Residental Segregation: Where You Live Matters

Folks: This audio program, featured on the weekly radio program called "This American Life" that airs on most NPR stations, is about the structural consequences of *aversive racism* today in the U.S. You can read the transcript of this program below or you can access the audio here (my recommendation is that you do both). As usual, digest this material, take notes and be prepared to be tested on it.

512: House Rules

Nov 22, 2013

Where you live is important. It can dictate quality of schools and hospitals, as well as things like cancer rates, unemployment, or whether the city repairs roads in your neighborhood. On this week's show, stories about destiny by address.

Much of this story is told to Nancy Updike by ProPublica reporter Nikole Hannah-Jones, whose series on the Fair Housing laws — with more stories, research and interviews — is here.

Prologue

Ira talks to 15 year old Jada who, when she was in third grade, moved from Akron Public Schools in Ohio, to the nearby Copley-Fairlawn schools in the suburbs. After two years, Jada was kicked out by administrators who discovered that her mother was using Jada's grandfather's address in Copley, instead of her own in Akron. Jada says that while the schools are only a few miles apart, the difference in education was astounding.

For more information about Jada and her mother, Kelley Williams Bolar, who spent 10 days in jail because she falsified documents so she could enroll Jada and her sister in the Copley-Fairlawn schools, you can go here. (5 minutes) Education • Parenting

- ## Act One

  ### Rental Gymnastics

  Reporter Nancy Updike talks to a group of New York City residents about their frustrating attempts to rent an apartment. With hidden microphones, we hear landlords and supers tell the apartment hunters that there's nothing available. But that's not necessarily true. Forty-five years after the passage of the Fair Housing Act in 1968, ProPublica reporter Nikole Hannah-Jones talks to Nancy about the history of racial housing discrimination in the United States and what has been done — and hasn't been done — to rectify it. (31 minutes) Legal System • Race

- ## Act Two

  ### The Missionary

  Once the Fair Housing Act became law in 1968, there was some question about how to implement it and enforce it. George Romney, the former Republican Governor of Michigan and newly-appointed Secretary of

HUD, was a true believer in the need to make the Fair Housing Law a powerful one — a robust attempt to change the course of the nation's racial segregation. Only problem was: President Richard Nixon didn't necessarily see it that way. With Nikole Hannah-Jones, Nancy Updike continues the story. (16 minutes)

Nikole Hannah-Jones's investigative series on the history and enforcement of the Fair Housing laws — with more stories, research and interviews — is here.

SONG: "THE LANDLORD," ARI HEST

SONG: "NO VACANCY," NEIL SEDAKA

Legal System • Presidents • Race

512:

House Rules

Transcript

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Note: *This American Life* is produced for the ear and designed to be heard, not read. We strongly encourage you to listen to the audio, which includes emotion and emphasis that's not on the page. Transcripts are generated using a combination of speech recognition software and human transcribers, and may contain errors. Please check the corresponding audio before quoting in print.

Prologue.

Ira Glass

A few years back, when Jada's mom took her and her sister out of the Akron, Ohio, public schools and put them into the Copley-Fairlawn public schools, Jada was just in third grade. But she noticed a difference immediately. This is Jada.

Jada

It was weird at first. The teachers are more serious. They really-- they buckled down. I just know that it was more educational.

Ira Glass

Akron, where she'd been going to school before, is a city of around 200,000, and its school system recently met only five of the state's 24 educational goals. Copley-Fairlawn is just next door to Akron, has population a tenth of Akron's, and met all 24 of the goals. Even the school building, Jada says, was totally different.

Jada

It was huge. The library was so big and had many books, and they had a greenhouse, and they had, like, a small trail in the back if you wanted to go for a walk during recess. It was amazing. They had a computer lab. It was amazing. It was so much more resources that they had there. And so we did a lot of activities outside in the greenhouse for science.

Ira Glass

And what was science like at Akron?

Jada

It wasn't as environmental and outside, it was more of, like, in a book. So they would just say, OK, we're going to go over this chapter, and you're going to learn this.

Ira Glass

In Akron's science class, she says, instead of a greenhouse, each kid got a pumpkin seed and a bag.

Jada

And they put the pumpkin seed in a plastic bag, and it grew over a few months, and so we had plastic bags in shoe boxes.

Ira Glass

After two years in this nice school, third and fourth grade, Jada was kicked out. Her sister was kicked out. To go to Copley-Fairlawn, they'd been giving their grandfather's address as their home address. Their grandfather lived in the school district.

Lots of districts, of course, have been cracking down on that kind of thing. Homeowners pay high property taxes to live in a place with good schools, and lots of them feel like it's wrong for anybody to freeload. So the district told Jada and her sister they had to go. Out of Copley-Fairlawn, and back to the Akron schools.

Jada

I was a little devastated, because, like, you know, friends I made, and-- basically, like, everything about the school. I loved the school. It was, it was-- they didn't bully me there at all. The kids there were so nice and-- and then when I went to Akron Public, I was bullied because of the way I spoke, how was the grammar and different things.

Ira Glass

And so you go back, and it's fifth grade, and it's the first day of fifth grade. Like, what do you remember from that day back, your first day back?

Jada

I remember really just how the kids were different. And they didn't really listen to the teachers as much, and I know that it was hard to get through a lesson, because the kids were always, you know, being disruptive. And after a while being there, I knew that I wasn't really going to learn as much as I could.

Ira Glass

Does it seem unfair to you that your life could be so different and your school would be so different just based on where you live and what school you go to?

Jada

Yeah, I think that's just the dumbest thing ever. Like I just think it's-- like, how come I can't get the same education where I live than people who live three miles away from me? I don't understand, like, I just don't. I don't think it's fair that I can't learn as high quality as they can just because I'm in a different district.

