Apartheid in America: Residential Segregation and the Color-Line in the Twenty-First Century

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I. INTRODUCTION

In a recent public opinion survey conducted in the San Francisco Bay area, white respondents were asked the following question regarding the issue of racial discrimination in the sale of housing:1

Suppose there were a community-wide election on general housing law and that you had to choose between two possible laws. One law says that homeowners can decide for themselves who to sell their houses to, even if they prefer not to sell to blacks. The second law says that homeowners are not allowed to refuse to sell to someone because of race or color. Which law would you vote for? That homeowners can decide for themselves who to sell to, or that homeowners can NOT refuse to sell to someone because of race or color?2

The political scientists who administered the survey, Paul Sniderman and Thomas Piazza, found that 75% of white respondents supported the law prohibiting discrimination in the sale of housing.3 The researchers also found that when the respondents who initially favored the fair housing law were asked whether they would support the law if it required enforcement by a new government agency, 83% still favored the anti-discrimination law.4 On the other hand, when respondents who initially opposed the anti-discrimination law were asked if they would change their minds if they knew that blacks would be denied access to good neighborhoods, the researchers found that almost half of the respondents changed their

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* Executive Editor, Boston College Third World Law Journal.
1 Paul M. Sniderman & Thomas Piazza, The Scar of Race 121–22 (1993). Sniderman and Piazza, two University of California at Berkeley political scientists, conducted several national and regional public opinion surveys on the issue of race, and their findings and analyses are presented in their book.
2 Id.
3 Id. at 124.
4 Id. at 148.
minds and decided to support the anti-discrimination law.\textsuperscript{5} Thus, Sniderman and Piazza conclude that their findings show that whites are generally open on issues of race, and that they can be convinced through sound argument to support policies aimed at eliminating discrimination against blacks.\textsuperscript{6} They note that even in the case of anti-discrimination in housing, "whites on the unpopular, not the popular, side of the issue are more pliable. . . ."\textsuperscript{7}

In their study they generally found that certain issues, such as affirmative action, evoked visceral, negative reactions among whites, while on most other issues, such as social welfare policies, whites who initially may have been against such a policy may be convinced to support it.\textsuperscript{8} The authors conclude that although "it has been long assumed that whites are dug in on racial issues, . . . [i]n fact, large numbers of whites can be dislodged from the positions they have taken on many issues of race by calling their attention to countervailing considerations."\textsuperscript{9}

However, the question about discrimination in the sale of housing, upon closer scrutiny, would suggest that this nation has not come very far in achieving racial equality. Why is the question about discrimination in the sale of housing even being asked in the 1990s? Why would a homeowner care about the race or color of the person or family buying her house? To analogize to employment discrimination, it would be akin to asking if a white employer can refuse to hire a person solely because she is black. Sniderman and Piazza did not ask that question, probably because they feel that there is general public consensus that blacks should not be denied jobs solely because of their race.\textsuperscript{10} In the area of housing, however, that public consensus does not exist. Assuming that the buyer has received a mortgage loan, the race of the homebuyer should have no bearing on the decision of the rational

\textsuperscript{5} Id.
\textsuperscript{6} Id. at 165.
\textsuperscript{7} Id. at 149 (italics in original).
\textsuperscript{8} Id. at 177 ("Affirmative action—defined to mean preferential treatment—has become the chief item on the race-conscious agenda. It produces resentment and disaffection not because it assists blacks . . . but because it is judged to be unfair").
\textsuperscript{9} Id. at 178.
\textsuperscript{10} See id. at 176 ("Although [the American Creed] never speaks with only one voice, the Creed has offered onesided support in favor of the principle of equal treatment . . ."). In fact, people who oppose affirmative action oppose it precisely because it seems to discriminate on the basis of race. Sniderman and Piazza's research suggests that many Americans are troubled by affirmative action because "it is judged to be unfair." Id. at 177. But see Samuel L. Gaertner & John F. Dovidio, \textit{The Aversive Form of Racism, in Prejudice, Discrimination, and Racism} 74–76 (John F. Dovidio & Samuel L. Gaertner eds., 1986) (describing studies which suggest whites may oppose affirmative action because they are ambivalent about being in situations where blacks, "qualified" or not, are in superior positions).
homeowner to sell her home. Thus, it seems puzzling for the authors to congratulate San Francisco whites for supporting the fair housing law, a position which the authors deem to be the generally unpopular position.\textsuperscript{11}

Their answer begs the question, unpopular for whom? The selling homeowner should, rationally, have no concern about the race of the homebuyer, since by selling the house, she is being relieved of all legal and financial ties and burdens. But it seems clear who does care: the neighbors in the community—specifically, the white neighbors who are very anxious when black people move into "their" neighborhoods. The question did not merely ask whether one may discriminate on the basis of race in the sale of homes. It did not ask whether one may discriminate against Asian Americans, Latinos, and African Americans. Rather, it specifically asked whether homeowners have the right to refuse to sell their homes because "they prefer not to sell to blacks."\textsuperscript{12} The question suggests that there is still something about having black neighbors that makes whites uneasy. The question raises as a live and debatable issue the holding of \textit{Shelley v. Kraemer}, in which the Supreme Court ruled that racially restrictive covenants were unenforceable under the Equal Protection Clause.\textsuperscript{13} If we are still debating whether a person, specifically a black person, may be denied the right to buy a home solely because of her race, how far can we say this nation has come in creating a society in which people are judged by the content of their character and not by the color of their skin?

Not very far, according to sociologists Douglas Massey and Nancy Denton. In their book, \textit{American Apartheid: Segregation and the Making of the Underclass}, Massey and Denton present a compelling thesis: "[r]esidential segregation is the principal organizational feature of American society that is responsible for the creation of the urban underclass."\textsuperscript{14} They show that from the early twentieth century through the 1990s, blacks have been confined to the inner-city ghetto, trapped in urban environments where intense poverty and crime are a part of everyday existence.\textsuperscript{15} Based on their findings, Massey and Denton conclude that residential segregation "systematically undermines the social and economic well-being of blacks in the United States."\textsuperscript{16}

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\item SNIDERMAN & PIAZZA, \textit{supra} note 1, at 149.
\item Id. at 122 (italics added).
\item 334 U.S. 1 (1948).
\item See generally \textit{id.} at 17-147.
\item Id. at 2.
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This Book Comment will use Massey and Denton's work as the basis for analyzing the debate over the meaning of race and racial equality in the 1990s. Section II will summarize the historical construction of residential segregation from 1910 to 1980. Through violence, racially restrictive covenants, racist real estate practices, government subsidized suburbanization of white middle-class families, and urban renewal programs, urban blacks have become increasingly segregated, isolated, and concentrated within the urban core. Section III will discuss the impact that residential segregation has had on twentieth century American society. Part A will first paint a statistical picture of residential segregation; Part B will then argue that residential segregation persisted from the 1960s to the present because the Civil Rights Movement failed to directly attack the structures that reinforce American apartheid. Part C will examine, in light of Massey and Denton's findings, the debate between racial integration and racial separatism and argue that integration is necessary to strengthen black communities.

Section IV will explore the future of segregation as this nation enters the twenty-first century. Part A will argue that global economic restructuring may only strengthen the residential color line, as the economic elites in America increasingly become irresponsible global citizens with little attachment to the concept and responsibilities of American citizenship. Part B will discuss the implications of the color line for legal strategies and political discourse in the 1990s. Section V will then conclude with a discussion on the changing face of poverty in America and on the possibilities for building global coalitions to dismantle the color line in America.

II. The Construction of the Color-Line in the Twentieth Century

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.

Kerner Commission Report, 1968

17 See generally id. at 17–147.
18 REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS 2 (1968).
In their introduction, Massey and Denton acknowledge that residential segregation has become "the forgotten factor in American race relations," and that many white Americans believe that segregated neighborhoods are a natural aspect of American society. Massey and Denton's book, however, refutes the myth that residential segregation is a "natural" outcome of voluntary choices made by blacks. The authors devote several chapters of their book to showing that residential segregation exists today not because of black preference for separation, but primarily because of longstanding white desire to live in racially homogeneous neighborhoods.


Massey and Denton show that in northern cities, blacks and whites generally lived in close proximity to one another prior to World War I. Racial segregation began to intensify, however, as a result of the first Great Black Migration from the South. From 1910–1930, over 1.4 million blacks migrated from the South to the North in search of economic opportunity. The influx of blacks into the cities was not welcomed by whites. Massey and Denton note that middle-class whites became "repelled by what they saw as the uncouth manners, unclean habits, slothful appearance, and illicit behavior of poorly educated, poverty-stricken migrants who had only recently been sharecroppers. . . ." Working-class whites resented the presence of black migrants as well, fearing economic competition from blacks. Industrialists exacerbated racial tensions by using blacks as strikebreakers against the white unions.

As the color line in the cities began to solidify, northern whites used a variety of measures to maintain and reinforce segregation. First, through the use of violence, whites forced blacks of every socioeconomic status to live in explicitly designated "black" neighborhoods—areas labeled "darkytowns," "Bronzevilles," and "Niggertowns." Blacks rarely ventured from their "black" neighborhoods, and those who

19 Massey & Denton, supra note 14, at 4.
20 Id. at 9–10.
21 See id. at 17–114.
22 See id. at 19–24.
23 See id. at 26–42.
24 Id. at 28–29.
25 Id. at 29.
26 Id.
27 Id. at 28.
28 Id. at 30.
happened to be caught in "white" neighborhoods were lynched and murdered.\textsuperscript{29} From general communal acts of violence, whites moved to the use of "targeted" violent acts such as mob intimidations, cross burnings, and bombings to drive blacks out of their neighborhoods.\textsuperscript{30} In Chicago, whites firebombed fifty-eight black homes from 1917 to 1921.\textsuperscript{31} Between 1908 and 1920, major race riots broke out in New York City, Evansville, Indiana, and in Chicago, Springfield, and East St. Louis, Illinois.\textsuperscript{32}

As violence became an increasingly crude method of enforcing the color-line, whites turned to more "civil" and institutionalized means.\textsuperscript{33} They began to use racially restrictive covenants and to form residential associations, in order to ensure the racial homogeneity of their neighborhoods.\textsuperscript{34}


Although residential segregation has its roots in early twentieth century America, Massey and Denton show that walls of the ghettos became strengthened in the years following World War II.\textsuperscript{35} Before the 1940s, residential segregation had been enforced through private means, primarily through the use of violence and racially restrictive covenants. During the 1930s, however, the federal government first began to take an active role in forming and solidifying the color line in America’s metropolitan areas.\textsuperscript{36}

In 1933, the Roosevelt Administration instituted the Home Owner’s Loan Corporation (HOLC), a federal entity designed to increase home ownership among American families.\textsuperscript{37} However, the HOLC initiated and institutionalized the practice of redlining, which had the effect of

\textsuperscript{29}Id.
\textsuperscript{30}Id. at 34–35.
\textsuperscript{31}Id. at 35.
\textsuperscript{32}Id. at 30.
\textsuperscript{33}Id. at 35.
\textsuperscript{34}Id. at 35–36. Massey and Denton describe the segregation-reinforcing function of neighborhood organizations:

A typical organizational solution to the threat of black residential expansion was the formation of neighborhood ‘improvement associations.’ Although ostensibly chartered for the purpose of promoting neighborhood security and property values, their principal raison d’être was the prevention of black entry and the maintenance of the color line.

