

# The Color of Law

*A Forgotten History of  
How Our Government  
Segregated America*

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# Definitions of Terms

# DEFINITIONS

## Race

A **historically provisional** social **construct** or characterization that categorizes people based on physical characteristics such as skin color, bone structure, hair type, or eye color.



# DEFINITIONS

## **Power**

The ability to do

## **Advantage**

Superior or favorable position – a leg up

## **Prejudice**

A preformed opinion based on insufficient knowledge or inaccurate stereotypes

## **Oppression**

Control or domination – pushing down

# DEFINITIONS

## **Social/Institutional Power**

The ability with authority to decide what others can or must do

## **System**

A combination of parts working together as a way of doing things; an interconnecting network; a complex whole

## **White Supremacy**

The belief that White people are superior to people of all other races and are rightly the dominant racial group

# What is Racism?

We think it is individual acts of hatred...



# What is Racism?

When, in fact, Racism **is a system.**

**Racism =**

A system combining racial prejudice with social and institutional power

**Racism =**

A system of racial oppression used as a tactic to achieve relative racial advantage

**Racism =**

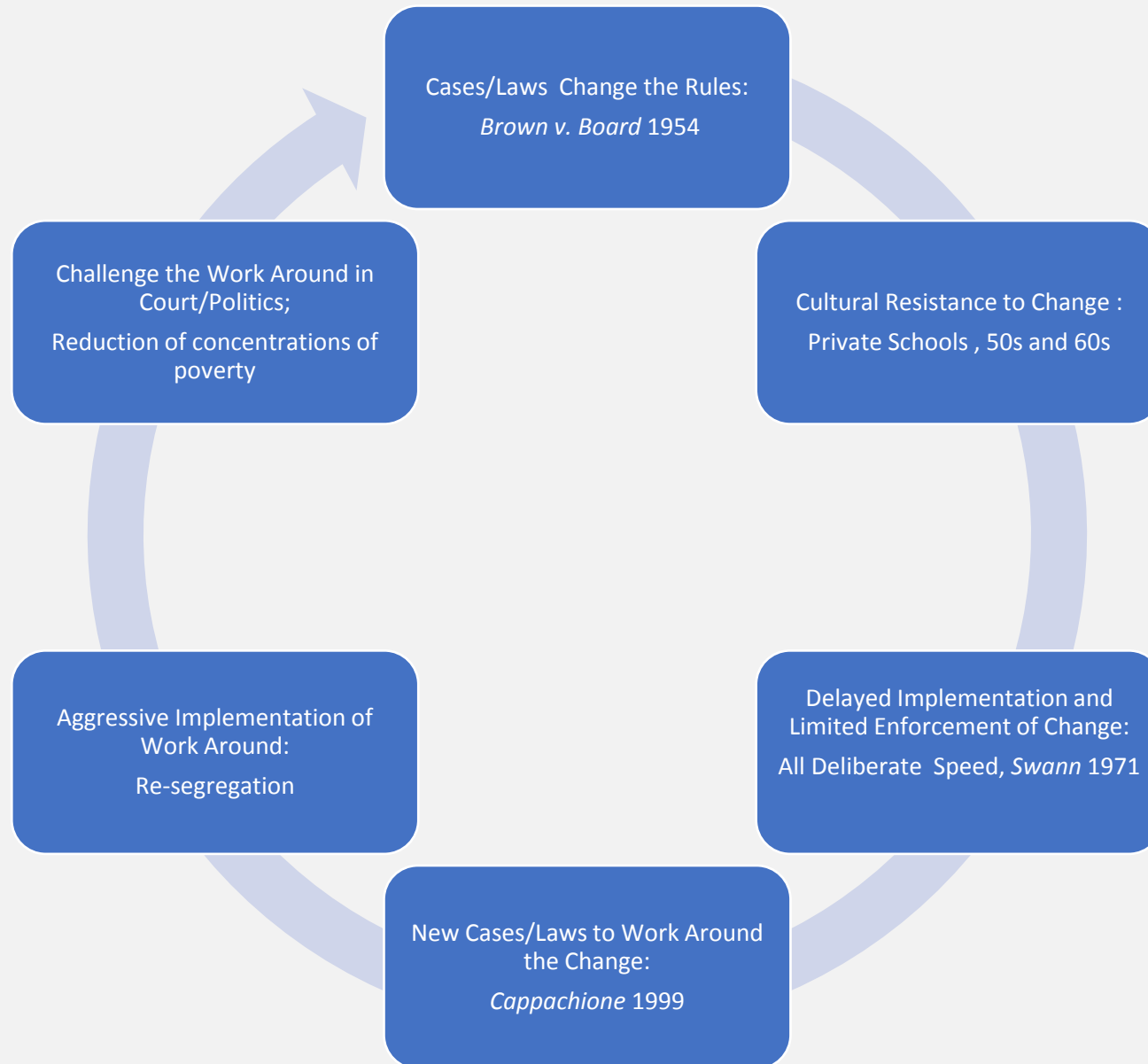
A White supremacy system

Racism **is NOT**

Individual acts of hatred



# The Cycle of Structural Racism and Segregation



**Racism continuously evolves** to meet the demands of the time – to circumvent the most recent limitations imposed.

# Racial Rules Change When the Civil War Ends

Civil Rights Act (1875)  
