffic" of subdivisions, blocks, or other areas;
- Notification of intent to sell—attempts to require or induce owners to provide advance notice of housing to be placed on the market;
- Solicitation bans—prohibitions of real estate solicitation if property owners give notice that they do not wish to be solicited (or if other requirements are not complied with);
- Sign bans—prohibitions against the display of "for sale" or "sold" signs on residential real estate;
- Housing quality/public service standards—rigid enforcement of housing quality standards and improvement of public services in neighborhoods threatened with resegregation;
- Litigation—suits against real estate brokers for racial steering, usually based on "testing" by teams of blacks and whites who visit real estate offices and pretend to be looking for homes.[10]

These so-called "integration maintenance" activities have generated heated controversy. For example, Chicago area chapters of the NAACP and of the Southern Christian Leadership Conference (SCLC) have issued strongly critical statements. One NAACP chapter said that integration maintenance would lead to "restriction of mobility of Black people and/or abridge the civil rights of individual citizens."[11] The SCLC chapter asserted that the very concept of integration maintenance "reinforces the myth of 'White Supremacy' and Black Inferiority."[12] Testifying before a congressional committee in 1978, the general counsel of the National Association of Realtors (NAR) attacked integration maintenance ordinances as illegal "'minority scatter plans'... premised on the racist and biased stereotype of minority concentrations as inherently a threat to the health, safety and welfare of the community."[13]

On the other hand, a respected Chicago area fair housing organization, the Leadership Council for Metropolitan Open Communities, observed in a position paper on the subject, "We will not end the dual housing market if deliberate efforts to open communities result in resegregation." The council concluded that it would support municipal actions that "encourage choices by home seekers which will further the achievement of racial diversity, so long as the actions apply fairly to all home seekers and the right of the home seeker to make the final choice is respected."[14]

Articles on the integration maintenance issue have also begun to appear in the national and local press,[15] and scholarly analysis has commenced.[16]

Litigation too is underway. One suit led to an order invalidating antisolicita-

tion provisions of the Bellwood, Illinois, ordinance,[17] while another attacked the integration maintenance activities of Cleveland Heights, Ohio.[18] In a Chicago area lawsuit, the National Association of Realtors is asserting that the integration maintenance ordinances and programs of nine suburbs violate fair housing laws.[19]

Even the U.S. Department of Housing and Urban Development (HUD), which long avoided serious discussion of integration maintenance questions, has begun to turn its attention to the subject. In a speech delivered to the NAR's convention in November 1983, HUD Secretary Samuel R. Pierce, Jr., offered three preliminary observations on integration maintenance:

1. He did not see the integration maintenance issue as a question of quotas. "The communities deny that their programs involve quotas or other predetermined numerical relationships. . . . The point of their programs is to expand, rather than to limit choices, and that is the basis on which we will judge them."

2. He could not ignore the fact that the integration maintenance controversy had become most pronounced in those areas that appeared to be most marked by continuing housing discrimination, or the "cruel irony" that the many communities that remained closed to minorities were "largely and directly responsible for the existence of this controversy."

3. He did not believe it useful to frame the integration maintenance issue "as a supposed conflict between free choice and integration." The issue was free choice, but restricting choice was no less real or unlawful when a white homeseeker was denied the choice of an integrated community than when a minority homeseeker was denied the choice of a nonsegregated community.[20]

In August 1984, announcing a change in its rules for determining whether the fair housing laws of state and local jurisdictions were substantially equivalent to federal fair housing laws, HUD said that, although it had not found any integration maintenance ordinance or program that in its view amounted to a quota,

> Nevertheless, the Department does not deny that it is possible for some activities purportedly undertaken in the name of racial integration to have a limiting effect on the ability of some persons to select or apply for the housing of their choice. . . . In a homeownership context, it may be possible that some elements of an "integration maintenance" program might operate to restrict the channels available to homeseekers, more than to open them, in a manner that may be considered incompatible with the prohibitions of the Fair Housing Act. Such elements, for example, might include bans on "for sale" signs or on solicitation by real estate brokers, or race-conscious counselling by municipal agencies.[21]

In light of these various developments, it is not surprising that interest in integration maintenance is growing rapidly, or that the questions it poses—to which we now turn—are complex.

The Troubling Questions

The following discussion will focus on race-conscious homeseeker counseling as carried on by a number of municipally operated or supported housing agencies. These agencies provide a counseling and referral service to homeseekers in an effort to promote and maintain racial diversity. They obtain information about racial patterns (such as homeseeker traffic) and available housing, as well as the usual information of interest to homeseekers on schools, transportation, and the like. They then try to encourage white homeseekers to consider moving to already integrated areas and black homeseekers to predominantly white neighborhoods.[22]

Such counseling, of course, involves none of the elements of a racial quota.[23] Yet race-conscious counseling is one of the most controversial, as well as one of the most important, of the integration maintenance techniques. A discussion of it is likely to illumine integration maintenance issues generally. Many other elements of a comprehensive integration maintenance strategy cause less controversy but deal only indirectly with racial transition—for example, policy statements, improved public services, and increased attention to enforcement of housing quality standards. The "direct" technique of counseling may be an essential part of any integration maintenance strategy effective enough to contend with the frequently irresistible tide of block-by-block resegregation.

Because race-conscious counseling conducted or supported by a municipality may be said to amount to government treatment of citizens differentially according to race (i.e., blacks are encouraged to consider moving to one type of area, whites to another),[24] how can such conduct survive under Title VIII of the 1968 Civil Rights Act or the Equal Protection Clause of the Constitution? Although to our knowledge no court has yet decided a counseling case, lower federal courts have determined that Title VIII proscribes "discouraging" a prospective home buyer from purchasing housing on a racial basis.[25] Race-conscious counseling may have the effect of discouraging some persons from purchasing some housing for racial reasons (indeed, in the sense that persons are counseled to consider housing options in addition to those they may have had in mind initially, that is one of its purposes).[26] Why, then, does such counseling not violate Title VIII?

The argument that it does not rests to some degree upon the asserted purpose of Title VIII to promote integration, and the judicial doctrine that a statute should not be interpreted or applied in a way that will frustrate its purpose.[27] However, whether Title VIII in fact has such a purpose—in addition to its acknowledged antidiscrimination purpose—is itself uncertain.

The stated purpose of Title VIII is "the achievement of fair housing throughout the United States," but the statute does not define the term "fair housing." And while the Supreme Court has referred to the importance and desirability of racial integration in housing in Title VIII cases,[28] no Supreme Court opinion has given us a precise meaning for that term.

There are two polar possibilities: Title VIII is designed merely to eliminate discrimination, or it is designed for that purpose and to promote integration as well. In the former view, "fair housing" means housing that is "open," that is, free from discrimination and accessible to all in free market competition, regardless of the racial residential pattern that results. In the latter view, "fair housing" means "integrated housing," racial residential diversity achieved in fact.

A third view is also possible: the law was designed to eliminate discrimination in housing and *thereby* to promote integration. That is, the legislators hoped that integration would result from the elimination of discrimination, but they did not intend specifically to authorize or validate race-conscious activities such as homeseeker counseling to achieve that result, at least not by agencies other than the federal government and its agents.[29]

The statement most often quoted in support of the integration purpose of Title VIII is that of Senator Mondale, a principal sponsor of the legislation, who said that Title VIII was intended "to replace the ghettos by truly integrated and balanced living patterns."[30] However, Senator Mondale also said, "The basic purpose of this legislation is to permit people who have the ability to do so to buy any house offered to the public if they can afford to buy it."[31] And Senator Brooke, a cosponsor of Title VIII, said:

> America's future must lie in the successful integration of all our many minorities, or there will be no future worthy of America. That future does not require imposed residential and social integration; it does require the elimination of compulsory segregation in housing, education and employment.
>
> It does not require that government dictate some master plan for massive resettlement of our population; it does require that government meet its responsibilities to assure equal opportunity for all citizens to acquire the goods and necessities of life.
>
> It does not require that government interfere with the legitimate personal preferences of individuals; it does require that government protect the freedom of individuals to choose where they wish to live.[32]

An opinion of the general counsel of HUD refers to the "twofold" purpose of Title VIII, "the provision of open housing opportunities" (presumably by prohibiting discrimination) and "the replacement of segregated housing conditions by 'truly integrated housing patterns,'" but concludes: "In summary, the two goals of [Title VIII]—integration and nondiscrimination or freedom of choice—were perceived by Congress to be complementary. Congress anticipated that the abolition of racially discriminatory housing practices would ultimately result in residential integration."[33]

An interesting argument derives from Section 809 of Title VIII, which mandates HUD to endeavor to "work out programs of voluntary compliance and enforcement" of Title VIII with, among others, persons in the housing indus-

try. Under this provision HUD has entered into a number of voluntary affirmative marketing agreements, including one with the National Association of Realtors.[34] Pursuant to the HUD/NAR agreement, NAR has published educational and training materials for its members, including "Guidelines" respecting how Title VIII applies to the real estate industry. The Guidelines were developed in consultation with representatives of the U.S. Department of Justice and HUD, the two federal agencies responsible for the enforcement of Title VIII.[35]

The Guidelines appear quite clearly to sanction actions by real estate agents to encourage integration:

> The law does not prohibit encouragement of integration and would not be violated by such acts since they are consistent with the national housing policy.[36]

> [P]erfectly proper racial statements (in the form of encouragement of integration) take place between broker and potential buyer.[37]

Because the legal basis for the HUD/NAR voluntary affirmative action marketing agreement and its Guidelines is Section 809's directive respecting programs of voluntary "compliance and enforcement," it may be inferred that HUD has interpreted Title VIII to authorize pro-integration activities by real estate agents, at least in the context of cooperative agreements with government.[38] An argument might thus be made that HUD has interpreted Title VIII as embodying an integrative purpose independent of the hope or expectation that integration would result from the elimination of housing discrimination.

Unlike an arcane lawyers' dispute, the controversy about the meaning of Title VIII erupted in the daily newspapers in the summer of 1984. In an interview that appeared on page one of the *Washington Post*, William Bradford Reynolds, assistant U.S. attorney general for civil rights, was reported to have said that Congress intended Title VIII only to prohibit racial bias in renting or selling housing, and, as long as people are not denied free choice of housing, "I don't think any government ought to be about the business to reorder society or neighborhoods to achieve some degree of [racial] proportionality" in housing.[39]

Jane Lang McGrew, former general counsel of HUD (author of the opinion referred to above), shot back four days later in a *Los Angeles Times* column that Reynolds was engaged in "revisionist thinking" about Title VIII. There are two purposes of the law, she wrote, "to eliminate discrimination and to promote integration in housing." Stopping with the first, as Reynolds did, "doesn't go as far as Congress went, and it is nowhere close to where the courts have been," McGrew said, citing Supreme Court statements about the strong national commitment to promote integrated housing reflected in the law.[40] In an analysis entitled "Nation's Policy on Integration at Crossroads," the *Washington Post* staff writer who had interviewed Reynolds concluded that if "Rey-

nolds succeeds in greatly narrowing the interpretation of the Fair Housing Act . . . residence patterns in the nation will be profoundly changed."[41]

A different approach to the question of whether municipal race-conscious counseling violates Title VIII focuses on the reference to constitutional limitations in the purpose clause of Title VIII: "It is the policy of the United States to provide, within Constitutional limitations, for fair housing throughout the United States." The phrase "Constitutional limitations" suggests that Congress wished constitutional principles to play a major role in determining the validity of fair housing programs. Thus it is likely that the legality of municipal race-conscious counseling will depend to a large extent on constitutional analysis, to which we now turn.

The Equal Protection Clause of the Fourteenth Amendment requires government to treat similarly situated persons equally under the law. All race-conscious actions by government are not thereby precluded; however, as the case law has established, race-conscious actions are likely to be held unconstitutional unless they further a compelling government interest and are shown to be necessary to that end.

In addition, a recent analysis has persuasively suggested that, even if the compelling interest and necessity tests appear to be met, the government's interest must be found to outweigh society's strong interest in not burdening or stigmatizing members of minority groups. Without such a balancing, no attention would be paid to the possibility that a racial classification, necessary to achieve a compelling interest, might impose an intolerable burden upon a minority group.[42] What are considered "compelling," "necessary," and "burdensome" or "stigmatizing" are thus likely to be the three ultimate determinants of the validity of race-conscious homeseeker counseling.

The Compelling Interest

The "compelling" nature of the government interest in preventing residential segregation is strongly indicated by statements already made by the Supreme Court. In 1979 the Court upheld the right under Title VIII of the village of Bellwood, Illinois, to sue real estate agents who were allegedly steering prospective black home buyers toward an integrated area of Bellwood, while steering white customers away from it. Bellwood contended that these practices were affecting the village's racial composition, replacing an integrated neighborhood with a segregated one. Asserting that the "adverse consequences attendant upon a 'changing' neighborhood can be profound," the Court said that, if the alleged steering practices significantly reduced the number of buyers in the Bellwood housing market, prices could be deflected downward, a phenomenon the Court said would be exacerbated if increases in the minority population attributable to racial steering precipitated white flight.[43] The Court concluded:

> A significant reduction in property values directly injures a municipality by diminishing its tax base, thus threatening its ability to bear the costs of local government and to provide services. Other harms flowing from the realities of a racially segregated community are not unlikely. [Footnote omitted.] As we have said before, "[t]here can be no question about the importance" to a community of "promoting stable, racially integrated housing." *Linmark Associates, Inc. v. Willingboro* [citation omitted]. If, as alleged, petitioners' sales practices actually have begun to rob Bellwood of its racial balance and stability, the village has standing to challenge the legality of that conduct.[44]

The *Linmark* case referred to in the quotation was a 1977 decision of the Court holding that a ban on the display of "for sale" or "sold" signs on real estate violated the First Amendment and was not saved by the municipality's purpose of stemming what it perceived as the flight of white homeowners from a racially integrated community. Noting that defense of the municipality's ban relied "on the vital goal this ordinance serves: namely, promoting stable, racially integrated housing," the Court in *Linmark* said: "There can be no question about the importance of achieving this goal. This Court has expressly recognized that substantial benefits flow to both whites and blacks from interracial association and that Congress has made a strong national commitment to promote integrated housing."[45]

It is true that neither the *Bellwood* nor the *Linmark* case arose under the Equal Protection Clause. In an equal protection context, where race-conscious government action is at issue, "compelling" clearly means more than merely "important." However, with the Court viewing Congress as having made a "strong national commitment to promote integrated housing," and having itself termed that goal "vital," it seems more likely that municipal race-conscious counseling would founder—if at all—on the necessity or burden tests than that the Court would conclude that the "vital" goal of promoting integrated housing is not a "compelling" government interest.[46]

In any event, another Supreme Court case points the way to a near-certain resolution of the compelling interest issue. In 1980 the Supreme Court held that it was not a violation of the Equal Protection Clause for Congress to provide a 10 percent "set-aside" for minority businesses of federal funds granted for local public works projects. The decision, in *Fullilove v. Klutznick*, rested on Congress's determination that racial discrimination or its effects persisted in the field of government contracting, and that the minority business preference would help redress that condition.[47] In his concurring opinion, Justice Powell spoke of "the compelling government interest in redressing the discrimination that affects minority contractors."[48]

In like fashion any integration maintenance ordinance, including its counseling component, is likely to be based on a determination that discrimination

or its effects persist in the housing field, and that the provisions of the ordinance are designed to redress those discriminatory conditions. Whatever difficulties may be encountered with the necessity and burden or stigma tests, such a determination, responsibly made, is likely to satisfy the compelling interest requirement.[49]

The Necessity of the Means

The necessity of employing race-conscious counseling to foster racial diversity is a more difficult issue. It is generally acknowledged that discriminatory conduct, particularly by persons in the real estate business, has been a major cause of residential segregation.[50] Yet pervasive discriminatory conduct persists,[51] arguably in part at least because enforcement of our laws against housing discrimination has been less than vigorous,[52] and the enforcement structure itself is weak.[53]

Under these circumstances, it could be asserted, Title VIII should be enforced more vigorously, and with more resources. Its enforcement provisions should be strengthened. And such steps should be taken not only at the federal level, to which the bulk of the criticism has been directed, but also at the state and local levels. The full potential of state licensing and regulation of real estate brokers as an antidiscrimination tool has not been realized. On the model of Bellwood, a municipality that was truly concerned about preserving racial diversity could engage in massive testing and litigation to stop further segregative steering within its borders.

Beyond this, the argument would run, other techniques could be employed, such as vigorous property maintenance code enforcement, equity assurance plans, and public relations, that do not pose a risk of differential treatment of the races. Finally, additional steps that have not been tried—for example, a well-publicized metropolitan-wide information service on housing opportunities—might be undertaken.[54] Without a demonstration that these measures had been tried and found wanting, it could be contended that the case has not been made for the necessity of employing a technique, such as race-conscious counseling, that may be viewed as treating persons differentially by race.

Persuasive counterarguments can be mounted. Housing discrimination may be "too pervasive and subtle to be eliminated through any enforcement effort."[55] Against the background of established attitudes and priorities, even effective enforcement efforts may take a long time to change resegregation dynamics. Meanwhile, more municipalities may suffer resegregation. One unit of government (municipal) should not be "penalized" because another (federal or state) fails to act effectively.

Moreover, because of the fragmentation of the real estate market, some segregative steering may be carried on without violation of law and would not be affected by antidiscrimination enforcement efforts. Many brokers may specialize in—that is, have listings only in—white areas, black areas, or transi-

tional areas. "[W]hile the market as a whole functions to steer blacks to one set of neighborhoods and whites to others, we do not necessarily have violations of the law by particular persons or firms."[56]

Finally, if the "tipping" point theory of resegregation has validity,[57] the entire resegregation process may be largely immune to antidiscrimination enforcement techniques:

> The *principle* of equal housing opportunity now enjoys rather substantial public support. The force of law is on the side of the right of any person to have equal access to any housing that is on the market. A majority of whites no longer have objections to having *some* black neighbors. However, a majority of whites still become panicky and will attempt to escape if they find themselves a racial minority.
>
> Blacks do not share precisely equivalent feelings but it is clear that except for a courageous, pioneering few, most blacks, given a choice, will elect *not* to be the first to integrate a neighborhood. Rather, they tend to search for homes where a degree of racial balance has been established. These two sets of behavior patterns practically insure that racially balanced neighborhoods will become all or predominantly black in time.[58]

If the foregoing is correct, a race-conscious housing counseling plan able to continually adjust to racial changes might be an essential element of any effective program to prevent the (otherwise) inevitable resegregation.[59]

These arguments suggest that the case for the necessity of employing race-conscious counseling is complex, but that it *can* be made.

The Burdening Consequences

We turn lastly to the issue of burdening or stigmatizing members of minority groups. First, at least some blacks who need better housing may arguably be deterred from finding it by race-conscious counseling. Though this is not an inevitable result of such counseling, it is a possible one. Given the dynamics of the resegregation process, it is in the communities to which some blacks have already moved that other blacks, in increasing numbers, are likely to seek housing. Most black homeseekers do not perceive themselves to have realistic access to most suburban communities—if for no other reason (though there are, of course, other reasons) than that most such communities have few black residents and most blacks will elect not to be among the first to integrate a neighborhood. Yet it is communities to which blacks have already moved that have an interest in encouraging blacks to consider moving to communities that do not yet have significant numbers of blacks. Race-conscious counseling by the former communities may thus have the effect of discouraging some blacks from looking for housing where they wish to find it, while failing to provide them with what are perceived to be equally satisfactory alternative housing

possibilities. Such a result would burden the very persons who should be helped.[60] With rare exceptions, however, race-conscious government action has been sustained by the Supreme Court only when it is designed to benefit minorities and does not entail the imposition of burdens upon them.[61]

Second, any race-conscious counseling program presents a risk of appearing to stigmatize blacks. Given the minority status of blacks in the population at large, and the disinclination of most whites to remain in communities that have a majority black population, race-conscious counseling may understandably be viewed as an effort to keep the black population below a specific percentage. As some of the statements quoted above demonstrate, such a view would lead some blacks to perceive race-conscious counseling to be predicated upon an assumption of the undesirability of a black majority community.[62]

Third, race-conscious counseling programs are likely to come at some cost in divisiveness. The intensity of the rhetoric in several of the statements referred to above reflects this reality. The Shaker Heights integration maintenance program erupted into public controversy even among those who supported race-conscious counseling.[63] To some degree such counseling may be perceived as restricting the mobility of minorities because of white fear or prejudice. If "no issue since the Vietnam War had produced such bitter divisions among Americans as had the issue of racial preferences,"[64] widespread race-conscious counseling in metropolitan areas across the country may well possess the potential for generating comparable divisions.

There are, of course, counterarguments. The risk that race-conscious counseling might deter or discourage some blacks from finding needed housing appears much more serious if one assumes—as do many discussions of race-conscious counseling, indeed of integration maintenance activities of any sort—that the issue is freedom of choice versus coercion.[65] Yet it is obvious that some forms of race-conscious activity do not involve coercion, as, for example, HUD's affirmative marketing regulations illustrate.[66] Moreover, the risk of deterrence coexists with the potential of race-conscious counseling to expand the options of black homeseekers, thereby helping to remedy one of the persisting effects of housing discrimination. Choice-expansion should be particularly effective if counseling is conducted on a regional basis. Coordinated region-wide race-conscious counseling should be able to offer black homeseekers at least as many comparable housing opportunities in predominantly white communities as are available to them in already well-integrated communities.[67] It would be ironic if such efforts to *expand* choice (by encouraging homeseekers to consider areas they have traditionally assumed to be "off limits") were to be treated as steering, which is said to violate Title VIII because it *limits* freedom of choice.[68]

This dual impact of race-conscious counseling—a risk of deterrence and a possibility for choice-expansion—suggests that the issue of burden or stigma may be framed helpfully in terms of "fundamental fairness," a formulation Justice Powell used in discussing the minority business set-aside in the *Fulli-*

love case referred to above. "[T]he effect of the set-aside is limited and so widely dispersed that its use is consistent with fundamental fairness."[69] It may be inferred from another of Justice Powell's opinions that the kind of race-conscious action least likely to survive under the Equal Protection Clause is a classification that "denies an individual opportunities or benefits enjoyed by others," or under which "some individuals are excluded from enjoyment of a state-provided benefit."[70] More likely to survive are actions that do "not result in the denial of the relevant benefit," or "[e]xclude individuals . . . enjoyment of the relevant opportunity."[71] Race-conscious counseling neither denies benefits nor excludes individuals, and its risk of deterrence coexists with a choice-expansion potential. If the "marginal unfairness" (as Justice Powell termed it) to innocent nonminority contractors in *Fullilove*[72]—*which did* result in excluding nonminority contractors from competition for a portion of a state-provided benefit—was not significant enough to place the minority business set-aside in the former category, it seems doubtful that race-conscious counseling would be placed there either.

Of course, the burden in *Fullilove* fell upon whites. In race-conscious counseling the burden may be said to fall upon blacks, an important difference notwithstanding the coexisting benefit possibility of choice-expansion. It may be helpful in considering this aspect of race-conscious counseling to refer back to the earlier discussion about the purposes of Title VIII, particularly to the position of William Bradford Reynolds that government should not be in the business of trying to bring about integration, and to statements made in that regard by HUD's general counsel, John Knapp, that he saw no conflict between HUD's requirements for site selection and affirmative marketing plans, which are clearly race-conscious actions, and the Justice Department's position.[73]

Like race-conscious counseling, HUD's site selection criteria and affirmative marketing regulations are race-conscious steps having dual impacts. Under its site selection criteria HUD considers the racial composition of areas proposed for subsidized housing for the purpose (consistent with other policy considerations) of avoiding concentrations of subsidized housing in racially impacted areas.[74] The affirmative marketing regulations require suppliers of federally assisted housing to market their housing "affirmatively" by taking special steps to make its availability known to those racial groups least likely to apply for it because of, among other reasons, neighborhood racial patterns.[75] In each case there are dual impacts.

Under the site selection criteria, minority areas may not get needed housing, but housing opportunities for minorities in nontraditional neighborhoods may be provided. In affirmative marketing, special efforts in addition to normal marketing may be undertaken with respect to blacks (but not whites) or whites (but not blacks) to assure that the racial group least likely to apply is informed about available housing. Though both techniques are race-conscious actions, the burden of which to some extent may be said to fall upon blacks, both would seem clearly to be on the safe side of Justice Powell's line as steps that

do not exclude identified individuals from the enjoyment of benefits, and whose "negative" effects are therefore limited and dispersed. When the choice-expansion benefits are included in the calculation, it is easy to conclude that both are consistent with fundamental fairness. Though counseling involves identified individuals and site selection criteria and affirmative marketing do not, the absence of exclusion and the choice-expansion benefits that characterize counseling should lead to the same result.[76]

Finally, the risks of appearing to stigmatize blacks and of generating divisiveness, serious though they may be, should arguably not preclude responsible, fair programs designed to foster as compelling a value as racial diversity. Surely the answer lies in sensitivity of conduct and statement, and better communication,[77] not in eschewing an activity that may be an important element in achieving what the Supreme Court in *Linmark* called the "vital goal . . . [of] promoting stable, racially integrated housing."

How, then, does one strike an ultimate balance when the interest is compelling, the means pretty clearly necessary, yet the "costs" considerable? The example of *Linmark* is a reminder that countervailing constitutional values (there the First Amendment, here the Fourteenth) will not necessarily be pushed aside by the force of a compelling governmental interest. In *Linmark*, Willingboro's nonwhite population had grown from .005 to 11.7 percent during the 1960s, and had jumped to 18.2 percent by 1973. Although the evidence was conflicting, there was testimony about "panic selling" by whites who feared the township was becoming all black. And though the Court called the promotion of stable, racially integrated housing a "vital goal" and an "important governmental objective," it nonetheless struck down Willingboro's ban on "for sale" signs. Because it prevented residents from obtaining information about real estate activity, the ban was viewed as violating the First Amendment's protection of the free flow of information.

Yet one cannot read the *Linmark* case without sensing an important distinction between Willingboro's absolute ban on a means of communication, which had the effect of *limiting* homeseekers' knowledge of available housing, and noncoercive race-conscious counseling where clients may choose to ignore the views and information provided through counseling, or indeed may decline to use counseling services at all. When coordinated region-wide counseling which should have the effect of *increasing* homeseekers' options is included in the calculus, municipal race-conscious counseling should involve no inherent restrictions on the housing choices of black homeseekers. The result in fact should be choice-expansion; the risks, those of program abuse only.