Ira Glass

Of course, asking about the fairness of this is asking about something that is just built into our education system. It's the premise, right? Something that nobody's planning on changing, usually not on the table at all.

In America, local property taxes fund our schools. So if you live in a rich area, you get better schools. And the gaps can be huge, right? In New York State, for instance, the richest school districts, the top 10%, spend $25,000 per student, which is twice as much as the bottom 10% spends per student. And yes, there's federal money targeted to poor students, and yes, there are a tiny handful of states that have aggressively tried to shift the balance so poor kids get more because poor kids' needs are greater, but by and large, if you're living in a poor neighborhood, chances are your schools will get less money and not be as good. Neighborhood isn't destiny all the time for everybody, but for a lot of people, it comes pretty close.

Today on our radio show, things did not have to end up this way. In fact, there was a moment in our history, not that long ago, where it seemed like it wouldn't end up this way. A look at how we got to this point. From WBEZ Chicago, it's *This American Life,* distributed by Public Radio International. I'm Ira Glass, stay with us.

Act One. Rental Gymnastics.

Ira Glass

Act One, Rental Gymnastics. Let's go to Nancy Updike, who has our story.

Nancy Updike

L.B. is a tall, thin man, somewhere north of 45 years old. He's soft-spoken, but he can be relentless when he's looking for an apartment. He went to one building, found the super in the hall.

L.b.

Hi.

Man

You looking to live here?

L.b.

Yes, I'm looking for a one-bedroom apartment for me and my wife.

Man

One-bedroom apartment?

L.b.

Yes, uh-huh.

Man

Oh, I don't have.

L.b.

Like, you don't have at all?

Man

No.

L.b.

No?

Man

No.

L.b.

He told me that nothing was available.

Nancy Updike

That's what the super told him. But L.B. knew that with apartment hunting, sometimes no just means you haven't asked the right question yet.

L.b.

Is there, like, a waiting list or something that you know-- Can I put my name on a waiting list?

Man

No, we don't have.

L.b.

Oh, you don't?

Man

No.

L.b.

There's nothing at all? My wife really likes this building.

I kept going back to the fact that my-- how much my wife likes this building, that we really want to live-- that she wants to live here, and that my wife has the final word. I always say that a lot.

Nancy Updike

You throw that one out because--

L.b.

Yeah, I throw it out, yeah.

You're absolutely sure there is nothing available, because she's going to be mad at me when I get back. Listen, do you not have any one-bedrooms?

Man

No.

L.b.

None at all?

Man

I don't have nothing.

L.b.

Oh, god.

Nancy Updike

That's the sound of a man coming to terms with his fate. But, just one last question.

L.b.

Can you tell me, like, how much are the apartments going for, how much-- do you know?

Man

$1,250.

L.b.

$1,250? You know, well, we can afford that.

Nancy Updike

L.B. had to let it go. Except there was an apartment available, according to a later lawsuit. L.B. had been sent to the building not by his wife, but by a housing organization, as a test. L.B. is black, and the organization had also sent a white tester, Neal. Same income as L.B., also married, a little younger. He showed up at the same building, talked to the same super.

Neal

Hello, good morning, thanks for letting me in. I'm interested in a one-bedroom for my wife and I. Do you have anything you can show me?

Man

Yes.

Neal

Thank you, sir.

Nancy Updike

The super let him in, and they went up to apartment 4F.

Neal

Looks good, looks really good. Oh, this is a nice size room, huh? Very good.

Nancy Updike

When Neal asked how much the rent was, the super said $1,150. Neal wrote it down.

Neal

OK, so tell me what's the rent?

Man

$1,150.

Neal

One, one, five, oh.

Nancy Updike

That was $100 a month less than what the super had quoted L.B. The housing organization did another test at the same building, later, with women. An African-American woman named Kaaron went to the building.

Kaaron

I buzzed the super's apartment, and he answered, and I said, I'm looking for a one-bedroom apartment. Do you have anything available?

Man

Come in.

Kaaron

He buzzed me in. He let this person he could not see into his building, I went upstairs to his apartment. He opened the door.

Man

Hi.

Kaaron

Hi. I was wondering if you had any one-bedrooms or studio apartments available.

Man

No, no, I don't have.

Kaaron

You don't have anything?

Man

No.

Kaaron

OK. Are you the super?

Man

Yeah.

Nancy Updike

When a white woman around the same age showed up, there were two studios available.

These recordings are from a lawsuit brought by an organization called the Fair Housing Justice Center. The tests were done in 2010 and 2011 in New York City.

Housing discrimination based on race is a lot less pervasive than it used to be, but it still happens, to a degree that surprised me when I started looking into it. It's gotten sneakier, so harder to detect, and it's not like it makes the news most of the time, so it's easy to believe it's not happening at all. The testers, like most Americans, had zero special interest in housing when they started the work. This is Laurel. She describes her test persona as a generic youngish white woman.

Laurel

I mean, I was learning about the laws at the same time that I was being trained to test, and I would say part of me thought, oh, are these laws even still necessary?

Nancy Updike

So when you started, you thought, we're sort of mopping up here.

Laurel

Yeah, exactly. Like, maybe, I don't know how long this work will last, and yeah, we'll do some systemic testing throughout the city and just get the numbers that the higher-ups need. This was more census type work or something.

Kaaron

How is this possible? Why is this necessary? You know, we don't live in the boonies.

Nancy Updike

This is Kaaron again. She was one of the testers at the same building L.B. went to. She said she gets a lot of questions from friends in New York about the testing. She grew up in New Orleans.

Kaaron

People always think of the South as this, you know, horrible place, where people are always being discriminated against, and that all the black people who have come up to the North are escaping something. You've been freed. There's like a new Underground Railroad for some reason.