Equal Rights for Black Citizens



The Civil War Amendments (13, 14, 15) and the Civil Rights Act of 1875 righted the racial wrong of slavery by legislation. During the Reconstruction Period Black people began to be elected to office. Between 1868 and 1901, 97 Black Republican state legislators and twenty-seven Black United States congressmen served North Carolina.

Post Civil War Reconstruction  
1865 - 1877

NC  
"Fusion"  
1894-1900

World War 1  
1914 - 1918

Great Depression  
1929 - 1939

World War II  
1939 - 1945

Post War  
1945 - 1960

Vietnam War  
1955 - 1975

13<sup>th</sup> Amendment (1865) Abolished involuntary servitude, except for crime  
14<sup>th</sup> Amendment (1868) Birthright citizenship, whole-person apportionment  
15<sup>th</sup> Amendment (1870) All citizens vote regardless of "race, color, or previous condition of servitude"

# Remaking Racism After the Civil War

Jim Crow laws remake racism to limit the rights of Black people under the Civil War Amendments. States adopt “Black Codes” and use convict leasing to take advantage of the 13<sup>th</sup> Amendment involuntary servitude exception for crime. Citizenship under the 14<sup>th</sup> Amendment is limited by application of naturalization acts. States adopt poll taxes and literacy tests to limit voting rights under the 15<sup>th</sup> Amendment. Various forms continue until the Civil Rights Act (1964), the 24<sup>th</sup> Amendment and the Voting Rights Act (1965).

Jim Crow Laws (1889-1910)  
Poll Taxes  
Literacy Tests  
Grandfather Laws  
Vagrancy Laws