On balance these arguments suggest that in the proper factual context—particularly in a regional geographic framework providing ample opportunity to open wider (predominantly white) market areas to black homeseekers—the Supreme Court would uphold the constitutionality of municipal race-conscious counseling.[78]

A Procedural Note

It is a truism that many of the difficult social issues in our society are ultimately resolved by the courts.[79] Within the judicial forum the care with which an issue is formulated and presented frequently determines the result. The integration maintenance issue is a rich mixture of complex legal and policy questions. Thorough analysis of these questions is likely to aid decision making in the ultimate judicial resolution.

One procedural issue is of particular importance. Few of the integration maintenance ordinances passed to date have derived from a comprehensive legislative fact-finding process. Such a process is not the norm in legislation at the municipal level, but it is what integration maintenance ordinances may require. Courts are likely to pay greater deference to legislation adopted after formal fact-finding than otherwise. A carefully laid factual foundation would enhance the prospects for municipal race-conscious counseling in the courts.[80]

The list of issues that could and should be explored in a legislative hearing is lengthy. They include:

1. Residential segregation patterns in both the local community and the metropolitan area, and the evidence that discrimination or its persisting effects (rather than economics or choice) is the principle cause for such patterns.
2. The dynamics of resegregation in both the local and metropolitan contexts, including, for example, how the fragmentation of the real estate industry and its multiple listing service arrangements contribute to the resegregation problem.
3. The adequacy of measures short of race-conscious ones to combat resegregation effectively.
4. The "fairness" of a proposed integration maintenance ordinance (including particularly the extent to which efforts are to be made to encourage black families to consider white areas, and to provide realistically available alternative housing opportunities to black families in such areas).

This list is intended merely to suggest types of issues that would merit inquiry in a legislative hearing. To conduct a thorough legislative inquiry into the need for a comprehensive integration maintenance ordinance in any community would itself be a significant task, but it may be a crucial next stage in the unfolding integration maintenance story.

It is likely that the integration maintenance controversy will grow more intense before it is finally resolved, either by circumscribing legal or policy determinations, or by validation of integration maintenance activities in the courts or administrative agencies and acceptance of them by the body politic. The extent to which our increasingly pluralistic nation either works out modes

for accommodating and maintaining residential diversity, or succumbs to racial and cultural separatism, is obviously of great significance for the future course of the American experience.[81]

NOTES AND REFERENCES

1. See, for example, Joint Center for Political Studies, *Blacks on the Move: A Decade of Demographic Change* (Washington, D.C.: Joint Center for Political Studies, 1982); Harold M. Rose, *Black Suburbanization: Access to Improved Quality of Life or Maintenance of the Status Quo?* (Cambridge, Mass.: Ballinger, 1976).

2. In October 1984, some 289 persons from 56 communities in 14 states attended the seventh annual Oak Park (Illinois) Exchange Congress. Begun in 1977, and now hosted in alternate years by other cities, the congress has become a major forum for the consideration of racial diversity issues. This chapter discusses the racial diversity issue only in a black-white context, though of course the issue also arises with respect to Hispanics and Asians.

3. For example, here is the policy statement of the Oak Park, Illinois, Housing Center:

> The policy of the Oak Park Housing Center is to assist in stabilizing integration in the village. To this end, there will be encouragement of white clients to move into buildings or areas that are already integrated, and the encouragement of black clients to move into buildings or areas which are not substantially integrated. Listings will be provided in keeping with this policy, with the understanding that under both local and federal laws, all clients are free to pursue the housing of their choice. (Quoted in Carole Goodwin, *The Oak Park Strategy* [Chicago: The University of Chicago Press, 1979], p. 174)

For a detailed description of the operation of the Oak Park Housing Center, see Goodwin, *The Oak Park Strategy*, pp. 167–79. The center is a private, nongovernmental organization which, however, has substantial contacts with and support from the village government. Other such centers, for example, that of Bellwood, Illinois, are government agencies.

4. Markham Commission on Human Relations, *The Extension of Urban Patterns of Racial Transition to the Suburbs* (24 January 1967), p. 1, quoted in Peter W. Colby and Larry McClellan, *Can Public Policy Decisions Prevent Suburban Racial Resegregation?* Institute for Public Policy and Administration (Park Forest South, Ill.: Governors State University, 1980), p. 25.

5. Id., quoted in Colby and McClellan, *Can Public Policy Decisions Prevent Suburban Racial Resegregation?* p. 18.

6. Discussions of racial diversity, or "resegregation" or "integration maintenance," other frequently used terms, sometimes founder on the definition of "integration." Any numerical definition is obviously arbitrary, and no single definition or concept of integration is likely to be satisfactory for all conceivable circumstances. In general, it seems preferable to focus on the dynamics of the housing market rather than occupancy statistics. For example, integration might be defined as a condition in which, within the area in question, consumers of housing (buyers and renters) continue to include substantial percentages of both blacks and whites.

7. Kale Williams, Donald DeMarco, and Dudley Onderdonk, *Affirmative Action in Housing—An Emerging Public Issue*, Institute for Public Policy and Administration (Park Forest South, Ill.: Governors State University, 1980), p. 4.

8. Mayer Singerman, "We Must Avoid Turning Integration into Apartheid," *Nation's Cities Weekly*, 20 October 1980.

9. Integration may have developed because of proximity to areas of black residence in the central city, expansion of a historical black "enclave" within the municipality, or receptivity of present residents to black entry for social justice reasons.

10. Actions taken by Oak Park, Illinois, include the following:

- Enactment in 1968 of a Fair Housing Ordinance that outlawed panic peddling and regulated solicitation
- Promulgation of a "Policy Statement on Residential Diversity" as official village policy
- Formation in 1971 of a fully staffed and funded Department of Community Relations designed to centralize integration maintenance activities within the village management
- Institution of a counseling program for homeseekers
- Careful record keeping on racial occupancy
- Institution of a "testing" program to monitor real estate practices
- Licensing of apartments, with requirements for mandatory annual inspections and reporting on the race of occupants
- Affirmative marketing of property in an integrated area to white buyers and property in other areas to minority buyers
- Legislation to maintain housing quality, enforced by routine inspection of home exteriors and of apartments
- Special attention to garbage collection, police protection, and other measures
- Institution of an "equity assurance plan" guaranteeing homeowners against loss of property values due to racial change in the neighborhood

Municipal strategies to maintain racial diversity may be generally categorized as efforts (1) to maintain or enhance the attractiveness of residential and adjacent commercial areas, (2) to obtain accurate information on racial residential patterns (occupancy and "traffic"), (3) to control real estate practices seen as adverse to racial diversity, and (4) to inform and encourage homeseekers respecting pro-integration moves. See Kermit J. Lind, "Maintaining Residential Integration: Municipal Practices and the Law," *Cleveland State Law Review* 31 (1982): 603, 629–45.

For a comprehensive proposed model fair housing ordinance with an "affirmative marketing" option, see Northeastern Illinois Planning Commission, *A Suggested Fair Housing Ordinance: A Guide for Local Officials* (draft), revised 9 February 1981. A more recent ordinance, drafted with racial diversity concerns in mind, has been prepared by BPI (unpublished draft, 13 February 1984).

11. "Resolution Pertaining to the Attempted Control of the Mobility of the Black Population in a Free Market System" (n.d.), p. 1, of the Far South Suburban Chapter, NAACP. However, the NAACP's national director of research, policy, and plans has written:

> Some communities that already are racially integrated have taken steps—through local ordinances, fair housing councils and private actions—to . . . [reverse] the illegal practice of steering blacks only to black or integrated areas.

> Ironically, the National Association of Realtors, a johnny-come-lately to fair housing, attacks such efforts as illegal racial steering. But Samuel Pierce, Secretary of Housing and Urban Development, favors "integration maintenance" guidelines that will genuinely preserve racial diversity in neighborhoods. . . .
>
> The NAACP, which stalwartly supports integration, has counseled that affirmative marketing techniques that do not use hard-and-fast, exclusionary quotas to prevent resegregation are valid, indeed compelling. (*Chicago Tribune*, 4 February 1984)

12. Position Paper, *Integration Maintenance/Management* (n.d.), p. 5, Chicago-Suburban Chapter, SCLC.

13. Statement of William D. North on behalf of the National Association of Realtors before the House Judiciary Committee, Subcommittee on Civil and Constitutional Rights, 11 May 1978, p. 10.

14. Leadership Council for Metropolitan Open Communities Position Paper, *Affirmative Action for Racial Diversity in Housing*, 21 December 1978, pp. 4, 6.

15. "Some Integrated Towns Draw Fire for Efforts to Keep Racial Balance," *Wall Street Journal*, 8 January 1979, p. 1; "Integrated Suburbs Now Fearful of Not Drawing Enough Whites," *New York Times*, 9 April 1979, p. 1; "Racial 'Steering' Big Suburban Issue of the '80s," *Chicago Tribune*, 6 May 1979; "Fighting Segregation" (editorial), *Chicago Sun-Times*, 16 September 1983. See also *The Chicago Reporter* 8, nos. 5, 6 (May, June 1979). In 1984 the Gund and Cleveland foundations in Cleveland, Ohio, were reported to have given $250,000 to the East Suburban Council for Open Communities to promote integrated housing in Cleveland's eastern suburbs. *Cleveland Plain Dealer*, 20 December 1984.

16. Williams, DeMarco, and Onderdonk, *Affirmative Action for Housing*. See also Note, "Benign Steering and Benign Quotas: The Validity of Race-Conscious Government Policies to Promote Residential Integration," *Harvard Law Review* 93 (1980): 938–65 (hereafter cited as "Benign Steering"); Rodney A. Smolla, "Integration Maintenance: The Unconstitutionality of Benign Programs that Discourage Black Entry to Prevent White Flight," *Duke Law Journal* (1981): 891–939; Lind, "Maintaining Residential Integration," n. 10 above.

17. *Illinois Association of Realtors v. Bellwood*, 516 F.Supp. 1067 (N.D. Ill. 1981). The provisions were stricken on First Amendment (prior restraint, overbreadth, and vagueness) grounds.

18. *William Smith v. City of Cleveland Heights*, C 80–1695, in the U.S. District Court for the Northern District of Ohio, Eastern Division (12 September 1980). The plaintiff, a black resident of an integrated neighborhood, could show no injury to himself caused by the Cleveland Heights ordinances and was therefore held to lack standing to bring the suit.

19. *South Suburban Housing Center v. Greater South Suburban Board of Realtors and National Association of Realtors*, no. 83 C 8149, in the U.S. District Court for the Northern District of Illinois, Eastern Division (14 November 1983). The lawsuit was begun by the Housing Center over another integration maintenance technique, affirmative marketing—that is, employing special efforts (e.g., advertising) to make the availability of housing known to those racial groups least likely to apply for it. As owner of three rehabilitated homes in a predominantly black section—having little white traffic—of Park Forest, Illinois, the Housing Center entered into an affirmative mar-

keting listing agreement with a local broker that called for affirmative advertising efforts to be directed to whites (in addition to normal marketing). The local multiple listing service refused the listings on the ground that such advertising amounted to racial steering in violation of fair housing laws. See 24 C.F.R. ¶200.600 et seq. for HUD's Affirmative Fair Housing Marketing Regulations applicable to federally assisted housing, and HUD Handbook 8021.1, *Voluntary Affirmative Marketing Handbook* (November 1979), for information on HUD's voluntary affirmative marketing agreements relating to nonfederally assisted housing.

20. Remarks prepared for delivery by Samuel R. Pierce, Jr., before the National Association of Realtors, 14 November 1983.

21. 49 Fed. Reg. 32042, 9 August 1984.

22. Race-conscious counseling may include provision of (1) information about the amenities and policies of municipalities, and the housing market in general, including segregatory patterns, with the aim of persuading the counselee to consider and—if persuaded—choose a pro-integration housing location; (2) information about specific listings of currently available housing; and (3) additional services, such as direct referrals to landlords and/or cooperating real estate agents, and assistance in inspecting available housing and negotiating with landlords. See Lind, "Maintaining Residential Integration," p. 641 ("What they [housing information services] aim to provide is information about types of housing opportunities and an enthusiastic introduction to the community in which those opportunities exist, in accordance with their mission to encourage racial diversity").

23. The essence of a quota is that on racial grounds it excludes persons from receiving, or forecloses persons from competing for, an available benefit or opportunity. Race-conscious counseling involves no such exclusion or foreclosure. See the discussion in the text accompanying nn. 65–76 below. See also *Burney v. Housing Authority of County of Beaver*, 551 F.Supp. 746, 758 (W.D. Pa. 1982).

In a notable recent action against quotas, the Justice Department moved to oppose a settlement authorizing continuation of a quota arrangement in a lawsuit brought by a local chapter of the NAACP against the Starrett City housing development in New York City. (See *Housing and Development Reporter*, 30 July 1984, p. 195.) Ironically, the lawyer representing Starrett City is Morris B. Abram, whom President Reagan recently appointed to the U.S. Commission on Civil Rights in part because of his longtime opposition to quotas. For a discussion of Abram's dilemma, see Jefferson Morely, "Double Reverse Discrimination," *The New Republic*, 9 July 1984.

24. Equality of services and listings provided black and white clients is, of course, assumed. It can be argued that black and white clients are not treated "differentially" because both are urged to consider areas they would not otherwise (i.e., but for the counseling) have been likely to give serious thought to as possible housing options. A nice question of differential treatment arises if the counseling agency—concerned about the most effective use of its limited resources—chooses not to make its services available to clients unwilling to consider pro-integration housing locations. The experience of the South Suburban Housing Center (SSHC) in this regard is reflected in the following:

> SSHC's procedures apply equally to majority and minority groups—based on demand or market information all are encouraged to consider applications they would not otherwise have been expected to make. . . . Initially SSHC's formal

> policy was to provide information respecting particular locations only to clients willing to consider "non-traditional" locations. In practice very few clients—none in recent years—have been unwilling to consider such locations. SSHC's current policy is . . . *all* clients are to receive available SSHC information as they may request.
>
> From January 1 through December 31, 1977, SSHC counseled a total of 477 clients, 160 of whom were majority and 317 of whom were minority families. Of 129 clients with whom SSHC maintained contact beyond the first interview, 70 chose to move to non-traditional locations, 38 majority and 32 minority families. After considering non-traditional locations, the remaining 59 clients (22 majority and 37 minority families) moved to traditional locations. (Statement of South Suburban Housing Center filed with HUD, November 1978, p. 8)

See also n. 66 below and accompanying text.

25. Section 804 of Title VIII makes it unlawful to refuse to sell or rent, "or otherwise make unavailable or deny," a dwelling to any person because of race. The courts have interpreted this prohibition to apply to the practice of "steering"—any action by a real estate agent "which in any way impedes, delays or discourages a prospective homebuyer from purchasing housing on a racial basis" (*Zuch v. Hussey*, 366 F.Supp. 553, 557 [E.D. Mich. 1973]; see also *Zuch v. Hussey*, 394 F.Supp. 1028, 1047 [E.D. Mich 1975], *aff'd and remanded*, 547 F.2d 1168 [6th Cir. 1977]). It has been suggested that the reason steering is unlawful is that it interferes with "the freedom of choice for the purchaser which the Fair Housing Act prohibits" (*Zuch v. Hussey*, 394 F.Supp. at 1047).

In *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 366 n. 1 (1982), the Supreme Court quoted the following definition of racial steering from the complaint: "[a] practice by which real estate brokers and agents preserve and encourage patterns of racial segregation in available housing by steering members of racial and ethnic groups to buildings occupied primarily by members of such racial and ethnic groups and away from buildings and neighborhoods inhabited primarily by members of other races or groups."

"Steering" is described and defined as follows in James A. Kushner, *Fair Housing* (Colorado Springs, Colo.: Shepard's/McGraw Hill, 1983), p. 220:

> It has long been a practice of real estate brokers to discourage integration and maintain racially, and often ethnically or religiously, homogeneous neighborhoods. Until 1950, such a requirement was part of the Code of Ethics of the National Association of Real Estate Boards. When discrimination in housing was finally prohibited, real estate brokers and agents, partly to serve the express or assumed preferences of their clientele and partly based on their own perception that racial change affects property values, almost universally continued the practice of *steering*; the direction of potential buyers or renters to specific neighborhoods on the basis of race. Typically, blacks are shown housing in all-black or racially integrated neighborhoods while whites are shown listings only in all-white neighborhoods. [Footnotes omitted.]

Cases holding that steering violates Title VIII are collected in ibid., p. 221, n. 89.

26. But see n. 24.

27. For example, in an employee training program context the Supreme Court upheld a minority preference clearly based on race because of its view that the purpose of

the relevant statute was to prevent employment discrimination against minorities, and that to preclude minority preference arrangements would frustrate efforts to remedy the effects of just such discrimination. *United Steelworkers of America v. Weber*, 443 U.S. 193 (1979).

28. For example, *Trafficante v. Metropolitan Life Insurance Co.*, 409 U.S. 205 (1972), and *Gladstone, Realtors v. Village of Bellwood*, 441 U.S. 91 (1979).

29. See Leonard Rubinowitz and Elizabeth Trosman, "Affirmative Action and the American Dream: Implementing Fair Housing Policies in Federal Homeownership Programs," *Northwestern University Law Review* 74 (1979): 491 at 533–65.

The reason for the qualification stated in the text is that a separate provision of Title VIII (42 USC §3608(d)) imposes upon executive departments and agencies of the federal government the duty to administer their programs relating to housing and urban development "affirmatively" to further Title VIII's purposes. In particular contexts—for example, site selection for subsidized housing (*Shannon v. HUD*, 364 F.2d 809 [3rd Cir. 1970]) and selection of tenants for a subsidized housing development (*Otero v. New York City Housing Authority*, 484 F.2d 1122 [2d Cir. 1973])—lower federal courts have upheld race-conscious activity by the federal government or its agents to achieve or maintain integration in a neighborhood or in a housing development. However, because Section 3608(d) is directed only to executive departments and agencies, it is questionable whether the Supreme Court would view this section as validating race-conscious counseling by municipalities even though they were recipients of HUD funds (e.g., Community Development Block Grant funds). See discussion in *Burney v. Housing Authority* (n. 23 above), 551 F.Supp. at 769. See also Rubinowitz and Trosman, "Affirmative Action," pp. 539–40, n. 183.

Moreover, *Shannon* cautioned that desegregation is not the only goal of national housing policy (346 F.2d at 822), and *Otero* was limited on its facts to the effect of a housing authority's admission policies on former occupants of the project site (i.e., no question of ongoing occupancy quotas was involved). Occupancy quotas *have* been upheld in a "remedial" context, that is, where necessary to remedy prior adjudicated discrimination by a particular agency—for example, *Gautreaux v. CHA*, 304 F.Supp. 907 (1969). Cf. the discussion in *Burney*, 551 F.Supp. at 763.

30. 114 Cong. Rec. 3422.

31. 114 Cong. Rec. 3421.

32. 114 Cong. Rec. 2525.

33. Jane McGrew to Lawrence B. Simons, HUD Memorandum, 16 January 1981, pp. 1, 4. Rubinowitz and Trosman's "Affirmative Action" explores the meaning of the affirmative duty imposed upon HUD by Title VIII. In this context two alternative interpretations of the affirmative mandate are suggested: policies to actually achieve integration, and policies to ensure that minority homeseekers have a realistic choice of all neighborhoods throughout a metropolitan area. The authors opt for the latter interpretation. Rubinowitz and Trosman, "Affirmative Action," pp. 533–34, 565.

34. Affirmative Marketing Agreement for Voluntary Use by Boards of Realtors, jointly approved by HUD and the NAR on 16 December 1975. The agreement was amended in 1978 and 1981, and revised in 1982. (It is printed at 49 Fed. Reg. 12319, 29 March 1984.) Among other things, the agreement provides that its goal is "to provide information that will enable minority buyers to make a free choice of housing location."

HUD also entered into an affirmative marketing agreement with the National Association of Real Estate Brokers (14 May 1976, revised 12 August 1982), the goal of which

is "to provide information that will enable all buyers to make a free choice of housing location." In addition, HUD has entered into voluntary affirmative marketing agreements with other groups—for example, home builders and apartment managers. HUD's most recent agreement with the National Association of Home Builders provides: "Each *Builder* shall direct a substantial part of its marketing activity to those groups which are not likely to seek housing marketed by the *Builder* without special outreach: *i.e.*, to racial minority groups for housing in predominantly non-minority areas, and to racial majority groups for housing in integrated areas" (HUD voluntary affirmative marketing agreement with the National Association of Home Builders, 17 April 1984, p. 4).

35. National Association of Realtors, *Realtors Guide to Practice Equal Opportunity in Housing* (1976), p. 41 (hereafter cited as *Realtors Guide*).

36. Ibid., p. 45. The Guidelines also advise brokers to "take all reasonable steps to see to it that their agents' inability to show and inform prospects of all available listings does not restrict the prospect to selecting among homes located only in neighborhoods where the prospect's race is predominant." Ibid., p. 44.

37. Ibid., p. 46. The Guidelines also permit a broker to cooperate with "neighborhood stabilization" groups if he is satisfied that the "legitimate goal of maintaining neighborhood integration is being furthered," but only by "being completely open and honest with his minority prospects who are interested in the area." The broker is advised, "He may explain the goal sought, offer the prospect comparable listings anywhere else, but never refuse to show the specific home in question." The Guidelines also state that such involvement with "neighborhood stabilization" groups should take place "preferably only after having secured appropriate approval of those governmental agencies concerned." Ibid.

38. A letter written by a deputy general counsel of HUD after publication of the NAR Guidelines suggests that for-profit real estate agents may not unilaterally engage in such pro-integration activities. The letter does not address the inference drawn in the text, but it does indicate that Title VIII permits such for-profit agents to refer clients to nonprofit fair housing centers carrying on race-conscious counseling. S. Leigh Curry, Jr., to Werner E. Petterson, 26 February 1981.

39. *Washington Post*, 11 July 1984, p. 1.

40. Jane Lang McGrew, "Integration *Is* Goal of Housing Policy," *Los Angeles Times*, 15 July 1984.

41. Ann Mariano, "Nation's Policy on Integration at Crossroads," *Washington Post*, 21 July 1984.

42. "Benign Steering" (n. 16 above), p. 952. In *Regents of the University of California v. Bakke*, 438 U.S. 265, 361–62 (1978), Justice Brennan—not writing for the Court—said: "[A]ny statute must be stricken that stigmatizes any group or that singles out those least well represented in the political process to bear the brunt of a benign program."

43. *Gladstone, Realtors v. Village of Bellwood*, 441 U.S. 91, 110–11 (1979).

44. Ibid.

45. *Linmark Associates v. Willingboro*, 431 U.S. 85, 94–95 (1977). The "express recognition" referred to is the Court's language in *Trafficante v. Metropolitan Life Insurance Co.*, 409 U.S. 205 (1972). In that case, black and white tenants of a large apartment complex alleged that the owner-operator was engaged in discriminatory housing practices (manipulating the waiting list on a racial basis, among others), main-

tained the complexes as a "white ghetto," and thus deprived the plaintiffs of their right to live in a racially integrated community. In upholding the tenants' right to bring suit under Title VIII to stop such practices the Court said: "The person on the landlord's black list is not the only victim of discriminatory housing practices; it is, as Senator Javits said in supporting the bill, 'the whole community,' . . . and as Senator Mondale . . . said, the reach of the proposed law was to replace the ghettos 'by truly integrated and balanced living patterns'" (409 U.S. at 211).

46. The issue of the legitimacy of government promotion of integration has reverberations that reach back to *Brown v. Board of Education*. In a thoughtful review of the arguments made in *Brown* and the "legacy" of the decision over the ensuing three decades, Diane Ravitch asserts that "the group-based concepts of the present are in conflict with the historic efforts of the civil rights movement to remove group classifications from public policy." She reminds us that in *Brown* the NAACP argued for the "total exclusion of race and color" from governmental conduct, and her article sometimes sets color-consciousness in opposition to individual rights as if the two were wholly antithetical. Yet Ravitch says, "Somewhere between the Scylla of color-blindness and the Charybdis of color-consciousness must be a reconciliation of democratic values," and she concludes by appearing to recommend a "creative interweaving of color-conscious and racially neutral approaches." Diane Ravitch, "The Ambiguous Legacy of *Brown v. Board of Education*," *New Perspectives*, U.S. Commission on Civil Rights (Summer 1984), p. 6.

Some seventeen years after *Brown*, the Supreme Court (again unanimously) said: "School authorities are traditionally charged with broad power to formulate and implement educational policy and might well conclude, for example, that in order to prepare students to live in a pluralistic society each school should have a prescribed ratio of Negro to white students reflecting the proportion for the district as a whole. To do this as an educational policy is within the broad discretionary powers of school authorities" (*Swann v. Charlotte-Mecklenberg Bd. of Ed.*, 402 U.S. 1, 16 [1971]). Little appears to have been made of this dictum in the fifteen years since it was pronounced.

More recently, *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), dealt with an admissions program of the medical school of the University of California at Davis under which 16 places were reserved for minority students. Whereas blacks were able to compete for all 100 available seats, whites were able to compete for only 84 places. The admissions program was defended on the ground, among others, that it helped to attain a diverse student body. A majority of the Court held that the program's racial classification violated the Equal Protection Clause. Because of divided views there was no opinion for the entire Court; Justice Powell announced the Court's judgment. Though concluding that the university's admission program failed to meet the necessity test (438 U.S. at 320), Justice Powell did say that the interest of diversity was "compelling in the context of a university's admissions program" (438 U.S. at 314). But he relied heavily on the educational context (which involves considerations—e.g., academic freedom—not present in the residential context). Moreover, he said, "[T]he nature of the state interest that would justify consideration of race or ethnic background . . . is not an interest in simple ethnic diversity. . . . The diversity that furthers a compelling state interest encompasses a far broader array of qualifications and characteristics of which racial or ethnic origin is but a single though important element" (438 U.S. at 315).

47. 448 U.S. 448, 480, 481 (1980).

48. Id., 448 U.S. at 515.

49. Evidence that pervasive discrimination in fact persists in American housing markets is referred to in n. 51. The determination would of course embrace discrimination against whites as well as blacks. As Secretary Pierce has said (see the text accompanying n. 20), restricting choice is no less unlawful when a white homeseeker is denied the choice of an integrated community than when a minority homeseeker is denied the choice of a nonsegregated one.

Fullilove rested heavily on congressional power to determine that discrimination exists and select remedial means, but state and local legislatures, subject to the Constitution, have similar powers.

50. Even the real estate industry acknowledges this now, although it emphasizes the role of government: "The inescapable fact is that it took nearly 102 years for the Supreme Court to recognize the full Constitutional guarantee of equal opportunity in housing contemplated by the 13th and 14th Amendments. During those one hundred two years, the decisions of the Supreme Court and the policies of the federal, state and local government affirmatively created, or at least countenanced, a segregated and discriminatory housing market." *Realtors Guide* (n. 35 above), p. 21.

