First & Last Name: _____

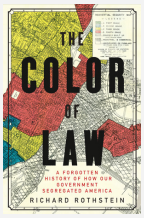
Excerpt 2: *The Color of Law: Creating Racially Segregated Communities*

Excerpt #2 by Richard Rothstein

Directions:

- ☐ Within your groups, read and annotate this excerpt, looking for evidence for why segregation or inequality persists in America. .
- ☐ Be prepared to share five unvarnished truths with the class.

Annotate for:
Argument on the wealth gap



What is one major myth about racial segregation and racially segregated communities?

What can be inferred from the passage about how frequently or easily Americans are able to achieve a higher economic status than the one in which they were raised?

A common explanation for *de facto* segregation[1] is that most black families could not afford to live in predominantly white middle-class communities and still are unable to do so. African American isolation, the argument goes, reflects their low incomes, not *de jure* segregation. Racial segregation will persist until more African Americans improve their educations and then are able to earn enough to move out of high-poverty neighborhoods.

The explanation at first seems valid. But we cannot understand the income and wealth gap that persists between African Americans and whites without examining governmental policies that *purposely* kept black incomes low throughout most of the twentieth century. Once the government implemented these policies, economic differences became self-perpetuating. It is not impossible, but *it is rare* for Americans, black or white, to have a higher rank in the national income distribution than their parents. Everyone's standard of living may grow from generation to generation, but an individual's relative income—how it compares to the incomes of others in the present generation—is remarkably similar to how his or her parents' incomes compared to others in their generation.

So an account of *de jure*[2] residential segregation has to include not only how public policy geographically separated African Americans from whites but also how federal and state labor market policies, with undisguised racial intent,

[1] the segregation/racial of people that occurs "by fact," or as a result of unintentional actions rather than by law.
[2] segregation resulting from purposeful discrimination by the government through laws or policies

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How did certain New Deal programs find a way to exclude African Americans without explicitly stating this fact? Why was this done?	depressed African American wages. In addition, some and perhaps many local governments taxed African Americans more heavily than whites. The effects of these government actions were compounded because neighborhood segregation itself imposed higher expenses on African American than on white families, even if their wages and tax rates had been identical. The result: smaller disposable incomes and fewer savings for black families, denying them the opportunity to accumulate wealth and contributing to making housing in middle-class communities *unaffordable*. If government purposely depressed the incomes of African Americans, with the result that they were priced out of mainstream housing markets, then these economic policies are also important parts of the architecture of *de jure* segregation. --- In the 1930s, President Franklin D. Roosevelt could assemble the congressional majorities he needed to adopt New Deal legislation only by including southern Democrats, who were fiercely committed to white supremacy. In consequence, Social Security, minimum wage protection, and the recognition of labor unions all excluded from coverage the occupations in which African Americans predominated: agriculture and domestic service. State and local governments behaved similarly. When, for example, in the mid-1930s St. Louis constructed a segregated hospital for African American patients, a contractor hired a single black tile setter; white union members protested, and the city fired the contractor and announced it would no longer use any firm that employed African American labor.
How did White union members participate in excluding African-Americans from employment?	
How did NRA policies affect white workers and African American workers differently?	Similar policies later prevailed under the National Recovery Administration (NRA), another New Deal agency established in Roosevelt's first year. It established industry-by-industry minimum wages, maximum hours, and product prices. Codes routinely withheld benefits from African Americans that white workers enjoyed. In addition to agriculture and domestic service, the NRA did not cover sub-industries and even individual factory types in which African Americans predominated. Canning, citrus packing, and cotton ginning were industrial, not agricultural jobs, but workers were usually African American, and so they were denied the NRA's wage and hours standards. The

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How did the CCC prioritize and support white workers? How did the National Labor Relations Board exclude nonwhite unions from protections and access to employment opportunities?	NRA took account of the lower cost of living in the South by setting lower wages in that region. In Delaware, 90 percent of fertilizer manufacturing workers were African American; thus fertilizer plants were classified as "southern," while other factories in the state that hired whites were classified as "northern," so higher minimum wages applied. --- The Civilian Conservation Corps (CCC) not only segregated residential camps but allowed local policies that did not permit African Americans to enroll or restricted them to menial jobs in which they could not develop the higher skills the corps was meant to provide. Florida announced that it would not accept African Americans, while Texas officials declared that "this work is for whites only." Many other states had long waiting lists of eligible African Americans because localities refused to allow the CCC to establish camps to lodge them. Where the army set up segregated camps, it did not permit African Americans to lead the units, assigning white commanders instead. CCC sites usually had educational programs, but army officers often refused to hire black teachers, leaving "educational adviser" positions vacant. African American corps members were also rarely allowed to upgrade to better-paying jobs like machine operators or clerks, even if they'd had experience as civilians. The painter Jacob Lawrence worked as a youth at Breeze Hill, a segregated camp for African Americans about seventy miles northwest of New York City, where 1,400 young men shoveled mud for a flood control project. Not one could be promoted to a higher classification. My father-in-law told how, in a white CCC camp, he claimed to know how to type (although his skills were minimal), then quickly learned to do so after persuading a supervisor to give him a clerk's job. He was then able to send a few dollars back to his parents, helping to keep them and his younger brothers and sister from losing their home. African American youths who already knew how to type (or were equally capable of faking it) had no such opportunities. Anecdotes like these, multiplied tens of thousands of times, help to explain the

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	different African American and white economic conditions during the Depression and afterward. The construction trades continued to exclude African Americans during the home and highway construction booms of the postwar years, so black workers did not share with whites the substantial income gains that blue collar workers realized in the two big wage growth periods of the mid-twentieth century—war production and subsequent suburbanization. African Americans were neither permitted to live in the new suburbs nor, for the most part, to boost their incomes by participating in suburban construction. In 1964 the NLRB [National Labor Review Board] finally refused to certify whites-only unions. Although the policy was now changed, the agency offered African Americans no remedy for decades of income suppression that flowed from its unconstitutional embrace of segregation. Still another decade passed before African Americans were admitted to most AFL [American Federation of Labor] craft unions, but seniority rules meant it would take many more years for them to achieve incomes in these trades that were comparable to whites'. Racial income inequality by then was firmly established, and suburban segregation was mostly complete. --- Until long after emancipation from slavery, most African Americans were denied access to free labor markets and were unable to save from wages. This denial of access was another badge of slavery that Congress was duty bound to eliminate, not to perpetuate. Following the Civil War, and intensifying after Reconstruction, a sharecropping system of indentured servitude perpetuated aspects of the slave system. After food and other living costs were deducted from their earnings, sharecroppers typically owed plantation owners more than their wages due. Local sheriffs enforced this peonage, preventing sharecroppers from seeking work elsewhere, by arresting, assaulting, or murdering those who attempted to leave, or by condoning violence perpetrated by owners.

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Exit Ticket	1. What result did the government actions mentioned in the passage have on African American people and communities? 2. Identify FIVE unvarnished truths that your group will share out with the class

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