Post Civil War Reconstruction  
1865 - 1877

Jim Crow Laws  
1889 - 1910

World War I  
1914 - 1918

Period of Jim Crow Laws  
1889 - 1964

Great Depression  
1929 - 1933

World War II  
1939 - 1945

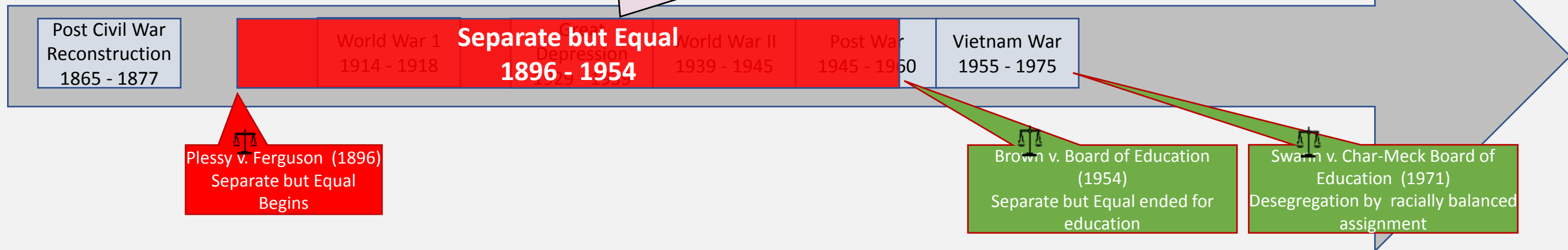
Post War  
1945 - 1960

Vietnam War  
1955 - 1975

24<sup>th</sup> Amendment (1964) Eliminates Poll Tax

# Separate but Equal

A core concept of Jim Crow in America's post-Civil War law, society, culture, and economy and was public and private segregation under the doctrine of "separate but equal" established by the Supreme Court in *Plessy v. Ferguson* (1896). The doctrine remained in place until *Brown v. Board of Education* (1954) required schools to be desegregated "with all deliberate speed." In Charlotte, as in many communities, desegregation did not occur until ordered by the courts (*Swann v. Charlotte-Mecklenburg Board of Education*, 1971).



# Housing Segregation

When *Buchanan v. Warley* (1917) outlawed racial zoning, housing segregation was remade with redlining and racial restrictive covenants. HOLC and FHA limited the availability of long-term, low-interest mortgage financing to Black property owners with maps “redlining” Black neighborhoods as high-risk. Whites-only racial restrictive covenants were a criterion for neighborhoods to avoid redlining. The GI Bill and the Veterans Administration used the same criteria for loans to veterans. *Shelley v. Kraemer* (1948) ruled racial restrictive covenants unenforceable, but FHA and VA continued to require them until the Fair Housing Act of 1968.

**NEW DEAL (1933-1939)**  
 Farm Credit Administration (1933)  
 Limited access for Black farmers  
 Home Owners Loan Corp./Fed Housing Admin. (1934)  
 Redlining and restrictive covenants exclude Black neighborhoods from mortgage financing  
 Soc. Sec. Act (1935) and Fair Labor Stand. Act (1938)  
 Exclude fields predominated by Black workers

**GI Bill (1944)**  
 Veteran Loan Guarantee  
 Education and Housing  
 Black Veterans Excluded

**Redlining & Restrictive Covenants**  
 1920 - 1949

**Buchanan v. Warley (1917)**  
 Banned Racial Zoning

**Shelley v. Kraemer (1948)**  
 Racial Restrictive Covenants Unenforceable

Post Civil War Reconstruction  
 1865 - 1877

World War I  
 1914 - 1918

Post World War II  
 1945 - 1968

# Civil Rights Movement

During the Civil Rights Movement (1954 – 1968) court decisions and legislation changed the rules again to establish greater racial equity, supporting housing, employment, voting, and other rights. Racism has continued to evolve to limit the rights of Black citizens. Examples include voting district gerrymandering and voter ID laws.

Civil Rights Act (1964)  
End “separate but equal” everywhere  
End racial employment discrimination