The literature includes many descriptions of the history of housing discrimination in America. For several brief ones, see *Twenty Years After Brown*, A Report of the U.S. Commission on Civil Rights (Washington, D.C.: Government Printing Office, 1975), pp. 1–5; Alexander Polikoff, *Housing the Poor: The Case for Heroism* (Cambridge, Mass.: Ballinger, 1978), pp. 3–30; Gary Orfield, *Must We Bus?* (Washington, D.C.: The Brookings Institution, 1978), pp. 78–85; Citizens' Commission on Civil Rights, *A Decent Home* (1983), pp. 2–54.

In the last analysis, of course, we are all responsible for housing discrimination and its effects: "The many services which collectively constitute the housing market—brokers, agents, property owners, property managers, rental agents, and lending institutions—have indeed, through the decades, served as the instruments for limiting housing choices for blacks and other minorities and creating and reinforcing the dual market. However, they were doing so primarily because the larger consuming public and for many years the federal, state and local governments expected them to function in precisely the manner they did." George Schermer, *Steering: Realtors as Gate Keepers* (Michigan Advisory Committee to U.S. Commission on Civil Rights, 9 July 1979), p. 31.

51. Secretary of HUD Pierce said, "The evidence clearly shows that discrimination is pervasive in American housing markets." Recent Evidence on Discrimination in Housing, HUD-PD&R-786, April 1984, p. i. See also U.S. Department of Housing and Urban Development, *Measuring Racial Discrimination in American Housing Markets* (Washington, D.C.: Government Printing Office, 1979), and *Analysis for South Suburban Housing Center* (Park Forest South, Ill.: Governors State University, February 1981).

52. U.S. Commission on Civil Rights, *The Federal Fair Housing Enforcement Effort* (1979), pp. 230–35.

53. Recent efforts to strengthen the enforcement provisions of Title VIII have failed to pass the Congress.

54. See Lawrence Rosser and Elizabeth White, "An Answer to Housing Discrimination: The Need for a Unitary Marketing System," *Civil Rights Digest* 7 (1975): 10–19.

55. "Benign Steering" (n. 16 above), p. 956; and see generally pp. 955–58.

56. Schermer, *Realtors as Gate Keepers*, p. 17. Some real estate firms appear to be "transition specialists" who seek out and become especially active in the real estate market in racially changing neighborhoods. These firms are likely to be engaged in segregative steering.

57. See Rubinowitz and Trosman, "Affirmative Action," pp. 536–37, n. 174. For a review of social science evidence on the tipping phenomenon, see John Goering, "Neighborhood Tipping and Racial Transition: A Review of Social Science Evidence," *Journal of the American Institute of Planners* 44 (1978): 68. It is frequently pointed out that tipping is a conceptually imprecise concept. This does not mean that tipping is not a real-life phenomenon. The *Burney* opinion contains an interesting treatment of evidentiary aspects of a tipping argument (551 F.Supp. at 765–67).

58. Schermer, *Realtors as Gate Keepers*, pp. 31–32.

59. "Benign Steering" (n. 16 above), pp. 940–44. The discussion assumes a counseling program as part of a total racial diversity effort. Counseling alone might easily fail the necessity test on the ground that it alone would have little chance of success.

60. Controversy over an alleged failure to treat black home buyers equally with whites in the Shaker Heights, Ohio, housing counseling program erupted in public charges, countercharges, and staff resignations. See the *Sun Press*, Beachwood, Ohio, 12 April 1979, p. 1. As one observer has argued, "[I]t is unfair to place the burden of enforcing the law upon the shoulders of the black homeseekers. Whites have an equal responsibility to (a) affirmatively welcome black neighbors and to resist the impulse to flee when the ratio of blacks increases and (b) to themselves seek for housing in areas where they can contribute most to assuring racial balance." Schermer, *Realtors as Gate Keepers*, p. 32.

However, it may be inappropriate to focus exclusively on black homeseekers affected by a race-conscious housing service and ignore the interests of black residents of integrated neighborhoods who may consider themselves to be negatively affected by resegregation. In a recent opinion survey conducted in Shaker Heights, black residents were more supportive than whites of the view that city programs should encourage the continued movement of white families into areas of Shaker Heights in which black families predominate. "Community Opinion Survey" (Report prepared for Shaker Heights by the New England Municipal Center, Durham, Mass., January 1983).

61. In a few instances, lower courts have held that minorities may be subjected to burdens or disadvantages in the interest of advancing a compelling societal goal. See, for example, *Parent Association v. Ambach*, 598 F.2d 705 (2d Cir. 1979) (school integration); *Otero v. New York City Housing Authority*, 484 F.2d 1122 (2d Cir. 1973) (public housing integration). See also the discussion in *Burney*, 551 F.Supp. at 763. The only such modern decisions of the Supreme Court appear to be the Japanese exclusion cases of World War II, *Hirabayashi v. United States* (320 U.S. 81 [1942]) and *Korematsu v. United States* (323 U.S. 214 [1944]).

62. That the perceived need to keep the black population below 50 percent may be explained as a response to the "white flight" phenomenon (see "Benign Steering" [n. 16 above], p. 959) is not likely to lessen (indeed, may intensify) the stigmatic effect.

63. See n. 60 above.

64. Kenneth Karst and Harold Horowitz, "The *Bakke* Opinions and Equal Protection Doctrine," *Harvard Civil Rights–Civil Liberties Law Review* 14 (1979): 6–29 at 28.

65. For example, with little analysis of race-conscious counseling or other integra-

tion maintenance techniques in real-life operation, one discussion is sprinkled with such phrases as "constraint on choice," "race-based restrictions on access," and "restricting black residential choice." Robert W. Lake and Jessica Winslow, "Integration Management: Municipal Constraints on Residential Mobility," *Urban Geography* (1981): 311.

66. 24 C.F.R. §200.620 *et seq.* Race-conscious counseling may be conducted in a manner consistent with ultimate, informed decision making by the individual homeseeker. A description of one such program (of the South Suburban Housing Center) states: "SSHC makes it clear that it is the client's right to pursue the housing of his or her choice. In all cases SSHC provides its clients with general information on the total south suburban area as well as more specific information . . . about particular locations as requested." Statement of South Suburban Housing Center, filed with HUD, November 1978, pp. 7–8.

The statement, responding to several complaints against SSHC for allegedly violating Title VIII by its race-conscious practices, goes on to say:

> Families seeking homes to buy or apartments to rent are presented with four possibilities:
>
> 1. White neighborhoods (all or nearly all white).
> 2. Black neighborhoods (all or nearly all black).
> 3. Changing neighborhoods (in rapid transition from white to black).
> 4. Stably integrated neighborhoods.
>
> For families, white or black, who wish to live in neighborhoods of the first three types, some choice exists. However, choice for families seeking housing in the fourth type of neighborhood is severely constrained.
>
> This reality in effect denies housing choice to what may be a significant portion of our population. Polls indicate that substantial numbers of both white and black families desire to live in stably integrated neighborhoods. The counseling activities of SSHC are designed to assist in the maintenance of such neighborhoods where they exist and to help bring about their creation where they do not. In this important sense the counseling activities of SSHC are designed to increase housing choice. (Statement of South Suburban Housing Center, pp. 12–13)

67. For example, in the Cook County suburbs south of Chicago the South Suburban Housing Center operates in a 36-municipality area, in which there are a number of integrated and many predominantly white neighborhoods. See Rubinowitz and Trosman, "Affirmative Action," p. 552, n. 234, for a discussion of what constitutes a "comparable" housing opportunity (however, in the context of a quota, not a counseling, arrangement).

68. See n. 25 above and the NAR Guidelines quoted in the text at nn. 36, 37 above. In his speech to the National Association of Realtors (see text accompanying n. 20 above), Secretary Pierce said: "The point of their programs [communities' integration maintenance programs] is to expand, rather than to limit choices." Yet it may be argued that—because of the special weight of *government* authority—race-conscious counseling by government is likely to be *inherently* coercive to some persons, regardless of how clear it may be made that it is the client's right to pursue housing of his or her choice. For this reason the potential for coercion may be greater when such counseling is carried on by a government rather than a private agency.

69. *Fullilove v. Klutznick*, 448 U.S. 448, 515 (Justice Powell concurring).
70. *Bakke* (n. 46 above), 438 U.S. at 305.
71. Id. at 304, 305.
72. 448 U.S. at 515.
73. See n. 41 above.
74. See 24 C.F.R. §§880.112 and 881.112.
75. 24 C.F.R. §200.620 *et seq.*
76. The text accompanying nn. 47–49 above suggests a way of reconciling the apparent difference of views between Knapp of HUD and Reynolds of the Justice Department. Because HUD's project selection criteria and affirmative marketing requirements can presumably each pass muster as steps designed to combat the persisting effects of racial discrimination in housing markets, and need not be characterized simply as the promotion of integration, Reynolds might agree with Knapp that the HUD techniques were proper.

The ultimate "philosophic" issue between Knapp and Reynolds might be posed by the following hypothetical situation. Assume a community in which all vestiges of past discrimination had been eradicated, in which a truly open, "unitary" housing market existed, and in which integration characterized all residential neighborhoods. Assume also that racial concentration begins to develop in one neighborhood. (By hypothesis, the developing concentration is *not* the result of discrimination.) In such a situation, would HUD be free under Title VIII to utilize its techniques of site selection criteria and affirmative marketing to forestall resegregation, or would it be barred from doing so because the developing racial concentration is not the result of discrimination? Would the community even be free to spend tax funds on a public statement extolling racial diversity and warning of the developing threat to it in one of its neighborhoods? Perhaps Reynolds and Knapp would indeed disagree on the answers to these questions.

77. For example, integration maintenance is to be pursued not because a black majority community is undesirable but because a racially diverse one *is* desirable.
78. Nonetheless, in any governmental counseling program the risk of "inherent coercion" and a heightened risk of program abuse remain (see n. 67 above). For these reasons it would seem preferable for race-conscious counseling to be carried on by private agencies rather than governmental ones.

The author of *The Oak Park Strategy* (n. 3 above), p. 222, strikes the balance between costs and benefits this way:

> As long as a dual housing market exists, the primary way that additional housing units will become available to black people is by total transition of neighborhoods on the edge of the black ghetto. The more the movement of black people into these fringe areas is restricted, the lower is their supply of housing, the more limited their choices, and by simple supply and demand, the more they will end up paying for shelter.
>
> Oak Park's strategy does result in such restriction and theoretically has those effects, although the practical significance of this case is limited by Oak Park's tiny share of the total metropolitan housing stock.
>
> However, given the prevailing dual housing market and Oak Park's geographical location, completely open housing and stable racial integration are mutually exclusive goals. Ultimately the choice must be made for one of these ends over the

other. Oak Park has value as a model that may contribute to lessening the kind of discrimination that results in total exclusion of blacks from white neighborhoods, while white people in fringe neighborhoods bear along with black people the cost of maintaining the dual market. In my estimation this overrides the immediate deleterious effect of the Oak Park strategy on black housing supply.

But given the personal nature of constitutional rights—see *Regents of the University of California v. Bakke*, 438 U.S. 265, 299 (Opinion of Justice Powell)—this Oak Park analysis is troublesome. Restricting the movement of homeseekers, if that is in fact the result of the Oak Park "strategy," would be impermissible notwithstanding the ultimate choice-expansion goal. Even within Oak Park, however, there may be sufficient housing opportunities in predominantly white portions of the village so that there need be no "restrictions" on blacks seeking housing in Oak Park who receive counseling from the housing center there. In any event, the restrictions, if any, in the Oak Park situation may stem from the efforts of an "island" municipality to foster racial diversity in a sea of closed communities. Region-wide counseling as discussed in the text should offer a way to substitute choice-expansion for restriction.

79. School textbooks are already describing integration maintenance as just such an issue. A recent social science text says: "Attempts by some suburbs to maintain racial diversity have raised a debate that will probably be settled only by the Supreme Court. The eventual outcome will have profound effects on the racial makeup of metropolitan areas for decades to come." J. John Palen, *The Urban World*, 2d ed. (New York: McGraw-Hill Book Company, 1980), p. 178.

80. Much of the discussion in the opinions of Chief Justice Burger and Justice Powell in *Fullilove* is about the congressional "findings" underlying the legislation at issue in that case. Justice Powell said it is "important that the legislative record supporting race-conscious remedies contain evidence that satisfies fair-minded people that the congressional action is just" (448 U.S. at 506, n. 8).

Municipal officials may be apprehensive about such a legislative hearing, fearing that public exploration of the threat of resegregation might induce white flight and deter white move-ins. Nonetheless, in one case, after a searching review of a voluntary "benign discrimination" school plan that established racial quotas to maintain racially diverse schools, and after concluding that the goal of the plan passed constitutional muster, the court decided it required detailed "evidence of a factual nature . . . to support the particular details of the Plan." *Parent Assn. v. Ambach*, 598 F.2d 705, 720 (2d Cir. 1979). And see *Burney* in which the court concluded that government agencies "have failed to meet their burden of proof" with respect to the necessity and precise "tailoring" of a quota arrangement in public housing projects. 551 F.Supp. at 764.

In this regard, one may contrast the discussions of integration maintenance in the *Harvard Law Review* and *Duke Law Journal* articles cited in n. 16 above. Each begins with a very different perspective on the causes of racial and ethnic separation and resegregation. According to the Harvard note, the principal cause is discrimination and the principal discriminators are to be found in the real estate industry. The Duke article on the other hand, while acknowledging that discrimination plays a role, appears to attribute residential separation primarily to the desire of Americans to group themselves on an ethnic basis. Given these different starting assumptions, the authors reach very different conclusions about integration maintenance programs. To Harvard, they are option expanding; to Duke they interfere with individual freedom.

81. "Every time a community resegregates, the pattern of racial separation and hostility is reinforced, thereby increasing barriers to black entry in the remaining white communities and making stable integration more difficult once black entry has begun. The movement toward racial equality will continue to languish until some communities break out of the cycle of resegregation by creating a stable interracial environment which demonstrates that racial harmony is not merely desirable but also attainable." "Benign Steering" (n. 16 above), pp. 960–61. See also ibid., pp. 953–55.

In 1978 John Goering said: "None of the research or modeling of the process of racial succession provides any reason for optimism about the future of neighborhood racial integration in American cities" (Goering, "Neighborhood Tipping," p. 76). In a recent study of neighborhood change and integration in Metropolitan Chicago from 1970 to 1980, Gary Orfield concludes: "What has happened is that real residential choices have expanded for a small fraction of the black population while most blacks are experiencing even greater residential segregation. There is nothing in this data that suggests that this problem will cure itself without much stronger residential integration policies" (Gary Orfield, Albert Woolbright, and Helene Kim, "Neighborhood Change and Integration in Metropolitan Chicago," A Report of the Leadership Council for Metropolitan Open Communities, July 1984, p. 29).

Section II
Segregation and Discrimination in Housing

Introduction

JOHN M. GOERING

Efforts to formulate clearsighted policies and programs to promote housing desegregation must be built on an accurate understanding of the legal and social, malleable and intractable aspects of residential segregation. Only through such an assessment can policymakers avoid creating more folly and frustration than planned change. Such assessments should also provide evidence of how well existing legislation and programs have served to reduce the extent of discrimination in cities. Segregation and discrimination, however they are measured, are the racial backdrop against which all federal and nonfederal desegregation efforts are played out.

Social scientists have assisted in two major ways in this process of assessment. First, they have developed and tested a variety of measures of residential segregation that provide relatively clear standards for measuring changes and trends. They have also offered assessments of the determinants of segregation, including the role of discrimination.

Karl and Alma Taeuber (1965), two decades ago, provided a now classic description of the extent of and variations in segregation in American cities. Others have offered criticisms and refinements of this early research that now suggest the need for multiple measures of segregation (Lieberson 1981; Lieberson and Carter 1982; Sakoda 1981; White 1983; Morgan 1983). James and Tynan in this section reflect the consensus that no single measure of segregation can adequately express its level, patterns, fluctuations, and impacts.

One clear, and to many unexpected, finding based on Taeuber's index of dissimilarity is that the level of segregation declined in cities and metropolitan areas between 1970 and 1980. The "trajectory of change," which Taeuber had predicted from his analysis of 1970 data, an average level of 75, did in fact come about. He finds a value of 76 for the 109 cities he originally examined using 1970 data. For a smaller subset of 28 cities, there has been a decline in segregation of 6 points—from 87 to 81—with some cities experiencing declines of up to 10 points over the decade (Taeuber 1983).

Explaining why these declines have occurred for black Americans is complicated by the absence of causal models in which all relevant variables can be plugged in, evaluated, and weighted for specific regions, cities, and suburbs. Taeuber (1983) speculates about, but does not measure, the probable role of a number of causal influences. The passage of federal, state, and local fair housing laws is seen as one probable influence on the declines registered between 1970 and 1980. The declining growth of black inner-city populations, growth of the black middle class, school desegregation, and regional factors are all of apparent importance. The overall "dynamics of urban growth and

change" is, however, a controlling influence according to Taeuber. The power of these ecological forces is such that the pace of "natural" desegregation, as measured by Taeuber's index, is very slow. "If a similar rate of decline were to occur each decade for the next 50 years," Taeuber remarks, "the average score for these (28) cities would still be above 50" (ibid.: 4).

If some change for black Americans is now occurring in many cities, it does not appear to be shared by the Hispanic populations of the three sunbelt cities studied by James and Tynan. They too note the declines in segregation for blacks, but find little or no change for Hispanics. Despite the minimal changes for Hispanics, their data from Denver and Houston nevertheless reveal that Hispanics were in 1970 and still are, in the 1980s, less segregated than black residents of these cities. In Phoenix, however, Hispanics appeared to be slightly more segregated than blacks as of 1980.

The second arena in which social scientists have contributed to the understanding of housing desegregation is in their analyses of causal influences of the level of segregation in specific cities and metropolitan areas. Research over the past two decades makes it clear that economic and housing factors, racial discrimination, and preferences for self-segregation are among the most plausible factors promoting segregation (Myrdal 1944; Taeuber and Taeuber 1965; Roof 1972; Yinger et al. 1979). Socioeconomic and housing factors such as dwelling quality, value, and tenure appear to explain from 15 to 60 percent of the variance in measures of segregation (Darden 1976:89; Smith 1977). In a detailed regression analysis of hundreds of categories of possible demographic and housing influences, Kain, in this section, shows the powerful role of racial constraints in limiting the housing choice of economically qualified blacks. Housing market discrimination, he argues, is the major force concentrating blacks within the central cities of both Cleveland and Chicago. There is no parallel between the housing choices of nationality groups and black Americans, nor does self-segregation appear to Kain as a plausible explanation for the substantial gap between the expected and actual distribution of blacks.

Kain, James and Tynan, and Galster, in this section, all utilize evidence gained by means of audits or tests to document the powerful role of racial discrimination. They refer to or use the Housing Market Practices Survey of the U.S. Department of Housing and Urban Development (HUD) (Office of Policy Development and Research 1979a, 1979b), which found upward of 2 million instances of discriminatory treatment against blacks in 1977, with more recent studies in Columbus (Ohio), Boston, Denver, and Baltimore also documenting high levels of differential treatment of blacks (White 1979; Pearce 1970; Feins, Bratt, and Hollister 1981; Jacobson 1983; Baltimore Neighborhoods 1983). Galster's analysis directly links the audit measures of discrimination gathered in HUD's study of discrimination in 40 metropolitan areas to measures of black segregation and centralization. His findings are dramatic. Cities that had high levels of measured discrimination had roughly one-quarter more black centralization, with lower levels of exposure of blacks to whites.

Income factors, he notes, continue to be influential with the prospect that higher median incomes for blacks could decrease their centralization. Galster's analysis raises many questions paralleling his analytic insights. He finds it probable that there may need to be a "threshold level" of discrimination in a city before it has a measurable impact on black segregation, a finding unreported by others and one clearly in need of further examination. He was also frustrated by his inability to adequately predict the degree of housing market discrimination and he argues for closer attention to regional factors.

Without exception, however, the four analysts in this section agree that stronger enforcement of fair housing laws would significantly reduce the levels of discrimination and consequent segregation in cities and their surrounding suburbs. James and Tynan, in fact, support new fair housing amendments in an effort to give federal agencies stronger authority than that currently provided in Title VIII. But this conclusion is only made inferentially. None of the authors has incorporated direct measures of federal, state, local, or private fair housing enforcement in the effort to explain variations and reductions in segregation. The incorporation of such measures would no doubt involve a substantial number of novel methodological and data gathering problems. Future efforts at analysis and predictions must, however, soon move from speculation to the actual measurement of legislative and judicial impacts on segregation and discrimination (Darden 1973; Schechter 1973; Bullard and Tryman 1979).

One clear finding emerging from both Kain and Galster's analyses is that class and income factors remain inextricably linked to the problem of desegregating American cities. To a degree, the desegregation or decentralization of blacks and Hispanics can only be influenced by addressing the high concentrations of poverty in these communities.[1] Increasing the employment or purchasing power of minority households remains a fundamental part of the problem of creating effective housing desegregation. It is, of course, also true that residential segregation negatively affects opportunities for economic advancement (Langendorf and Silvers 1976; Marston and Van Valey 1979:20–21). There are presumably better chances for occupational advancement, all things being equal, in a city with less residential segregation.

The contentiousness over residential integration is interwoven with deep distrust of programs aimed at economic and school integration. The mixture of poorer, subsidized households with those better off can lead to chain reactions of concerns among potential neighbors that may have little to do with racial fears. The inseparability of racial and economic pathologies is at the root of much of the congressional discontent over programs aimed at deconcentrating the minority poor (see Section IV). Socioeconomic factors and racial discrimination will continue to interact, as both cause and effect with desegregation policies and programs (Hermalin and Farley 1973; Orfield 1978; Wilson 1980; Hawley et al. 1982).

The analysis of the changes and determinants of residential segregation is therefore crucial to unscrambling our understanding of what it will take to

promote faster, more widespread desegregation. Analyses of segregation have an important limitation, however. Segregation indices are not designed to be sensitive to the issue of housing integration, a fact noted for some time (Cortese, Falk, and Cohen 1976). They tend to mask, indeed overwhelm, evidence concerning the existence of modest levels of housing integration. Only analyses of within-city, neighborhood-by-neighborhood changes are likely to reveal the slowing or reversal of the "normal" patterns of rapid racial change.

A small number of stably integrated neighborhoods were shown to exist in a handful of cities in the 1940s and 1950s, surviving best when the overall rate of black population growth was low (Taeuber and Taeuber 1965:120–21). Measures of the turnover of housing units from whites to blacks in the 1960s also revealed small numbers of integrating moves. Although over 90 percent of all city and suburban housing transactions went from white to white or black to black; 46 out of every 1,000 "replacement moves" in cities and 15 in the suburbs involved a transfer from white to black occupancy. During the period from 1967 to 1971, about 3 percent of white households were replaced by blacks, and nearly 30 percent of all black households "moving into a previously occupied housing unit were replacing whites" (Long and Spain 1978:9; Spain, Reid, and Long 1980).

Annual Housing Survey data provide more recent evidence of a national trend toward black movement to predominantly white suburbs. In the mid-1970s, "approximately 40 percent of Blacks moved to tracts which had been less than ten percent Black in 1970; another 27 percent moved to tracts which were between ten and forty percent Black. Thus, nearly 70 percent of all Black movers to tracts in the balance of SMSA's selected tracts that were more white than Black" (Spain and Long 1981). A small number of better-off black households appear, therefore, to be moving in increasing numbers to white suburban neighborhoods.[2]

Many of the moves of blacks to suburbs were, however, to spill-over ghetto areas (Grier and Grier 1983; Lake and Cutter 1980; Farley 1983). There has been a partial cloning of racial ghettos in many parts of American suburbs. At the same time, however, the steamroller pattern of inevitable racial transition found in the 1950s and 1960s in cities has not been as predictable in all suburbs (Aldrich 1975:335; Obermanns 1980; Long and DeAre 1983). Suburbs of Washington, D.C., as well as some in New Jersey have modest levels of racial stability (Zehner and Chapin 1974; Lake and Cutter 1980). And in St. Louis the process of racial and socioeconomic change "stabilized and even reversed itself without massive public intervention" in at least two suburbs (Little 1980: 148).

Even in a city like Chicago, which is plagued with interracial violence and has the highest level of segregation in the United States, interracial living occurs. Orfield, in the preceding section, refers to his recent analysis of 1980 census tract data for the city of Chicago which found that 3 percent of Chicago's white population and 4 percent of its blacks lived in stably integrated

census tracts (Orfield, Woolbright, and Kim 1984:17). These areas generally have economically better-off residents, illustrating a well-known fact that integration—if it is to succeed—succeeds among those better educated and financially well off.

The existence of high levels of segregation and discrimination does not, therefore, preclude the coexistence of modest levels of residential integration. Regional variations in attitudes, the economic resources of minorities, the enforcement of fair housing laws, or the presence of vigorous community organizations dedicated to housing integration may all help to explain the fact that there is some residential integration in many American cities.

The contributors in Section III examine some of the principle attitudinal and sociological factors that help to explain the emergence and survival of housing integration in various parts of the United States.

NOTES

1. In 1947, black median income was 51 percent that of whites and by 1979 this ratio had improved to only 57 percent of whites (U.S. Bureau of the Census 1980). And whereas the proportion of white persons living in poverty declined roughly 40 percent from 1959 to 1979, the decline for blacks was only roughly half of this. The proportion of blacks living in poverty has remained roughly 30 percent from 1969 to 1979, whereas the proportion for whites declined slightly from 9.5 percent to 8.7 percent.

Poorer black families are also becoming more heavily concentrated in central cities; between 1969 and 1976, for example, there was a 12 percent increase in the number of black poor living in central cities at the same time that there was a 5 percent decline in the number of poor whites. Thus, although blacks make up roughly 22 percent of the nation's central city population, they constitute 45 percent of the central city poor (*President's National Urban Policy Report* 1980:4.3). Between 1970 and 1982, the number of persons living in poverty in central cities increased 22 percent, with a doubling of the number of black female-headed families living in cities. Nearly half of all black female-headed households lived in poverty in central cities in 1982; the comparable figure for whites was 22 percent (*President's National Urban Policy Report* 1984:40–41).