But it is New York City, and there's a lot of people here, and a lot of people have a lot of different views. And I think it's easy to forget that. And some of those views are not necessarily--

Nancy Updike

Legal to put into action.

Kaaron

Yeah, that's a nice way to put it.

Nancy Updike

Kaaron's got this unsinkable vibe. She's actually an actor. The testing is only an occasional job to make some extra money. All the testers at the Fair Housing Justice Center are actors, which led me to ask them a bunch of Acting 101 questions like, do you spend a lot of time developing your character and back story before going out on a test?

Do you think about your motivation? They all politely said it was a lot more straightforward than that. Show up at a place, ask what's available, just like you would if you were really looking for a home.

Kaaron explained that she and the other testers are never told before they go out to a building if there's been a complaint or if it's just a random test. That's the way the Fair Housing Justice Center trained her and trains all its testers. Everyone goes out blind. No making assumptions. You're not there to trap anybody. So Kaaron went to a building in Queens one day, August, 2009, blind as usual.

Kaaron

I'm like, you know, nice business casual, as if you were on a lunch. And I am small and perky, and I automatically assume that we're all going to get along very well.

Nancy Updike

She asked around the building for the super, then ran into him in the elevator.

Kaaron

Yeah, I'm [INAUDIBLE] I'm looking for the super.

Man

I am the super.

Kaaron

Oh, hello.

Man

How are you?

Kaaron

I'm good. A gentleman has sent me up here. I'm looking for a one-bedroom--

Nancy Updike

The conversation is hard to hear over the noise of the elevator, but the super told Kaaron it was too bad, but the department had already been rented to a guy who'd been waiting for it for a long time. He sounded apologetic. It was a pleasant little chat. Kaaron thought nothing about it afterward.

Several months later, she heard from the Fair Housing Justice Center.

Kaaron

I get a call, and they're, like, there's been an issue with a case that you've you done. And really, when they called me, I thought it was a completely different case. I didn't realize at all.

Nancy Updike

Oh. You had someone in mind? You thought, oh, it's this one?

Kaaron

Yeah.

Nancy Updike

And it wasn't that one.

Kaaron

Not him at all.

Nancy Updike

They told her the case was about the building where she'd talked to the super in the elevator, and Kaaron started replaying their conversation in her head. It wasn't that she couldn't believe someone might have discriminated against her in enlightened New York City, but she thought of herself as very good at reading people, how they were responding to her, and she had detected nothing.

Kaaron

I was surprised, and I was a little-- I was like, oh, but he was so nice to me. Not-- you know, he was cordial. He wasn't throwing me a party, but he was cordial, and he wasn't rushing me out, it didn't feel like it. I was completely taken off guard.

When he told me nothing was available, I took him by face value. And I also still didn't understand exactly-- I didn't know all the other details. I hadn't been told about what had happened to the white testers. So I was still kind of like, well, maybe it wasn't as bad as I thought.

Laurel

Hi.

Man

Hello.

Laurel

I was wondering if you had any rentals.

Nancy Updike

This is the recording made by Laurel, the tester who calls herself a generic youngish white woman. She'd gone to the building the same day as Kaaron, and there was an apartment for rent. It would be available in about six weeks. The super had to do some work on it to get it ready, but he was eager to get the deal settled as soon as possible, so they went to look at the apartment right then.

Laurel

This is great. I guess I'll bring my husband back with me and--

Man

You can make it sometime tonight or tomorrow, because I'm leaving for vacation tomorrow night.

Laurel

Oh, OK. So any time tomorrow that's better?

Man

You can come until 5:00, 5:00 in the afternoon.

Kaaron

To hear it, to hear the tone of voice--

Nancy Updike

This is Kaaron again.

Kaaron

It's jarring. It's very jarring. It was just really confusing, because while I'm listening, I'm like, well, what could I have done that would have changed? Even though-- even now, like, knowing, I'm like, oh, maybe I should have done something differently.

Nancy Updike

Is that what you were thinking when you were listening?

Kaaron

Yes. Did she push in a different way that I didn't push? Like, to see the apartment, and I was like no, she didn't actually push that hard. So I don't really-- it's hard for my brain to realize that there was nothing that I could do.

And for a while I had a feeling of like, well, does that mean I'm misjudging other people in my life? What does-- you know, are there other people who don't want to be near me because I'm black? What does that mean? Am I just completely misjudging the people around me?

Nancy Updike

The lawsuit that Kaaron's recording was part of went on for almost two years, and the whole time it ate away at Kaaron.

Kaaron

Though they don't stop you from testing in the time that you're part of a case, I wasn't testing. And I think probably for the best, because I was going through a lot of doubt about-- and looking at people in a way that I'd never done before. And I questioned a lot of my judgment, my thought process, and even interactions with friends, you know, people that I've known for years. Like what, you know, how do you really think of me? What do you really think?

And it took some time before I was-- I settled myself down. It's clearly not everyone. Not everyone is like this, and you just need to get on with your life. So it was a rough, rough time.

Nancy Updike

This is the era we've been in for a while now. If you're discriminated against in getting housing, there's a decent chance you don't know it happened. Maybe you don't even suspect it. The whole idea seems like a throwback, that a person's charm, tenacity, and income could count less than their race today when they try to rent or buy a home. And where you live can really matter.

Nikole Hannah

Every measure of well-being and opportunity, the foundation is where you live.

Nancy Updike

This is Nikole Hannah-Jones. She's a reporter for ProPublica, and she's written a lot about housing and the way it can affect every part of a person's life, the quality of schools, and hospitals, also--

Nikole Hannah

Cancer rates, asthma rates, infant mortality, unemployment, education, access to fresh food, access to parks, whether or not the city repairs the roads in your neighborhood.