Voting Rights Act (1965)  
End racial voting discrimination

Fair Housing Act (1968)  
End racial housing exclusion

Post Civil War  
Reconstruction  
1865 - 1877


World War 1  
1914 - 1918

Great  
Depression  
1929 - 1939

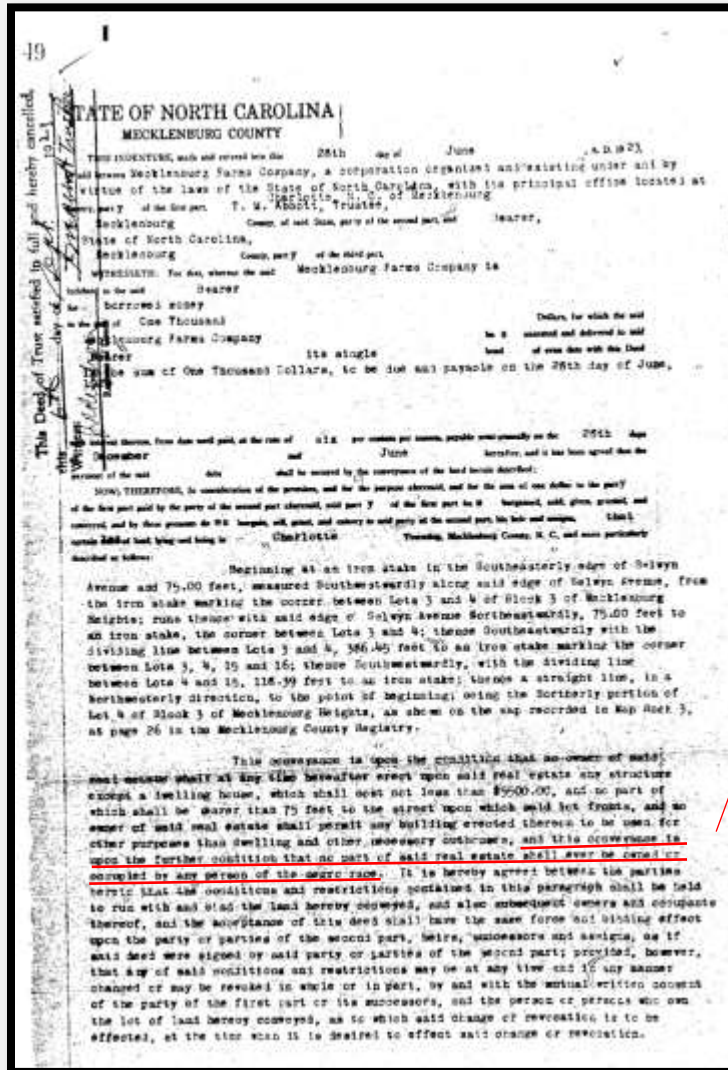
