

The Color of Law

*A Forgotten History of
How Our Government
Segregated America*

Community Discussion

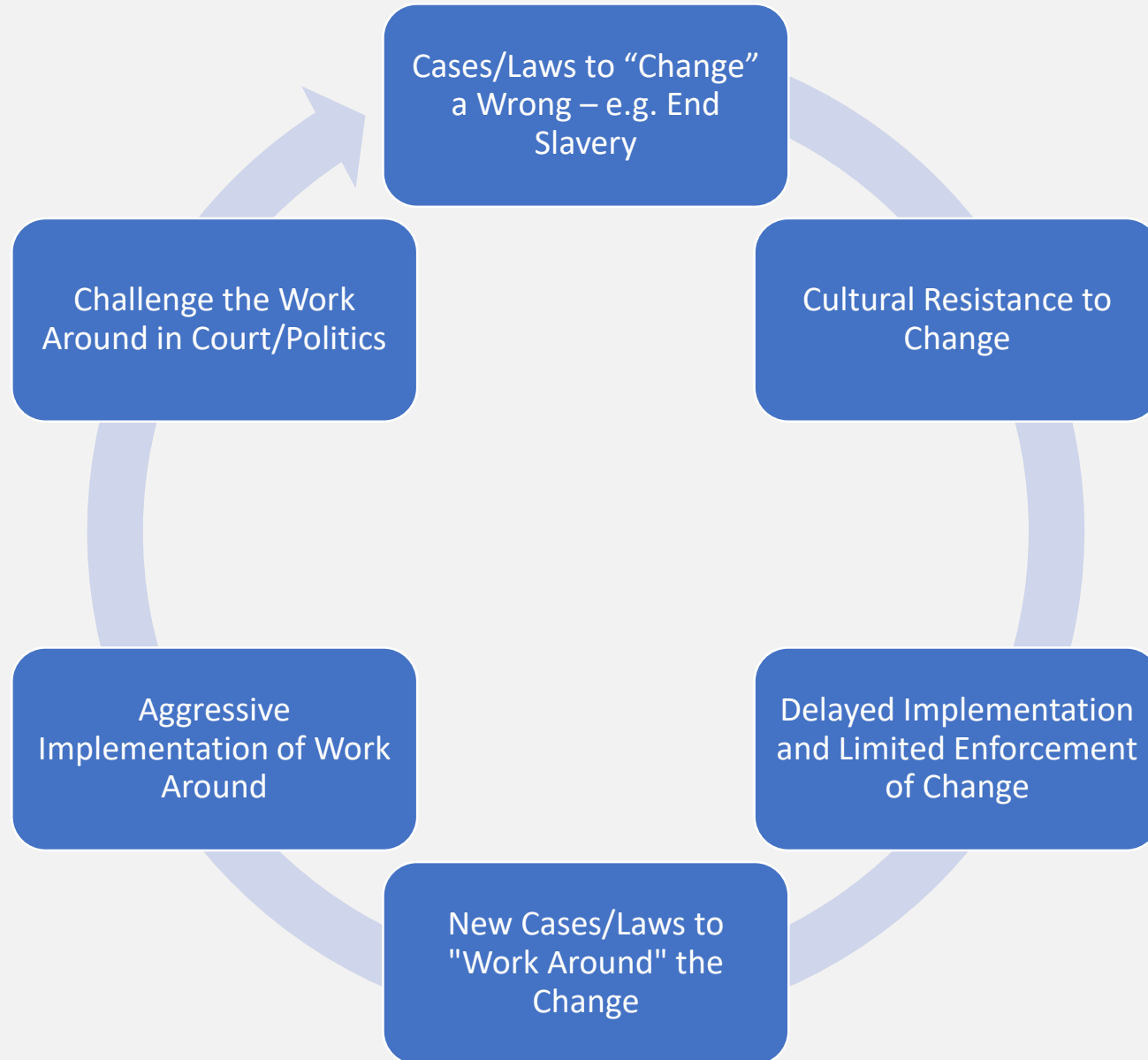
Dec 3, 2018

"Re-Learning History"



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

Reviewing the Repeating Pattern of Discrimination



Racism is an **institutional and systemic construct** combining racial prejudice and **legal, governmental, economic, and social power** as a tactic to advance **White advantage** – not individual acts of racial hatred. The methods of implementation are **continuously evolving** to circumvent the most recent limitations imposed.

“Re-Learning History”

The racial wrong of slavery was **technically righted** by the Civil War Amendments (13, 14, 15) and the Civil Rights Act of 1875. Then in NC and other Southern States during the Reconstruction Period Black people began to be elected to office. Between the 1868 constitutional convention and **1901, 97 Black Republican state legislators and twenty-seven Black United States congressmen served North Carolina**. Racism as a tactic of White advantage had to be reinvented to meet the demands of the new rules (the “work around”).