Nancy Updike

Besides that, there's also this. Black and white Americans still live substantially apart in this country. It's especially true in cities like Chicago and New York that have large African-American populations. Overall, the United States is vastly less segregated than it was 45 years ago. We're a different country. There are almost no all white neighborhoods anymore.

But there are plenty that are almost all black. In hundreds of metropolitan areas, the average white person lives in a neighborhood that's 75% white, and their neighbors who aren't white aren't likely to be African American. That's according to a study by sociologists at Brown and Florida State universities, based on the 2010 census.

The most segregated parts of the country are, and have been for decades, the Northeast and the Midwest. Milwaukee is consistently one of the most segregated cities in the country. In Milwaukee and in other cities, including New York, the level of black-white segregation by one important measure has declined only by a trickle in 30 years.

I've got a map on the wall in my office of Brooklyn that shows a giant red cluster right in the middle, where African Americans make up over 80% of the population, even though they're only 25% of the city overall, and even though on the street, New York feels like a very integrated city. This is Nikole Hannah-Jones again. She lives in New York.

Nikole Hannah

I think a good way to visualize it in the city is when you ride the subway or the bus. When you get on at certain parts, the bus is very integrated. And then as you go to certain neighborhoods, all the white people get off, and then it's only black people left on the bus.

Nancy Updike

How much of the current level of segregation in New York and other cities is due to discrimination, compared to other factors like poverty, that's being studied and debated. I'll get to that later in the show. But what's clear is that as the country has become less segregated overall, there are still large stubborn pockets of racial and economic segregation in major US cities. And that's true nearly half a century after we passed a critical piece of civil rights legislation, the Fair Housing Act.

It's been 45 years since we declared as a country that housing discrimination was a problem and we needed to solve it. When the law was passed, it talked big. It not only banned discrimination in the sale or rental of housing based on race and a bunch of other categories. The first line of the law says, quote, "It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States." Big.

Of course, laws are often big talkers, and it's a lot easier to talk big than to make effective policy. With housing, with lots of issues. But everything that went into creating the Fair Housing Act is worth looking at today, 45 years later-- standard middle aged moment to look back-- to try to understand where we are and aren't today.

Nikole Hannah-Jones, the reporter for ProPublica, spent a year and a half digging into the Fair Housing Act. Really digging, going to presidential archives, talking to people in government now and from the time the law was passed, looking at demographic data, and at policies going back 80 years, and what she found was that the story really started back when the biggest housing discriminator in the country was the federal government.

Nikole Hannah

It really started after the Great Depression. So in the early to mid '30s, the federal government realized that home ownership was going to be a major way to build and fortify the middle class. So the Roosevelt administration starts to back loans. And so you only had to put down 20%. And this is when the practice of redlining actually began. The federal government was the one who introduced redlining.

Nancy Updike

Redlining is now pretty well known, and the word has become a catch-all for various maneuvers that banks and others have used to deny loans or services based on race. But most people may not know-- I didn't know-- that it wasn't banks that popularized redlining. It was the federal government under President Franklin Roosevelt, a Democrat, that drew red lines on maps around certain neighborhoods and refused to back home loans there. There were other designations on the maps, by the way, for areas with Jews and others, anyone who was perceived as risky. Banks followed the government's lead in terms of lending, and so did big government programs that came out later, like the GI bill.

Nikole Hannah

It was not just about whether a neighborhood was black or not, but whether that neighborhood was integrated, and the government wanted to provide a disincentive to live in an integrated neighborhood. So if you were a white homeowner who didn't mind living in an integrated neighborhood, you could not get a loan. And if you owned a home in an integrated neighborhood, you knew that you could not resell your home to other white folks, so you had to sell your home to black people and get the hell-- oops, excuse me-- get the heck out of there. Because your property values were absolutely going to go down. It had nothing to do with whether the black people in your neighborhood could afford to pay their mortgage, or whether--

Nancy Updike

They mowed their lawns, or--

Nikole Hannah

Right, exactly, not keeping their properties up. It was about the fact that the government was deeming these neighborhoods as less valuable. And so your property values were going to go down because the government had decided that black and integrated neighborhoods were automatically less valuable.

Nancy Updike

The federal government's redlining drove white flight, and the government did not see this as a problem. Open racism was mainstream in the 1930s, including in the federal government. A manual put out by the Federal Housing Administration warned against undesirable encroachment of inharmonious racial groups.

And federal attitudes and policies amplified what was already happening at the local level. There was flat out violence in some places, first of all, against blacks trying to move into white neighborhoods. There were also racial zoning laws, something called racial covenants. These were contracts attached to properties that said things like "At no time shall said premises be sold, occupied, let, or leased to anyone of any race other than the Caucasian." But discriminatory policies by the federal government had more reach than any local policy.

Nikole Hannah

And what ultimately happens, of course, between 1934 and 1964, 98% of the home loans that are insured by the federal government go to white Americans, building up the white middle class by allowing them to get home ownership. And black Americans are largely left out of that process. And, if there's one thing that's amazing about all of this, is how efficient the federal government was in creating segregation.

Nancy Updike

Around 1930, most black Americans in Northern cities are living in neighborhoods that are about 30% black. By the '60s, the neighborhoods of African Americans in the industrial Northeast are 74% percent black and higher.

Nikole Hannah

No other racial or ethnic group has ever been that segregated. Even when you had large groups of immigrants coming from Ireland or Poland or Italy, even in places where they had Little Italys and things like that. So by 1960, cities have largely been abandoned by white Americans, you have massive public housing projects, where nearly everyone in there is black and poor, and even if you're middle class and black, you can't move out of those neighborhoods. You're still forced to live in those very dead neighborhoods.

Nancy Updike

By 1967, President Lyndon Johnson had already signed into law two civil rights bills, but he couldn't get much traction on a housing law. So he flattered a new young senator, Walter Mondale, into helping lead the push for a housing bill in the Senate.