World War II  
1939 - 1945

Post War  
1945 - 1960

Vietnam War  
1955 - 1975

  
Jones v. Alfred H. Mayer Co.  
(1968)  
Bars Racial Discrimination in Housing

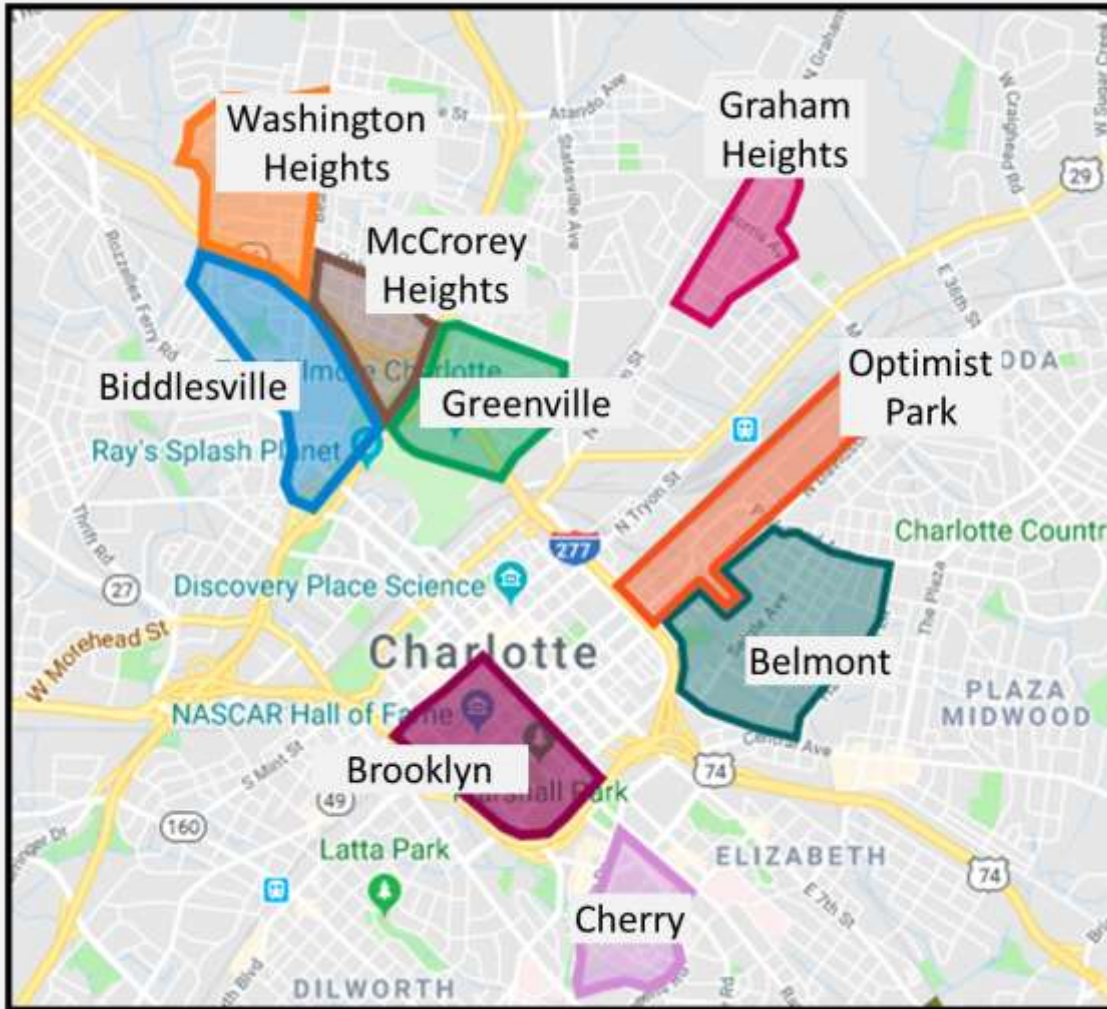
# Charlotte Examples: Myers Park Deed Restriction