\textsuperscript{35}Id. at 35.
\textsuperscript{36}Id. at 42.
\textsuperscript{37}Id. at 51–53.
increasing home ownership only among white families.\textsuperscript{38} The practice of redlining developed from a rating system devised to evaluate the risks of making loans in urban neighborhoods.\textsuperscript{39} A neighborhood that was redlined was ranked lowest in terms of quality and stability, and homeowners seeking loans in such a neighborhood virtually never received them.\textsuperscript{40} Unfortunately, the HOLC redlined all neighborhoods with even a few black residents.\textsuperscript{41}

Moreover, concerned with "the rapidly increasing Negro population," and the "problem in the maintenance of real estate values," the HOLC not only denied mortgage funds to established black neighborhoods, but also denied funding to neighborhoods where there was a possibility of attracting black residents in the future.\textsuperscript{42} Thus, the HOLC designated ethnically mixed and working-class neighborhoods, in particular those located next to black settlements, within the second lowest category of neighborhood quality, because they were "within such a low price or rent range as to attract an undesirable element."\textsuperscript{43} Very few of these neighborhoods received federally subsidized mortgage loans.\textsuperscript{44}

Although the direct impact of discriminatory HOLC lending practices was significant, Massey and Denton note that the HOLC's racist neighborhood rating system had an even greater indirect impact by serving as a model for other private and public credit institutions.\textsuperscript{45} During the 1930s and 1940s, private lending institutions followed the redlining practices of the HOLC, systematically denying black and other non-white families the ability to purchase homes.\textsuperscript{46}

According to Massey and Denton, however, the greatest effect of the HOLC neighborhood rating system has been to influence the underwriting practices of the Federal Housing Administration (FHA) and Veterans' Administration (VA).\textsuperscript{47} The FHA has been extremely influential in helping to shape and form modern American society. As historian Kenneth Jackson asserts, "[n]o agency of the United States Government has had a more pervasive and powerful impact on the

\textsuperscript{38} Id.
\textsuperscript{39} Id.
\textsuperscript{40} Id. at 52.
\textsuperscript{41} Id.
\textsuperscript{42} Id. at 51–52.
\textsuperscript{43} Id. at 52.
\textsuperscript{44} Id. at 51.
\textsuperscript{45} See id. at 52.
\textsuperscript{46} Id.
\textsuperscript{47} Id.
American people over the past half-century than the Federal Housing Administration.”

The Roosevelt Administration created the FHA in 1934 as a program designed to insure and guarantee private-lender, long-term home mortgage loans. With the backing of the U.S. Treasury, banks had little to lose in granting low-interest loans for home sale and construction. Consequently, the FHA made an immediate impact. In 1933, prior to the creation of the FHA, there were only 93,000 housing starts. After the FHA started insuring loans, housing starts and sales rose dramatically: in 1937, there were 332,000 housing starts and sales; in 1941, there were 619,000. The pace accelerated after World War II, and by 1972, 63% of American families became homeowners, a significant rise from the 44% of Americans who owned homes in 1934. In numerical terms, the FHA had been instrumental in helping 11 million families become homeowners, and in helping 22 million families receive home improvement loans. Thus, the FHA, a government-sponsored program, was essential and necessary for millions of white Americans to realize the American dream.

The FHA and VA, because they adopted the racially discriminatory HOLC neighborhood rating system, granted very few federally insured loans to black families. Home mortgage loans were granted to families only if their homes were located in “stable” and “desirable” neighborhoods; i.e., neighborhoods comprised exclusively or almost exclusively of white families. The federal government explicitly accepted the premise that the separation of blacks and whites was necessary to ensure long-term neighborhood stability:

In evaluating neighborhoods, the agency . . . manifested an obsessive concern with the presence of what the 1939 FHA Underwriting Manual called ‘inharmonious racial or nationality groups.’ According to the manual, ‘if a neighborhood is to retain stability, it is necessary that properties shall continue to be occupied by the same social and racial classes.’

49 Id. at 204.
50 Id. at 204-06.
51 Id. at 205.
52 Id.
53 Id.
54 Id.
55 MASSEY & DENTON, supra note 14, at 51-52.
56 Id. at 54.
As a result, statistics show that between 1930 to 1970, 98% of all federally subsidized mortgages went to white families. Moreover, until as recently as 1950, two years after the Supreme Court had ruled in *Shelley v. Kraemer* that racially restrictive covenants were unconstitutional, suburban developments were able to enhance their chances for receiving FHA mortgage insurance by maintaining illegal restrictive covenants. In fact, the FHA actually encouraged and advocated the use of restrictive covenants. In essence, the federal government subsidized and facilitated the movement of whites to the suburbs, and by encouraging the use of restrictive covenants, the federal government helped to ensure that the suburbs would be the exclusive enclave of white, mainly middle-class families.

On the other side of the color line, black families in the urban centers became victims of wholesale public and private disinvestment in the cities. Following the federal government’s lead, private lending institutions reinforced segregation between the outlying suburbs and their urban centers by making easily accessible loans to primarily white suburban home owners, and by refusing to grant loans to “unstable” inner-city neighborhoods.

Conditions worsened in the central urban areas as blacks from the South undertook the Second Great Black Migration after World War II: from 1950 to 1970, almost three million blacks migrated to the North again in search of opportunity. The in-migration of blacks to the urban centers, in conjunction with federally subsidized white flight to the suburbs, created the phenomenon of the “chocolate cit[y] with vanilla suburbs.” For example, from 1950 to 1970, Chicago’s black population rose from 14% to 33%; Detroit’s black population rose from 16% to 44%. Some cities, such as Newark and Washington, D.C., transformed from predominantly white cities to predominantly black cities in the span of just two decades.

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57 GREGORY SQUIRES, CAPITAL AND COMMUNITIES IN BLACK AND WHITE 68 (1994).
58 MASSEY & DENTON, supra note 14, at 54; see supra note 13 and accompanying text.
59 MASSEY & DENTON, supra note 14, at 54.
60 Id. at 53-55; see also JACKSON, supra note 48, at 190-218 (detailing the historical role of the federal government in facilitating the out-migration of whites to the suburbs).
61 MASSEY & DENTON, supra note 14, at 55.
62 Id. at 45.
63 See id. at 61.
64 Id. at 45.
65 Id.
Thus, millions of blacks entered central cities undergoing post-industrial decline and deterioration. The increasing presence of blacks only intensified disinvestment in the cities. As Massey and Denton note, entire cities such as Camden, New Jersey were rendered ineligible for FHA insured loans because of “minority presence.” The unavailability of FHA loans had a devastating downward spiralling effect on the urban centers. Massey and Denton write:

Given the importance of the FHA in the residential housing market, such blanket redlining sent strong signals to private lending institutions, which followed suit and avoided making loans within the affected areas. The lack of loan capital flowing into minority areas made it impossible for owners to sell their homes, leading to steep declines in property values and a pattern of disrepair, deterioration, vacancy, and abandonment.

C. Urban Renewal as Negro Removal: Black Migration and Urban Gentrification

Although millions of white families migrated to the suburbs, often to escape the social problems they associated with blacks, many whites remained in the central urban areas. Massey and Denton note that “[w]hites [who were] associated with a variety of elite institutions—universities, hospitals, libraries, foundations, businesses—were often tied physically to the city by large capital investments, spatially immobile facilities, and long standing traditions.” These whites, alarmed at the deterioration and changing racial composition of the city, turned to the federal government and received federal relief in the form of urban renewal programs; these programs provided local authorities with federal funds that they could use to purchase and condemn slum properties for redevelopment purposes.

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66 See id. at 44-45.
67 Id. at 45-46, 54-55. Massey and Denton write, “The combination of rapid white suburbanization and extensive black in-migration led to an unprecedented increase in the physical size of the ghetto in the 1950s and 1960s.” Id. at 45. Federal housing and highway policies exacerbated conditions in the cities at the same time they facilitated and subsidized white suburbanization. Id. at 54-55.
68 Id. at 55.
69 Id.
70 See id.
71 Id. at 55.
72 Id.
In theory, urban renewal was a program intended to revitalize the city for both blacks and whites. In reality, urban renewal became known as "Negro removal," since the programs only intensified the segregation and isolation of inner-city blacks. The slum properties chosen for redevelopment were primarily in poor black neighborhoods. To qualify for federal urban renewal funding, local housing authorities were required to guarantee replacement housing for displaced families. However, urban renewal programs failed to provide affordable replacement homes. Instead of providing displaced families with suitable and affordable replacement housing, local housing authorities turned primarily to public housing as a way of providing shelter for displaced African-American families.

The local housing authorities had difficulty in finding suitable locations for public housing projects. White politicians and citizens vigorously opposed any public housing located in or near their neighborhoods, and they successfully blocked such plans. As a result, local housing authorities had little choice but to locate public housing projects near or within existing poor black neighborhoods. Massey and Denton conclude that urban renewal programs exacerbated the conditions of residential segregation because they "frequently only shifted the problems of blight, crime, and instability from areas adjacent to elite white neighborhoods to locations deeper inside the black ghetto."