2. Studies of the residential integration of Hispanics reveal important differences, as well as some similarities, to patterns of black integration. Rosenberg and Lake (1976), for example, found Puerto Ricans competing for housing with blacks, occasionally acting as a "buffer" between blacks and whites, with a variety of pressures preventing longer-term residential stability. Massey (1981:22) found that residential turnover was slower in areas of Hispanic succession: "the transition from Anglo to black occurs at four to five times the rate of turnover from Anglo to Hispanic. Moreover, the succession process does not seem to proceed as far in Hispanic areas, accounting for the dearth of established Hispanic areas. In Hispanic areas, the succession process apparently stabilizes at a lower percentage minority than in black areas." Socioeconomic and regional factors also appear to be of considerable importance in explaining variations in the segregation of Hispanics (Lopez 1982).

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Chapter Four

Segregation and Discrimination of Hispanic Americans

An Exploratory Analysis

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EILEEN A. TYNAN

A great deal of research has measured the discrimination and segregation experienced by blacks in urban housing markets.[1] Audit-based evidence summarized by Newburger (1984) also shows that discrimination remains a significant problem for blacks seeking either rental or owner-occupied housing in most metropolitan areas. Very little research has examined these problems as they are encountered by Hispanics.[2]

Hispanics in 1980 comprised 6.4 percent of the U.S. population; they are growing in number far more rapidly than blacks.[3] Previous evidence on the residential segregation of Hispanics, based largely on Hispanic experiences during the 1960s, suggested that Hispanics were moving rapidly toward racial and social integration (Massey and Mullen 1984). Progress toward residential integration appeared more rapid among Hispanics than among blacks between 1960 and 1970. The "ultimate probability of residential contact with Anglos" was judged to be "much lower for blacks than for Hispanics" (ibid., p. 836).

However, two recent audit studies measuring discrimination against Hispanics have found that Hispanics encounter more serious discrimination than blacks. One study, which measured discrimination against Chicanos in rental housing in Dallas (Hakken 1979), found that discrimination in Dallas against Chicanos was at least as severe as that against blacks. In fact, discrimination against dark-skinned Chicanos was found to be more severe than the discrimination encountered by blacks.[4] A second study measuring discrimination against Hispanics, blacks, and Southeast Asians in Boston also suggests that discrimination against Hispanics was as, or more, severe than that experienced by blacks (Feins, Bratt, and Hollister 1981; Feins and Holshouser 1984).

Optimistic evidence from the 1960s regarding lessened Hispanic segregation appears inconsistent with observations of severe discrimination currently experienced by Hispanics in urban housing markets. Have Hispanics continued to make rapid progress toward integration despite such severe discrimination? The recent audit studies may be signaling that Hispanics are encountering

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tougher barriers to fair housing and equal opportunity than they did in the past.

To be sure, interrelationships between housing segregation and discrimination are not clearly understood. For instance, Galster, in this section, concludes that segregation is significantly increased by discrimination only when it is prevalent on a *metropolitan* scale in *both* rental and for sale housing. The audit studies of discrimination against Hispanics cited above focused on central cities, not metropolitan areas. The Dallas study also did not examine discrimination in the sales market. Thus, if one accepts Galster's conclusion, severe discrimination could conceivably be accompanied by modest, declining segregation of Hispanics.[5]

This chapter provides preliminary evidence describing changes in Hispanic segregation in three metropolitan areas during the 1970s: Denver, Houston, and Phoenix. For the purpose of comparison, the study also examines trends in the segregation of blacks in these same metropolitan areas.[6] Events in Denver, Houston, and Phoenix suggest larger patterns—inasmuch as two-thirds of the nation's Hispanic population lives in the sunbelt states.

The chapter also presents the results of a new, comprehensive audit of discrimination encountered by blacks and Hispanics seeking to rent or purchase housing in the Denver metropolitan area. The audit utilizes methods and techniques developed in HUD's national Housing Market Practices Survey and in the audit of discrimination in Boston (U.S. Department of Housing and Urban Development 1979; Feins and Bratt 1983). The audit had as its primary goal the measurement of the overall severity of discrimination against blacks and Hispanics. A subsidiary objective was to gather more information on exactly how discrimination and segregation are linked. To meet this second objective, the audit measured patterns and severity of discrimination in three types of neighborhoods:

1. Largely Hispanic (and black) census tracts within the city of Denver, termed "minority city neighborhoods";
2. Predominantly Anglo neighborhoods within the city of Denver, termed "Anglo city neighborhoods"; and
3. Predominantly Anglo census tracts in suburban counties surrounding Denver, termed "Anglo suburban neighborhoods."[7]

As will be seen, important spatial differences exist in the severity of discrimination in Denver among these types of neighborhoods. Although these differences are complex, they are a likely influence contributing to maintaining segregation among Hispanics.

The Segregation of Hispanics

The extent of neighborhood segregation of Hispanics is in part a function of how Hispanics are defined.[8] The definition used here—persons of Spanish

origin—includes all persons who retain some cultural or ethnic identification with Spanish-speaking nations. A definition that focused on recent immigrants from such nations would likely show greater segregation, as would a measure that focused on Hispanics of lower socioeconomic status (Grebler, Moore, and Guzman 1970; Massey and Mullen 1984).

Keeping this in mind, evidence from the 1970 and 1980 censuses for Denver, Houston, and Phoenix shows that:

- Hispanics were markedly segregated from *both* Anglos and blacks in 1970 and 1980;
- The extent of Hispanic segregation did not diminish markedly in any of the three cities during the 1970s, and increased significantly in one; and
- By contrast, blacks made considerable progress toward integration in Denver and Phoenix, though not in Houston.[9]

The Pattern of Segregation

Because so little research has focused on the neighborhood segregation of Hispanics, it is useful to begin with simple descriptions. Figures 1 and 2 describe patterns of residence of Hispanics and blacks in Denver in 1980. It is apparent that Hispanics were more dispersed among Denver census tracts than were blacks. In particular, significant numbers of Hispanics lived in northern and southwestern portions of the Denver metropolitan area, areas with hardly any black population. More importantly, a close comparison of the two figures suggests a significant degree of segregation of both blacks and Hispanics from one another. Blacks were very highly concentrated in inner-city neighborhoods extending east from the downtown to the edge of the city of Denver. A number of these tracts were 50 percent or more black. By contrast, census tracts in which the population was predominantly Hispanic were located to the *west* of Denver's downtown extending in a band from north to south along major transportation lines.

These general patterns of residence of Hispanics and blacks were similar to those that had prevailed in Denver in 1970. Figure 3 maps neighborhood patterns of Hispanics in 1970. A comparison with Figure 1 shows that the primary change during the decade was an extension of Hispanics into low density suburban areas. Comparable maps show similar trends in Houston and Phoenix: that is, relatively dispersed patterns of residence of Hispanics compared to blacks, marked spreading out of both groups among neighborhoods, and significant segregation of blacks and Hispanics from one another, in both 1970 and 1980 (see James, McCummings, and Tynan 1984).

Exposure rates provide a simple quantitative indicator of trends in the degree to which various racial or ethnic groups share urban neighborhoods. The exposure rate is the average representation of various racial or ethnic groups in the neighborhoods of the group being studied (James, McCummings, and

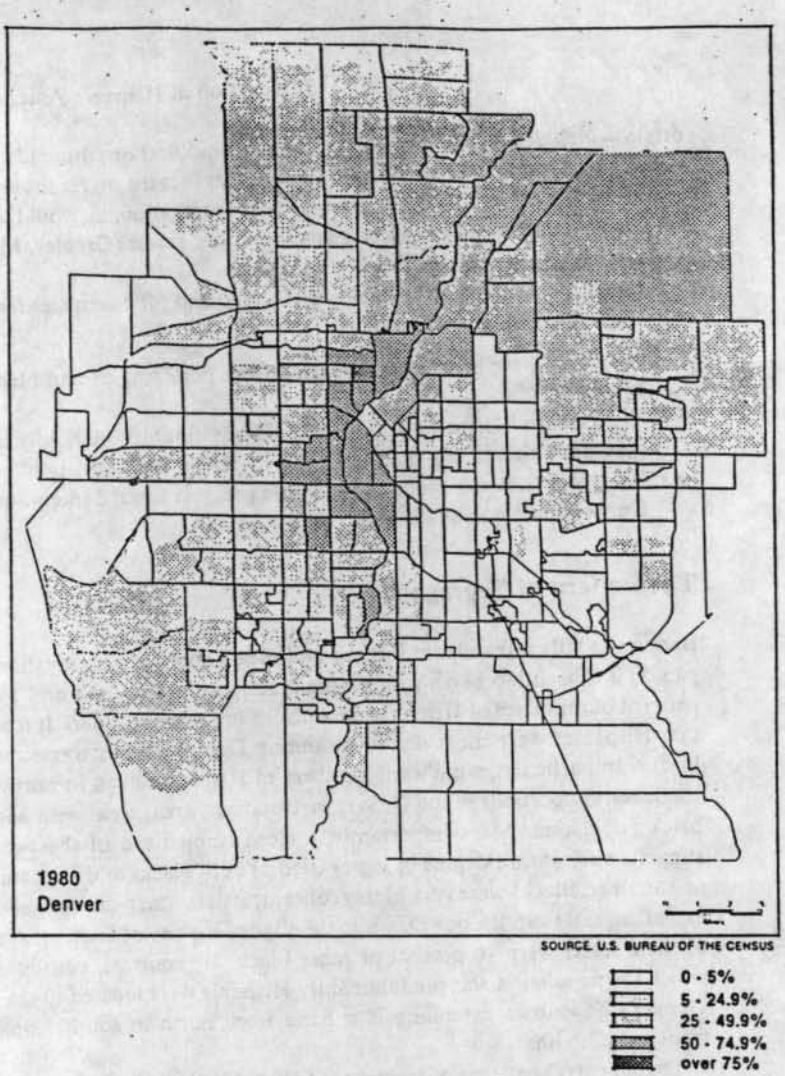

Figure 1. Hispanic Composition of Neighborhoods (Percentage of Population of Spanish Origin)

Tynan 1984). Such rates strongly suggest that the spreading out of Hispanics among census tracts in Denver, Houston, and Phoenix was not a symptom of greater neighborhood integration of Hispanics, but rather of simple growth in the overall Hispanic populations of the three areas (Table 1). As can be seen, the racial and ethnic compositions of the neighborhoods of the average His-

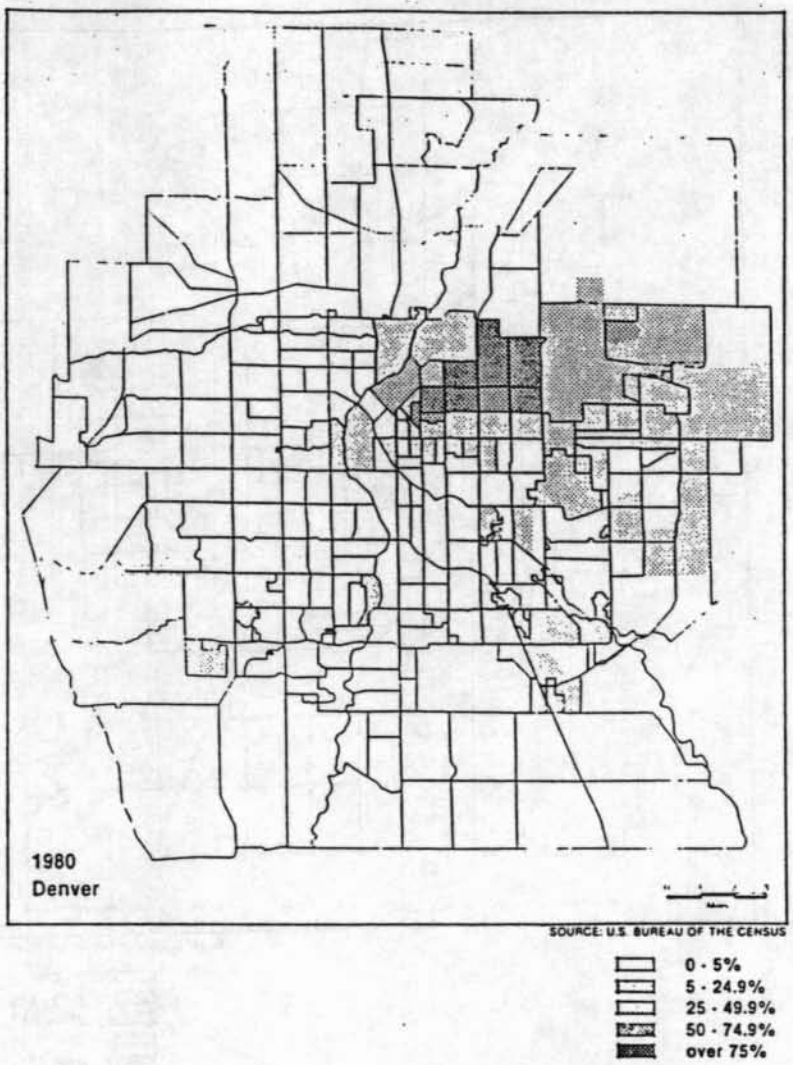

Figure 2. Racial Composition of Neighborhoods (Percentage of Population Black)

panic hardly changed in any of the three metropolitan areas during the 1970s. Indeed, Hispanic exposure to Anglos *fell* slightly in Houston (from .55 to .51), and held substantially constant in Denver and Phoenix.

Exposure rates are sensitive to the overall racial and ethnic composition of the metropolitan area. A number of quantitative indicators are available to

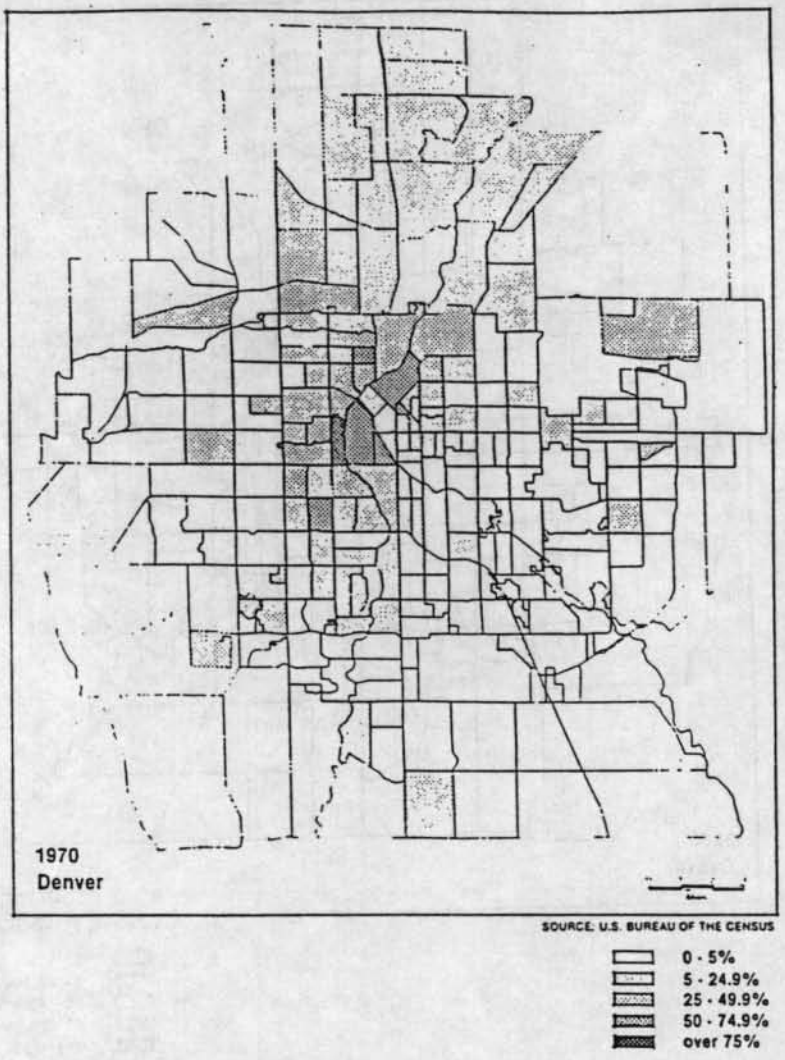

Figure 3. Hispanic Composition of Neighborhoods (Percentage of Population of Spanish Origin)

measure neighborhood segregation, controlling for overall population mix. These segregation indexes thus permit comparisons of residential patterns among areas and over time.[10]

Table 1 also presents estimates of the segregation indexes for the various ethnic and racial groups in Denver, Houston, and Phoenix metropolitan areas

Table 1. Exposure Rates and Segregation Indexes of Hispanics in Denver, Houston, and Phoenix, 1970 and 1980

	Denver		Houston		Phoenix	
	1970	1980	1970	1980	1970	1980
Exposure Rate[a]						
Hispanics	.285	.276	.278	.351	.331	.329
Anglos	.637	.646	.551	.509	.563	.567
Blacks	.059	.049	.160	.118	.075	.064
Others	.020	.030	.011	.021	.030	.030
Segregation Index[b]						
Hispanics	.218	.189	.203	.240	.241	.228
Anglos	.380	.262	.517	.421	.041	.206
Blacks	.592	.393	.611	.586	.359	.210
Others	.012	.009	.009	.031	.106	.108

[a]Exposure rates indicate the weighted average racial or ethnic composition of the census tracts inhabited by Hispanics.

[b]The segregation index is defined as:

$$S_j = \frac{{}_jP^*_j - \frac{N_j}{N}}{1 - \frac{N_j}{N}}$$

, where ${}_jP^*$ is the exposure rate of group j to itself, and (N_j/N) is the proportion of the area population comprised of group j.

Source: U.S. Bureau of the Census, Fourth Count Data File, 1970; and Summary Tape file 1, 1980.

for 1970 and 1980. As can be seen, the segregation indexes verify that progress toward integration was quite limited for Hispanics. In Denver and Phoenix, Hispanic segregation declined, but only slightly. The segregation index actually rose by 20 percent for Hispanics in the Houston metropolitan area. Overall, these measures of Hispanic segregation were very similar across the three cities and changed little during the 1970s. In contrast, although blacks were more segregated in 1970 than Hispanics, they experienced a greater movement toward integration.

Of course, it should be emphasized that evidence from three metropolitan areas cannot establish national patterns during the 1970s. More work needs to be done in more metropolitan areas. Nevertheless, it appears that optimistic predictions of progress for Hispanics toward integration may have been proven wrong during the 1970s.

Patterns of Housing Discrimination

In order to provide evidence on the role of discrimination in fostering Hispanic segregation, 134 audits or tests of the treatment accorded Hispanics in housing markets were conducted in the Denver metropolitan area during the summer

of 1982. In these audits, pairs of Anglo and Hispanic testers responded to advertisements of housing units for sale and rent in Denver's two major newspapers. Auditors were matched by sex and general age and assigned similar family and economic identities. Thorough records were made by both auditors of the treatment they received from the real estate agents (James, McCummings, and Tynan 1984). To provide a benchmark against which to interpret the Hispanic audits, precisely comparable audits were performed at the same time and in the same manner to measure the discrimination encountered by blacks seeking housing in Denver.[11]

In line with earlier audits, three types of discrimination by real estate professionals were measured in Denver:

1. Differential amounts or qualities of information provided Anglo and minority testers regarding the number and characteristics of housing units available for rent or purchase.

2. Differences in the terms and conditions on which housing was said to be available to Anglo and minority auditors. (Examples of such terms and conditions include sales prices or rents, financing or lease requirements, and application procedures and requirements.)

3. Salesmanship or steering practiced by real estate professionals. (Accurate information provided begrudgingly or incompletely can deter minority persons from obtaining housing that meets their needs. Whether subtle or blatant, practices that encourage minorities to choose housing in minority or integrated neighborhoods can forestall progress toward neighborhood integration and limit minority housing options.)

As noted above, audits were performed in the three types of neighborhoods: minority city neighborhoods, Anglo city neighborhoods, and Anglo suburban neighborhoods.[12]

Audit Findings: Housing for Sale

Concealment of information regarding available housing can be a potent constraint on minority housing choices, and is extremely difficult for individuals to detect. Auditors were directed to first inquire about the availability of the advertised home and then request information on other comparable units in the same neighborhood. If agents failed to identify several such units, the auditors were directed to request information on similar housing in other neighborhoods, and on alternative types of housing that might meet their needs.

On average, in the Denver metropolitan area, Anglo auditors were given the same information as Hispanics about the availability of the advertised house (Table 2). However, Anglo auditors were given more information about other houses available for purchase than were the Hispanic auditors. Overall, real estate agents volunteered an average of 1.7 houses to Hispanic auditors as serious possibilities as opposed to 2.1 houses volunteered to Anglo auditors.

Table 2. Amount and Quality of Information Given Hispanic and Anglo Auditors in Sales Market, by Neighborhood Type, Denver and Suburbs, 1982

Indicators	Neighborhood Type: Hispanic City Neighborhoods, Hispanic Auditors	Hispanic City Neighborhoods, Anglo Auditors	Anglo City Neighborhoods, Hispanic Auditors	Anglo City Neighborhoods, Anglo Auditors	Anglo Suburban Neighborhoods, Hispanic Auditors	Anglo Suburban Neighborhoods, Anglo Auditors	Metro Area, Hispanic Auditors	Metro Area, Anglo Auditors
Percentage of Auditors Told That								
Advertised unit available for immediate inspection	100	95	95	81	68	80	86	85
More than two similar units available in same neighborhood	29	19	19	48	47*	40*	33**	44**
One or more similar houses available in different neighborhoods	29	52	25*	57*	19*	48*	25*	51*
One or more housing units available with different characteristics	48	52	46	52	30*	57*	40	54
Offered use of multiple list or similar directory	24	38	29	29	19	38	23*	35*
Average Number of Homes								
Suggested as "serious possibilities"	1.5	1.7	1.6	1.9	1.9	2.6	1.7	2.1
Invited to inspect	1.3	1.4	1.5	1.5	2.0	2.1	1.7	1.7
Actually inspected	0.9	1.1	1.0	1.3	1.0	1.4	1.0	1.3

*Statistically significant difference at .01 level.
**Statistically significant difference at .05 level.

The results imply that Hispanic home buyers would have to visit four agents in order to get as much information as Anglos can get by visiting three agents.[13]

The auditors were instructed to make every effort to actually inspect at least one of the houses identified by the agents as a serious possibility. Discrimination by agents had the effect of limiting Hispanics to the *advertised* unit. Three-fourths of the Hispanic auditors inspected the advertised unit. Only 55 percent of the Anglo auditors inspected the advertised unit; fully 40 percent of the Anglo auditors inspected other units they or the agents considered more likely to meet their needs.

No evidence was found suggesting that agents reported different home sales

prices or down payment requirements to the Hispanic and Anglo auditors. However, significant evidence was found that some agents offered Hispanics less assistance with home financing arrangements. Because mortgage rates were extremely high during the audit period, the sales market was a buyer's market and a lot of "creative financing" was taking place. Real estate agents suggested various forms of creative financing to 39 percent of the Anglo auditors as opposed to 27 percent of the Hispanic auditors.

Racial steering is often very difficult to detect because it can take so many forms. One technique that has been alleged to exist in Denver revolves around concerns about the quality of inner-city schools and the busing issue. It has been alleged that negative comments about the city school system have often been used to steer Anglo home buyers to Anglo suburban neighborhoods (Orfield 1980).

The audit teams requested the same information about the advertised house, the neighborhood surrounding the advertised house, and the public schools. Compared to the Hispanics, Anglo auditors received significantly more positive comments about the advertised homes and the public schools. This was true in all types of neighborhoods. They also received more negative comments. These findings suggest that real estate agents exerted more effort to sell homes to Anglo auditors than they did to Hispanics. Real estate agents often requested information on how the auditor could be reached in the future; 80 percent of the Anglo auditors were requested to give their phone number as opposed to 64 percent of the Hispanics.[14]

A close review of Table 2 shows that these overall metropolitan indicators of discrimination understate by a considerable margin the possibility that a Hispanic seeking "for sale" housing outside an established Hispanic neighborhood would be discriminated against. Discrimination is shown to have been far more common and severe in Anglo suburban neighborhoods than in Hispanic city neighborhoods (Table 2). The data also suggest, but do not prove, that discrimination is more severe in Anglo *city* neighborhoods than in Hispanic city areas. The audits did not detect significant discrimination against Hispanic home buyers in terms of housing availability in Denver's Hispanic neighborhoods.

The fact that discrimination against Hispanic home buyers is more common and more severe in Denver's Anglo neighborhoods than in Hispanic areas has the straightforward implication that discrimination exacerbates segregation among Hispanic homeowners in Denver. When it actually is encountered by Hispanics, it limits information and access to homes in Anglo neighborhoods. Fears of discrimination doubtlessly also lead some Hispanic home buyers to focus their housing searches in Hispanic areas where they are less likely to encounter it.

Table 3 presents several indicators of metropolitan discrimination encountered by Hispanics and blacks seeking for sale housing. As can be seen, the data suggest that Hispanics encountered more severe discrimination than did

Table 3. Audit Indicators of Discrimination in Housing Availability Encountered by Hispanics and Blacks, Denver Metro Area

Indicators (percent of auditors told that:)	Hispanic Audits		Black Audits	
	Hispanic	Anglo	Black	Anglo
Advertised unit available for immediate inspection	86	85	90	94
More than two similar units available in same neighborhood	33***	44**	27	43
One or more similar houses availabe in different neighborhoods	25*	51*	31	35
One or more housing units availabe with different characteristics	40***	54***	35	35

*Statistically significant differences, .01 level.

**Statistically significant differences, .05 level.

***Statistically significant differences, .10 level.

blacks. Indeed, none of the indicators presented in the table suggests statistically significant discrimination measures for blacks.[15]

Findings: Housing for Rent

Patterns of discrimination in Denver's rental housing market are quite different than in the sales market. Discrimination against Hispanics regarding housing availability was not found to be as widespread in the rental housing market as in the sales market. Hispanic auditors were twice as likely as Anglo auditors to be told that the advertised units were unavailable. Hispanic auditors were also twice as likely not to be told of serious rental housing possibilities that might meet their needs. In neither case, however, were the differences statistically significant in the metropolitan area as a whole.[16]

The major explanation for the apparent lack of evidence for discrimination is that discrimination against Hispanic renters was concentrated in Denver's Hispanic neighborhoods. In Hispanic neighborhoods, agents for rental housing commonly concealed the availability of units to Hispanic auditors, were less likely to identify any units that might meet the needs of the Hispanic auditors, failed to offer Hispanics a place on waiting lists, and invited significantly fewer Hispanics to inspect units than they did Anglos. By contrast, most of the indicators suggest that agents in Anglo neighborhoods offered much the same

basic information on rental housing availability to Hispanic and Anglo auditors. As was found for home buyers, there is little evidence that agents skewed the qualitative information on housing and schools to attract Hispanics to Hispanic neighborhoods, or to steer Anglos away from these areas. In general, Anglo auditors were given more information, positive and negative, in all types of neighborhoods.