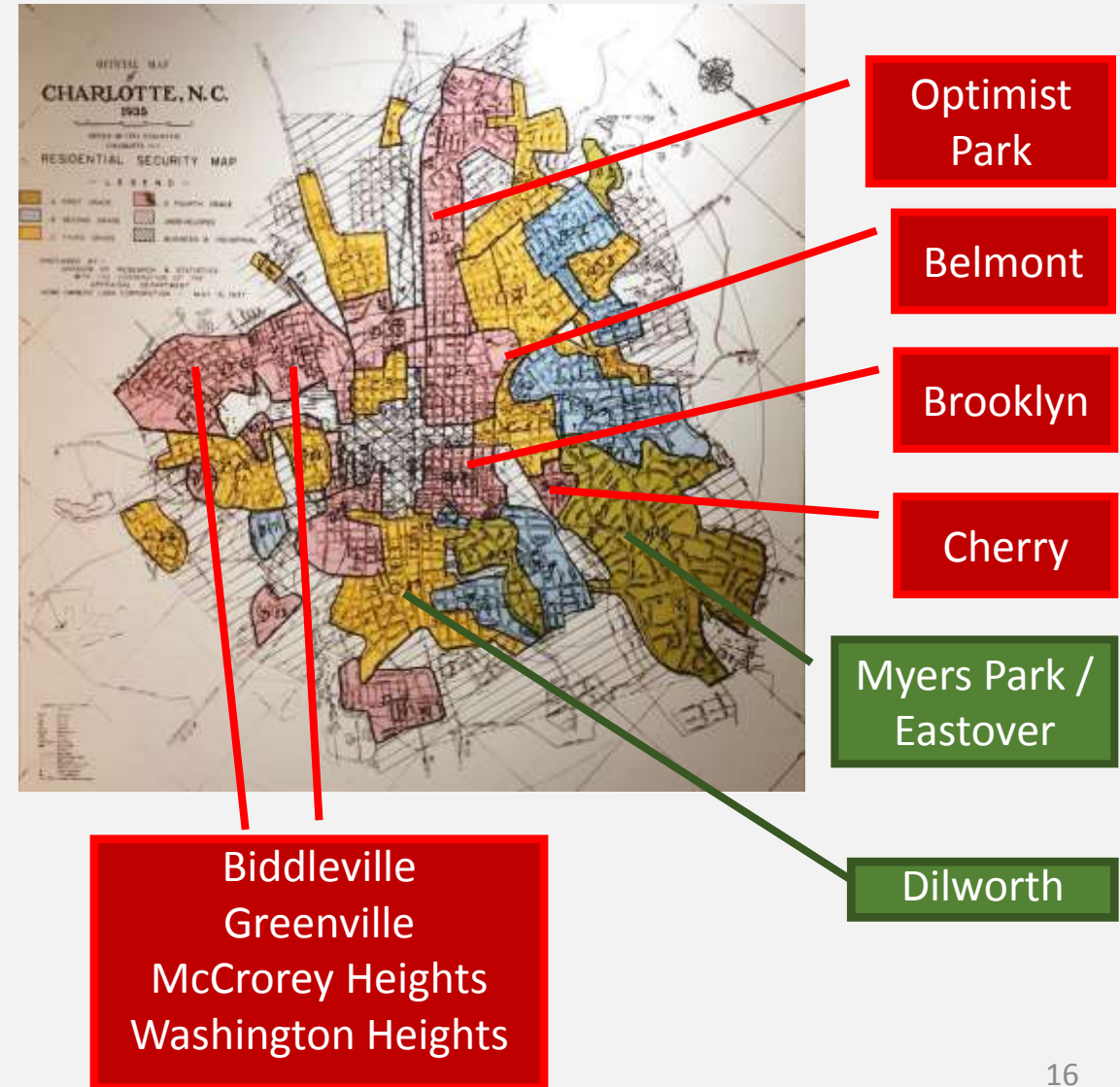
“...and this conveyance is upon the further condition that no part of said real estate shall ever be owned or occupied by any person of the **negro race.**”