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73 See HILLEL LEVINE & LAWRENCE HARMON, THE DEATH OF AN AMERICAN JEWISH COMMUNITY: A TRAGEDY OF GOOD INTENTIONS (1992) (detailing the way in which urban renewal and development efforts ended up segregating blacks in Boston).
74 MASSEY & DENTON, supra note 14, at 56.
75 Id. at 56.
76 Id. at 55.
77 Id.
78 Id. at 56.
79 Id.
80 Id.
81 Id.; see also JACKSON, supra note 48, at 219–30. In his chapter on public housing, Jackson describes the process by which public housing became "ghettoized." JACKSON, supra note 48, at 219–30. Jackson writes that by the 1960s, "public housing came to be seen as the shelter of last resort, as a permanent home for the underclass rather than a temporary refuge for 'respectable' families." Id. at 227.

Moreover, Jackson describes how the placement of public housing contributed and helped to instigate white flight to the suburbs. In Brooklyn during the 1950s, the local housing authority condemned slums in the Brownsville district to make room for public housing. Id. The condemnation of the Brownsville slums, however, forced the displacement of thousands of families who were living in the district. These displaced families were forced to find new housing, and many moved into the adjacent district of East New York, a neighborhood that was predominantly white middle-class. Id. As a result, writes Jackson:
III. THE IMPACT OF THE COLOR-LINE IN THE TWENTIETH CENTURY

A. Racial Segregation: A Statistical Picture

The results of years of systematic government and private facilitation of residential segregation are stark. Statistics from the 1980 census showed that 71% of whites in northern metropolitan areas lived in suburbs, compared to only 23% of blacks. In the South, 65% of whites lived in suburbs, as compared to 34% of blacks. In the Detroit metropolitan area, 88% of white residents lived in the suburbs, while only 15% of Detroit blacks did so. In the Chicago metropolitan area, 72.8% of whites lived in suburbs, compared to 15.8% of blacks.

Government-sanctioned policies over decades cumulatively have created the present situation in America’s cities. Massey and Denton’s research shows that in 1980, Northern cities displayed an average segregation dissimilarity index of 80.1%, which means that 80.1% of all blacks in a particular city would need to change residence, in order for each census tract in a metropolitan area to replicate the racial composition of the metropolitan area as a whole. In the South, the cities displayed a segregation dissimilarity index of 68.3%.

The sudden influx of large, lower-income, black and hispanic families from Brownsville strained the physical and social services of the community. A mass exodus of the white population began. Within six years, a healthy community became one of the most decayed and dangerous neighborhoods in the United States. Jackson asserts that if the federal government had invested funds in “maintenance programs for the older housing of the inner city” instead of destroying them through “slum clearance” projects, they could have avoided urban neighborhood abandonment and provided the poor with stable neighborhoods. Id.; see also Lawrence M. Friedman, Public Housing and the Poor: An Overview, 54 CAL. L. REV. 642, 651 (1966) (describing the growing political unpopularity of public housing programs during the 1940s and 1950s as they became permanent homes for the “indisputably, and irreversibly poor,” a group who were “chiefly Negroes from the South”).

Massey & Denton, supra note 14, at 67. Although there has been an increase in black suburbanization from 17% in 1970 to 23.1% in 1980, Massey and Denton emphasize that the statistics can be misleading. Id. at 68. They note that many black suburbs “replicate the problems of the inner city” because they tend to be located within “older areas of relatively low socioeconomic status and high population density” characterized “by a weak tax base, poor municipal services, and a high level of debt . . . .” Id. at 69. Camden, New Jersey, for example, is home to many of Philadelphia’s suburban blacks; however, in 1980, 32% of Camden families lived below the federal poverty line. Id. Thus, statistics that show increases in black suburbanization do not necessarily reflect an increase in upward socioeconomic mobility for blacks.

Id. at 67.

Id. at 68.

Id.

Id. at 64.

Id. Massey and Denton note that historical circumstances help to account for the lower
Another revealing measure of segregation is the spatial isolation index.\(^88\) The concept of spatial isolation measures the degree of daily interaction and contact between blacks and other racial and ethnic groups.\(^89\) If blacks within a neighborhood experience 100% spatial isolation, that means that they live in all-black neighborhoods and never come into contact with a person of another race.\(^90\) The spatial isolation index differs from the segregation dissimilarity index, in that if the percentage of blacks within a metropolitan area is small, they will still experience a high degree of neighborhood contact with other racial groups, even if they live in segregated neighborhoods.\(^91\) Thus, in cities where blacks experience a relatively low level of spatial isolation, it does not necessarily mean that they live in integrated neighborhoods. It may simply show that there are very few blacks living within a particular metropolitan area.

According to Massey and Denton, a spatial isolation index of 75% means that residents are experiencing a profound degree of isolation. To put that figure in historical context, the highest level of spatial isolation experienced by European ethnic groups was around 55%.\(^92\) By contrast, blacks have experienced spatial isolation indices within the 65% to 75% range.\(^93\) In 1980, six cities—Atlanta, Chicago, Cleveland, Detroit, Gary, and Memphis—exhibited spatial isolation indices above 75%.\(^94\) Blacks in Chicago experienced spatial isolation of 82.8%.\(^95\) For major Northern cities in 1980, the average spatial isolation index was 66.1%, and for southern cities, the average spatial isolation index was 63.5%.\(^96\)

To more fully capture and measure the degree and extent of apartheid in America, Massey and Denton have devised a measuring index called "hypersegregation." For a metropolitan area to be hypersegregated, a city must display four out of five geographic traits constituting the multifaceted nature of segregation: 1) Unevenness is measured by the segregation dissimilarity index and it occurs when blacks are overrepresented in some parts of a metropolitan area and
underrepresented in other parts; 2) Racial Isolation is measured by the spatial isolation index; 3) Clustering occurs when individual black neighborhoods are tightly clustered to form "one large contiguous enclave;" 4) Concentration occurs when blacks are concentrated within a very small geographic area; and 5) Centralization occurs when blacks live in neighborhoods located within and around the urban core area. 97

Massey and Denton note that "[a] high score on any single dimension is serious because it removes blacks from full participation in urban society and limits their access to its benefits." 98 Hypersegregation, because it reflects high scores on at least four dimensions, indicates the extremely high intensity and degree of black exclusion. Massey and Denton's findings show that in 1980, sixteen metropolitan areas experienced conditions of hypersegregation: Buffalo, Chicago, Cleveland, Detroit, Gary, Indianapolis, Kansas City, Los Angeles, Milwaukee, New York, Newark, Philadelphia, St. Louis, Atlanta, Baltimore, and Dallas. 99 Nine other cities—Boston, Cincinnati, Columbus, Pittsburgh, San Francisco-Oakland, Memphis, New Orleans, Norfolk-Virginia Beach, and Washington, D.C.—displayed high scores on three dimensions of hypersegregation. 100 The extent of black exclusion becomes clearer when it is noted that the population of the sixteen cities afflicted with hypersegregation comprises 35% of all blacks in America, and 41% of all blacks living in urban areas. 101 Based on their findings, Massey and Denton conclude that blacks "are unambiguously among the nation's most spatially isolated and geographically secluded people, suffering extreme segregation across multiple dimensions simultaneously. Black Americans in these metropolitan areas live within large, contiguous settlements of densely inhabited neighborhoods that are packed tightly around the urban core. In plain terms, they live in ghettos." 102

No other ethnic group in America has had to endure the pervasiveness and intensity of residential racial segregation that blacks have experienced and continue to experience. 103 Hypersegregation prevents

97 Id. at 74.
98 Id.
99 Id. at 75–77.
100 Id. at 76.
101 Id. at 77.
102 Id.
103 There are scholars who argue that immigrant ethnic groups have achieved socioeconomic mobility in America often at the expense of African-American opportunity. See Robert B. Reich, The Work of Nations 287–89 (1992) (arguing that open immigration policies serve to depress wages for the existing working class and poor in America); M. Patricia Fernandez Kelly, Underclass and Immigrant Women as Economic Actors: Rethinking Citizenship in a Changing Global Economy,
the urban ghetto from being a temporary place from which the black individual may eventually escape and move into a better neighborhood. Massey and Denton emphasize that "[r]acial segregation, therefore, is crucial to understanding and explaining America's urban underclass. . . . In the nation's largest urban areas, [blacks and black Puerto Ricans] are the only [groups] that have simultaneously experienced high levels of residential segregation and sharp increases in poverty." The fact that blacks remain segregated within deteriorating neighborhoods means that they confront immense obstacles and barriers to socioeconomic advancement.

B. *The Failure of the Civil Rights Movement of the 1960s To Dismantle Residential Segregation*

The continuing persistence and vitality of residential segregation through the 1970s and 1980s raises questions about the impact of the Civil Rights Movement of the 1950s and early 1960s.

In the 1990s, many whites and blacks believe that significant racial progress has been made since the Supreme Court decided *Brown v. Board of Education* in 1954. Since *Brown*, this nation has seen the rise of the Civil Rights Movement, the end of Jim Crow laws, the passage of the historic Civil Rights Act of 1964 and the Voting Rights Act of 1965, the appointment of black judges, and the election of black officials to federal and state public offices. People cite such achievements as evidence that racism and intentional discrimination are generally remnants of the past, and that blacks have equal opportunity to
achieve the American dream.¹¹¹ Consequently, people believe that many blacks are poor, not because of structural and institutional racism, but because they lack the personal responsibility, motivation, and will to succeed in the land of opportunity.¹¹²

To be sure, the Civil Rights Movement has helped to create a relatively viable and stable black middle class.¹¹³ Despite the civil rights advances of the 1950s and 1960s, however, as Massey and Denton's research shows, racial and economic segregation remained at high levels during the 1960s, and through the 1970s and 1980s.¹¹⁴ Thus, as the Civil Rights Movement opened opportunities previously denied to blacks, a large segment of blacks, primarily the urban poor, remained trapped in the ghettos.¹¹⁵ Sniderman and Piazza acknowledge this "conundrum," pointing out that "the momentous Civil Rights Acts of 1964 and 1965 went arm in arm with the devastating riots in Watts and Detroit."¹¹⁶

There seems to be a paradox: during a period often identified as the peak of the movement toward racial equality, because a truly integrated and equal society seemed imminently realizable, urban blacks

¹¹¹ See Squires, supra note 57, at 4–10. Although conservatives are generally associated with the "pull yourself up by your bootstraps" ideology, Squires notes that the conservative backlash against the 1960s social welfare programs has penetrated traditionally liberal thought. Id. at 7.