These findings appear to imply that discrimination is not a strong force for segregation in Denver's rental housing market. This finding, however, requires more research and verification before it is accepted. It could result from specific housing market conditions prevailing at the time of the study. This was a time of rapid housing inflation and economic recession, with intense demand for lower cost rental housing. Excess demand among Anglos for lower cost housing could have led landlords in Hispanic areas to seek out Anglos in the hope of securing more stable tenants or higher rents. However, no evidence was found in the audits to suggest rent premiums were paid by either Hispanic or Anglo auditors.

Alternatively, the findings could be a result of inherent biases in the characteristics of units approached in the audits: that is, units advertised in local newspapers as for sale or for rent. Advertised units from minority neighborhoods are likely to be the higher cost and quality units in the areas. Landlords from such housing may seek to enforce racial or ethnic "quotas" on tenant composition in order to maintain the attractiveness of the units to Anglos as well as Hispanics.

Conclusions

The evidence from Denver, Houston, and Phoenix suggests that the housing options of Hispanics are curtailed by segregation and discrimination as much as are those of blacks. Housing discrimination per se appears to be at least as frequent against Denver's Hispanics as against that city's blacks. Overall, Hispanics are somewhat less segregated than blacks. However, Hispanic segregation does not appear to have diminished during the 1970s, whereas the segregation of blacks frequently did.

The findings suggest that Hispanics are encountering more stringent barriers to equal housing opportunity than they did during the 1960s. After examining 1960s data, one researcher concluded:

> If there is an underclass in the United States, Hispanics cannot be considered "permanent" members of it in the same way as blacks. Our results point consistently to an ongoing process of assimilation among Hispanics circa 1970. Unlike blacks, they are able to translate social mobility into residential mobility. Hispanics are simply not trapped in the barrio in the same way that blacks are trapped in the ghetto. (Massey and Mullen 1984:870)

Trends during the 1970s in Denver, Houston, and Phoenix imply a much more pessimistic diagnosis.

It is apparent that far too little research and public attention has been placed on understanding and ameliorating the unique housing problems of Hispanics. The major research priority is to establish that findings from Denver, Houston, and Phoenix are applicable to other places, by extension to other metropolitan areas of the research methodologies reported here. If further research supports the conclusions of this chapter, one important question will be why the experience of Hispanics was so different in the 1970s and the 1960s and what the difference implies about likely future trends. A second important issue will be appropriate policy responses.

With respect to the first issue, growing international in-migration is a likely contributor to segregation and discrimination against the Hispanic community. Growing numbers of migrants are boosting Hispanic populations markedly in areas receiving these migrant flows, such as New York, Miami, Houston, and Los Angeles. New migrants may be contributing to wider average cultural and language differences between Hispanics and Anglos. The result could be a "circle the wagons" mentality among Anglos and among native Hispanic Americans.

With respect to policy issues, the evidence clearly supports stronger efforts to curtail housing discrimination against Hispanics. If effective, such efforts are likely both to improve Hispanic housing standards and to increase Hispanic integration. At a minimum, fair housing agencies at HUD and in the states should mount effective outreach efforts into the Hispanic community. Hispanics do not seek the help of such agencies nearly as frequently as do blacks (James, McCummings, and Tynan 1984). Why this is true is unknown. However, this behavior attenuates the already generally weak protections of civil rights laws for victims of discrimination.

NOTES

1. This research is well summarized in Kain and Quigley 1975; Yinger 1979.

2. Examples of the fragmentary previous research on Hispanic housing conditions are provided by deLeeuw, Schnare, and Struyk 1976; Yezer 1980; Hakken 1983.

3. For purposes of this report, Hispanics are defined as nonblack persons of Spanish origin. The research on which this chapter is based is presented in more detail in James, McCummings, and Tynan 1984.

4. For example, dark-skinned Hispanics were 43 percent more likely than non-Hispanic whites to be given inferior information about the availability of rental units. Light-skinned Hispanics were 16 percent more likely to encounter this form of discrimination than were non-Hispanic whites. For purposes of comparison, blacks in Dallas were 17 percent more likely to encounter this type of discrimination than were Anglos. Hakken 1979.

5. However, theoretical and empirical research has shown that the severity of *black*

segregation can be attributed to actual or feared experiences of blacks with discrimination (Kain and Quigley 1975; Yinger 1979; Bianchi, Farley, and Spain 1982). Moreover, Galster's empirical evidence is highly suspect. His conclusions are based on observed weak relationships between discrimination as measured in 1977 and segregation prevailing almost a decade earlier, in 1970. It would be surprising to find a strong relationship given the wide time interval separating the two measurements.

6. A limited budget dictated the focus on only three metropolitan areas.

7. Anglos are defined as whites not of Spanish origin. Largely minority tracts are those in which minorities comprise at least 30 percent of the population. Predominantly Anglo tracts are those in which Anglos comprise at least 93 percent of the population.

8. Quantitative research on the characteristics and circumstances of Hispanics has been impeded by uncertainty regarding who should be counted as Hispanic. For example, the U.S. Census Bureau utilized several different definitions of Hispanics in reports of the 1970 census, causing needless confusion. Fortunately, there is increasing consensus among researchers on how best to define Hispanics. Most statistics now reflect the concept of "Spanish origin." Under the current procedures of the U.S. Bureau of the Census (1983), a person was counted as of Spanish origin in the 1980 census if he or she answered "yes" to the following question: "Is this person of Spanish/Hispanic origin or descent?" Much the same question was asked of a sample of persons in the 1970 census.

9. Because so little research has focused on the neighborhood segregation of Hispanics, it is useful to describe patterns of residence of Hispanics and blacks in the Denver metropolitan area in 1980. Hispanics were more dispersed among Denver census tracts than blacks. In particular, significant numbers of Hispanics lived in northern or southwestern portions of the metropolitan area, areas with hardly any black population. Blacks were highly concentrated in inner-city neighborhoods extending east from the central business district to the edge of the city of Denver. A number of these tracts were 50 percent or more black. By contrast, census tracts in which the population was predominantly Hispanic were located to the west of Denver's downtown. These patterns of residence of the two groups were similar to those that had prevailed in Denver in 1970. The primary change during the decade was an extension of Hispanics into low density suburban areas to the west and north of downtown.

10. These indexes have been used primarily to measure the degree of segregation of blacks from whites (Lieberson 1980; deLeeuw, Schnare, and Struyk 1976). A segregation index of 1.0 indicates complete segregation, that is, racial and ethnic groups live in neighborhoods comprised totally of their own group. A value of 0 indicates perfect integration—for example, a situation in which groups live in neighborhoods where the percentage of blacks, Anglos, and others is the same as in the metropolitan-wide percentage.

11. These audit methodologies were used in three previous research studies, the Housing Market Practices Survey (U.S. Department of Housing and Urban Development 1979), the Chicano Dallas Audit (Hakken 1979), and a study of discrimination against blacks in Boston (Feins and Bratt 1983). The instruments used to record the treatment of auditors were based on the instruments developed for the Boston audit. Or course, audits only measure discrimination that occurs early in a real estate transaction. Discrimination at later stages (e.g., in credit checks, mortgage applications, and insurance arrangements) cannot be estimated using audit methodologies (Kain 1980; Feins and Bratt 1983).

12. The obvious drawback of the neighborhood typology is that a number of neighborhoods in which Hispanics comprised between 7 and 29 percent of the population were not included in the tests. Budget constraints made it impossible to treat these areas as a fourth neighborhood type.

13. The audits also show that agents did not encourage Hispanics to identify housing opportunities on their own. A multiple listing book or similar directory of homes for sale was offered twice as frequently to Anglo auditors as to Hispanic auditors.

14. There was evidence of less intense "salesmanship" efforts by agents for Hispanics than for Anglos, even in Hispanic city neighborhoods. There was also evidence that agents volunteered more help in arranging financing for Anglo auditors in these neighborhoods. These types of discrimination were found to be significant throughout the metropolitan area. James, McCummings, and Tynan 1984.

15. A number of other indicators did demonstrate significant discrimination against blacks. Ibid.

16. Hispanics were more likely than Anglos to be offered to be entered on waiting lists. This difference, however, could reflect either favorable or unfavorable treatment.

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Chapter Five

The Influence of Race and Income on Racial Segregation and Housing Policy

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Black Americans have been largely excluded from the rapid suburbanization that has occurred since World War II: despite a 42 percent increase in the black population in suburban areas between 1970 and 1980, blacks in 1980 accounted for only 6.1 percent of the suburban ring population, as compared to 22.5 percent of the central city residents in U.S. metropolitan areas.[1] Moreover, although growing numbers of black households are buying and renting in previously all-white neighborhoods, most of the recent increase in the suburban black population appears to be accounted for by the expansion of central city ghettos into adjacent suburban communities.

These trends have not gone unnoticed. Scholars and policymakers alike have shown concern and have argued for programs and policies that would reverse them. The Kerner Commission, for example, in analyzing the causes of the riots that swept American cities during the summers of 1966 and 1967, found that "Discrimination and segregation have long permeated much of American life" and that "they now threaten the future of every American."[2] Contrasting the experience of black Americans with that of earlier immigrant groups, the commission noted:

> Thousands of Negro families have attained incomes, living standards, and cultural levels matching or surpassing those of whites who have "upgraded" themselves from distinctly ethnic neighbors. Yet most Negro families have remained within predominantly Negro neighborhoods, primarily because they have been effectively excluded from white residential areas.
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> Their exclusion has been accomplished through various discriminatory practices, some obvious and overt, others subtle and hidden. Deliberate efforts are sometimes made to discourage Negro families from purchasing or renting homes in all-white neighborhoods. Intimidation and threats of violence have ranged from throwing garbage on lawns and making threatening phone calls to burning crosses in yards and even dynamiting property. More often, real estate agents simply refuse to show homes to Negro buyers.
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> Many middle-class Negro families, therefore, cease looking for homes beyond all-Negro areas or nearby "changing" neighborhoods. For them,

trying to move into all-white neighborhoods is not worth the psychological efforts and costs required.[3]

The Kerner Commission and other critics, moreover, strongly implicated government in initially creating and then supporting segregated living patterns. The U.S. Department of Housing and Urban Development (HUD), for example, was held responsible for first allowing public housing authorities to operate racially segregated projects and then with permitting them to build new, all-black projects in ghetto areas.

During the Carter administration, HUD implemented three small pilot programs that were widely interpreted as efforts to offer minority participants in public housing and other subsidized housing programs the opportunity to obtain housing outside of ghetto neighborhoods. However, all three programs—the Areawide Housing Opportunity Program (AHOP), the Regional Housing Mobility Program (RHMP), and the Section 8 Existing-Mobility Demonstration—had as their stated objective the provision of additional housing opportunities for low-income *and* minority households outside of areas of racial *and* low-income concentration.[4] Nevertheless, in the minds of many advocates of integration the goal of providing low-income and minority households with housing outside of areas of low-income and minority concentration is synonymous with providing black, inner-city residents with housing opportunities in white or predominantly white communities. As discussed below, however, this notion is simply incorrect.

The myth that black-white differences in income is a major, if not the principal, explanation of racial segregation persists in the face of large numbers of systematic analyses that show otherwise. In combination with a desire to minimize the politically sensitive racial implications of policies, this belief has caused policy analysts, policymakers, and politicians to avoid programs aimed at reducing racial segregation, in favor of programs that would reduce racial and income segregation. Yet income and class integration has much less legal and political acceptance as a goal than racial integration. Not surprisingly, the unwillingness or inability to distinguish between race and income as causes of racial segregation, and the massive concentration of black households in American cities, produces programs that yield disappointing results when evaluated in terms of their success in reducing racial segregation.

This chapter seeks to clarify these issues by documenting the extent of racial segregation in American cities; by evaluating its causes, particularly the role of black-white income differences; and, finally, by identifying appropriate policies to reduce racial segregation.

The Extent of Segregation

Although a full understanding of the extent and nature of recent black suburbanization will have to await detailed analyses of the 1980 census, special

Table 1. Black Percentage of Total Population and School Enrollment, by Type of School, Geographic Area, and Year, Cleveland SMSA, 1970–1978

	Elementary Schools			All Grades					
	Central City			Central	Suburban	Cuyahoga		Cuyahoga	Rest of Urban
Type and Year	All	East	West	City	All	East	West		Area
Public Schools									
1970	NA	NA	NA	57.1%	6.3%	13.0%	0.3%	29.1%	NA
1974	56.3%	4.2%	84.1%	57.6	9.4	19.7	0.3	30.1	NA
1977	NA	NA	NA	60.9	12.3	26.1	0.5	33.5	NA
1978	63.9	7.5	88.9	63.4	13.6	28.1	0.6	34.4	1.9
Other Schools									
1978	17.4	NA	NA	16.2	3.8	NA	NA	8.5	NA
Public and Catholic Schools	NA	NA	NA	55.2	11.6	NA	NA	29.6	NA
Other Church and Private Schools	NA	NA	NA	NA	NA	NA	NA	10.7	NA

Source: H. Richard Oberaans, "Racial School Enrollaent Patterns in Cuyahoga County, 1970-78," The Cuyahoga Plan of Ohio, Inc., Cleveland, Ohio, August 1974.

studies for a few metropolitan areas and early findings from the 1980 census provide fragmentary evidence. Public school enrollments are among the most useful data because they indicate the racial composition of individual suburban communities and, in those cities without busing, the racial composition of central city neighborhoods.[5]

Shown in Table 1 are statistics on the racial composition of public, parochial, and private schools for several years in various parts of the Cleveland standard metropolitan statistical area (SMSA). In 1970, 92 percent of all blacks lived within the central city and east of the Cuyahoga River; this general pattern persists, except that the ghetto has expanded into the adjacent suburbs to the east and south. Indeed, East Cleveland and Warrensville Heights, whose public school enrollments were 98.9 and 92.7 percent black in 1978, had merged into the central city ghetto by that year.[6]

The number of blacks in Cleveland's public schools increased from 57.1 percent in 1970 to 63.4 percent in 1978. As the east-west breakdown indicates,

however, the city's schools remain intensely segregated, mirroring the pattern of housing segregation.[7] Similarly, whereas the black percentage of suburban public school enrollments increased from 6.5 percent in 1970 to 13.6 percent in 1978, nearly all of this growth occurred in the eastern suburbs bordering the central city ghetto. In 1978, 97.8 percent of the black students enrolled in suburban Cuyahoga County schools were attending schools located east of the Cuyahoga River and 91.7 percent were concentrated in six eastside districts that were more than 10 percent black.

Housing market segregation does not end with the exclusion of blacks from suburban areas. Segregation indexes calculated from census block and tract statistics for the period 1940–70 quantify the intensity of racial segregation in American cities and its changes over time.[8] These indexes, which assume values between 0 and 100, measure the extent to which observed patterns of residence location by race differ from proportional representation. The higher the value of the index, the higher the degree of residential segregation. Index values in 1970 for the 109 cities that contained more than 1,000 nonwhite households in 1940 ranged from 61.4 (East Orange, New Jersey) to 97.8 (Shreveport, Louisiana), with only 6 cities having values below 75.[9]

Determinants of Segregation

One of the most common explanations for the intense segregation of blacks is that they are poor, spend too little on housing, or differ systematically from the majority white population in terms of other characteristics affecting their choice of residence.[10] Although many tests of this socioeconomic hypothesis rely on elaborate statistical methods, even simple analyses illustrate its inadequacy. If low incomes explain the concentration of black residences in central cities, we would expect to find that most low-income whites also live in central cities and that most high-income blacks live in the suburbs. The data in Table 2 demonstrate, however, that almost as many low-income whites live in the suburban rings of the largest metropolitan areas as reside in their central cities. For example, 52 percent of Detroit's poor white families lived in suburban areas in 1970, as compared to 75 percent of all white families and 78 percent of high-income white families. In contrast, in all eleven SMSAs the percentage of high-income blacks living in suburban areas was considerably less than even the percentage of low-income whites.

Another "explanation" for residential segregation is that blacks wish "to live with their own kind," something the proponents of this view argue is a normal and healthy manifestation of a pluralistic society. The immigrant colonies that exist today in many cities are offered as evidence of the normality of this behavior. Nathan Kantrowitz argues this position on the basis of an analysis of racial and ethnic segregation in Boston: "Residential segregation in Boston between European ethnic populations has declined little during the 19th and

Table 2. Percentage of White and Black Families Living in Suburban Ring of Eleven Large SMSAs, 1970

SMSA	**** White Families **** Percent Total	Percent Income <$3,000	Percent Income >$10,000	**** Black Families **** Percent Total	Percent Income <$3,000	Percent Income >$10,000
New York	36.2%	16.6%	40.0%	11.5%	7.7%	14.5%
Los Angeles-Long Beach	58.3	45.9	58.1	31.5	24.6	37.5
Chicago	61.1	36.4	64.6	10.4	6.1	12.3
Philadelphia-Camden	67.6	47.8	71.7	22.6	16.9	23.4
Detroit	75.5	51.5	78.3	12.8	10.6	11.7
San Francisco-Oakland	71.9	47.4	72.8	33.1	26.5	35.2
Boston	79.8	65.9	84.5	17.6	13.3	27.1
Washington, D.C.	90.2	73.1	89.3	23.6	14.2	25.6
Pittsburgh	81.5	72.2	82.9	38.2	32.7	40.7
Cleveland	73.4	66.2	80.0	13.5	5.8	20.1
St. Louis	69.4	61.2	85.6	32.9	31.5	36.8

Notes: For New York and Chicago the suburban ring is the difference between the Standard Consolidated Area and the Central City. For St. Louis the ring is the difference between the SMSA and both East St. Louis, Ill. and St. Louis, MO. For all other cities it is the difference between the SMSA and the central city or cities.

Sources: U.S. Bureau of the Census, "Census of Housing, 1970; Metropolitan Housing Characteristics, Final Report," HC(2), Parts 30, 44, 60, 120, 149, 165, 168, 187, 195, and 232 (GPO, 1972); U.S. Bureau of the Census, "1970 Census of Population and Housing. United States Summary. General Demographic Trends for Metropolitan Areas, 1960 to 1970," Final Report, PHC (2) - 1. (GPO, 1970), Table 10, pp. 1-34.

early 20th century. Racial segregation rose during the 19th and early 20th century, but has remained stable since about 1940. . . . These conclusions indicate that racial segregation is but an extension of ethnic separation, especially since Asian and Latin ethnics show similar patterns in the contemporary city."[11]

Kantrowitz's findings are strongly disputed by Hershberg et al., who conclude from a comparative analysis of three waves of immigrants to Philadel-

phia that "analysis of the city's changing opportunity, structure and ecological form, and the racial discrimination encountered shows the black experience to be unique in kind and degree."[12]

Hershberg et al.'s findings for Philadelphia are supported by virtually every other study of racial and ethnic segregation. These studies have determined that the intensity of black residential segregation tends to be greater than that documented for other identifiable subgroups and that the segregation of other groups has declined over time whereas black segregation has remained at a high level or even increased.[13] It is also well to keep in mind that metropolitan areas are far less compact and employment much more dispersed than 30 to 50 years ago when the immigrant colonies flourished. Thus, Hershberg et al. observe that "today's blacks inherit the oldest stock of deteriorated housing once inhabited by two earlier waves of immigrants, but the jobs which once were nearby . . . are gone."[14]

The next section of this chapter examines the roles of income and other socioeconomic variables in explaining the residence patterns of both blacks and several nationality groups.

Income and Other Socioeconomic Determinants

Analyses of 1970 census tract and Public Use Sample data for Cleveland and of 1975 Annual Housing Survey data for Chicago provide evidence on the roles of income and other socioeconomic variables in creating and maintaining the high levels of racial segregation that characterize the nation's cities and metropolitan areas. These analyses predict the numbers and percentages of blacks that would reside in each of several subareas of Cleveland and Chicago if black households had the same probability of living in each area as whites possessing the same socioeconomic characteristics. The methods used are similar to those employed in a number of studies for other cities and earlier time periods and yield similar results.[15]

Using information on family type, family size, age of head, and income, the Cleveland analysis defines 384 household categories for black and white households as well as for nine ethnic groups and for all foreign-born whites.[16] The analysis then calculates the fraction of blacks, total foreign stock, and nine separate nationality groups that would live in the 23 geographic areas shown in Figure 1 if neither race nor national origin were factors in residential location decisions. More specifically, the predicted number of blacks, of foreign stock, or of each of the nine nationality groups living in each census tract was obtained by multiplying a^c_{ik}, the areawide proportion each racial-nationality group comprised of each household type, times H_{ik}, the total number of households of that type residing in each tract. The total predicted black, foreign stock, and nationality group population of each tract in 1970, H^c_j, was then obtained by summing over the 384 household types.

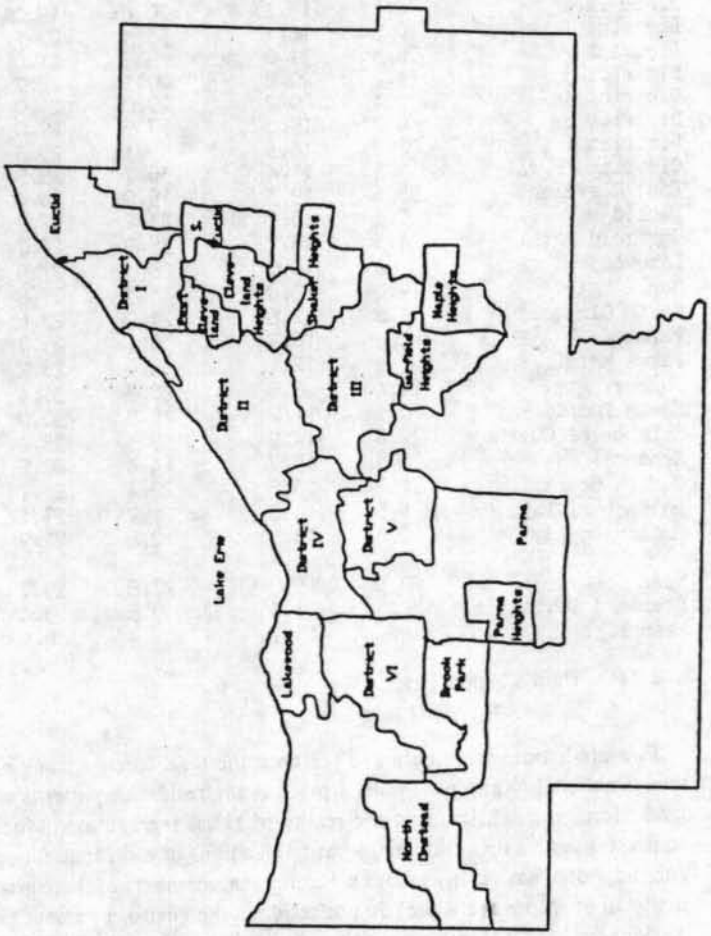

Figure 1. Central City Districts and Cuyahoga County Communities of More Than 25,000 Population, 1970

Table 3. Actual and Predicted Percentage of Foreign Stock and Black Population, Selected Geographic Areas

Area	Percent Black		Percent Foreign Stock		
	Actual	Predicted	Actual	Model I	Model II
Brook Park	0.3%	13.3%	20.8%	19.0%	21.7%
District 1	10.9	16.7	35.4	27.1	29.4
District 2	78.4	31.2	8.5	21.6	7.6
District 3	54.2	20.8	20.1	24.7	15.8
District 4	1.4	20.2	27.8	24.0	29.2
District 5	0.2	15.8	37.5	27.0	31.6
District 6	2.7	14.3	31.1	25.9	29.3
Cleveland Hgts.	2.5	11.4	36.7	28.8	31.6
East Cleveland	58.6	19.3	15.9	24.4	15.6
Euclid	0.4	18.1	33.1	27.2	30.9
Garfield Hgts.	4.3	13.7	35.9	26.7	29.6
Lakewood	a	13.0	28.3	27.9	31.8
Maple Hgts.	2.0	13.6	33.3	25.8	29.2
North Olmstead	a	12.6	24.0	22.6	25.8
Parma	a	12.7	36.1	25.7	29.3
Parma Hgts.	a	12.1	32.6	26.2	29.6
Shaker Hgts.	14.4	8.5	28.3	30.4	29.1
South Euclid	0.1	11.2	45.8	30.0	33.4
Balance of Cuyahog	2.6	14.9	39.9	35.4	38.9
Mentor	0.5	13.7	14.4	22.8	26.1
Geauga County	1.2	13.8	20.4	21.7	24.7
Balance of Lake Ct	1.6	14.0	21.7	23.1	26.2
Medina County	0.8	14.7	12.8	22.9	26.5
Mean	10.3	15.0	27.8	25.7	27.1
Standard Deviation	21.3	4.4	9.5	3.4	6.5
Mean Error	-	15.7	-	6.4	4.5

a = less than .1 percent

Two predictions were obtained for both the total foreign stock and individual nationality groups. Model I predicts the residence patterns of Cleveland's foreign stock ignoring the reality of racial segregation; Model II, in contrast, predicts the residential location decisions of both total foreign stock and individual nationality groups assuming that members of these groups (virtually all of whom are white) do not reside in the ghetto. In essence, the predictions for Model II involve revising the prediction model by multiplying the proportion a^{f}_{ik} for foreign-born whites and for each of the nine nationality groups times the total number of white households of each k type residing in each area i in 1970, H^{w}_{ik}, and finally summing the predicted number of each nationality group over the k household types.

Acknowledging the effect of racial segregation on the residential choices of white nationality groups significantly increases the accuracy with which the residential location patterns of both all ethnics and the nine individual nation-

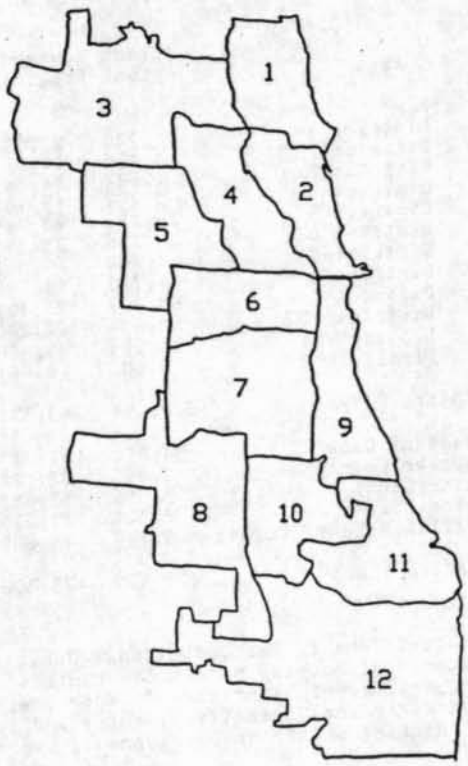

Figure 2. Annual Housing Survey Analysis Districts, City of Chicago, 1975

ality groups can be predicted. The mean prediction error for the 23 Cleveland analysis zones, for example, declines from 29 percent for Model I to 19 percent for Model II. The largest improvements, not surprisingly, occur for Cleveland's District II and East Cleveland, the areas that were mostly black in 1970.