Nikole Hannah

Now Walter Mondale was picked because everyone else had turned Lyndon B. Johnson down.

Nancy Updike

Everyone else was too smart to take it on.

Nikole Hannah

Exactly. Housing was toxic. All of the other civil rights laws, they were kind of designed to shake their fingers at the recalcitrant South and make the South behave.

Nancy Updike

And that's exactly what Mondale told you.

Nikole Hannah

That's right. The housing bill was considered the first Northern civil rights bill. It was easy for Northern liberals to support the '65 Voting Rights Act and the 1964 Civil Rights Act, but they balked.

Nancy Updike

Mondale told Nikole that when he brought up a housing bill, some liberal Northern senators told him--

Nikole Hannah

You're embarrassing us with this. You're making us look like hypocrites by introducing this bill, and we can't support it.

Nancy Updike

By exposing our hypocrisy, you're making us look like hypocrites.

Nikole Hannah

That's exactly right.

Nancy Updike

The idea that housing was a Northern problem as well as a Southern one was also made clear when Reverend Martin Luther King went to Chicago to push for what he called open-housing.

Nikole Hannah

When he started moving his movement northward to address housing segregation, that's when he began to lose a lot of support. The white liberals who had supported his campaign in the South began to abandon him. When he was marching for housing integration in Chicago, an angry mob hit him in the head with a rock.

Nancy Updike

More and more Americans were finding blatant racial discrimination to be gross and unacceptable, but that didn't mean they were prepared for their own lives to change. What Mondale figured out was that the Senate version of that disconnect, if he leveraged it right, might work in the Fair Housing Bill's favor.

Nikole Hannah

He starts to gather testimony from veterans, African Americans who had fought in Vietnam and who were serving in the military, and the trouble that they were having after coming back from fighting for this country, and then coming home and not being able to find housing because of their race. And one of the testimony that really started to change minds was Carlos Campbell.

Nancy Updike

There's no recording of Campbell's testimony, but it's in the written record. He was a lieutenant in the Navy, a navigator, who'd been serving for eight years and was still on active duty when he was assigned to the Defense Intelligence Agency in Arlington, Virginia. He said he spent weeks going to more than 30 apartments in the area, wearing his uniform, which he described as complete with gold stripes and gold wings.

Some places told him flat out, "we aren't integrated." Others turned him away by saying that they had an exceptionally long waiting list, or that it would take at least four weeks to process a routine application. Finally, the only way that Campbell-- a military officer who had been hired by the Pentagon-- the only way that he was able to find a place for his family to live was by renting the home of a fellow military officer who was being posted elsewhere for a couple of years.

Campbell's testimony started changing some Senator's minds, even some outright segregationists. Campbell had fought for his country but was being turned away from housing for his family. It seemed un-American. But still the bill didn't pass, and the country was in the midst of massive upheaval.

Nikole Hannah

Starting from '65 until '68, there were riots in black communities in more than 100 cities across the nation.

[GUNFIRE]

Nancy Updike

This is Newark, New Jersey in 1967. Some of you probably lived through the riots in your cities, but for those who didn't, this video from Newark looks like scenes from a foreign war, where the military is fighting in the streets of a

city. Truckloads of men in military uniforms are driving through. And riots were happening in cities all over the country. Los Angeles, Chicago, Cleveland, San Francisco, Tampa, Buffalo, Atlanta, Boston, Omaha, Waukegan, Detroit, Durham, Memphis, Milwaukee, Minneapolis.

Nikole Hannah

I can't imagine this happening in dozens of cities every year for three years. Tanks rolling through American cities. You have combat troops in American cities. Buildings on fire.

Nancy Updike

President Johnson appointed a commission known as the Kerner Commission, Republicans and Democrats, to look into the riots, which were freaking out the entire country-- no surprise. In debates, some members of Congress argued that civil rights legislation, including a housing law, would reward and encourage rioting. The Kerner Commission's report came out while Congress was debating a fair housing bill for the third time, after it had failed to pass twice before.

The report was published as a paperback book-- I'm looking down at a copy right now-- and it's got three questions emblazoned on the front. These are the questions President Johnson had publicly asked the commission to address. What happened? Why did it happen? What can be done?

Nikole Hannah

It sold something like two million copies when it first came out, so Americans were actually really interested--

Nancy Updike

That's a bestseller.

Nikole Hannah

--in this report. It was definitely a bestseller, and back then it was certainly a bestseller. But you have to understand, there had been four years of rioting in cities all across the country. And so I think many Americans were anxious to read an assessment of why this was.

Nancy Updike

The report is more than 600 pages, but its conclusion was simple, and has been famously and repeatedly quoted since. Quote, "Our nation is moving toward two societies, one black and one white, separate and unequal." The commissioners had spent months going to the cities, looking at data, interviewing people, residents, police, politicians, and they concluded that there was one central driving force behind the riots. This is Nikole quoting from the book. She's got her own copy.

Nikole Hannah

"Segregation and poverty have created, in the racial ghetto, a destructive environment totally unknown to most white Americans. What white Americans have never fully understood, but what the Negro can never forget, is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it."

Nikole Hannah

So I think people tend to think that generally people live like they do. And I think that they took great pains to say, we went into these communities--

Nancy Updike

We the commission.

Nikole Hannah

Exactly, we the Kerner commission. We're like you. You know, we're a largely white male group, and we went into those communities, and--

Nancy Updike

They're not living like us.

Nikole Hannah

--we found something-- yeah-- that we did not imagine.

George Romney

My fellow citizens, Detroit and much of Michigan have just lived through seven days of terror and trouble and tension.