¹¹² See Sigelman & Welch, Black Americans' Views of Racial Equality: The Dream Deferred 91 (1991). 60% of whites surveyed in 1986 believed that blacks do not have the will or motivation to pull themselves out of poverty, and 56% of whites believed that the problems that blacks face today have been brought on by blacks themselves. Id.; see also Sniderman & Piazza, supra note 1, at 48–50. Sniderman and Piazza conducted a survey to determine the extent to which whites believed that blacks on welfare could gain employment if they really tried. They asked white respondents whether they agreed with the assertion, "most blacks on welfare could get a job." Sniderman & Piazza, supra note 1, at 49. They found that a clear majority of whites thought that blacks were taking advantage of welfare. Id.


¹¹⁴ Massey and Denton, supra note 14, at 129–30, 222. From 1970 to 1980, a time in which the black middle class grew larger, the life chances of poor urban blacks decreased as they increasingly became geographically segregated, isolated, and concentrated in inner city areas where a substantial portion of their neighbors were other poor blacks. Id. In sixteen of the most heavily segregated cities in the United States, race and poverty became increasingly geographically concentrated. See supra note 99 and accompanying text. In the sixteen cities, the average percentage of poor residents in the neighborhood of an average poor black family rose from 27% in 1970 to 33.2% in 1980. Massey & Denton, supra note 14, at 129. In Cleveland, the percentage rose from 31% to 38%; in Atlanta, from 31.1% to 37.1%. The city with greatest percentage change was New York City: in 1970, poor blacks lived in neighborhoods where 25.9% were poor. By 1980, they were living in areas where 37.6% of the neighbors were poor. Id. By contrast, poor whites in New York City live in neighborhoods where 17.7% of the neighbors are poor. Id.

¹¹⁵ Id.

¹¹⁶ Sniderman & Piazza, supra note 1, at 166.
throughout the nation's major cities were rioting out of despair and hopelessness. The paradox is explained by taking residential segregation into account. None of the civil rights acts specifically targeted residential segregation, nor did they promote housing equality and integration. Only the Fair Housing Act of 1968 directly addressed residential segregation. However, it was enacted toward the end of the Civil Rights movement, and it was rendered ineffectual because enforcement was allowed only on an individual, sporadic basis.

It should not be surprising, then, that this nation continues to be a racially stratified and segregated society, despite the advancements of the 1960s. There is no paradox, because whites have never been truly and fully committed to creating a racially integrated society.

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117 See Massey & Denton, supra note 14, at 58. Massey and Denton remark that "the economic deprivation, social isolation, and psychological alienation produced by decades of segregation bore bitter fruit in a series of violent urban riots during the 1960s". The first of the urban uprisings in the summer of 1963 occurred in Birmingham, Alabama. Id. In 1965, the Watts Riots flared up in Los Angeles, leaving 34 dead and over 4,000 injured. Id. The riots reached a violent peak in the summer of 1967, when "black ghettos in sixty U.S. cities exploded in a cataclysm of frustration and rage." Id.


119 MASSEY & DENTON, supra note 14, at 15; see also Derrick Bell, Race, Racism, and American Law 720-21 (2d ed. 1992); Margalynne Armstrong, Protecting Privilege: Race, Residence, and Rodney King, 12 Law & Ineq. 351, 354 n.10 (1994). Bell argues that the passage of Title VIII marked only the symbolic recognition that housing discrimination is wrong, and that after its passage, national commitment to dismantling residential segregation waned. BELL, supra, at 720-21. Consequently, in the 1990s, residential segregation seems to have become a way of life in America. See John O. Calmore, Spatial Equality and the Kerner Commission Report: A Back-To-The-Future Essay, 71 N.C. L. Rev. 1487, 1500 (1993) ("By the beginning of the 1970s, each branch of the federal government rejected efforts to make structural changes in the ghetto, and racial separation was accepted as natural.").

120 See MASSEY AND DENTON, supra note 14, at 222.

121 See MARTIN LUTHER KING, CHAOS OR COMMUNITY: WHERE DO WE GO FROM HERE? 82-83 (1967). Dr. King wrote:

Throughout our history, laws affirming Negro rights have consistently been circumvented by ingenious evasions which render them void in practice. Laws that affect the whole population—draft laws, income-tax laws, traffic laws—manage to work even though they may be unpopular; but laws passed for the Negro's benefit are so widely unenforced that it is a mockery to call them laws. There is a tragic gulf between civil rights laws passed and civil rights laws implemented.

All of this tells us that the white backlash is nothing new. White America has been backlighting on the fundamental God-given and human rights of Negro Americans for more than three hundred years. With all of her dazzling achievements and stupendous material strides, America has maintained its strange ambivalence on the question of racial justice.

Id.; see also Armstrong, supra note 119, at 379 ("It is clear that America has never firmly resolved to eradicate residential segregation."). Armstrong reinforces King's point, noting that "when our government determines that an issue is truly important it rarely leaves social responsibility to individual choice. Thus, when our country is honestly committed to its stated policies, the government is able to achieve a fair amount of success in reaching its goals." Armstrong, supra
Whites have been unwilling to relinquish the socioeconomic privileges they possess as a result of living in white suburban or gentrified urban neighborhoods.\(^\text{122}\)

Because whites have not been fully committed to dismantling residential segregation, the Civil Rights Acts of 1964 and 1965 failed to equalize housing opportunities for blacks. The implications of that failure are significant because housing is more than merely shelter for Americans. As Roger Montgomery and Daniel Mandelker contend, housing "refers to a whole collection of things that come packaged together, not just four walls and a roof, but a specific location in relation to work and services, neighbors and neighborhood, property rights and privacy provisions, income and investment opportunities, and emotional or psychological symbols and supports."\(^\text{123}\) Housing, therefore, is both a means and an end for Americans. Homeownership in a "good" neighborhood is a means because it provides access to jobs, quality education, and social services.\(^\text{124}\) It is also an end, because it provides social status and identifiable recognition for having achieved the American Dream of socioeconomic success.\(^\text{125}\)

Because blacks have been denied access to "good" neighborhoods, and have been confined to impoverished and decaying inner city ghettos ravaged by wholesale public and private disinvestment, arguments that the Civil Rights Movement created a color-blind society which provides equal opportunity for all ring hollow. As Margalynne Armstrong argues, unless we challenge the ingrained assumptions that "white people have the privilege of escaping people of color, and that anyone who can afford to is entitled to abandon the urban poor,"\(^\text{126}\) then this society cannot be considered anything else but fundamentally unequal.

\(^\text{122}\) See Armstrong, supra note 119, at 367.
\(^\text{123}\) Housing in America: Problems and Perspectives 3 (Roger Montgomery & Daniel R. Mandelker eds., 2d ed. 1979) (quoted in Calmore, supra note 119, at 1489).
\(^\text{124}\) See Massey & Denton, supra note 119, at 1489–90.
\(^\text{125}\) Armstrong, supra note 119, at 355.
C. The Effects of Residential Segregation

Massey and Denton's work is important and revealing, moreover, because they provide empirical proof that residential segregation systematically undermines the life chances of all blacks in America,127 in particular, the poor urban blacks confined to the ghettos.128 Their findings show that "[g]eographically concentrated poverty is built into the experience of urban blacks by racial segregation."129 This aspect of Massey and Denton's work, according to one commentator, is the most important, because it proves that if four conditions exist within a city, then they will inevitably produce "high concentrations of poor African Americans in high-poverty areas and disperse poor whites into neighborhoods where poverty is less concentrated."130 In other words, the existence of the four conditions will result in intensifying and further concentrating poverty for poor blacks, while poor whites will actually see an improvement in their neighborhood environments.131

These four conditions, summarized by sociologist David James, are: 1) a higher poverty rate for blacks than whites; 2) a larger number of whites than blacks within a metropolitan area; 3) neighborhoods segregated by class; and 4) neighborhoods segregated by race.132 As James notes, these four conditions exist in all major metropolitan areas

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127 See Massey & Denton, supra note 14, at 83–114.
128 See id. at 115–147.
129 Id. at 118. Massey and Denton devote much of this chapter to proving their theorem with mathematical simulations, showing that race and class segregation combine to worsen the neighborhood conditions of poor, urban blacks, while improving the neighborhood conditions for poor whites. Id. at 125–30. The simulations are difficult to articulate, and as a commentator notes, Massey and Denton do not explain their mathematical formulas in the book as well as Massey did previously in an article upon which the chapter is based. For a simple and clear explanation of Massey and Denton's simulations, see David R. James, The Racial Ghetto as a Race-making Situation: The Effects of Residential Segregation on Racial Inequalities and Racial Identity, 19 Law & Soc. Inq. 407, 413–415 (1994).
130 James, supra note 129, at 410.
132 James, supra note 129, at 410. For James, the importance of Massey and Denton's findings is that their explanation for the concentration of poor blacks in segregated poor neighborhoods is a theorem rather than a theory. He writes, "Massey and Denton deduce that these four conditions create much higher poverty concentration for poor blacks than for poor whites. It is not speculation about causes that must be empirically verified; it is deduced from premises and is correct if the premises are correct." Id. Thus, given that the poverty rate is higher for blacks than for whites; given that blacks outnumber whites in a metropolitan area; given that there exist neighborhoods segregated on the basis of race and class; therefore, Massey and Denton have shown that the result must be the concentration of high levels of poverty in poor black neighborhoods. Id.
in the United States.\textsuperscript{133} Therefore, most poor blacks in America's cities live in neighborhoods where poverty is pervasive.\textsuperscript{134}

Moreover, while race and class segregation in a metropolitan area undermines the life chances of blacks, it actually mitigates the impact of poverty on poor whites.\textsuperscript{135} Massey and Denton write:

As segregation rises . . . the disparity between the neighborhood conditions experienced by whites and blacks widens markedly. The net effect of racial segregation is to expose whites and blacks to very different socioeconomic environments and to leave the economic base of urban black communities uniquely vulnerable to any downturn in the group's economic fortunes.\textsuperscript{136}

Race and class segregation combine to create a condition in which whites and blacks undergo vastly different experiences as a result of the economic dislocations experienced by blacks.\textsuperscript{137}

Massey and Denton's findings may help to explain the propensity of whites to blame blacks for being poor. Because of segregation, whites and other non-black groups are unable to fully comprehend the immense barriers to socioeconomic opportunity that poor blacks face; it therefore becomes easier to believe that black poverty is primarily a result of black behavior. For example, many whites dismiss the argument that high crime rates and "underclass" problems such as teen pregnancy are functions of poverty, especially because they can always

\textsuperscript{133} Id. James notes that the theorem accepts the four conditions as given. Although Massey and Denton explain how and why race and class segregation exist in America's cities, the condition that is simply assumed without much explanation is the higher rate of poverty among blacks than whites. See Massey & Denton, \textit{supra} note 14, at 119 ("Blacks are assumed to be poorer, on the average, than whites . . . This differential accurately reflects the situation in many U.S. metropolitan areas as of 1970."). However, it is not too difficult to make the link between higher black poverty rates with the legacy of slavery, residential segregation, racial discrimination in employment, unequal schooling, and the existence of legally sanctioned racial discrimination until the 1960s. See \textit{id}.

\textsuperscript{134} Massey & Denton, \textit{supra} note 14, at 129. Massey and Denton's research shows that within hypersegregated American cities, poor black families live in neighborhoods where on average, 33.2\% of the inhabitants are poor. \textit{Id}. By contrast, the white poor in these hypersegregated cities generally live in neighborhoods in which only 12.8\% are poor. \textit{Id}.

\textsuperscript{135} See \textit{id}. at 128.

\textsuperscript{136} Id. Moreover, Massey and Denton refute the perception that the black poor became isolated in the inner cities because of the out-migration of middle class blacks. First, their data suggests that middle-class blacks continue to experience a high degree of residential segregation. Second, their data suggests that with or without the black middle class out-migration, "racial segregation concentrates poverty, and it does so without anyone having to move anywhere." \textit{Id}. at 125.

\textsuperscript{137} Id. at 128.
point to poor whites who do not seem to exhibit the same "underclass" traits. Consequently, they come to accept the myths that there is a link between anti-social behavior and being black, i.e., that blacks are prone to criminality,\textsuperscript{138} or that they lack "traditional family values."\textsuperscript{139} As Massey and Denton show, segregation creates a perverse phenomenon: when the socio-economic situation of poor blacks in a metropolitan area worsens, the conditions for poor whites improve.\textsuperscript{140} Poor whites, therefore, do not experience the disabling effects of concentrated poverty that blacks experience because of segregation.\textsuperscript{141}

The "success" of other racial minority groups only further buttresses such beliefs.\textsuperscript{142} In the 1990s, many people contend that blacks could escape the urban ghetto if they simply worked and studied as hard as Asian Americans.\textsuperscript{143} As Massey and Denton's research shows, comparisons between African Americans and other ethnic groups are not valid because they do not take into consideration the experience of segregation for blacks in America.\textsuperscript{144} According to James, if poor whites lived in segregated high-poverty areas, studies show that they too "would exhibit the same patterns of violent crime as do blacks and for similar reasons."\textsuperscript{145} To reorient poverty and racial discourse away from its focus on behavior, it is crucial to emphasize that poverty takes

\begin{thebibliography}{99}
\bibitem{138}See Adeno Addis, Recycling in Hell, 67 Tulane L. Rev. 2253, 2263–66 (1993) (describing how the media and the law reinforce images of blacks as criminal threats). Addis asserts that to a large extent due to media portrayals, "'crime' has virtually become a metaphor to describe young black men." \textit{Id.} at 2265.
\bibitem{140}See \textit{Massey & Denton, supra note 14}, at 123.
\bibitem{141}Id.
\bibitem{142}See Jeff Jacoby, Race Doesn't Matter, Boston Globe, Mar. 16, 1995, at A13 ("If the Irish, the Jews, and the Chinese were able to overcome legal discrimination and societal exclusion without affirmative action, black Americans can, too. To claim otherwise is racist.").
\bibitem{144}See \textit{Massey & Denton, supra note 14}, at 112–114, 145–47. Massey and Denton, in comparing the experiences of blacks to hispanics, show that blacks have experienced a much greater degree of racial segregation. They compared the segregation of hispanics in three racial groups: white hispanics, mixed-race hispanics, and black/caribbean hispanics. In ten metropolitan areas, Massey and Denton found that white hispanics experienced an average level of segregation of 52%; that mixed-race hispanics experienced segregation at the level of 72%; and black hispanics experienced segregation at 80%. \textit{Id.} at 113.
\bibitem{145}James, \textit{supra} note 129, at 419; see also E. Douglass Williams & Richard H. Sander, \textit{The Prospects for "Putting America to Work" in the Inner City}, 81 Geo. L.J. 2003, 2036–37 (1993) (citing statistics showing that jobless young black and white men tend to exhibit similar "underclass" behavior); Clarence Page, Increasingly, Whites are Participants in Poverty's Pathology, Sacramento Bee, Mar. 15, 1995, at B7.
\end{thebibliography}
many different forms, and that because of segregation, blacks continue
to be systematically denied access to decent affordable housing, jobs,
and quality education.

Racial segregation is thus both physical and mental: not only are
whites and blacks physically separated, but they possess divergent world
views. From their partial perspectives, middle class and poor whites
speculate that blacks in poverty have put themselves in their situ­
ation. Sniderman and Piazza conclude from their study that for
whites, "[a] perception of a lack of effort and responsibility, of the
absence of a willingness to do the best one can in an admittedly
difficult situation, has arguably become the most prominent feature of
negative perceptions of blacks now." The calls for behavior modifying
legislation, i.e., "welfare reform," by predominantly white male politi­
cians, become more understandable within the socio-political context
created by racial segregation.

IV. Future Implications of the Color-Line

A. Racial Integration v. Racial Separatism

Massey and Denton convincingly demonstrate that residential seg­
regation is a key structural cause of urban black poverty. In light of

146 The perception of the police is an example of different world views shaped by vastly
different life experiences. As Hacker notes, "When white people hear the cry, 'The police are
coming!' for them it almost always means 'Help is on the way.' Black citizens cannot make the
same assumption." HACKER, supra note 110, at 51. Because of police harassment of blacks, they
are hesitant about calls for stronger police enforcement in their neighborhoods, even though
blacks suffer disproportionately from crime. Id. at 52.

147 See SNIDERMAN & PIAZZA, supra note 1, at 42. In one of their surveys, Sniderman and
Piazza asked whites if they thought black neighborhoods were run down because blacks failed to
take care of their property, i.e., because of black behavior. Almost half the whites surveyed blamed
blacks for the shape of black neighborhoods. Id.

148 Id.

149 See Lucie E. White, On the "Consensus" to End Welfare: Where are the Women's Voices?, 26
CONN. L. REV. 843, 845, 848 n.17 (1994) (observing that welfare reform debate in the 1990s is
dominated by male, mostly white, politicians, policymakers, and social scientists). See generally
MICHAEL B. KATZ, THE UNDESERVING POOR: FROM THE WAR ON POVERTY TO THE WAR ON
WELFARE (1989).

150 See James, supra note 129, at 416–17. James supports Massey and Denton's thesis that
residential segregation, more than any factor, drives and perpetuates black poverty. Id. He notes
that according to a study done to determine which factor, residential segregation, class migration
of the black middle class, or economic downturn, was the most important factor in perpetuating
black poverty, residential segregation clearly was the most crucial factor. He writes that based on
the studies, "[R]esidential segregation appears to be about ten times more powerful in concen­
trating black poverty than either [class migration or downward socioeconomic mobility]." Id. at
417.
their findings, the longstanding debate between racial integration versus racial separatism takes on new meaning. 151 In the pursuit for equality and freedom, the African-American community has not reached consensus on whether the end goal is the creation of a racially integrated society, and many blacks are wary of calls for integration. 152 Yet, unless the residential color line breaks down, blacks of all socioeconomic classes will continue to suffer either directly or indirectly from intense poverty and deprivation. 153 As Professor Richard Ford asserts, "Segregation is oppressive and disempowering rather than desirable or inconsequential because it involves more than simply the relationship to other individuals; it also involves the relationship of groups of individuals to political influence and economic resources." 154 The call for integration should not be seen as a call for social and cultural assimilation to


152 See id. at 1424-26 (describing black nationalist arguments against integration of schools).

153 Although poor blacks suffer directly from the effects of residential segregation, even middle class blacks and blacks living in integrated neighborhoods experience racial discrimination that emanates from the conditions of residential segregation. See Howard Winant, Racial Conditions 63 (1994). For example, Winant notes that black middle class shoppers are watched carefully by storeowners or are not given proper attention because white storeowners associate "underclass" characteristics with all blacks. See id. Thus, although middle class blacks and poor blacks experience "differential racialization" because of class differences, Winant notes that there still exists a "frightening uniformity" to the racist treatment of all blacks. See id. at 63-64; see also James, supra note 129, at 425 ("Racial segregation also affects the race identification of middle-class African Americans because middle-class status does not protect blacks from the discriminatory acts of whites.").

Empirical studies help to confirm the analyses of Winant and James. Massey and Denton note that numerous studies show that in the 1980s, "black and racially mixed neighborhoods receive[d] less private credit, fewer federally insured loans, fewer home improvement loans, and less total mortgage money than socioeconomically comparable white neighborhoods." Massey & Denton, supra note 14, at 106. They conclude, therefore, that "dollar for dollar, blacks are able to buy fewer neighborhood amenities with their income than other groups." Id. at 151.