The results for both black households and total foreign stock, shown in Table 3, clearly illustrate two aspects of their residential location patterns. First, whereas the concentrations of both all foreign born and individual nationality groups may exceed the levels that would be predicted solely from a knowledge of socioeconomic characteristics, Cleveland's foreign stock and individual nationality groups reside in significant numbers in all parts of the SMSA. Indeed, the ghetto is the only area where Cleveland's ethnics are significantly underrepresented. And second, socioeconomic characteristics explain a large part of the residence choices of Cleveland's nationality groups. Cleveland's blacks, in contrast, live in the ghetto regardless of their income or other socioeconomic characteristics; the 11,028 percent mean prediction error for blacks is the most vivid indicator of how racial discrimination dominates their residence choices.

Table 4. Actual and Predicted Numbers of Nonwhite Households and Actual and Predicted Black by Subarea, Chicago SMSA, 1975

324725.316 Area	Number of Black Households Actual	Predicted	Percent Black of Total Households Actual	Predicted
Chicago				
District 1	11,328	23,852	9.1%	19.1%
District 2	13,498	24,020	10.8	19.2
District 3	1,722	14,346	1.7	14.5
District 4	3,797	13,181	3.8	23.0
District 5	26,126	20,795	29.6	23.5
District 6	50,196	23,315	87.9	40.8
District 7	4,664	17,312	6.2	22.9
District 8	1,710	13,696	2.0	16.0
District 9	68,962	26,407	81.7	31.3
District 10	68,854	22,266	96.6	31.3
District 11	74,234	23,520	86.7	27.5
District 12	45,600	16,661	64.6	23.6
Entire City	370,691	249,371	34.6	23.3
Rest of Cook County	34,856	102,043	4.9	14.3
Dupage County	2,668	22,127	1.6	13.1
Lake County	3,515	13,585	4.0	15.6
Kane County	6,371	17,275	5.5	15.0
Will & McHenry County	5,199	18,899	4.3	15.6
Entire SMSA	423,300	423,300	18.5	18.5

Source: John F. Kain, "National Urban Policy Paper on the Impacts of Housing Market Discrimination and Segregation on the Welfare of Minorities," Paper prepared for the Assistant Secretary for Community Planning and Development, U.S. Department of Housing and Urban Development, Cambridge, MA., April 1980.

As noted above, the comparable mean prediction errors for the total foreign stock are 29 percentage points using Model I and 19 percentage points using Model II. Although the small size of each of the nine individual nationality groups makes it exceedingly difficult to predict their residential locations, the mean percentage errors for Model I only range from 34 percent for Austrian-Americans to 123 percent for Italian-Americans.[17]

The Chicago analysis uses the same methodology as the Cleveland analysis except that each black and white household is assigned to one of 216 household categories defined in terms of family type, family size, age of head, and household income.[18] The geographic areas used for the Chicago SMSA include the 12 central city districts shown in Figure 2, the balance of Cook County, and the five other counties comprising the SMSA in 1975. Statistics presented in Table 4 indicate that nearly 9 out of every 10 black households (87.6 percent) in the Chicago SMSA reside in the central city and 73 percent reside in the five districts that were more than 65 percent black in 1975. If 1975 data were

available for smaller geographic areas, racial segregation would be even more pronounced.

As in the Cleveland analysis, the predicted distribution of Chicago's black households differs markedly from the actual. Estimates in Table 4 indicate that the number of black households residing in the central city in 1975 is nearly 50 percent greater than the number that would choose to live in the city in the absence of housing market discrimination. Similarly, the actual number of black households residing in the rest of Cook County is only about a third as large as if racial discrimination did not exist. Comparison of actual and predicted percentages of black households even more clearly demonstrates the effect of housing market discrimination. None of the districts are predicted to be more than 14 percent black. In 1975 the predicted percentage of blacks for District 6, the subarea with the highest predicted black share, for example, was 40.8 percent or less than half the actual black share of 87.9 percent. District 10, which was 96.6 percent black in 1975, had a predicted black share of only 31.3 percent or less than one-third the actual number.

Analyses by Ann Schnare of actual and predicted distributions of black households in 76 large SMSAs (all SMSAs in excess of 250,000 population and those with a significant number of blacks) in 1970 demonstrate that the results for Cleveland and Chicago described in this chapter apply to all U.S. metropolitan areas.[19] Schnare uses a methodology similar to those discussed above for Cleveland and Chicago, except that in her analysis the predictions of black residence patterns are based solely on household income. The use of additional household characteristics would undoubtedly affect the details of Schnare's findings, but the overall conclusion would be the same.

As Figure 3 illustrates, 74 percent of black households in the 76 large SMSAs included in Schnare's study lived in tracts that were more than 50 percent black in 1970; Schnare estimates this proportion would be less than one if their location patterns depended only on household incomes. Similarly, Schnare finds that in the absence of racial discrimination over 87 percent of the sample's blacks would live in tracts in the 5 to 30 percent range, whereas the actual percentage was only 12.[20]

Self-segregation and Exclusion

Although there are difficulties of interpretation, attitudinal surveys provide little support for the view that most blacks prefer to live in segregated neighborhoods. A paper by Thomas Pettigrew provides a highly useful compilation of the findings of eleven different surveys conducted between 1958 and 1969 by seven polling organizations. In summarizing these results, Pettigrew concludes that, "when presented with a meaningful choice between an all-black neighborhood and a mixed neighborhood, black residents overwhelmingly

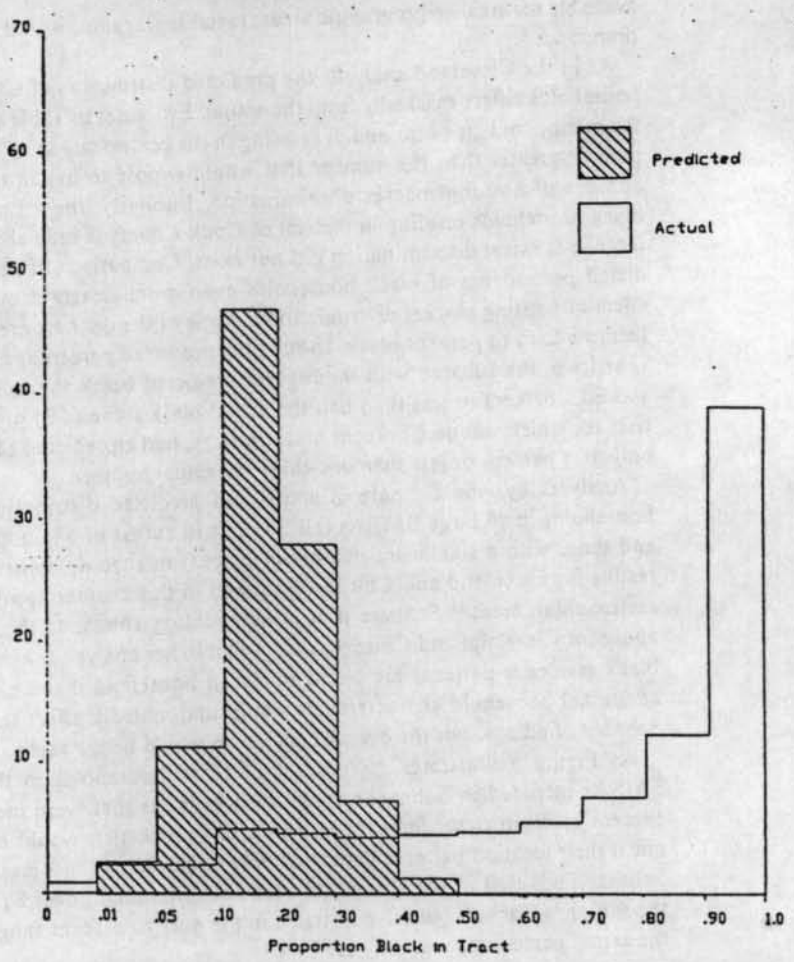

Figure 3. Actual and Predicted Distribution of Urban Blacks, by Proportion Black in Tract, 1970

favored the latter. . . . Those who favored desegregated residential areas made it clear that they did so for positive reasons of racial harmony even more than for the obvious advantages of good neighborhoods."[21] Thus, 74 percent of a random sample of black Americans interviewed in a 1969 *Newsweek* poll responded that they would rather live in a neighborhood that had both whites and blacks than in a neighborhood with all black families; only 16 percent chose an all-black neighborhood.[22] Moreover, the percentages preferring all-black neighborhoods declined whereas the percentages preferring integrated neighborhoods increased between 1963 and 1969. More blacks in the North

and West preferred integrated neighborhoods than those residing in the South, while the percentage of middle-income blacks preferring integrated neighborhoods was greater than the percentage of low-income blacks.

Pettigrew also provides survey findings that indicate an increasing racial tolerance among whites. In particular, he presents the responses to identical questions included on seven National Opinion Research Center (NORC) polls administered between 1942 and 1968, and a second set of identical questions included in five Gallup polls conducted between 1958 and 1967. In the NORC surveys, the percentage of whites indicating that it would make a difference to them if a black—with just as much income and education as the respondent—moved onto their block declined from 62 percent in 1942, to 46 percent in 1956, to 35 percent in 1963, and to 21 percent in 1968.[23] Similarly, in 1958, 48 percent of whites interviewed by Gallup stated they definitely would or might move "if colored people came to live next door"; nine years later, in 1978, the percentage had declined to 35 percent. An even more recent Gallup survey reveals that the fraction of white households who said they would move if a black family lived next door had declined to only 13 percent in 1978.[24]

At first glance the evidence above appears encouraging to efforts to promote racial integration. A more probing examination by Reynolds Farley et al., however, illustrates that the underlying attitudes of blacks and whites toward integration are considerably more complex.[25] The authors surveyed a sample of 743 white and 400 black households in Detroit to determine the willingness of blacks and whites to live in or move into neigborhoods of varying racial composition. Black respondents were asked to indicate their preferences for each of five types of neighborhoods defined by the percentage black. For the blacks who expressed an unwillingness to live in an all-black or all-white neighborhood, follow-up questions were included to determine their reasons. Farley et al. also asked white respondents if they would be uncomfortable in each of four types of neighborhoods defined by racial composition and, if so, would they move away and why? The authors also attempted to determine the willingness of whites to purchase a home in a racially mixed neighborhood.

Table 5 summarizes Farley et al.'s findings concerning the attitudes of blacks and whites toward moving into neighborhoods of various racial compositions. As these data reveal, 82 percent of blacks selected a 45 percent black neighborhood as their first or second choice, and only 5 percent listed a predominantly white (7 percent) neighborhood as their first or second choice; the completely black neighborhood was the first or second choice of only 17 percent of black households. When questioned about their willingness to move into each type of neighborhood provided they found a nice house they could afford, however, fully 38 percent of black respondents answered that they would be willing to be the first black to enter an all-white neighborhood.

Of the large number of blacks (62 percent) who would be unwilling to move into an all-white area, only a few gave the desire to live with other blacks as the reason; most—about 90 percent—"expressed an opinion that whites in

Table 5. Black and White Attitudes Toward Neighborhoods of Varying Racial Composition

Percent Black	Percent of Blacks Neigh 1 or 2 Choice	Willing to Move In	Percent of Whites Uncomfortable	Try Move Out	Would Not Move In
100	17.0%	69.0%	NA	NA	NA
80	68.0	99.0	NA	NA	NA
60	NA	NA	72.0%	64.0%	84.0%
45	82.0	99.0	NA	NA	NA
30	NA	NA	57.0	41.0	73.0
20	24.0	95.0	42.0	24.0	50.0
7	5.0	38.0	24.0	7.0	27.0

Source: Reynolds Farley, Howard Schuman, Suzanne Bianchi, Diane Colasanto, and Shirley Hatfield, "Chocolate City, Vanilla Suburbs Will the Trend Toward Racially Separate Communities Continue?" Social Science Research 7 (1978), pp. 330 and 332.

white areas would not welcome them."[26] About one-sixth of the black respondents stated that "I might get burned out or never wake up," or, "They would probably blow my house up." Farley et al. concluded that "freed of the fear of racial hostility, we believe that most Detroit area blacks would select neighborhoods which are about one-half white and one-half black."[27]

Data on the attitudes of whites, summarized in Table 5, in contrast, indicate that large fractions of whites would feel uncomfortable in a neighborhood with equal numbers of whites and blacks, that if they lived in a neighborhood with this racial composition they would try to move out, and that they would be unwilling to move into such a neighborhood. Indeed, only 50 percent of white respondents stated they would be willing to move into a neighborhood with as few as three blacks out of fifteen households (20 percent black). Forty percent of the whites who said they would move away from an integrated neighborhood gave anticipated declines in property values as their reason. From these analyses, Farley et al. conclude: "When we consider the residential preferences of whites in the Detroit area, the prospects for residential integration seem quite slim." They add: "While the neighborhood preferences of blacks are considerably more favorable to residential integration than the preferences of whites—the overwhelming majority of blacks choose an integrated neighborhood as the one most attractive to them—even these data must be interpreted with a certain amount of pessimism."[28]

Farley's findings suggest that even though more blacks would prefer to live in integrated neighborhoods, and although whites appear to have a growing tolerance for black neighbors, significant progress in achieving desegregation and integration will be difficult. Long memories and strongly held, though often incorrect, beliefs markedly affect the behavior of both blacks and whites, and powerful incentives will be needed to offset these deep-seated attitudes. At the same time, it is well to keep in mind that the attitudes of both blacks and

Table 6. Composite Indexes of Housing Availability for Sales and Rental Housing, for the Entire U.S. and by Region and SMSA Size

Type and Location	No Difference	White Favored	Black Favored	Discriminatory Treatment
Rental Housing				
National	31%	48%	21%	27%
Northeast	32	44	24	20
North Central	34	50	17	33
South	27	52	21	31
West	34	49	17	32
Large SMSA's	30	49	21	28
Small SMSA's	35	43	22	21
Sales Housing				
National	37%	39%	24%	15%
Northeast	33	39	29	10
North Central	23	55	22	33
South	46	33	22	11
West	34	39	27	12
Large SMSA's	37	40	23	17
Small SMSA's	36	36	28	7

Source: Wienk, et. al., "Measuring Racial Discrimination in American Housing Markets: The Housing Market Practices Survey," Tables 3, 5, 26, and 28; pp. 58, 66, 124, and 129.

whites are strongly conditioned by existing patterns of segregation. Because the demand for black housing at the periphery of the ghetto is typically so great, whites are usually correct in their perception that the entry of a few blacks into a neighborhood is the first step in a rapid shift to all-black occupancy. If market forces or a combination of market forces and public policy begin to make these outcomes less certain, both black and white attitudes and behavior could change dramatically.

Despite the lack of any systematic evidence for the self-segregation hypothesis, it is impossible to fully assess its role as long as significant majority (white) antagonism remains toward black efforts to leave the ghetto. Although the obstacles to moving into white neighborhoods are probably less today than in the past, many subtle and indirect forms of intimidation and discouragement still exist.[29] A recent HUD-sponsored study demonstrates both that racial discrimination is still commonplace in urban housing markets and that a persistent black can probably find a place to buy or rent in all-white areas.[30]

In HUD's Housing Market Practices Survey, pairs of black and white testers—matched in terms of age, general appearance, income, and family size—conducted 3,264 sales and rental audits in 40 metropolitan areas. The audit data were used to construct several indexes of discriminatory treatment including the index of housing availability shown in Table 6. Nationwide, HUD

analysts found that there were no differences in rental housing availability in 31 percent of the cases; that whites were favored 48 percent of the time; and that blacks were favored 21 percent of the time. Blacks were thus less favorably treated in 27 percent of the rental audits. Discriminatory treatment was found less often in the sales audits. Even higher levels of discrimination were detected in audits conducted in the city of Boston in 1980 and in Cleveland Heights, Ohio, in 1978.[31]

Although the authors of the HUD study define the difference in black and white treatment as their index of discrimination, it is noteworthy that the white testers received more favorable treatment in nearly half of the audits. Moreover, the HUD audits and similar studies generally understate the extent of housing market discrimination. Audits address only the initial phase of the search process and thus cannot detect discriminatory practices that often occur at later stages—for example, at the time security deposits are required or financing is sought. In addition, the preliminary analyses of the HUD study did not consider steering, one of the most common and pernicious techniques used by brokers to maintain segregated residence patterns. Most importantly, however, the education and other socioeconomic characteristics of the auditors were higher than those of the general population and especially of most black housing seekers.

Concluding Remarks

Efforts to formulate public policies to eliminate or reduce racial discrimination in urban housing markets have suffered from a confusion about the roles of discrimination and socioeconomic determinants of segregation. Although virtually every systematic study has concluded that black and white differences in income and other socioeconomic variables account for very little of current and past patterns of racial residential segregation, the belief that income is a major, if not the principal, determinant of racial segregation stubbornly persists and has prompted policymakers to emphasize policies aimed at reducing the concentration of low-income and minority households rather than policies that would combat discriminatory practices in private housing markets.

In spite of the limited governmental efforts to combat discrimination in private housing markets, preliminary analyses of the 1980 census for the Cleveland SMSA, at least, indicate that increasing numbers of individual minority households are managing to acquire sale and rental housing in formerly all-white residential areas. These early indications may signal a fundamental change in America's patterns of residence by race and reflect important qualitative changes in the forces that have maintained segregated living patterns over the past half century or more.

Analyses of the 1980 census for Cuyahoga County, Ohio, reveal that 18 suburban communities had more than 100 black households in 1980. These

18, however, included three suburban communities that were more than 50 percent black in 1980—East Cleveland (82.2 percent), Warrensville Heights (69.6 percent), and Warrensville Township (69.6 percent).[32] East Cleveland, which was 48 percent black in 1970, is located adjacent to Cleveland and to its massive central city black ghetto (Figure 1). Indeed, by 1980 East Cleveland had for all practical purposes become part of the Cleveland ghetto. Warrensville Heights and Warrensville Township, which were 43 and 48 percent black in 1970, are located adjacent to Cleveland's District II, south of Shaker Heights and north of Maple Heights (Figure 1).

All but one of the remaining Cuyahoga County suburbs with more than 100 black households in 1980 are also located either east or south of the central city black ghetto, but several are located some distance from its periphery. Moreover, the black populations of all 18 communities increased between 1970 and 1980; excluding the three black suburbs, the remaining 15 suburban communities with 100 or more households in 1980 had an average of 953 black households in 1980 as contrasted with an average of 218 in 1970.

In addition to the 18 Cuyahoga County communities with more than 100 black households in 1980, 10 others had 25 or more black households in 1980 and an additional 8 had 10 or more. None of the 10 Cuyahoga County suburbs with 25 or more black households in 1980 had more than 10 or more black households in 1970, and none of the 8 suburbs with 10 or more black households in 1980 had as many as 10 in 1970. Although the number of black households residing in these predominantly white suburban communities in 1980 is still quite small (black residents of the 33 Cuyahoga suburbs with more than 10 black households in 1980, but excluding the 3 that were more than 50 percent black in 1980, accounted for only 12.4 percent of Cuyahoga County's black households in 1980), the growth of the black population in these formerly all-white suburban communities during 1970–80 is a highly significant development.

If careful analyses of 1980 census data for other metropolitan areas reveal similar developments, there may be some basis for optimism. The emergence of these more dispersed residence patterns by minority households could mark a turning point, and one that may reflect a significant weakening of the forces that have previously maintained segregated living patterns. Although recent audits demonstrate that steering and other forms of discriminatory practices are still prevalent, the 1980 census data for Cleveland and earlier school enrollment data for Cleveland and a number of other metropolitan areas suggest that the nearly absolute barriers to black entry into most suburban communities may have been breached.[33] Whether these new suburban black households reside in widely dispersed patterns or in small clusters, their appearance in so many formerly all-white communities creates a base for further black population growth. Their success should provide proof to dubious black households that, given sufficient effort, blacks are able to obtain rental and ownership housing in communities that were previously closed to them. If these new

black settlement patterns, by still token numbers of minority households, are carefully nurtured and encouraged by public policy, they could be the basis for a significant and rapid dispersal of minority households and a rapid breakdown of the current massive concentrations of minority populations in American cities.

Elimination of racial discrimination and concentration, however, will require aggressive enforcement of existing laws, enactment of even stronger laws, and further incentives for integration. A first step is for citizens and policymakers to come to understand the respective roles of income and race as causes of past and current patterns of racial segregation. Although policies to reduce the level of racial segregation in federally subsidized programs will contribute to the goal of reducing racial segregation, public policy needs to give more emphasis to eliminating discriminatory practices in private housing markets. This means the vigorous enforcement of existing antidiscrimination laws (too few white Americans, for example, understand that it is illegal for them to refuse to show or sell their home to a black or Hispanic person), audits of the practices of real estate brokers and rental agents, and the strict monitoring of affirmative marketing programs by the U.S. Department of Housing and Urban Development.

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2. National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission on Civil Disorders* (New York: Bantam Books, 1978).

3. Ibid., p. 244.

4. Trudy P. McFall, "Voluntary Agreements among PHAs Can Increase Low Income Housing Choices," *Journal of Housing* (May 1981): 251–55.

5. Because black immigrants tend to be younger and many whites attend parochial or private schools, however, these statistics often exaggerate the black share of the population by as much as 2 to 1 in many integrated neighborhoods. H. Richard Obermans, "Racial School Enrollment Patterns in Cuyahoga County, 1970–78" (The Cuyahoga Plan of Ohio, Inc., August 1979).

6. Ibid., table 12.

7. Cleveland implemented a housing plan to foster integration of its public schools in September 1979. Thus, the black percentage of schools in East and West Cleveland would presumably be quite different today.

8. Karl Taeuber and Alma Taeuber, *Negroes in Cities: Residential Segregation and Neighborhood Change* (Chicago: Aldine Publishing Co., 1965).

9. Annemette Sørensen, Karl E. Taeuber, and Leslie J. Hollingsworth, Jr., "Indexes of Racial Residential Segregation for 109 Cities in the United States, 1940 to 1970," *Sociological Focus*, April 1975, pp. 125–42. The Sorensen, Taeuber, and Hollingsworth study reveals a decline in the indexes of residential segregation between whites and nonwhites between 1960 and 1970. If the indexes had been calculated for entire metropolitan areas, however, the opposite would be true (pp. 131–32).

10. For a discussion and tests of this socioeconomic hypothesis, see Taeuber and Taeuber, *Negroes in Cities*; A. H. Pascal, "The Economics of Housing Segregation" (The Rand Corporation, 1967); John R. Meyer, John F. Kain, and Martin Wohl, *The Urban Transportation Problem* (Cambridge: Harvard University Press, 1965), chap. 7; Davis McEntire, *Residence and Race* (Berkeley: University of California Press, 1960); Karl E. Taeuber, "The Effect of Income Redistribution on Racial Residential Segregation," *Urban Affairs Quarterly* 4 (September 1978): 5–15; Ann B. Schnare, "Residential Segregation by Race in U.S. Metropolitan Areas: An Analysis across Cities and over Time" (The Urban Institute Working Paper 246-2, Washington, D.C., February 1977).

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12. Theodore Hershberg, Alan Burstein, E. Ericksen, S. Greenberg, and W. Yancey, "A Tale of Three Cities: Blacks and Immigrants in Philadelphia: 1850–1880, 1930, and 1970," *The Annals of the American Academy of Political and Social Science* 441 (January 1979): 55.

13. Stanley Lieberson, *Ethnic Patterns in American Cities* (New York: The Free Press of Glencoe, 1963); Karl E. Taeuber and Alma F. Taeuber, "The Negro as an Immigrant Group," *American Journal of Sociology* 64 (January 1964): 374–82.

14. Hershberg et al., "A Tale of Three Cities," p. 73.

15. Pascal, "Economics of Housing Segregation"; Taeuber, "Effect of Income Redistribution."

16. See John F. Kain, "Race, Ethnicity, and Residential Location," in *Public and Urban Economics*, ed. Ronald E. Grieson (Lexington, Mass.: D. C. Heath and Company, 1977).

17. Austrian-Americans comprise only 1.5 percent of the Cleveland SMSA population, whereas Italian-Americans and Polish-Americans each represent 3.0 percent. Kain, "Race, Ethnicity, and Residential Location," table 3, p. 21.

18. The categories used to define household types are as follows: two family types (husband-wife and other), three age of head categories (less than 35 years, 35–65 years, and more than 65 years), six family sizes (1, 2, 3, 4, 5, and 6 or more), and six income categories (less than $5,000, $5,000, $5,000–6,999, $7,000–9,999, $10,000–14,999, $15,000–24,999, and more than $25,000).

19. Schnare, "Residential Segregation by Race."

20. Ibid., p. 35.

21. Thomas Pettigrew, "Attitudes on Race and Housing: A Socio-Psychological View," in *Segregation in Residential Areas*, ed. A. H. Hawley and V. P. Rock (Washington, D.C.: National Academy of Sciences, 1973).

22. The exact question of the *Newsweek* poll was, "In living in a neighborhood, if you could find the housing you want and like, would you rather live in a neighborhood with Negro families, or in a neighborhood that had both whites and Negroes?" Pettigrew, "Attitudes on Race and Housing," p. 44.

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24. American Institute of Public Opinion, *The Gallup Opinion Index* (Princeton, N.J.: American Institute of Public Opinion, November 1978), p. 93.

25. Reynolds Farley, H. Schuman, S. Bianchi, D. Colsanto, and S. Hatchett, "Chocolate City, Vanilla Suburbs: Will the Trend Towards Racially Separate Communities

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26. Farley et al., "Chocolate City, Vanilla Suburbs," p. 331.

27. Ibid.

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33. Ibid.

Chapter Six

More than Skin Deep

The Effect of Housing Discrimination on the Extent and Pattern of Racial Residential Segregation in the United States

GEORGE C. GALSTER*

The purpose of this chapter is to estimate empirically the degree to which variations in the extent and pattern of black residential segregation result from housing discrimination. The key advance offered by the research beyond existing studies is that it employs the measures of housing discrimination obtained by the U.S. Department of Housing and Urban Development (HUD) in its 1977 Housing Market Practices Survey (HMPS). Thus, for the first time, it is possible to perform direct statistical tests on cross-sectional data of the relationship between residential segregation and discriminatory activities.