Nancy Updike

This is the governor of Michigan at the time, George Romney, Mitt Romney's father. George Romney was about to become a huge player in the story of the Fair Housing Act. His state had been hit with one of the worst riots in US history, Detroit in 1967. Romney called in the National Guard, President Johnson sent in army troops, 43 people died, over 1,000 injured, tens of millions of dollars worth of damage. Governor Romney was planning to run for president in the coming year, and he gave a live televised speech to the people of Michigan in the aftermath of the Detroit riots.

George Romney

Some white people and public officials advocate the return to states' rights as a way to legalize segregation of the races. White extremist organizations are preaching hate and arming. More and more Negroes are listening to and supporting Negro leaders who advocate a separate black society in America. These militant revolutionists are preaching hate, violence, and rebellion.

Nancy Updike

Romney believed the country was in danger of splintering, and he laid out a whole plan in his speech to fight that. He wanted tough law enforcement, moral and religious renewal, both very popular ideas. But he also declared that, while others were calling for more separation between blacks and whites in response to the riots, he, Romney, was going to lead Michigan in the opposite direction with a special focus on housing. And he didn't just throw in a token sentence about it.

George Romney

We must have open housing on a statewide basis. Zoning that creates either large-scale economic or racial segregation should be eliminated. We must provide low cost private housing through nonprofit organizations in all parts of the metropolitan area and throughout the state. We must compel real estate agents to--

Nikole Hannah

I was reading through Romney's papers, and he was getting all of these letters from angry white citizens--

Nancy Updike

After the riots.

Nikole Hannah

--after the riots, who were on the one hand commending him for his law and order approach-- they called in the National Guard, there were actually, again, army combat troops were brought to quell it-- and they really were applauding him for his use of force in quelling the riots. Some of them wanting him to go even further, some of the letters being very openly racist, and his response to them I found to be remarkable. Most politicians, I think, would've played into that for popularity.

Nancy Updike

Thank you for your support.

Nikole Hannah

Exactly. I'll do it again if I have to. But his answer to them was, yes, I had to, we will not accept lawlessness, but at the same time we can't just look away from what's caused this. And he believed that housing segregation and the conditions created by the ghetto were what led to the riots, and that it was his duty to address those. And--

Nancy Updike

He wrote--

Nikole Hannah

He wrote that in letters, over and over.

Nancy Updike

George Romney was way out ahead of the federal government here. The Fair Housing Act had failed to pass Congress in 1966, failed again in 1967, even though it was gaining votes. In 1968, the Kerner Commission report came out, but still the bill was expected to fail a third time, until Reverend Martin Luther King was assassinated. A week later, the Fair Housing Act passed, and the fight to implement it began.

Ira Glass

Nancy Updike. Coming up, George Romney versus the President of the United States. That's in a minute, from Chicago Public Radio and Public Radio International, when our program continues.

Act Two. The Missionary.

Ira Glass

It's *This American Life,* I'm Ira Glass. Today's program, House Rules. If neighborhood is destiny, or something like that, how we have ended up in the neighborhoods that we're in. We're devoting our whole show today to the story of the law that ordered the federal government to proactively integrate housing in this country, and what happened after it was passed.

Nancy Updike tells our story this hour. A lot of that story is based on research done by Nikole Hannah-Jones, from the investigative reporting organization ProPublica. She's been researching this history for a special project on fair housing laws that's on ProPublica's homepage right now.

We have arrived at Act Two of our program. Act Two, The Missionary. So Nancy now picks up our story where we left off, 1968, when the Fair Housing Act was signed into law.

Nancy Updike

The next president after the Fair Housing Act passed was Richard Nixon, and to head the department that was going to oversee the new law he appointed George Romney, former governor of Michigan, former businessman, recent author of a book called *The Concerns of a Citizen*. In the book, there's a speech he gave that starts, "I have just returned from a tour across America. It was the kind of tour that few Americans have taken and few would care to take. I saw the America of ugly streets and rotten buildings. The America of congestion, illiteracy, and want. The America of shattered expectations and rising fury." He gave that speech months before the Kerner Commission report came out.

Nikole Hannah

George Romney was of the Republican Party's more liberal Northern wing.

Nancy Updike

Again, this is Nikole Hannah-Jones, the reporter from ProPublica.

Nikole Hannah

And he actually ran against Nixon in the presidential election, and part of his undoing was his outspokenness on the issue of race. He actually said that the white suburbs had created a noose around the black inner cities, which is pretty strong language evoking lynching, but that's what he believed was happening.

Nancy Updike

Why did Nixon pick Romney to lead housing? He definitely wasn't a political soul mate. But Romney made sense. He was a high profile Republican who was credible on housing issues because of his stand in Michigan.

So Romney's new job was Secretary of HUD, the Department of Housing and Urban Development. And this was a job for a confident man, because here's HUD in 1968. It's a newly formed department-- had been created only three years before-- and it was administering programs that, until recently, had explicitly discriminated based on race, running public housing that was either only for whites or only for blacks, denying loans in integrated areas, now charged with doing the exact opposite, enforcing the brand new fair housing law. And for enforcement, Romney was left mainly with a vague section of the law that instructed HUD to--

Nikole Hannah

"Affirmatively further" the provisions of the law, so--

Nancy Updike

And those are the words in the law, "affirmatively further."

Nikole Hannah

Yes. It wasn't just that the government had to stop discriminating and enforce the law, but the law was written to say, you actually have to take proactive steps to dismantle the segregation that you helped create.

Nancy Updike

The question was how to do it. Here's how Romney went about trying to fulfill that mandate to affirmatively further fair housing.

Nikole Hannah

He realizes-- so the US Department of Housing and Urban Development was giving billions of dollars in grants for sewers and highways, and to build housing in communities all across the country, and Romney decides that that is a good choke point. That if communities are going to be taking federal dollars, particularly federal housing dollars, they better be willing to open themselves up to people of different races, particularly African Americans at that time. But he also knows that this is not something that Nixon is going to be happy with.