# Charlotte Examples: Discriminatory Lending Risk (Redlining)

Charlotte Historical Black Neighborhoods



Charlotte Redlining Map 1935

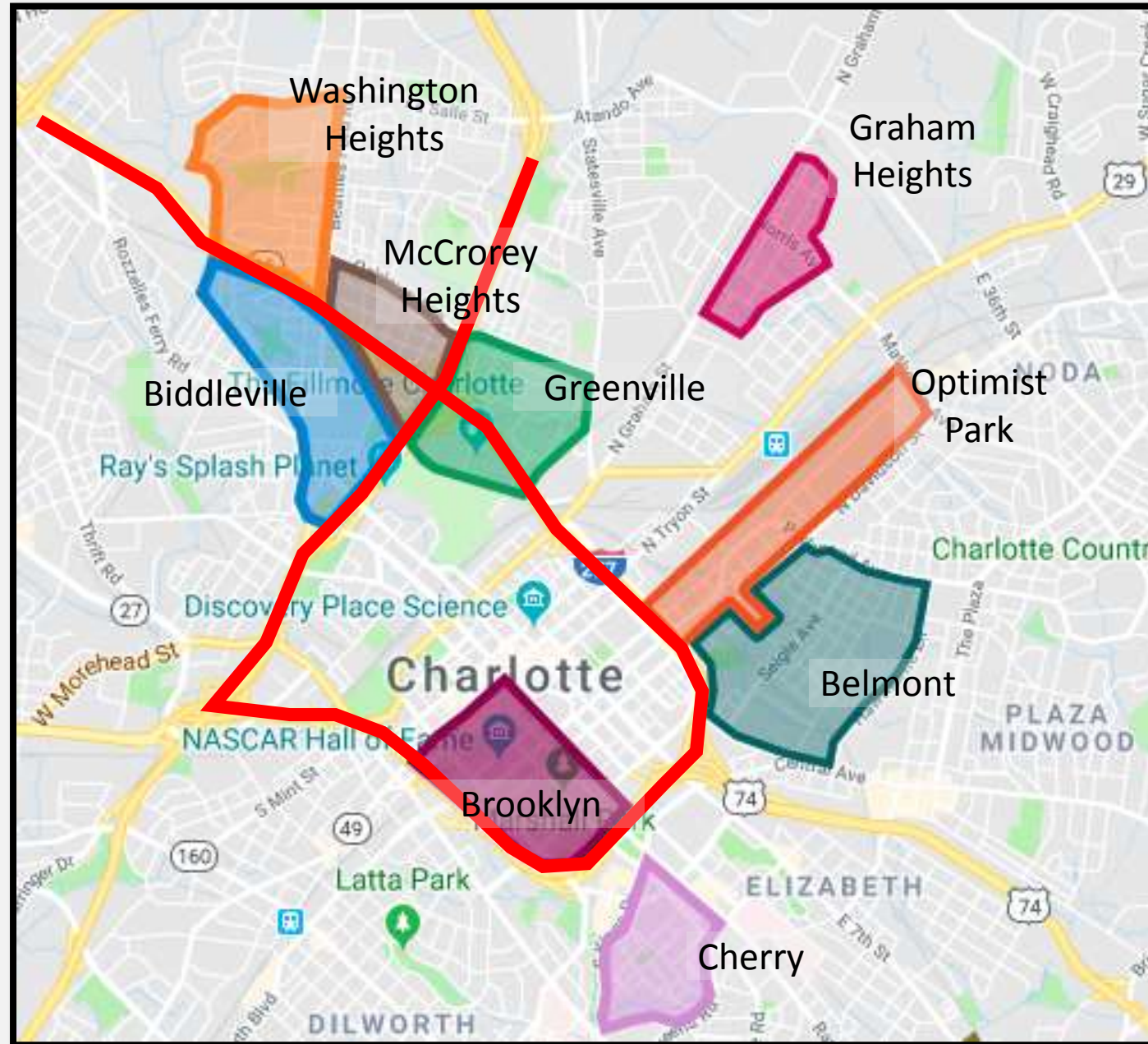




# Charlotte Examples: 1960's Interstate Alignment and Historical Black Neighborhoods



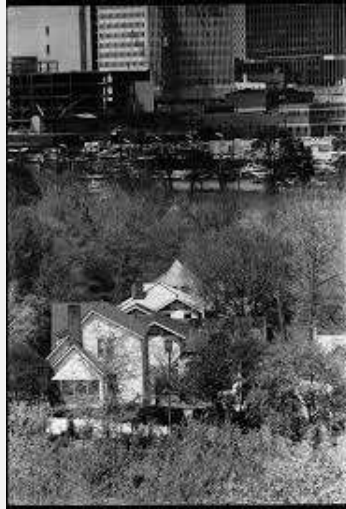
1960 Transportation Plan  
I-85  
I-77  
I-277  
Brookshire Freeway  
Independence Blvd



Isolating Black neighborhoods by design

# Charlotte Examples: Brooklyn Neighborhood Before Urban Renewal

Urban "slums"?