154 Richard Thompson Ford, The Boundaries of Race: Political Geography in Legal Analysis, 107 Harv. L. Rev. 1841, 1844 (1994) (emphasis added). Massey and Denton argue that segregation has made it difficult for blacks to build the cross-racial and ethnic political coalitions necessary to adequately protect and promote the interests of black communities. Massey & Denton, supra note 14, at 153-60. When neighborhoods are integrated, inter-ethnic coalitions grow out of shared neighborhood interests. As Massey and Denton write, "Given the degree of ethnic mixing within neighborhoods, political patronage provided to one group yielded substantial benefits for others as well. Building a new subway stop in an 'Italian' neighborhood, for example, also provided benefits to Jews, Poles, and Lithuanians who shared the area. . . ." Id. at 154. Segregation, on the other hand, has made it easier for groups to perceive the interests of blacks as separate and distinct from their interests: "[s]ince no one except blacks lived in the ghetto, no other ethnic group had a self-interest in seeing them provided with public services or political patronage." Id. at 155.
white culture; rather, it should be seen as the demand for political and socioeconomic equality.

Furthermore, studies suggest that most blacks desire to live in integrated neighborhoods. Surveys of black opinion show that most blacks prefer to live in neighborhoods with a 50/50 white to black ratio. Many blacks seek integrated living environments because racially segregated black neighborhoods often do not provide the best environment for the realization of life chances. However, because of discriminatory real estate practices such as redlining, steering, and the strategic placement of public housing, blacks in the inner city often have no choice but to live in segregated black neighborhoods.

To clarify the integration versus separatism debate, it may be useful to make a distinction between segregated black neighborhoods and organic black neighborhoods. Segregated black neighborhoods exist because whites have used legal, political, and extralegal means to ensure that they would not have to live in close proximity to a significant number of blacks. In other words, blacks living in segregated

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155 Ford argues that legal and political strategies should attempt to advance "cultural desegregation," as opposed to classic integrationism. Ford, supra note 154, at 1915. Cultural desegregation would create a "system of desegregated spaces," which would "challenge[] the mechanism by which political spaces are created and maintained, and by extension, challenge[] one of the mechanisms by which racial and cultural hierarchies are maintained." Id. at 1914. However, for Ford, a system of desegregated spaces would not "impose a particular pattern of integration, but rather remove the impediments to a more fluid movement of persons and groups within and between political spaces." Id.

156 MASSEY & DENTON, supra note 14, at 89-90.

157 Id. In a 1976 survey conducted of Detroit residents, 63% of blacks preferred living in a neighborhood that was 50% black. By comparison, only 12% of blacks preferred as their first choice the option of living in an all-black neighborhood. Id. at 89. However, it must be emphasized that most blacks do not feel very comfortable moving into all-white neighborhoods; many are concerned with the threat of racial violence. Id. at 90; see also Charles R. Lawrence III, Crossburning and the Sound of Silence: Antisubordination Theory and the First Amendment, 37 VILL. L. REV. 787, 796 (1992) (noting that crossburning is a practice used to intimidate and drive blacks out of white communities).

It should be noted that whites and blacks mean different things when they talk about integration. As noted, when blacks speak of integration, they think of a neighborhood that is 50% black and 50% white. However, studies have shown that whites prefer an "integrated" neighborhood with small percentages of blacks, with 20% black being about the most they will "tolerate" before they will leave the neighborhood. See MASSEY & DENTON, supra note 14, at 93.

158 See generally ALEX KOTLOWITZ, THERE ARE NO CHILDREN HERE (1991) (detailing the enormous difficulty and strain for a black family trying to exist under the most difficult circumstances in a public housing complex in inner-city Chicago).

159 See LEVINE & HARMON, supra note 73, at 153-83 (describing redlining practices of banks in Boston which denied home mortgage loans to black families that sought homes outside of an area designated for blacks).

160 See MASSEY & DENTON, supra note 14, at 59, 83-114. Massey and Denton assert that as the metropolitan areas saw an increase in the black population, "whites, in essence, adopted
neighborhoods do so because of white preference for racially separated neighborhoods. As Massey and Denton have shown, through means such as racially restrictive covenants, redlining, racial steering, blockbusting, urban renewal programs, gentrification, and racially motivated violent acts, whites have constructed residential segregation in American cities.\textsuperscript{161}

On the other hand, an organic black neighborhood would reflect the free and voluntary choice of blacks to live in an environment which they feel supports and nurtures a sense of community and shared values.\textsuperscript{162} For many middle class blacks, to live in black neighborhoods may not be a "forced" decision, yet such neighborhoods cannot be accurately described as organic, if blacks choose to live there in order to avoid confronting daily racism in white neighborhoods.\textsuperscript{163} A truly organic black neighborhood would exist not primarily because of white preference for racial separation or because of black weariness with dealing with racism,\textsuperscript{164} but mostly out of a positive desire for a sense of community and belonging.\textsuperscript{165}

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a strategy of tactical retreat before an advancing color line." Id. at 78. Based on a statistical study, Massey and Denton conclude that whites are still "highly cognizant of an area's location relative to the ghetto and are highly sensitive to the relative number of blacks that a neighborhood contains." Id. at 80.

During the 1970s, Massey and Denton found that if a city tract was located within five miles of a neighborhood containing 0-5\% blacks, the probability that whites would leave that neighborhood was 85\%. Id. When the black percentage rose to 30\%-40\%, there was a 92\% chance that whites would move. Id. Only as the proximity of black neighborhoods decreased did the probability that whites would leave decrease. Thus, the probability that whites would leave a city tract that was located within 5-10 miles of a neighborhood with 0-5\% blacks was 61\%. Id. at 79. When the proximity was 10-25 miles, the probability decreased to 36\%. Id. When the proximity was 25 miles and over, the probability was 29\%. Id.

Thus, it becomes clear that residential segregation occurs in large part because whites have exhibited a great reluctance to live in close proximity to blacks. The studies show that even when whites lived 25 miles away from a "black" settlement, the probability that they would move increased from 29\% to 46\% as the percentage of blacks increased from 0\%-5\% to 30\%-40\%. Id. at 79. Massey and Denton conclude that through the 1970s, "whites continue[d] to avoid neighborhoods located anywhere near established black areas, and they [have been] highly sensitive to the number of black residents." Id. at 80-81.
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\textsuperscript{161} See id. at 17-59.

\textsuperscript{162} See Johnson, supra note 151, at 1414-22 (discussing the idea of African-American community in the debate over integration versus separatism in education).


\textsuperscript{164} See Feagin & Sikes, supra note 113, at 223-71 (describing narratives of middle class blacks who have experienced racial discrimination when attempting to buy or rent a home in a predominantly white neighborhood).

\textsuperscript{165} See Johnson, supra note 151, at 1405, 1414-22.
An organic black neighborhood would probably resemble historical white ethnic neighborhoods. Massey and Denton show that the primary difference between black neighborhoods and white ethnic neighborhoods has been the fact that black neighborhoods tend to be highly segregated and isolated, whereas “Jewish,” “Polish,” and “Italian” neighborhoods tend to have ethnically diverse populations. Massey and Denton note that “neighborhoods in which one ethnic group constituted a majority were rare. . . .” In fact, most ethnic neighborhoods “typically contained a diverse array of ethnicities.” An organic black neighborhood would be inhabited by a large percentage of blacks and thus be identified as a “black neighborhood,” but blacks would not constitute a majority, and there would be greater mixing and interaction among different ethnic and racial groups.

However, because of racial segregation, blacks live separated and isolated from all other ethnic groups, in neighborhoods where blacks constitute a significant, severely isolated majority. The effect of residential segregation is to make inner city blacks literally trapped in their neighborhoods. According to Massey and Denton, for blacks living in a hypersegregated city, it means that they are:

not only unlikely to come into contact with whites within the particular neighborhood where they live; even if they traveled to the adjacent neighborhood they would still be unlikely to see a white face; and if they went to the next neighborhood beyond that, no whites would be there either. Ironically, within a large, diverse, and highly mobile post-industrial society such

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166 See Massey & Denton, supra note 14, at 32-33.
167 Id.
168 Id. at 154.
169 See id.
170 Although Massey and Denton speak of segregation primarily as a black and white phenomenon, it should be noted that the harms of segregation extend beyond the white-black paradigm. Segregation also denies meaningful contact between African Americans and other communities of color. Worse, even when there is contact between blacks and Asian Americans, for example, segregation pits them against one another, which reinforces and perpetuates prejudices and tensions between racial minority groups. These tensions erupted during the Los Angeles uprising in 1992, when Korean businesses became the target of looting and vandalism. See Sumi K. Cho, Korean Americans vs. African Americans: Conflict and Construction, in Reading Rodney King, Reading Urban Uprising 196 (Robert Gooding-Williams ed., 1993).
171 See Jacqueline Jones, The Dispossessed: America’s Underclasses from the Civil War to the Present 278–80 (1992). In comparing urban ghettos to Southern slave plantations, Jones writes that “[l]ike the localized plantation economy, the ghetto consisted of an enclosed area where educational and employment resources were limited.” Id. at 278.
as the United States, blacks living in the heart of the ghetto are among the most isolated people on earth.\textsuperscript{173}

Studies show the effects of such severe isolation. In a survey of poor blacks who live on the south side of Chicago, the researcher found that they had extremely narrow geographic horizons.\textsuperscript{174} A significant number of blacks had never been into the city’s Loop, the downtown center.\textsuperscript{175} A large number had never left the immediate vicinity of their neighborhoods.\textsuperscript{176} Moreover, researchers found that children were the most isolated and segregated of all: a significant number of blacks had never ventured out of their neighborhoods until they became adults.\textsuperscript{177}

The devastating effects of segregation are meticulously detailed by Massey and Denton.\textsuperscript{178} Denied access to “good” neighborhoods that provide high quality amenities and life necessities, segregated blacks are deprived of access to good jobs, basic social services such as good public schools, housing, and police protection, and municipal services such as garbage pickup and street cleaning, deprivations which significantly undermine the life chances and opportunities of blacks.\textsuperscript{179}

To argue that segregated black neighborhoods must be integrated, then, ought not to be seen as an attempt to destroy the viability of black communities.\textsuperscript{180} Rather, integration should be seen as necessary to

\textsuperscript{173}Massey & Denton, supra note 14, at 77; see also Kotlowitz, supra note 158.
\textsuperscript{174}Massey & Denton, supra note 14, at 161. Massey and Denton describe the findings of a study by Sophie Pedder based on in-depth interviews with blacks living in Chicago’s poorest neighborhoods.
\textsuperscript{175}Id.
\textsuperscript{176}Id.
\textsuperscript{177}Id.; see also Kotlowitz, supra note 158, at 172–75. Journalist Alex Kotlowitz’s account of a black family living in Chicago’s public housing projects reveals the extent of the spatial isolation and segregation experienced by blacks. For the Rivers family, especially the children, a trip to Chicago’s downtown is described almost as if it were a trip to another country or to an amusement park. Kotlowitz writes, “Lajoie decided to take the younger ones to see the Christmas windows downtown, something she had done with her mother as a child. The triplets had never before been in the Loop; Pharoah, only a couple of times. . . .” Kotlowitz, supra note 158, at 172.
\textsuperscript{178}Massey & Denton, supra note 14, at 148–85.
\textsuperscript{179}Id. at 150. Moreover, it must be emphasized that residential segregation persists at high levels for blacks of all socioeconomic backgrounds. Id. at 84–88. In fact, Massey and Denton note that the poorest Latinos were less segregated than the most affluent blacks. Id. at 87. Thus, as income level rises for non-black ethnic groups, the level of residential segregation decreases as they gain access to predominantly white neighborhoods, which provide a higher quality and array of amenities and social services. Id. at 149–50.