Nancy Updike

President Nixon was complicated on civil rights, like he was on everything. His administration worked to build up minority-owned businesses. They made efforts to desegregate schools. But when it came to housing, Nixon was

vehemently against what he called forced integration. So opposed that for a while he was bent on pushing a constitutional amendment to ban it.

Nikole Hannah

Of course, Romney would say it's voluntary integration because you don't have to take these federal dollars, and if you don't want the money, then do what you want.

Nancy Updike

We're just not going to pay for it.

Nikole Hannah

Right.

Nancy Updike

Romney had the backbone and the bullheadedness of a true believer. He thought housing segregation was a central part of, quote, "the greatest crisis in our nation's history." He didn't have the patience for building momentum or trying to sway Nixon.

So Romney's archives have all of these letters going back and forth between Romney and his advisers, and his advisers writing each other, putting together their plan to affirmatively further the Fair Housing Act.

Nikole Hannah

And they're trying to figure out, OK, how do we do this without letting Nixon know. And so they have all these strategies-- we can just tell him, but if we tell him, he'll stop it. Or we can maybe let him know a little bit. Or do we just completely launch it under the radar and then let him know at some later point.

And that's ultimately what they decide to do. They decide that they're just going to start this project called Open Communities. And they're going to launch it, they're going to start withholding money, and they're just going to hope that the federal bureaucracy will provide them cover, that Nixon won't really know what's going on until they're deeply into enforcing the law.

Nancy Updike

So under Romney, HUD started checking, were communities complying with the Fair Housing Act, and if not, withhold money. Use federal dollars as both carrot and stick.

Nikole Hannah

Really, HUD could go after almost any community at that point, right, because almost every community was discriminating in some way in the way it was dealing with housing and development dollars. In Boston, there was-- they were trying to build some government housing, and Boston was blocking that housing, so that came to HUD's attention. And HUD says, OK, you either allow this housing to go in, or we're going to-- we're not going to give you this grant. And these cities were basically building highways, they were building infrastructure, almost entirely with federal dollars in some cases, so this was a pretty big deal. And remarkably, cities started to comply when they were threatened with these federal dollars.

Nancy Updike

As Romney is moving ahead with his plan, having some initial successes, he gets a letter from Nixon's advisor John Ehrlichman, saying basically--

Nikole Hannah

Uh, we're starting to hear about some program you have, but we haven't given any clearance. And Romney just brushes it off, and he's like, oh, we're just talking about it, we're not actually really doing anything yet. Of course he was. But, you know, it's a federal bureaucracy, and HUD was just one of many agencies, so--

Nancy Updike

So he just lies.

Nikole Hannah

He-- yeah.

Nancy Updike

In order to keep moving ahead with this, and that works.

Nikole Hannah

And it works--

Nancy Updike

For a while.

Romney clearly had guile, but he couldn't keep his program secret forever. And he'd started something that couldn't last without the support of the White House. And the White House was hearing complaints about what he was doing. From Michigan, Romney's home state. Romney had tried to withhold money from a city called Warren, Michigan, because of discriminatory housing policies. Romney had had a previous run in with Warren as governor.

Nikole Hannah

Very, very segregated. When an interracial family had tried to move into a neighborhood, Romney had been forced as governor to send in the state police, because the neighbors raised such a ruckus and were threatening that family.

Nancy Updike

Warren was one of the places white Detroiters had fled to after the riots.

Nikole Hannah

So these were people who felt very raw, who had intentionally moved to this community so that they would not have to live around black people, and they were very upset.

Nancy Updike

As HUD secretary, Romney made a tentative deal with Warren officials, and that might have been the end of it, but then the case got press. The Detroit News headline was "US picks Warren as prime target in move to integrate all suburbs." Residents of Warren and other suburbs were up in arms. Warren's mayor said the town would not be, quote, "a guinea pig for integration experiments." The White House told Romney to back off and give Warren the money.

When Nixon had appointed Romney, he praised his, quote, "missionary zeal." Now Nixon and his advisers were talking in memos behind the scenes about having, quote, "a serious Romney problem." When Romney tried to pressure Atlanta, a group of Nixon's Southern supporters met with the president. They'd been key to his election.

Nikole Hannah

They tell him, you made promises to us. That's why we supported you. And now people are beginning to think of you as Mr. Integrator, which was an insult, apparently.

And they told him, we in the South are motivated by race. And these are all in meeting notes from that meeting with Nixon, and they pressured him to do something to rein Romney in. And that's when he starts to freeze Romney out of the administration.

Nancy Updike

Nixon stopped meeting with Romney. Not only were some of his supporters complaining to him, he also didn't agree with what Romney was doing. He sent an intermediary to Romney to tell him that his special skill set would now be most useful to the administration in Mexico as ambassador.

Nikole Hannah

Romney didn't want that. It's very clear from the unofficial resignation letter that Romney wrote Nixon that he knew he was being pushed out and that Nixon wanted a HUD secretary that was more to his political liking. He turned it down, and he resigned.

Nancy Updike

A new law is a battlefield. People and branches of government fight over interpretation and enforcement, and lack of precision in a law's wording can be turned to anyone's advantage. Romney had used the broadness of affirmatively furthering fair housing to push federal action. Nixon used the vagueness of those words to limit federal action.

Nikole Hannah

Nixon begins to gather his lawyers and staff to determine just how narrowly he can enforce the Fair Housing Act. And he sends out a staff to produce these memos for him. And when one of his staff members comes back and says, well, what Romney was doing was actually within the law, and I don't think we can ignore this mandate to be active in breaking down segregation, he's chastised for that, as kind of not being on board, and is told to go back in and rewrite a more narrow reading.