The chapter first discusses the extent and pattern of segregation and its three distinct causes. Next, the data and empirical specification are described. The final section reports the results of empirical tests and draws conclusions.

The Phenomenon of Racial Segregation in the United States

Segregation of blacks and whites in U.S. metropolitan areas is characterized both by the large *extent* of residential racial separation within and between neighborhoods and by the *pattern* of black concentration in central city areas. The extent of segregation in 1970 was such that, on average, 80 percent of urban black households would need to move into white areas in order to achieve complete integration (Sorensen, Taeuber, and Hollingsworth 1974; Farley 1977). Further, another study has shown that the residential contact or "exposure" of blacks to whites has been decreasing at the metropolitan level, even during the supposedly "enlightened" 1960s (Schnare 1980).[1] In 1974, 77 percent of urban blacks lived in central cities, whereas only 38 percent of whites did so, and this black centralization also has been increasing (Schnare 1977:chap. 1).[2]

Three competing theories have been forwarded to explain this phenomenon: the "class" theory, the "prejudice" theory, and the "discrimination" theory.

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The class (or "ecological segregation") theory attempts to explain racial segregation as the "natural" ecological segregation of groups according to socioeconomic class. Given the segregation of housing and the fact that blacks are disproportionately represented in the lower income classes, one would expect to find that relatively few blacks can afford to live in higher quality (white suburban) neighborhoods. (For a more complete discussion of the class theory, see Duncan and Duncan 1955; Lieberson 1963; Park 1967; Marshall and Jiobu 1975.) This theory has received some empirical support,[3] but the evidence shows that in most cases "class" grounds explain only a small fraction of the observed extent of racial segregation (Taeuber and Taeuber 1965; Hermalin and Farley 1973; Schnare 1977:chap. 3; Farley 1977), although Smith (1977) has shown that the proportion varies significantly from one city to the next. Similarly, relatively low socioeconomic status explains only a small part of the centralized pattern of black residences. In the eleven largest standard metropolitan statistical areas (SMSAs) in 1970, a higher proportion of whites with incomes below $3,000 than of blacks with incomes above $10,000 lived in the suburbs (Kain and Quigley 1975).

The prejudice (or "voluntary segregation") theory holds that whites prefer to live "with their own kind" in predominantly white areas, because they perceive either something undesirable about other races or something positive in their own culture that is worthy of preserving. Downs (1973) and Pettigrew (1975) cite opinion poll evidence of white perceptions that blacks hold different (and less desirable) values and norms. Leven et al. (1976) and Pettigrew (1975) also note that whites often view integration as a harbinger of declining neighborhood status. A corollary sees blacks similarly wanting to segregate voluntarily so as to foster a "black identity" or to develop distinct, supportive institutions (see Lieberson 1963; Yinger 1979). The weight of the evidence for blacks, however, suggests that they typically would prefer neighborhoods with approximately equal racial proportions to all-black ones (Pettigrew 1973, 1975; Schuman and Hatchett 1974; Farley et al. 1978; Galster 1982).[4] Theoretical models have shown that even mild white preferences for racially homogeneous neighborhoods can lead to a large extent of segregation through a dynamic process of "tipping" (Schelling 1972). However, as Yinger has demonstrated (1976, 1979), the centralized pattern is not consistent with a model based on prejudice alone, especially if blacks desire to integrate. If class and preference were the only operative segregating forces, one would expect to find rings of alternating race/class groups, with higher income blacks more suburbanized than lower income whites, and with blacks tending to attempt to integrate the borders of the adjacent white group of comparable status. This does not represent the ecology of the typical American metropolitan area.

The major premise of the third theory, discrimination (or "involuntary segregation"), is that blacks are barred from moving into areas that their incomes and preferences might otherwise allow because of a host of discriminatory barriers in the housing market. Numerous statistical studies have documented

indirectly the existence of such barriers by uncovering their results: higher prices and lower quality levels for black-occupied dwellings compared to identical white-occupied ones (Straszheim 1974; Kain and Quigley 1975; Galster 1977; Yinger 1979). Important direct evidence for 40 metropolitan areas came from the 1977 Housing Market Practices Survey (Wienk et al. 1979). These data revealed that, on average, blacks were likely to confront some sort of discrimination in 27 percent of their attempts to find rental units and 15 percent of their attempts to find units for sale. It has been proven theoretically that such discrimination provides the only explanation for the observed pattern of racial residential location, given relative black-white incomes and preferences (Yinger 1976, 1979). However, no one has performed direct tests of the correlation between the intensity of discrimination and the pattern (and extent) of segregation.

With two exceptions, previous studies have analyzed empirically these three theories of segregation separately, and only for individual cities. Marshall and Jiobu (1975) constructed a path model of segregation embodying both "class" and "prejudice" theories. The former was operationalized by racial dissimilarity indices of occupation and income. The latter was operationalized by percent of nonwhite, number of nonwhite, and nonwhite-white growth differentials, so as to proxy for white perceptions of "threat" and/or the "critical mass" present for distinct minority institutional development. Using a sample of 149 central cities in 1960, Marshall and Jiobu found that in both southern and nonsouthern cities the occupational and income dissimilarity indices were the strongest predictors of Taeuber's "dissimilarity" index of segregation. The other variables dealing with the black population's size, proportion, and growth demonstrated lower correlations with the extent of segregation, and the direction of the relationships often varied among regions. No correlates of the pattern of segregation were investigated.

Schnare (1977) tried to explain variations in a metropolitan "racial exposure" index of residential segregation through the use of multivariate analysis for a sample of 112 SMSAs in both 1960 and 1970. The "class" variables of median housing costs as a percentage of median family income, black-white ratio of white-collar workers, and black-white median income ratio were all significantly and positively correlated with black exposure to whites in both years. The "prejudice" proxies of number, proportion, and relative growth of black population were significantly, negatively correlated with exposure in both years. Finally, regional dummy variables were used to "reflect a host of unmeasurable differences in attitudes, policies, and practices, as well as in the historical pattern of development" (ibid.: 50). Southern and north central SMSAs showed less interracial exposure, *ceteris paribus*, than those in the West, while those in the northeast region indicated comparatively more exposure.

As suggestive as these two studies are, they unfortunately suffer from the specification error of omitted variables (Wonnacott and Wonnacott 1979:413–19). Empirical estimates of the relationship between segregation, class and pre-

judice are likely to be biased when the effects of a third force—discrimination—are not controlled for and this third force is correlated with the first two. The present study adds the crucial empirical dimension that up to this time has been unavailable: a cross-sectional measure of the intensity of housing market discrimination as measured by the HMPS. This will make it possible to assess directly the contribution that this factor makes to both the degree and the pattern of segregation in metropolitan areas, as well as to obtain unbiased estimates of the contributions made by the other two elements. The statistical technique used is path analysis.

Data and Model Specification

Data

Data for this analysis came from a sample of 40 SMSAs that HUD selected for the HMPS. These were chosen from a universe of 117 SMSAs containing central city populations of more than 11 percent black. These 117 were, in turn, divided into "large" (central cities above 100,000 population) and "small" SMSA groups. Thirty-two of the former and eight of the latter were chosen on the basis of a controlled selection procedure. SMSAs of various sizes were represented within each regional subsample.[5] All other social, economic, and demographic data used in this chapter were obtained from the *1970 Census of Population and Housing*.

Specification of Dependent Variables

To measure the *extent* of segregation two variables are used: the exposure of blacks to whites (EXPBW) and the exposure of whites to blacks (EXPWB). (A glossary of these and all other variable names is provided in an appendix to this chapter.) The exposure of race X to those of another race Y is defined as the proportion of Y in the average X's census tract:

$$EXPXY = (100/X)\sum_{i}^{n} X_i(Y_i/T_i)$$

where X_i, Y_i are numbers of race X, Y in the ith tract, respectively; T_i is the total population of the tract; X is the total population of race X in the SMSA; and n is the number of tracts. The maximum value of EXPXY is the proportion of race Y in the SMSA; the minimum value is zero. The exposure rates calculated by Schnare for individual SMSAs (1977:table B.1) are used in the present study.

The exposure rate is used to measure the extent of segregation instead of the conventional "dissimilarity" (D) index, because the latter's value depends only on the distribution of races among neighborhoods with above-average

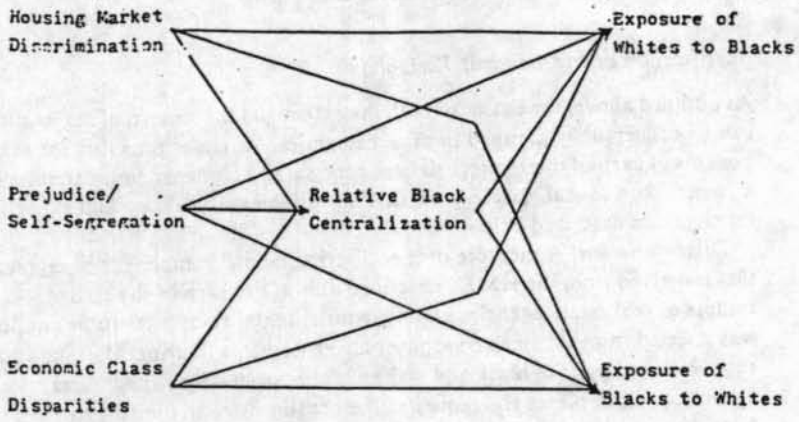

Figure 1. Path Model for Causes of Segregation

proportions of blacks and those with below-average proportions of blacks, but does not depend on the distribution of blacks and whites within each neighborhood type (Zoloth 1974). Schnare (1980) has found that significant changes of the latter type occurred during the 1960s—changes that were reflected in exposure indexes but not in dissimilarity indexes. For the types of residential distributional alterations now occurring, it thus appears that exposure rates are a more sensitive measure.[6]

The *pattern* of segregation was measured by Redick's (1956) "index of centralization of black population with respect to white population" (BCINDEX):

$$BCINDEX = (100)\left(\sum_{i}^{n} \bar{B}_{i-1}\,\bar{W}_i - \sum_{i}^{n} \bar{B}_i\,\bar{W}_{i-1}\right)$$

where i is one of n concentric rings centered on the SMSA's central business district ($i = 0$ is the CBD); $\bar{B}_i$, $\bar{W}_i$ are the cumulative proportions of blacks and whites, respectively, moving from $i = 0$ to $i = n$. BCINDEX ranges from a possible value of -100 if all whites were in the most central ring(s) and all blacks were in more decentralized rings, to a value of $+100$ when the reverse was true.[7] This index of relative black centralization is chosen instead of the more conventional proportion of blacks in central cities versus suburbs (see Hermalin and Farley 1973; Schnare 1977) because the latter is insensitive to variations in location of blacks within either central cities or suburbs.

In the model, black centralization is specified as an "intervening variable" in a "path model" of residential segregation (see Figure 1). That is, the pattern of segregation is believed to influence the extent of segregation. The more centralized a given number or proportion of blacks, the lower the ratio of the sum of the (black-white border) perimeter(s) of the predominantly black neighborhoods to the sum of their areas. Thus, for geometric reasons the centralization

index should be inversely related to interracial exposure if most of such exposure occurs in neighborhoods bordering the "ghetto."

Specification of Independent Variables

As outlined above, the causes of both the extent and the pattern of segregation can be conceptually grouped in three categories. Variables proxying for components of each of these categories are considered as independent variables in a larger "path model" (see Figure 1). The variables are defined and expected relationships described below.

Discrimination. A measure of the "discrimination" component of segregation is derived from the HMPS described above. For each of the 40 SMSAs a sample of real estate agencies and apartment rental complexes to be audited was selected from classified newspaper advertisements. During May and June 1977, matched pairs of black and white auditors separately visited the sampled agencies and complexes and requested the housing listed in the advertisement.[8] Both auditors kept careful reports of their experiences and organized them within the following categories: housing availability, courtesy, terms and conditions, and information requested and volunteered.

The first category, housing availability, was considered by HUD as the most fundamental component of potentially discriminatory behavior (Wienk et al. 1979:51). Not only does differential treatment concerning housing availability clearly violate Title VIII of the 1968 Civil Rights Act, but also such items as courtesy and terms become largely irrelevant if false information on the availability of housing is provided. To assess whether such differential treatment occurred during an audit, experiences of each auditor pair were compared for the series of items comprising the housing availability category. If the white auditor was favored on at least one item and the black was not, the observation was coded "white favored." Opposite situations were coded "black favored." Observations where whites were favored on some item(s) and blacks on other(s), and those where both were treated identically, were coded "no difference." The number of "white favored" minus the number of "black favored" observations provided HUD's estimate of "net discriminatory treatment." These measures were computed separately by tenure and by SMSA, and in each case a sign test was conducted to assess whether the measure was (statistically) significantly different from zero (see Wienk et al.:chaps. 2–4).

Several preliminary trial specifications involving different formulations of the discrimination variable were undertaken. They revealed that the absolute value of net discriminatory treatment in an SMSA (an average weighted by the housing stock proportions in the two tenures) was only modestly (positively) correlated with segregation. Experimentation with various "dummy variables" indicated that the impact of net discriminatory treatment is either nonlinear or discontinuous. More specifically, the final measure of discrimina-

tion employed, which is reported in this chapter, is a dummy variable taking the value "one," if the SMSA demonstrated net discriminatory treatment levels that were significantly greater than zero at the 5 percent level in *both* owner and rental submarkets, and the value "zero otherwise" (BDISCRIM).[9] In other words, it indicates the SMSAs where we have great confidence that discrimination exists to a considerable degree. Theory would predict that this measure of housing discrimination should be inversely related to interracial exposure rates and directly related to relative black centralization.[10]

An unavoidable temporal inconsistency occurs between the discrimination variable (measured for 1977) and all other variables in the model (measured for 1970). Although it need not be assumed that the absolute magnitude of discrimination occurring in 1970 was identical to that observed in 1977, to avoid bias the model does assume that the inter-SMSA variation in the measure of discrimination was identical in both years.[11]

Class. The variable employed as a proxy for "class" segregation is the ratio of black/white median incomes of families and unrelated individuals in the SMSA (BWMEDIN). It is expected that the higher the relative economic position of blacks, the greater will be the likelihood that more blacks will have the financial means to live in higher quality housing. Such housing generally is located in neighborhoods that are farther from the central city and have higher proportions of white residents. Thus, BWMEDIN should be directly related to exposure of blacks to whites and vice versa, and inversely related to the relative centralization of blacks.[12]

Prejudice. The "prejudice" dimensions of the phenomenon would be most directly captured by measures of black and white racial attitudes. Unfortunately, no such comparable cross-sectional data exist for the SMSA sample here. A set of five variables are thus employed as "second-best" proxies for these racial attitudes: the number, proportion, and relative growth rate of the black population, and the proportions of the white population that are college-educated and age 45 or older.

The absolute number of blacks in the SMSA (BSMSA) proxies for attitudes and perceptions on the part of both races. From the whites' perspective, higher numbers of blacks would increase their "visibility" and, perhaps, the potential "competition" or "threat" they might hold for whites (Roof 1972; Marshall and Jiobu 1975; Schnare 1977). Bradburn, Sudman, and Gockel (1970: 103–18) have found that white hostility to neighborhood integration and the likelihood of "white flight" from these integrating neighborhoods are directly related to whites' perceptions of the strength of black housing demands. From the blacks' perspective, larger numbers of blacks are the prerequisite for the formation of a variety of institutions that serve to both aid and unify the black residential community. Black desires to "self-segregate" may be present in such situations. Thus, black population size should be inversely related to interracial exposure rates. It should be directly related to black centralization, because the pull of

black self-segregation would likely be "inward" toward traditional central city "ports of entry" for black immigrants, and the push of white flight would likely be "outward" toward predominantly white suburban neighborhoods.

The ratio of black and white populations in the SMSA (BWSMSA) is, like BSMSA, also seen as a proxy for white perceptions of black "threat" (Marshall and Jiobu 1975; Schnare 1977) and the likelihood of white prejudice and self-segregation. On this basis, one could predict an inverse relationship between the proportion black and interracial exposure, although no a priori predictions about the relationship with black centralization can be made.

In addition to the behavioral arguments given, the two variables just specified are likely to be related to interracial exposure rates purely on the basis of geometric arguments. First, the greater the absolute number of blacks in an SMSA, the less likely the exposure of blacks to whites, independent of any racial attitudes, incomes, or relative population sizes. Schnare (1977:20–22) has shown this in the archetypical situation where most blacks live in the central city, predominantly black ghettos, and most interracial exposure occurs in neighborhoods bordering the ghetto. As the absolute size of the ghetto population rises, the average black will have a lower percentage of white neighbors simply because the perimeter of the ghetto will grow less rapidly than its area. Second, given the definition of exposure rates as the average percentage of one race living in the tracts occupied by the other, higher proportions of blacks in an SMSA must result in lower black-white exposure and higher white-black exposure, *ceteris paribus*.

The absolute difference in the rate of growth of the black population versus white population during the preceding decade (BWCHNG) can also be viewed as a proxy for white fear and self-segregation tendencies (Morrill 1965; Marshall and Jiobu 1975; Schnare 1977). From the black perspective, high black population growth could mean the presence of many new in-migrants to the urban milieu who would be especially in need of the supportive institutional structures available only in predominantly black areas (Duncan and Lieberson 1959; Lieberson 1963). Both these arguments imply that BWCHNG would be inversely related to exposure and directly related to black centralization.

Finally, the proportion of whites who have college degrees (PWCOLEG) and the proportion of whites who are 45 years or older (PW45P) are included as demographic proxies for racial attitudes. Opinion surveys have shown consistently that attitudes about neighborhood integration sharply differ between less versus better educated and younger versus older white groups (Campbell and Schuman 1968:104–5; Bradburn, Sudman, and Gockel 1970:chap. 8; Pettigrew 1975:92–126; Middleton 1976; Galster 1980). The proportion of college-educated (presumably less prejudiced) whites should be directly related to interracial exposure and inversely related to black centralization. For the proportion of older whites, the opposite would be expected. Of course, interpretation of these two variables is especially problematic because they likely proxy for a variety of unspecified factors besides racial attitudes.

Table 1. Means, Standard Deviations, and Zero-Order Correlations of Variables

Variable	Mean	Std. Dev.	1	2	3	4	5	6	7	8	9	10	11	12
1. BWMEDIN	59.0	8.64												
2. BWSMSA	13.6	10.5	-.52											
3. BWCHNG	.194	.271	.34	-.47										
4. BSMSA	149	326	.12	.18	.24									
5. LBSMSA	4.78	.518	-.02	.32	.11	.77								
6. PWCOLEG	3.89	1.40	-.44	.47	-.21	.04	.19							
7. PW45P	30.8	4.77	.05	-.15	-.08	.14	.12	.08						
8. COSTCCR	87.9	20.7	-.14	-.09	-.10	-.15	-.24	-.01	-.34					
9. PCCJOBS	57.0	16.5	-.32	.38	-.31	.10	.20	.14	-.11	.04				
10. BDISCRIM	.175	.389	.08	-.07	.05	.17	.24	-.08	.21	.11	-.06			
11. BCINDEX	46.8	19.7	-.20	-.10	.21	-.12	.03	-.24	-.03	-.33	.11	.10		
12. EXPBW	40.5	16.9	.28	-.50	.30	-.24	-.56	-.20	-.04	.05	-.49	-.29	-.21	
13. EXPWB	4.62	3.09	-.39	.80	-.40	.11	.08	.60	-.19	.01	.19	-.27	-.3C	-.03

Table 2. Unstandardized Regression Coefficients, Dependent Variables (Standard Errors in Parentheses)

Independent Variables	EXPBW	EXPWB	BCINDEX
BWMEDIN	-.004 (.301)	.039 (.039)	-.124 (.385)[a]
BWSMSA	-.334 (.277)[d]	.222 (.036)[a]	-.380 (.393)
BWCHNG	20.0 (8.8)[b]	.284 (1.17)	18.1 (12.6)[c]
LBSMSA	-16.5 (4.9)[a]	-1.06 (.58)[b]	BSMSA -.011 (.009)[d]
BCINDEX	-.231 (.112)[b]	-.018 (.015)[d]	NA
PWCOLEG	-.327 (1.73)	.661 (.229)[a]	-4.60 (2.18)[b]
PW45P	.183 (.434)	-.034 (.057)	-.706 (.665)
BDISCRIM	-8.34 (5.23)[c]	-1.13 (.69)[c]	11.1 (7.0)[c]
COSTCCR	NA	NA	-.493 (.144)[a]
PCCJOBS	NA	NA	.209 (.173)[d]
CONSTANT	128.1 (29.4)[a]	3.80 (3.89)	192.2 (46.4)
R^2	.61	.80	.50
N	40	40	40

a,b,c,d = t-test of coefficient significantly different from zero at 1%, 5%, 10%, 15% levels, respectively. (one-tail test)

NA = Not Applicable

Control Variables. Two final independent control variables are specified as predictors of the relative black centralization index: the ratio of housing costs in the central city versus the suburban ring (COSTCCR),[13] and the proportion of SMSA employment located in the central city (PCCJOBS). Given the larger proportion of lower income blacks, housing costs are more likely to constrain their residential choices than those of whites. Higher suburban versus central city housing prices should thus lead to more relative centralization for blacks than whites. Along a similar line, comparatively few blacks would be

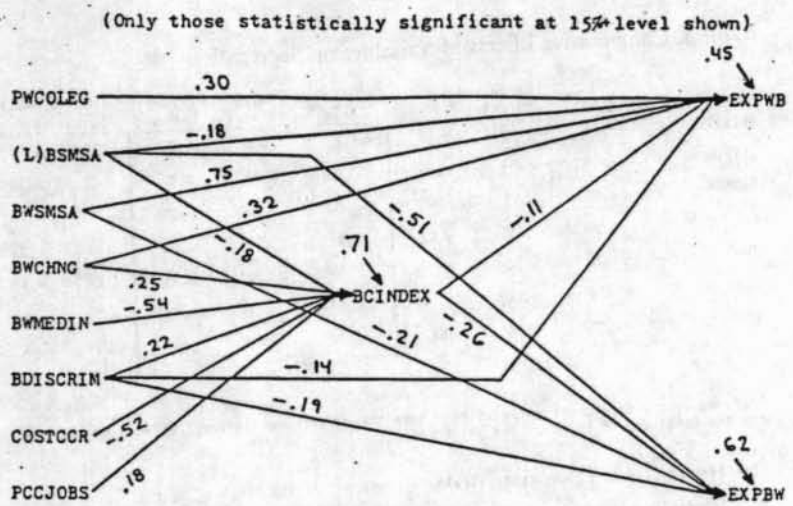

Figure 2. Path (beta) Coefficients of Model for Causes of Segregation

willing and able to make long commutes: whence the greater the proportion of jobs in the central city, the greater the BCINDEX.

The means, standard deviations, and zero-order correlations for all variables are shown in Table 1.

Empirical Results

The unstandardized coefficients estimated by multiple regression analysis for the model specified above are presented in Table 2. To facilitate comparing magnitudes of relationships among variables that are measured along different scales, the standardized (beta) coefficients are portrayed diagrammatically in Figure 2. Only path coefficients significantly different from zero at the 15 percent level of significance or better are shown. The total, direct, and indirect effects of variables on segregation are shown in Table 3, presuming that the path coefficients estimated are indicative of causal relationships.

The discrimination variable proved to be negatively correlated with both types of interracial exposure and positively correlated with relative black centralization, as predicted. Because centralization, in turn, was negatively correlated with exposure, the impacts of discrimination appear to be twofold.[14] SMSAs having significant amounts of discrimination in both housing tenures (BDISCRIM = 1) had, *ceteris paribus*, 24 percent higher relative black centralization (computed at the mean) compared to those that did not. This more centralized pattern of segregation, plus the direct impact of discrimination,

Table 3. Comparative Effects of Variables on Segregation

	EXPBW			EXPWB			BCINDEX	
	Total[a]	Direct	Indirect	Total[a]	Direct	Indirect	Total[a]	Direct
BDISCRIM	-.29	-.19	-.06	-.27	-.14	-.02	.10	.22
(L)BSMSA	-.56	-.51	-.09	.08	-.18	-.01	-.12	-.18
BWSMSA	-.50	-.21	-.06*	.80	.75	-.03	-.10	-.20*
BWCHNG	.30	.32	-.07	-.40	.03*	-.03	.21	.25
PWCOLEG	-.20	-.03*	-.03	.60	.30	-.01	-.24	-.13
BWMEDIN	.28	.00*	.14	-.39	.11*	.06	-.20	-.54
BCINDEX	-.21	-.26	NA	-.30	-.11	NA	NA	NA

[a]Defined as the zero-order correlation. Note the direct plus indirect effects do not sum to the total due to spurious and joint effects.

*Coefficient of path(s) not statistically significant at 15% level or better.

NA = Not Applicable

means that the extent of segregation was much higher in SMSAs having discrimination: 26 percent lower white exposure to blacks and 36 percent lower black exposure to whites (computed at the sample means).

The "class" segregation proxy of black-white median income ratios proved statistically significant only in the equation predicting black centralization. The effect of economic disparity on the extent of segregation thus appears to be only indirect, being mediated by its effect on centralization. This aspect of the phenomenon has not been investigated by earlier studies of income differential and segregation (Marshall and Jiobu 1975; Schnare 1977). Here it indicates that, if the median income ratio was raised from its present average .59 to, say, .65, one would predict a decrease in black centralization of 8 points, or 17 percent. This, in turn, should lead to a predicted 3 percent increase in exposure of whites to blacks and a 5 percent increase in exposure of blacks to whites.

In the set of five variables proxying for "prejudice" segregation forces, all consistently demonstrated statistically significant relationships with segregation except the proportion of whites age 45 or older. Because there were no clear theoretical guidelines for specifying linear or log-transformations of the black population size, proportion, and relative growth variables, both forms were tried, and the superior form reported here. There was no marked sensitivity of results to the different specifications, except for the absolute size of the black population. Here the log-transformed variable (LBSMSA) was much more strongly correlated to both exposure indexes than the linear form.[15] The signs of the direct paths indicated that an SMSA with more blacks than another would be expected to have less interracial exposure but also less black centralization, which tends to offset the former effect somewhat.

In order to comprehend the net effect of these countervailing relationships, consider two SMSAs that have all characteristics equal to the sample mean, except that one has twice as many blacks as the other. The net result would be that the one with the larger black population would be expected to have 6 percent less exposure of whites to blacks, 11 percent less exposure of blacks to whites, and 3.5 percent less centralization of blacks.