For blacks, however, many are constrained from residing in integrated neighborhoods because of discriminatory real estate practices and phenomena such as “white flight and racial tipping,” as well as racial violence. See id. at 91–96.
\textsuperscript{180}Massey and Denton emphasize that one does not have to affirm the idea of integration
strengthen black communities, to reconstruct them based on shared values and culture, and to dismantle ghettos constructed by white racial fears and prejudice toward blacks.\textsuperscript{181}


Massey and Denton’s research shows that residential segregation continues to thrive in major American cities in the 1990s.\textsuperscript{182} Yet, there seems to be little hope that America’s national leaders and policy makers will take up Massey and Denton’s message and seriously undertake an effort to dismantle apartheid in America. In 1995, politicians call for the dismantling and eradication of affirmative action and welfare programs, not the structures of American apartheid.\textsuperscript{183} Americans seem to accept the existence of racially segregated neighborhoods as almost a “natural” part of American society. Moreover, when residential segregation in the 1990s is seen within the context of global economic restructuring, it seems even more doubtful that the problem of the color line will be addressed in the foreseeable future.\textsuperscript{184}

The emergence of the global economy in the late twentieth century marks an epochal shift in world history.\textsuperscript{185} Nation-based economies are disappearing as the world becomes interconnected through the globalization of capital.\textsuperscript{186} The 1980s saw the proliferation of multinational corporations with few ties to a “home” nation.\textsuperscript{187} Robert Reich observes, “[a]s almost every factor of production—money, technology, factories, and equipment—moves effortlessly across borders, the very idea of an American economy is becoming meaningless, as are the notions of an American corporation, American capital, American products, and American technology.”\textsuperscript{188} Consequently, corporations no longer

\textsuperscript{181} See Ford, supra note 154, at 1914–15.
\textsuperscript{182} Massey and Denton, supra note 14, at 222.
\textsuperscript{184} See Jones, supra note 172, at 284–92.
\textsuperscript{185} See generally Reich, supra note 103; Jeremy Brecher & Tim Costello, Global Village or Global Pillage: Economic Reconstruction From The Bottom Up (1994).
\textsuperscript{186} Brecher & Costello, supra note 185, at 17–19.
\textsuperscript{187} Id.
\textsuperscript{188} Reich, supra note 103, at 8. In the global economy, an “American” car sold by General
are dependent on a specific national economy, and have become
global enterprises with global identities and interests. 189

The people who work within the global economy are also begin­
nning to identify themselves as global citizens with increasingly few
attachments to their nation. 190 Reich details the rise of what he calls
symbolic analysts, the well-educated, powerful, and wealthy top fifth in
this country who compete and participate in the global economy. 191
Traveling all over the world to conduct business, the new ruling class
is an extremely mobile and fluid class, unbound by geographic notions
of nationhood. As a result of their cosmopolitan world view, however,
Reich argues that symbolic analysts have become irresponsible Amer­i­
can citizens: "[f]or without strong attachments and loyalties extending
beyond family and friends, symbolic analysts may never develop the
habits and attitudes of social responsibility. They will be world citizens,
but without accepting or even acknowledging any of the obligations
that citizenship in a polity normally implies." 192

Consequently, symbolic analysts have begun to secede from the
nation. 193 Symbolic analysts no longer see their self interests tied to the
national interest. Rather, they see that they have more in common with
other symbolic analysts in the United States and in other nations, i.e.,
with other global capitalist citizens like themselves. 194 As evidence,
Reich points out that in the 1980s, there was a dramatic shift in the
tax burden from wealthier Americans to poorer Americans, a shift that
has taken place alongside withdrawal of public funding of government
redistributive programs and investment in infrastructure. 195 According
to Reich, "symbolic analysts are quietly seceding from the large and
diverse publics of America into homogeneous enclaves, within which
their earnings need not be redistributed to people less fortunate than
themselves." 196

Motors will typically be designed by German engineers, built with advanced parts made in Japan,
asssembled in South Korea, and advertised and marketed by British firms. See Brecher &
Costello, supra note 185, at 18.

189 See Reich, supra note 103, at 8.
190 Id. at 309.
191 Id. at 177-80.
192 Id. at 309.
193 Id. at 252-61.
194 Id. at 268.
195 Id. at 253; see also Edward N. Luttwack, The Endangered American Dream 153–80
(1993) (detailing the growing number of poor in America at the same time wealth is becoming
concentrated in fewer hands); Michael S. Knoll, Perchance To Dream: The Global Economy and
the American Dream, 66 S. CAL. L. REV. 1599 (1993) (arguing that economic dislocation caused
by the globalization of the economy contributed to the racial urban violence that struck Los
Angeles in 1992).
196 Reich, supra note 103, at 268; see also Jones, supra note 172, at 284-90.
Combining the effects of the globalization of the economy along with the effects of continuing residential segregation, the future for segregated blacks looks bleak. If Reich is correct, Massey and Denton’s call for American national leaders to explicitly address the problem of residential segregation will not be taken up, because the top fifth of this nation no longer feels that it is in their self-interest to help the poor in America, let alone African Americans demonized in popular culture. Reich speculates on the future of this nation if the symbolic analysts complete their secession from the United States:

The fortunes of the most well-off and the least will thus continue to diverge. By 2020, the top fifth of all American earners will account for more than 60 percent of all the income earned by Americans; the bottom fifth, for 2 percent. Symbolic analysts will withdraw into ever more isolated enclaves, within which they will pool their resources rather than share them with other Americans or invest them in ways that improve other Americans’ productivity. An ever smaller proportion of their incomes will be taxed and thence redistributed or invested on behalf of the rest of the public. Distinguished from the rest of the population by their global lineages, good schools, comfortable lifestyles, excellent health care, and abundance of security guards, symbolic analysts will complete their secession from the union. American’s poorest citizens, meanwhile, will be isolated within their own enclaves of urban and rural desperation; an ever-larger proportion of their young men will fill the nation’s prisons.

Thus, while place is becoming increasingly less important for the affluent symbolic analysts, place for blacks has defined and continues to define their existence and severely limits their opportunities. The implications are disheartening: if the economic opportunities in the twenty-first century exist within the global economy, the prospects

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197 See Reich, supra note 103, at 303–05. The globalization of the economy probably has done more to destroy the sense of common national identity in the United States than in any other country, because the United States from its inception has been heterogeneous and pluralistic. Reich notes that in homogeneous nations such as Japan and Switzerland, strong cultural bonds reinforce a much more vibrant nationalism that continues to tie the fate of poor and rich together. Id. at 305.

198 Id. at 302–03. Reich’s statement seems to reflect the direction of this nation in 1995. The construction of prisons is becoming a booming industry, as more funds become diverted from spending on infrastructure to house the growing dispossessed criminal population.
seem slim for the millions of African Americans who are trapped within the inner-city by the invisible but very real color line.¹⁹⁹

C. American Apartheid and the Implications for Democracy

This Section will briefly explain the implications for law and politics of Massey and Denton’s findings in light of global economic restructuring. First, to achieve racial justice and equality, lawyers must focus on how the law reinforces residential segregation, and must devise legal strategies to overturn laws that preserve apartheid. Ironically, in the context of massive global economic restructuring, whites and symbolic analysts have effectively utilized local control laws to enclose themselves within their own enclaves and to preserve “their” way of life. Professor Gerald Frug argues that local government law in America has “done more than promote segregation: it has fostered a suburban consciousness that has become part of the identity of millions of Americans. This suburban consciousness combines the felt legitimacy of suburban separation with an acceptance of the benefits of race and class privilege.”²⁰⁰

The suburban consciousness must be attacked for its role in legitimizing privilege and perpetuating racial inequality. It is imperative to emphasize the negative consequences when concerns for local municipal control are elevated above the demands required by racial justice and equality.²⁰¹ Legal and political strategies must be devised to attack

¹⁹⁹ See Massey & Denton, supra note 14, at 161. Massey and Denton note that most people acquire jobs through networking and through referrals from friends, families, and neighbors. Consequently, the social isolation and segregation of blacks cut them off from the most effective means of attaining a job, assuring their “economic isolation.” Id. at 162.

²⁰⁰ Jerry Frug, Decentering Decentralization, 60 U. Chi. L. Rev. 253, 281 (1993); see also Richard Briffault, Our Localism: Part II—Localism and Legal Theory, 90 Colum. L. Rev. 346, 440 (1990) (“the focus of local public life in most autonomous residential localities is on issues of residence—land use, schools, and property taxes. In this setting, public life is often focused on the protection of private life and the insulation of home and family from broader public concerns.”); Jackson, supra note 48, at 224–25 (noting that because the Housing Act of 1949 gave municipalities completely discretion in deciding whether their community needed federal funds to build public housing, hundreds of suburbs that “did not want to tarnish [their] exclusive image by having public housing within [their] precincts” simply refused to apply for federal funds and did not create any local housing agencies).