Nancy Updike

In a private memo to his advisers, Nixon wrote, quote, "Even if I should become convinced, and I don't think it would be possible to convince me, that forced integration of education and housing was in the best interests of blacks and not too detrimental to whites, I could not possibly support it in good conscience."

Nikole Hannah

He, I think-- it's easy to demonize him, but I think Nixon encapsulates that tension that has always been with us around issues of race in that we never put as much effort into undoing the harms as effort that we've put into creating them. And he believed that he was taking the more practical, moderate view, which is, of course legal segregation is wrong, and it's a good thing that we have gotten rid of that, but it's also wrong to disrupt people, to force upon people something that they don't want.

Nancy Updike

President Nixon elaborated on his views in that memo to his advisers Ehrlichman and Haldeman, basically a long single-spaced typed letter.

Nikole Hannah

What was most chilling about that letter to me-- and this was-- he was doing all this-- it was an eyes only memo to his two most trusted advisers, this was not something that he talked about publicly-- and what he said was, "I realize that this position will lead us to a situation in which blacks will continue to live for the most part in black neighborhoods, and where there will be predominantly black schools, and predominantly white schools."

Nancy Updike

And you're reading this from the letter.

Nikole Hannah

I'm reading directly from the letter. So he understands that what this means is that what-- the very issues that the civil rights laws were supposed to pass-- I mean address-- will go unaddressed, right. By taking this view, the schools will still be segregated and neighborhoods will still be segregated. And if you think about the way that we talk about these issues today, the argument is that yes, legal segregation was wrong, but policies that take race into account to address these issues are just as wrong.

So where has that left us? It's left us in a place where we no longer have segregation by law, but we still have segregation by fact, and this moderate view says that there's nothing we can or should do about it. And I think when you think about that logic, that's a logic that has held true really over the last 40 years.

Nancy Updike

The Fair Housing Act has been enforced unevenly by the federal government, to say the least, in the last four decades. A lot has depended on individual people or advocacy organizations bringing lawsuits under the act one at a time, or the Department of Justice bringing lawsuits. For the first 20 years of the law, HUD didn't even have the power to sue a landlord or company if HUD believed they were discriminating. HUD couldn't compel anyone to do anything. They could just mediate, like a sort of housing couples therapist.

And the part of the Fair Housing Act that was meant to address the big picture, to make sure zoning laws and local housing policies comply with the law, the mandate to affirmatively further fair housing, to actively fix the problem, that's been more or less in a coma since George Romney left, even though periodically people try to revive it by deciding on some new interpretation of what it means to affirmatively further fair housing. The Obama administration recently made a move to revive it. We'll see what happens with that.

So given this record of enforcement, where are we? Well, there's no question that black-white segregation has declined significantly overall in the United States. Specifically, some African Americans have left the highly segregated cities of the Northeast and the Midwest and migrated to less segregated Sun Belt cities. Also, relatively small numbers of African Americans who can afford it have moved into formerly all white or mostly white communities. What's left behind are concentrated areas that are usually poor and mostly African-American.

But that can make it seem like segregation now is all about poverty rather than race, and it's not. The average African-American household making $75,000 a year or more, that family lives in a poorer neighborhood than the average white family making less than $40,000 a year. That is, a black family making twice as much money as a white family probably still lives in a poorer neighborhood. That's according to a study from Brown University. Racial segregation and not just people's income is key to understanding where people live and why, though I'm not sure we're facing the reality of that today.

L.b.

It's always a shock, you know.

Nancy Updike

This is L.B. again, the housing tester for the Fair Housing Justice Center who kept telling the super that his wife really liked the building.

L.b.

Especially, you know, it's 2013 now, and I could see that happening years and years and years ago, but it's still going on, and that's unfortunate.

Nancy Updike

You've lived in New York since the '70s. I mean, had you encountered discrimination just on your own, looking for apartments?

L.b.

Not so much looking for apartments on my own, but in other areas of my life I've encountered that, but not so much looking for an apartment. At least not that I was aware of. You know, I've been told that things weren't available, but I just assumed that they weren't available.

Nancy Updike

The point of the Fair Housing Act is not that every black person in America has to have a white neighbor, and anything short of that means they're being discriminated against, but look at where we are 45 years later. Some states have no housing testers at all. They're basically on the honor system. In the places that do have it, most of the testing is done not by the government, but by advocacy organizations like the one L.B. works for. Which for New York City means its 8.3 million people are relying for most of their testing for compliance with the Fair Housing Act on a nonprofit organization and a group of actors hired part-time.

Ira Glass

Nancy Updike is one of the producers of our program. Nikole Hannah-Jones' investigative series on the history and enforcement of the fair housing laws is at ProPublica's website, propublica.org.

Credits.

Ira Glass

Our program was produced today by our senior producer Julie Snyder, with Alex Blumberg, Ben Calhoun, Sarah Koenig, Miki Meek, Jonathan Menjivar, Brian Reed, Robyn Semien, Alissa Shipp, and Nancy Updike. Production help from Dana Chivvis. Seth Lind is our operations director. Emily Condon's our production manager. Elise Bergerson's our administrative assistant. Adrianne Mathiowetz runs our website. Research help from Michelle Harris and Julie Beer. Music help from Damien Graef and Rob Geddis.

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Our website, thisamericanlife.org. *This American Life* is distributed by Public Radio International. Thanks as always to Torey Malatia-- you know, *This American Life* was on the air for like, I don't know, eight months, something like that, when one day, as the guy running our home station WBEZ, Torey gave me a phone call.

Nikole Hannah

Um, we're starting to hear about some program you have, but we haven't given any clearance.

Ira Glass

I'm Ira Glass. Back next week with more stories of *This American Life.*

Announcer

PRI, Public Radio International.