The ratio of blacks to whites in the SMSA (BWSMSA) proved positively correlated with white-black exposure and negatively correlated with black-white exposure. The magnitudes of these statistically significant coefficients were such that an SMSA with a .10 higher proportion black would be expected to have a 48 percent higher exposure of whites to blacks and an 8 percent lower exposure of blacks to whites (measured at sample means).

The difference between the decadal black and white population growth rates (BWCHNG) was significantly, positively correlated with black-white exposure and black centralization. The coefficients indicated that one would predict that an SMSA with a .10 higher comparative black-white growth rate would have a 49 percent higher exposure of blacks to whites and a 39 percent greater degree of black centralization.

The proportion of whites who have college degrees (PWCOLEG) demonstrated a significant positive correlation with white-black exposure and was negatively correlated with black centralization. Coefficient magnitudes were such that an SMSA with a one percentage point higher proportion of white college graduates would be expected to have 14 percent greater white exposure to blacks and 10 percent less black centralization.

The control variables used as additional predictors of black centralization—the relative cost of housing in the central city versus suburb (COSTCCR) and the proportion of jobs in the central city (PCCJOBS)—demonstrated the expected signs. All else equal, if COSTCCR was .10 higher, black centralization should be 11 percent less; if PCCJOBS was .10 higher, it should be 5 percent greater.

Conclusions and Policy Implications

The model presented in this chapter was based on the theoretical proposition that three conceptually distinct causes of the extent and pattern of segregation —class, prejudice, and discrimination—could be identified. Empirical tests demonstrated the veracity of this approach. They also suggest that previous empirical studies in this area suffer from serious specification errors in that they omit controls for the crucial component of discrimination.

As for the "class" component, black-white differentials in median incomes proved to be by far the most significant correlate of black centralization. Through this correlation, it had a somewhat less important relationship with interracial exposure rates. The combined beta coefficients for the median in-

come ratio variable's direct and indirect paths to exposure are of the same order of magnitude as the coefficient for the discrimination variable, but are considerably smaller than most of those for the three black demographic variables. This latter result contrasts with that obtained by Marshall and Jiobu (1975), who found that interracial income differentiation was the most important predictor of Taeuber's block-based segregation index for both northern and southern central cities in 1960, although they did not distinguish the pattern from the extent of segregation. The current results should not, however, be interpreted as clear evidence that the "class" component of exposure is an insignificant dimension. First, the measured impacts of class are likely biased downward in the present study compared to those of Marshall and Jiobu. Here a census tract is used as the basis for computing exposure, whereas a block-based index has been shown to be more sensitive to income differentials (Roof and Van Valey 1972). Second, there is likely some simultaneity bias in the "class" estimate, as explained below.

Support for the "prejudice" dimension is provided by results for the variables measuring the size, proportion, and relative growth of the black population and white educational levels. The absolute size of the black population was the strongest predictor of black exposure to whites. The fact that the log-transformation of this variable fit the exposure data far better suggests that the decreases in black exposure to whites are sizable as the black population grows from a small base, but are tempered as the black population continues to grow larger. This is consistent with self-segregation forces generated by both races. As the black population grows toward some "critical mass," black supportive institutions should begin to spring up in rapid succession, thus encouraging blacks to congregate in predominantly black communities. Once these key institutions are in place, further increases in the black population have comparatively smaller self-segregating effects. From a white perspective, the apparent black "threat" associated with a somewhat larger black population may be greater when the black population first starts to become visible, as compared to when a significant black presence already has been established.[16]

The proportion of blacks in the SMSA was positively correlated with the exposure of whites to blacks. This was clearly the result of (aforementioned) geometric factors, as the argument based on white prejudice would have predicted the opposite relationship. The negative correlation between the proportion black and exposure of blacks to whites is consistent with both geometric and self-segregation explanations, and there is no way to discern their relative contributions.

The relative growth of black versus white populations over the previous decade was positively correlated with exposure of blacks to whites yet also to black centralization. This apparent anomaly can be explained by disequilibrium processes of neighborhood transition. Larger black population growth would likely generate a good deal of black expansion on the periphery of the ghetto, setting in motion the process of neighborhood transition and white

flight in many areas. Thus, at any given moment one would observe relatively fewer whites in central neighborhoods and more blacks living in substantially (if temporarily) white neighborhoods.[17]

The importance of the "discrimination" component of segregation is clearly demonstrated by the results. The strongest correlations with segregation were generated in situations where discrimination (measured as statistically significant amounts of "net discriminatory treatment" of HUD's auditors) was present in *both* owner and renter markets.[18] This finding suggests either that HUD's methodology is not accurately measuring discrimination, or that its impact operates in a nonlinear fashion. That is, it appears that black residential choices may not become noticeably constrained until discrimination reaches some critical "threshold level." Given the magnitudes of net discriminatory treatment in the SMSAs where BDISCRIM = 1, this threshold appears to be when blacks can expect to face discrimination from one out of every three housing agents they will confront.

The model and the results suggest several directions for further research. First, it is reasonable to specify discrimination as an intervening variable between prejudice and segregation in the path model. However, an attempt to predict adequately the existence and degree of housing discrimination in SMSAs was disappointing. Clearly more work is needed here to gain a better understanding of the origins and forms of such activity. Second, although Marshall and Jiobu (1975) have shown there are likely structural differences in relationships between various regions, the paucity of sample size here precluded any sample stratifications.[19] The desirability of obtaining a broader sample of cities for which housing discrimination is measured is manifest. Third, the model presented here is recursive, yet various elements are likely simultaneously determined (Yinger et al. 1979:114–17; Galster 1981). For example, housing discrimination and segregation could influence interracial economic differentials by (1) intensifying interracial competition and the likelihood of labor market discrimination (Franklin 1968; Roof 1972) and (2) reducing black access to jobs and superior educational systems (Masters 1975; Yinger et al. 1979:96–118). The demographic and economic characteristics of the black population itself may also be endogenous if black migration is responsive to variations in discrimination and economic inequality (Marshall and Jiobu 1975; Masters 1975:chap. 4). What the foregoing means is that the estimated path coefficients may be subject to simultaneous equation bias. In particular, the current model likely understates the correlation of median income differentials with segregation.

In spite of these shortcomings, the empirical results reported here hold great importance for public policy if one assumes that the estimated coefficients are indicative of causal relationships. Despite 1968 federal civil rights law, housing discrimination clearly persisted in 1977, and was likely responsible for a significant portion of the extent and pattern of racial segregation observed in metropolitan areas where it was present. If, for example, housing discrimina-

tion were eliminated in SMSAs where it was present in both housing tenure markets, the results lead one to predict that, *ceteris paribus*, white exposure to blacks would increase by 45 percent, black exposure to whites would increase by 38 percent, and relative black centralization would decrease by 26 percent in these areas.[20] The potential payoffs for effectively enforced fair housing policies are thus manifest.

APPENDIX
Glossary of Variable Definitions

BCINDEX	Index of centralization of blacks relative to whites, scaled −100–+100[a]
BDISCRIM	"One" = statistically significant levels of housing discrimination in both rental and sales markets; "zero" otherwise[b]
BWCHNG	Difference in proportional changes in black population-white population, 1960–70[a]
BWMEDIN	Ratio of black-white median income for families and individuals × 100[a]
BWSMSA	Ratio of black-white populations in SMSA × 100[a]
COSTCCR	Weighted average of ratios of median house values and median rents in central city vs. ring × 100[a]
EXPBW	Index of exposure of blacks to whites, scaled 0–99.9[c]
EXPWB	Index of exposure of whites to blacks, scaled 0–99.9[c]
(L)BSMSA	(Common log of) number of blacks in SMSA[a]
PCCJOBS	Proportion of SMSA employment located in central city ×100[a]
PWCOLEG	Proportion of whites in SMSA with college degrees[a]
PWSTP	Proportion of whites in SMSA age 45 or older[a]

a. From *1970 Census of Population and Housing*, calculated by author.
b. From Housing Market Practices Survey (Wienk et al. 1979).
c. From Schnare (1977:table app. B1).

NOTES

1. The "dissimilarity" index of segregation (see Taeuber and Taeuber 1965; Sorensen, Taeuber, and Hollingsworth 1974) for central cities dropped slightly for most cities during the 1960s. This is misleading, however, because it does not include segregation in noncentral city jurisdictions. Schnare's (1980) exposure measures do include the latter in their computation.

2. For a complete review of the empirical literature, see Yinger et al. 1979:71–75; Yinger 1979:446–49. The social harms of segregation have been documented in Yinger et al. 1979:96–118.

3. Marshall and Jiobu (1975) found that interracial dissimilarity indexes for both income and occupation were significantly correlated with Taeuber's residential dissimilarity (segregation) index in 1960. A comprehensive summary of findings is contained in Yinger et al. 1979:76–79 and Yinger 1979:448–49.

4. For a thorough review and critique of empirical studies of preference for neigh-

borhood racial composition based on multiple regression analyses of housing price data, see Yinger 1979 and Mieszkowski 1979.

5. A more complete description of the sampling technique and a list of sampled SMSAs is given in Wienk et al. 1979:20–30.

6. Dissimilarity indices have been employed by Taeuber and Taeuber (1965) and Sorensen, Taeuber, and Hollingsworth (1974). Another reason for not using the D index was that published values were not available for 14 SMSAs in the HMPS sample.

7. Seven rings were used for each of the calculations for this study with population figures for tracts obtained from the 1970 *Census*. The innermost three rings were scaled with radii = .05R, .10R, .15R, respectively, where R is the longest radius from CBD to edge of SMSA. The next two rings had radii = .25R and .35R. The final two rings had radii = .67R and R. Calculations of the BCINDEX are available from the author on request.

8. For details, see Wienk et al. 1979:30–37, chaps. 2, 3. A minimum of 30 rental and 30 sales units were audited in each SMSA. For a critique of the methodology, see National Commission Against Discrimination in Housing 1979 and Yinger 1982.

9. In this sample, 23 SMSAs had significant discrimination in the rental market, 15 had it in the sales market, 7 had it in both, and 9 had it in neither. The 7 SMSAs where BDISCRIM = 1 were Detroit, Fort Lauderdale-Hollywood (Fla.), Indianapolis, Los Angeles, Milwaukee, Tulsa, and York (Pa.).

10. It could be reasonably argued that discrimination should be modeled as an intervening variable, that is, prejudice and class differences themselves contribute to discrimination as well as to segregation (see Marshall and Jiobu 1975; Schnare 1977; Yinger 1979). Such a specification was estimated, but only one variable (the log of the absolute number of blacks in an SMSA) proved statistically significant. Further, for no trial did the F-test allow one to reject the hypothesis that coefficients of all variables were zero. In the results presented, BDISCRIM is thus modeled as exogenous.

11. This may not be a fair assumption, especially because the migration patterns of blacks during the 1970s were very different from those witnessed in previous decades.

12. This measure admittedly provides little information about the disparity between races at various points of the income distribution. Nevertheless, when interracial "dissimilarity" indices for both income and occupation were tested in the model, they proved far less statistically significant than BWMEDIN. This contrasts sharply with the findings of Marshall and Jiobu (1975). Ideally, one would also have a variable measuring the distribution of housing qualities over space in an SMSA. It was beyond the scope of the present study to construct such a variable.

13. COSTCCR is defined as the average of central city/ring median values of owner-occupied homes plus the ratio of median rents, weighted by proportions of the two stock types in the SMSA.

14. The combined effect of BDISCRIM on exposure is the sum of the direct path plus the product of the indirect paths via BCINDEX. For EXPWB it is −.16; for EXPBW it is −.25. See Table 3.

15. This is consistent with the findings of Marshall and Jiobu (1975), who used 1960 data and Taeuber's segregation index. LBSMSA is used in both exposure index equations; BSMSA, in the centralization equation.

16. These nonlinearities in the apparent "threat" represented by the black population have been found elsewhere by Galster (1982).

17. A similar argument has been used to explain the Taeubers' (1965) finding of an inverse relationship between the degree of segregation and black growth rates from 1940 to 1950 and from 1950 to 1960.

18. Various specifications (not reported here) hinted that there may, however, be important differences between the two tenures. Discrimination in the rental market alone was associated with nearly as low a level of exposure of whites to blacks as was discrimination in both markets. This implies that the houses in white areas that most likely would be occupied by blacks in the absence of discrimination would be of rental tenure. Discrimination in owner markets was associated with as high a level of black centralization as discrimination in both. This could be expected, because the typical ecological pattern of owned versus rented dwellings is such that the former are more decentralized.

19. The use of regional dummy variables in the model was eschewed here due to the difficulty in interpreting the myriad of unspecified effects that might be proxied for.

20. The means of EXPWB, EXPBW, and BCINDEX for SMSAs where BDISCRIM = 1 are 2.76, 28.6, and 51.7, respectively.

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Section III
Social and Attitudinal Factors
Affecting Housing Integration

Introduction

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The severest critics of the movement toward housing integration charge that public and private housing desegregation programs involve the forced, artificial merging of races that would rather be left alone to determine who their neighbors will be. Integration and desegregation programs are seen as inequitable and unfair—as a violation of the integrity of local communities. A New York journalist typified many of these attitudes in his description of residents' reactions to a proposed subsidized high-rise housing project for one New York neighborhood:

> Scatter-site housing. Preach it from the pulpit Sunday morning. Speak of it from a lectern at Yale or Berkeley. Advocate it to old classmates over coffee at Gracie Mansion. But don't take the subject to the people because they will roar against you through meetings in the night. And if you ever dare to try to build scatter-site housing, the people—ordinary people, people who have lived sedentary lives, who have never done much of anything physical in their lives—will rush into the streets and they will picket and fight policemen and throw themselves in front of trucks and attempt to attack a mayor. And from the dark recesses of the American Soul, little men will appear, men you have never heard of, and they will stand in front of the crowd to harangue and the television lights will turn on them and the despair for the American Soul will rise with the sound of their voices." (Breslin 1974:vii)[1]

Such communities often angrily reject accusations that they are prejudiced. One suburban Chicago mayor "bristled" at the suggestion that his community was segregated: "Berwyn has been integrated for the 40 years that I've lived here. We've got Czechs, Poles, Italians, Irish. We've got Dutch, Asians, Hispanics, Greeks" (Wiessler and Bosc 1983:28). Others, after close examination of such communities, have found racial fears and anxiety deeply interwoven with residents' rejection of planned or natural racial change. Andrew Greeley, assessing racial fears in one Chicago neighborhood, argues that reactions are not pure prejudice or bigotry, but derive from fears and insecurity based on others' experiences with racial change:

> An increase in the amount of murder, rape, and burglary in the neighborhood may not be something that is accepted as just punishment for the sins of the white race. To tell the Beverlyites that most blacks are not criminal would be to state something they would not deny, but it only takes one to two stabbing murders such as occurred in Beverly's sister neighborhood South Shore to create an atmosphere of intense fear that

> no community can long survive. The terror in white neighborhoods at the time of black immigration may very well be excessive, but again, terror has never been known to decrease in the human population simply because pious liberals arrive on the scene to announce that terror is excessive. (Berry 1979:245)

Such anxieties related to expected changes in the racial composition of local housing markets are a well-known, deeply entrenched fact frustrating efforts at promoting or maintaining housing integration.

Race-related tensions in neighborhoods of large cities like New York and Chicago generally dominate the public's perceptions of the probable outcome of housing desegregation. Generally lost from sight are the modest number of successfully integrated communities whose integrated status survives, in part, because it is unheralded (Hunt 1959). Recent research also suggests that scattered-site housing in a large number of cities has been more successfully accepted by local residents than the "worst cases" lead one to believe (Hogan 1984; "Most of Dispersed Housing" 1984).

Is the virulent opposition to housing, or school, desegregation only the visible tip of an iceberg of racial resentment? Or do the examples of successful desegregation reveal contrary evidence of more tolerant racial attitudes? The chapters in this section explore the many shades and possible interpretations of the attitudes of Americans toward racial integration. These analyses synthesize much of what is known about the concurrence of racial intolerance as well as racial residential stability. The extent to which Americans prefer racially homogeneous, segregated neighborhoods is the first piece of attitudinal puzzle necessary to assess the strength and directions for racial residential harmony.

In the late 1960s, survey researchers found that nearly 20 percent of all Americans reported living in stably integrated areas, although the average number of blacks living in these areas was quite low—3 percent or less (Bradburn, Sudman, and Gockel 1970:30, 84).[2] Roughly ten years later, a nationwide survey of over 7,000 white, black, and Hispanic households found substantially more respondents expressing a willingness to live in integrated areas. These data reveal that 60 percent of whites would accept some form of residential integration, although only 17 percent would select a substantially integrated area. Roughly two-thirds of all blacks indicated their willingness to live in an integrated or all-white community, although only 2.5 percent said they were willing to be racial pioneers. The remaining blacks, one-third, stated a preference for predominantly or all-black residential areas. Hispanics appeared less hesitant than blacks to become pioneers in white areas, with 9 percent willing to move to all-white neighborhoods, and nearly 80 percent willing to accept life in a mainly white community (Office of Policy Development and Research 1978). These attitudes are congruent with the patterns of residential concentration for Hispanics reported earlier by James and Tynan (see Chapter 4).

A major part of the explanation for the difference between Americans' ex-

pressed preferences and the actual racial composition of neighborhoods is the gap between what Americans believe in principle and what they will accept in practice. In a careful assessment of changing racial attitudes over the last several decades, Bobo, Schuman, and Steeh, in this section, find a pronounced, systematic gap between attitudes toward *principles* of racial equity and reactions to the *means* used to implement the principles. Whites, more so than blacks, are much less supportive of various modes of civil rights implementation, including fair housing laws, than they are of the basic principle of racial integration. The substantial increases in the expressed willingness of white Americans to live near modest numbers of blacks parallel, therefore, the responses reported in the 1978 HUD Survey. Bobo, Schuman, and Steeh, advancing the analysis of racial attitudes, also find a rejection of full-scale integration, with more than half of all Americans saying they would move if "great numbers" of blacks moved into their communities.[3] And although there has been a substantial increase in support for an open housing law, less than half of whites, and roughly three-quarters of blacks, support such laws.

Part of the explanation of the changes in attitudes toward programs for racial equity relates to shifting personal priorities in areas unrelated to race. Survey research concerning the general aspirations and hopes of Americans reveals that only 7 percent of respondents in 1974 felt that social justice and the elimination of discrimination were what they most wanted in their lives. A better standard of living, good health, a happy family life, owning a home, employment, and peace in the world were values that were judged to be of higher priority—of greater salience. By 1981, discrimination and social justice were not even listed among the items judged by whites to be of greatest personal importance (Setlow 1976a:1448; Watts 1981:40).

Many other issues can also cause "slippage" between an integrative or prejudicial attitude and the actual movement to another community (Speare, Goldstein, and Frey 1975; Goodman 1978; Goodman and Streitwieser 1983). Rose Helper, in this section, provides an assessment of many of the allied sociological, organizational, and attitudinal factors that need to be in place in order for some level of racial residential mixing to succeed. Institutional pressures in real estate, mortgage lending, and schooling are identified as crucial parts of the context for resisting or succeeding at integration. Based on a variety of case studies and her own research, she lists key factors that are likely to be associated with successful integration, whether singly or, more likely, in combination. She in particular focuses on the role of community organizations that have helped to foster racial stabilization in a number of cities. Helper, like other students of racial attitudes, is aware of the substantial levels of racial hostility and conflict that occur when blacks arrive. There is also enough evidence of cooperation and goodwill, she finds, to suggest that more racially mixed communities will emerge.

Helper's report is one of only a handful of attempts to synthesize research evidence on interracial housing into general principles and policy recommen-

dations (Social Science Panel 1972; Downs 1973; Millen 1973; McFall 1974; Beach 1975; Pedone 1976; Brennan 1977; Orfield 1979). Most of these assessments are based on case studies conducted at widely different times, in different cities, and with differing research objectives, perspectives, and methodological rigor (Grier and Grier 1960; Rosen and Rosen 1962; Schermer and Levin 1968; Alfred and Marcoux 1970; Bradburn, Sudman, and Gockel 1970:29–63; Molotch 1972; Gruen and Gruen 1979:119–45; Heumann 1973, 1979; Ginsberg 1975; Tobin 1976; Goodwin 1979; Berry 1979; Varady 1979; Weinberg 1980; Lake and Winslow 1981; Saltman 1983).

Such case studies have generated differing assessments of the relative utility of neighborhood organizations in fostering stable neighborhood integration. A wide range of legal and illegal activities have been undertaken by such organizations with varying levels of support from residents and local officials. At times such organizing efforts have been too late to be of any use in creating accepting attitudes, increased cohesion, and biracial strategies, or in developing remedial programs. In some instances, organized efforts have spotlighted the neighborhoods' problems and increased white flight. The strength of organized or informal neighborhood ties could be of considerable importance in encouraging, or shaming, people to remain. Such cohesion could operate in an informal, nonorganized fashion to stabilize housing patterns, but would likely eventually succumb to the weakened structural or economic underpinnings of many of these older, ethnic neighborhoods (Yancey and Erikson 1979; Berry 1979).

Neighborhoods, formally organized or not, may experience acts of racial violence that may intimidate blacks as well as potential white inmovers. Such actions may symbolize the frustration and inability of residents and local leaders to develop an acceptable, organized response to racial newcomers and, in turn, serve as an opening for more militant antiblack organizations to become involved in local affairs (Aldrich 1975:336; Berry 1979:191). Such occurrences, limited evidence suggests, only exacerbate the tendency for whites to flee and discourage other households from replacing them (Bradburn, Sudman, and Gockel 1970:61, 95; Farley, Richards, and Wurdock 1980; Lake 1981:94–95).[4]

One factor deeply implicated in the frustrations of neighborhood groups to achieve integration is the association of blacks with status loss. "From the perspective of the American cultural context . . . 'black' carries the imputation of status inferiority and a black or integrated neighborhood is considered low status" (Berry et al. 1976:247; Marston and Van Valey 1979:22; Krefetz 1979; Conrad 1980). More educated, cosmopolitan or accepting whites may, under certain conditions, not oppose racial mixing and may even adopt a more positive attitude toward integration (Deutsch and Collins 1951; Gans 1967; Hamilton and Bishop 1976). How long-standing or stable such changes are, however, is unknown given the normal turnover of residents. Better-off residents in expensive homes, located at a distance from the ghetto, with few concerns about

municipal services will think twice about moving. They may wait months or years before deciding to leave for "racial" reasons.

One of the major obstacles to the placement of HUD-assisted housing in many communities is indeed the interlocked fear of blacks and status decline (Berry et al. 1976; Conrad 1980; McGrew 1981). The prospect that low- and moderate-income housing would be placed in Dayton, Ohio, for example, generated fears of declining property values, a loss in neighborhood status, less stability, and a perceived decline in law and order as well as in the quality of schools (Gruen and Gruen 1972:64; Ford 1972). Race was not stated as an important reason for their opposition to federal housing, but the interconnection between the two appears inescapable in most other jurisdictions.

Few case studies or analyses of housing integration have, however, focused in detail on federal or local housing desegregation, although school desegregation figures prominently in many studies. Local community leaders can play an important role in determining the location and type of assisted housing for specific neighborhoods. There is some evidence, however, that public officials are relatively unconcerned with the problems of housing segregation and discrimination. A survey of roughly 125 state and 250 local housing officials conducted in 1973 revealed that the need for more housing for low-income groups was at the top of their list of priorities, whereas only 2 percent of officials were concerned about bias in public housing. But public officials were acutely sensitive to public opposition to the siting of low- and moderate-income housing, with the greatest concerns expressed by suburban officials. When asked about the low-rent public housing program, the biggest concerns of local officials were not with its racial makeup but with its condition, maintenance, and the shortage of funds (Setlow 1976b:1326–52).

A more recent survey of attitudes of mayors of large cities indicates that the main barriers to an effective housing policy in their cities are still seen as the low income of residents and inadequate housing, with discrimination viewed as the least pressing concern (United States Conference of Mayors 1984:23). The majority of elected officials surveyed believe, in fact, that, although problems of poverty have greatly increased, problems of discrimination and segregation have remained unchanged or improved. Public officials, at least those in larger cities, appear distracted from the issues of desegregation and discrimination as they focus on addressing the housing needs of the poor. This priority has been, as will be seen in Section IV, of considerable importance in the evolution of federal housing desegregation policy.

Both citizens and public officials appear, therefore, to have other choices and preferences in their schemes of personal and public priorities. Neighborhoods searching for assistance in stabilizing their housing stock may find public disinterest as well as political resistance. The needs of communities at or near the point of racial transition may be so pressing, however, that they may not be able to wait while other citizens, voters, and public officials notice their

needs. Apathy, fear, and out-migration may result as residents realize the huge obstacles in the path to neighborhood racial stability (Winerip 1985:B1).

Officials and other neighborhood groups may also be aware that, if one community succeeds in slowing or stopping the process of racial change, other nearby areas may feel the ripple effects of deflected black housing demand. Many may realize the social science axiom that by solving the problem of racial change in one area one may accelerate it in others (Downs 1981:99; Winerip 1985). Neither social scientists nor policymakers are, however, knowledgeable or shrewd enough to be able to predict how much stabilization or exclusion in one submarket will impact what type of similar or contiguous markets.

Case studies and survey research have taught us much of what we know about how specific contextual and historical factors shape and accelerate the attitudes and choices of black and white neighbors. All too often, however, case studies are a very limited basis upon which to build national programs or to draw implications for national policy. Case studies have generally not provided the careful quantification of local and regional, social, economic, fiscal, and political pressures needed by policymakers.

There are, therefore, some notable handicaps in developing a model or even a catalog of factors promoting residential integration and in being certain that conclusions are sound, replicable, and policy relevant. The following is a summary of these limitations, the blank research spaces, which others will hopefully fill building on the work of Bobo, Schuman, and Steeh; Helper; and others:

- Relatively few of the determinants of racial change or stability have been rigorously tested for their importance; thus, it is not clear what order of importance to attach to the determinants identified, or to specify how they interact with each other. The evidence justifying the inclusion of some items is often impressionistic and judgmental.
- It is unclear how the determinants vary in importance over time within, as well as between, neighborhoods and cities.
- There is no reason to believe that the current list of determinants is exhaustive or immutable. The interaction of macro- and micro-level contextual influences in specific settings has been poorly examined and may produce new effects and determinants.
- It is unclear whether the conditions for long-term stability are the same as those for short-term success. It is also not clear what long-term racial stability means—whether ten years or forty years is a reasonable standard for neighborhood change.
- Although recommendations for policy action or intervention are made by researchers, there is no way to know what unintended effects could arise from implementing them in another city or neighborhood. What works in one area may backfire in another, or simply have no effect at all. Most of the recommendations are also made in hindsight, offering what the author feels could have made a difference had they been tried in time. That is, it is not really