# Brooklyn

## Before and After Urban Renewal



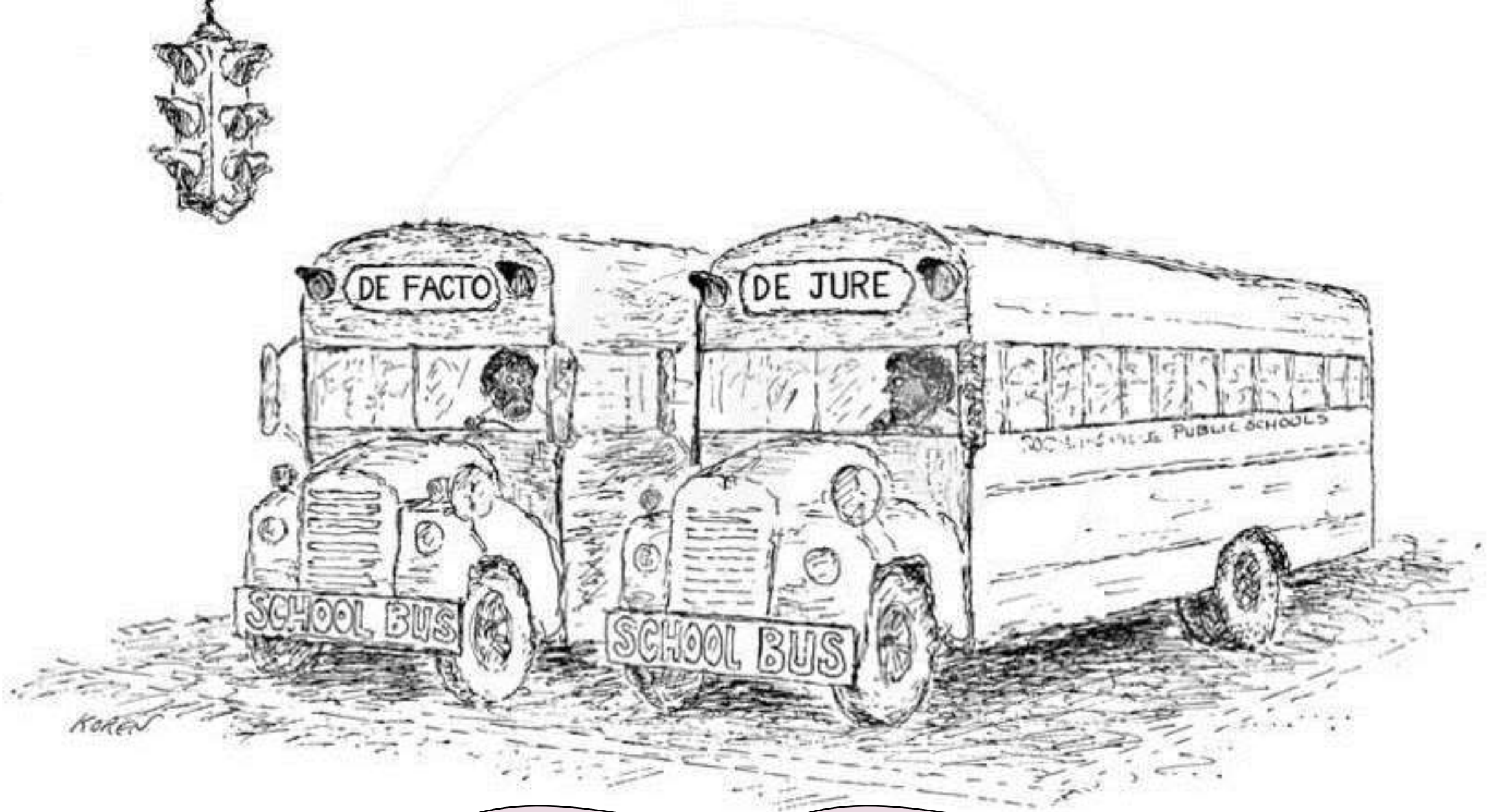
Between 1960 and 1967 Sawyer's Redevelopment Commission razed the area in five stages, displacing **1007 families and 216 businesses** from a 213 acre tract.<sup>31</sup> Over the next decade, the cleared land became the site of Charlotte's glistening Government Plaza, with the remainder being sold at reduced rates to private investors primarily for office development. **Not a single new residential unit was built to replace the 1480 structures demolished.** (*Charlotte Observer 1960's*)



Brooklyn  
Boundaries

# Data of Racism and White Advantage

- Impact of redlining and racial restrictive covenants through New Deal & GI Bill:
  - By 1962 98% of \$120 billion of HOLC and FHA loans go to White homeowners
  - All but 100 out of first 67,000 Loans were to White veterans
- Impact of Farm Credit Administration: In 1920, one of out seven US farms was operated by Black people; by 1992, Black people operated one out of 100 farms
- Impact of end of school desegregation: Under *Swann v. Charlotte-Mecklenburg* 1971 (first legally-compliant desegregation plan approved in 1974, 20 years after *Brown*; desegregation order ended in *Cappachione* 1999) only 12 of 140 schools were high-poverty, high-minority by 2002, when the first post-*Swann* assignment plan took effect based on neighborhood location, but by 2017, 73 of 180 schools were high-poverty high-minority, with school populations both driven by and affecting home values and access to housing.
- Impact of Great Recession: Banks foreclosed disproportionately on Black borrowers, increasing the racial wealth gap by 2016 to 9.7 times -- \$171,000 median White wealth vs. \$17,600 median Black wealth.



The Distinction Between **“De Jure”** and **“De Facto”** segregation is a myth: Governmental action powers it all.