²⁰¹ See Briffault, supra note 200, at 452. Briffault contends: The real barrier to addressing the problems of the local government system, and the most significant constraint on state action, is not local autonomy per se but the ideology of localism. The localist faith imposes a conceptual obstacle to the framing of public policies for the manifold economic and social ills pressing on cities, states and metropolitan areas.

Id.
local government laws that allow white communities to preserve and maintain residential segregation.\(^{202}\)

Second, as Massey and Denton argue, the issue of residential segregation must become an integral aspect of the debate over racial equality. In current racial discourse, the existence of residential segregation is a hidden premise, and discussions focus on how to achieve the greatest level of racial equality within the parameters set by segregation.

For example, during the 1970s, busing of children to integrate schools was necessary because of de facto residential segregation.\(^{203}\) In the 1990s, as busing is no longer politically feasible, within the parameters set by persisting residential segregation, urban public schools now look toward solutions such as school choice and privatization.\(^{204}\) Further, calls for black nationalist solutions to problems facing the black community can be seen as attempts to alleviate the situation in the inner cities, given the fact that cities will continue to be segregated, with poverty concentrated in the urban centers.\(^{205}\) In light of Massey and Denton’s findings showing that residential segregation is the key structural determinant of urban black poverty and white racism, then by failing to explicitly talk about residential segregation in political and legal discourse, this nation relegates itself to addressing only the effects and not the proximate cause of structural racial inequality.

By explicitly discussing residential segregation, it becomes easier to neutralize the color-blind arguments used to rationalize racial in-

\(^{202}\) See Frug, supra note 200, at 294–300 (suggesting new ways of organizing local government institutions to break down the suburban consciousness and facilitate inter-local relationships).


\(^{205}\) See King, supra note 121, at 32–36. Martin Luther King, Jr., in a book published shortly before his assassination in 1967, commented on the rise of black separatist sentiments in the mid-1960s. He contended that “Black Power is a cry of disappointment.” Id. at 32–33. Dr. King saw the calls for black separatism as a response to “the failure of white power” and “great disappointment with the federal government and its timidity in implementing the civil rights laws on its statute books.” Id. at 34–35. Moreover, King emphasized how the disillusionment of black separatists intensified when they considered the abysmal situation in the urban centers: “In the Northern ghettos, unemployment, housing discrimination and slum schools mock the Negro who tries to hope. The economic plight of the masses of Negroes has worsened. Slums are worse and Negroes attend more thoroughly segregated schools today than in 1954.” Id. at 35. Thus, for King, the Black Power movement arose because of the sense of black powerlessness in the face of white resistance to the civil rights movement and the worsening situation in the ghettos. In the 1990s, King probably would have a similar analysis for the current Black Nationalist movement. But see Calmore, supra note 119, at 1494 (arguing that in absence of a genuine and effective movement toward integration, black America should pursue a strategy of ghetto enrichment).
equality and to attack relatively mild remedial programs (in contrast to the radical changes an attempt to dismantle segregation would cause), such as affirmative action. As Massey and Denton conclude, "a racially segregated society cannot be a race-blind society; as long as U.S. cities remain segregated—indeed, hypersegregated—the United States cannot claim to have equalized opportunities for blacks and whites." Opponents of affirmative action cannot argue against it by claiming that it betrays the color-blind ideal, when racial segregation has been constructed and continues to exist due to race-conscious actions by whites.

Others may attempt to rationalize residential segregation by arguing that it is not about race, but about safety and crime. In fact, conservative sociologist Nathan Glazer contends that neighborhoods continue to be racially segregated mainly because whites fear black criminal behavior. To the extent that a higher crime rate exists among blacks, Glazer seems to argue that whites are justified in maintaining segregated living arrangements.

As David James points out, however, segregation creates a vicious cycle that perpetuates racism. Segregation creates conditions which produce higher rates of poverty and crime among blacks. Because of crime, whites' racial perceptions of blacks as the dangerous "Other" become reinforced and magnified by media racialization of blacks.

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206 Massey & Denton, supra note 14, at 148.
207 A standard rebuttal against such an argument is that although racial discrimination is acknowledged, it is argued that the law must remain color-blind in the ideal sense, and that we should not use race-conscious means in order to achieve a color-blind society in the future. In light of Massey and Denton's work, the proper argument against such a response is to shift the debate away from affirmative action, because whether affirmative action promotes racial stigma or not, it becomes fairly clear that to make the color-blind ideal a reality, this nation needs to pay attention to eradicating the legal and political structures and private white racism that serve to reinforce residential segregation.

In fact, to do away with affirmative action would probably reinforce apartheid, since most people gain jobs primarily through networking and contacts. See supra note 199 and accompanying text. Affirmative action, to the extent it brings blacks into the workforce, may mitigate the intense economic isolation caused by segregation and spatial isolation, enabling blacks to gain the necessary contacts from which they are precluded due to the geographic constraints placed upon them by residential segregation.

209 See id.
210 See James, supra note 129, at 427–28.
211 Id. at 428.
212 See Addis, supra note 138. Addis emphasizes the crucial role that the media plays in shaping white perceptions of blacks, since residential segregation means that whites have very little actual contact with blacks. Id. at 2265. Consequently, "given the segregated nature of social life, the media quite often becomes, for many, the primary source through which they construct
Whites then feel as if they have the right and need to insulate themselves in suburbs, where they can avoid the dangers posed by the criminal black population. That suburban consciousness reinforces the structures of segregation, which perpetuates "anti-social behavior" among the "underclass," further reinforcing white racial perceptions, and so on. This "cycle of racism" is Gunnar Myrdal's American dilemma updated for the 1990s.

As Massey and Denton have noted, whites have used their perceptions of black "anti-social" behavior since the turn of the twentieth century to justify the use of violence, racially restrictive covenants, redlining, and other previously mentioned means, to reinforce segregation. People truly committed to racial equality would acknowledge the racist effects of segregation, and seek to dismantle segregation, not rationalize its existence. If people continue to attempt to rationalize segregation, then they should at least acknowledge that American society is based on a fundamental inequality, as even Glazer is willing to admit. They must recognize this fundamental social inequality, and then assert that for whatever reasons, they are still unwilling to support measures that could dismantle segregation. Glazer, for example, concedes that segregation perpetuates racial inequality, but he is reluctant to support measures to dismantle segregation because he fears they would require massive government intrusion. At least such a position is more honest than attempts to submerge and to hide racial

the image of the Other. When the source presents the Other as The Problem, then that image will orient the majority's reaction to the minority." Id. Thus, segregation fosters stereotypes that become magnified through the media, feeding into the racial perception of whites, which then gives them the justification to rationalize their privileged, all-white suburban existence. See id. at 2264-65; see also Armstrong, supra note 119, at 355.

213 See Glazer, supra note 208, at 39. Glazer accepts the fact that segregation creates a vicious cycle that reinforces racial stereotypes, which then ends up reinforcing segregation. Id. However, Glazer contends that to dismantle segregation would require infringing on the private choices of Americans to live where they choose, and he concludes therefore that the massive government effort that would be necessary to disperse the ghetto "is simply not possible in a democracy." Id. But see Frug, supra note 200, at 280-81.

214 See James, supra note 129, at 428.

215 See supra notes 19-81 and accompanying text.

216 See Glazer, supra note 208, at 39. Glazer admits that the continuing segregation of blacks "represents perhaps the greatest failure in the national effort to equalize the condition of American blacks." Id.

217 See id. Glazer concludes his review by asserting that efforts to dismantle the ghetto would "require government action on a scale that is simply not possible in a democracy." Id. One wonders, however, what sort of "democracy" we live in, if it is "impossible" to rid this nation of a fundamental inequality that makes it difficult for millions of blacks to achieve equal citizenship.
prejudices and attachment to the status quo under the cloak of the rhetoric of color-blindness.  

V. Conclusion

Recognizing the need to discuss residential segregation in any meaningful conversation on race, how should we then proceed to reframe the debate? A first step is to deconstruct the racialized image of a socially deviant urban "underclass." Historian Jacqueline Jones observes that the narrow debate over the causes of "underclass" behavior in the 1980s and 1990s deflected national attention away from the changing nature of poverty brought on by global economic restructuring: "[T]he grip of the black 'underclass' on the American imagination served to obscure the historical and economic processes that by this time had created a multitude of 'underclasses,' people who were neither black nor the residents of Northern cities."

"Underclass" status should not be identified with behavior, but rather with structural obstacles to good jobs, decent, affordable housing, health care, and quality education. In the 1990s, the underclasses are multicultural, as Asian and Latino immigrants, and the formerly white working and middle class become victims of global economic transformation. However, because of racial segregation, blacks experience structural obstacles to opportunity that other racial and ethnic groups are only beginning to experience. Other racial and ethnic groups do not have to confront on a daily basis pernicious and pervasive racial images that associate black skin with deviance, criminality, and other antisocial behavior.

To reconstruct discourse on race and poverty in America, then, requires emphasizing the structural barriers to socioeconomic opportunity caused by global economic restructuring. Second, a renewed discourse needs to highlight the growing multiracial and multiethnic face of poverty, while at the same time not obscuring or diminishing the invidious race/class subordination that blacks suffer because of continuing residential segregation. Third, discourse must expand to include discussion on possible global solutions to "American" prob-

219 See Jones, supra note 172, at 269-92.
220 Id. at 271.
221 Id.
222 See generally Addis, supra note 138.
lems within the emerging global community.223 As this nation enters the twenty-first century, to create a more enriching, substantive, and global discourse which can produce effective democratic action is the challenge for people committed to achieving racial and socioeconomic equality in America.

223 See Brecher & Costello, supra note 185, at 83–102 (describing the growth of transnational coalitions to counteract the downward spiraling effects the globalization of the economy has created for the poor throughout the world); Dennis Conway, Are There New Complexities in Global Migration Systems of Consequence for the United States “Nation-State?,” 2 IND. J. GLOBAL LEGAL STUD. 31, 36 (1994) (“I would even go so far as to extend the depiction of the new global economic order . . . to argue for consideration of the world as a community.”) (italics added).