Civil Rights Act (1875)
Equal Rights to Black Citizens



Post Civil War
Reconstruction
1865 - 1877

NC
“Fusion”
1894-1900

World War I
1914 - 1918

Great Depression
1929 - 1939

World War II
1939 - 1945

Post War
1945 - 1960

Vietnam War
1955 - 1975

13th Amendment (1865) Abolished Slavery
14th Amendment (1868) Black Citizens Full Rights
15th Amendment (1870) Black Citizens Vote

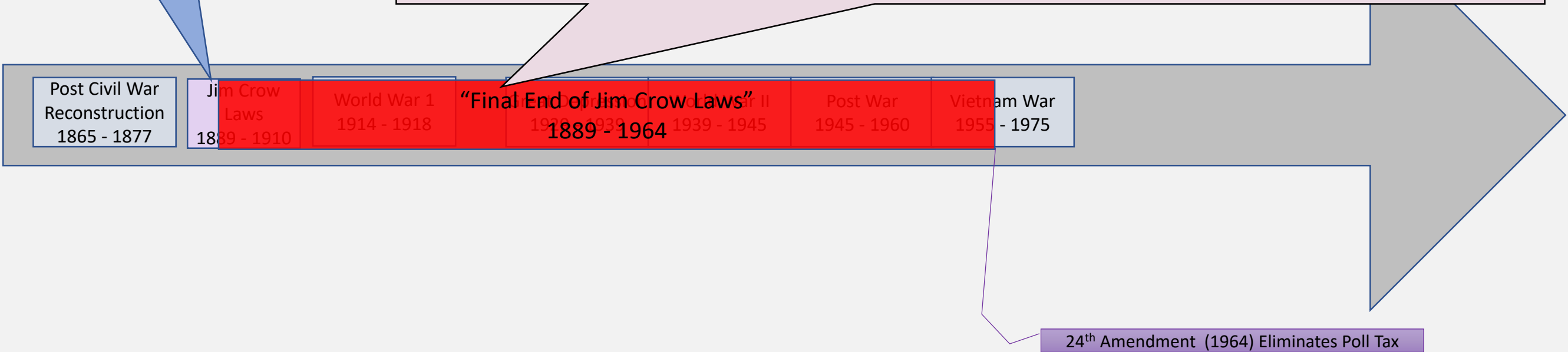


Repeating Pattern

“Re-Learning History”

“**Jim Crow**” Laws became the **new work around** to limit the voting rights of Black people to ensure the white male population stayed in power: Poll Taxes and Literacy Tests (with the Grandfather Exemption) limited the number of Black people able to vote. In addition, aggressive enforcement of laws like “Vagrancy” took advantage of the involuntary servitude exception in the 13th Amendment for people convicted of crimes. This accomplished both nullification of voting rights (15th Amendment) and replacement of slave labor at minimal cost through the prison system and convict leasing. Various forms continued until the Civil Rights Act (1964) and the Voting Rights Act (1965). The **24th Amendment** finally eliminated the Poll Tax in 1964.

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





Repeating Pattern

“Re-Learning History”

The concept of “separate but equal” **proclaimed by the Supreme Court in Plessy v. Ferguson (1896)** extended the suppression of rights from the criminal sphere into the civil structure of our society and our economy through legally enforceable segregation by both governmental agencies and private individuals. “Separate but Equal” was declared unconstitutional for education in the 1954 case of **Brown v. Board of Education, requiring schools to be desegregated “with all deliberate speed.”** However, in Charlotte, as elsewhere, the communities were **slow to act** until forced to by the courts in **Swann v. Char-Meck Board of Education (1971)**.

Post Civil War
Reconstruction
1865 - 1877


World War I
1914 - 1918


Separate but Equal
1896 - 1954


World War II
1939 - 1945

Post War
1945 - 1950

Vietnam War
1955 - 1975


Plessy v. Ferguson (1896)
Separate but Equal


Brown v. Board of Education (1954)
Separate but Equal Banned


Swann v. Char-Meck Board of Education (1971)
Busing for De segregated Schools



Repeating Pattern

"Re-Learning History"

NEW DEAL (1933-1939)

Farm Credit Administration (1933)

Limited access for Black farmers

Home Owners Loan Corp./Fed. Housing Admin. (1934)

Redlining and restrictive covenants exclude Black neighborhoods from mortgage financing

Soc. Sec. Act (1935) and Fair Labor Stand. Act (1938)

Exclude fields predominated by Black workers

GI Bill (1944)

Veteran Loan Guarantee
Education Tuition

Black Veterans Excluded

Restrictive Covenants 1920 - 1949

Buchanan v. Warley (1917)
Banned Racial Zoning

Shelley v. Kraemer (1948)
Racial Restrictive Covenants
Unenforceable

Buchanan v. Warley (1917) outlawed racial zoning. Housing segregation took the new form of **Redlining and racial restrictive covenants** in deeds and neighborhood associations. HOLC and FHA limited the availability of long-term, low-interest mortgage financing to Black property owners with maps **"redlining" Black neighborhoods as high-risk**. Racial restrictive covenants were a criterion for White neighborhoods to avoid redlining. The GI Bill and the Veterans Administration used the same criteria for loans to White veterans. **Black property owners and veterans were excluded**. Shelly v. Kraemer (1948) ruled racial restrictive covenants unenforceable, but **FHA and VA continued to require them until the Fair Housing Act of 1968**.

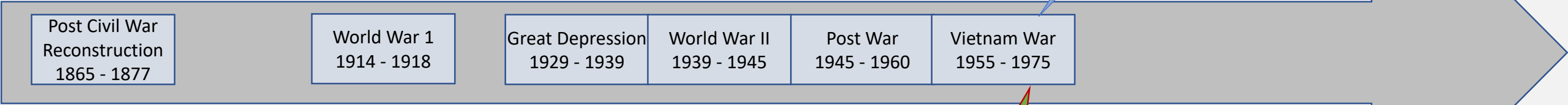



Repeating
Pattern

“Re-Learning History”

During the **Civil Rights Movement of 1946–68** additional legislation was passed to establish greater racial equity, supporting housing, employment and voting rights among others. New work arounds were continually explored to limit the rights of Black citizens without using express racial language. Examples include district gerrymandering and Voter ID laws.

Civil Rights Movement (1946-68)
Civil Rights Act (1964)
End of Separate but Equal
No Employment Race Discrimination
Voting Rights Act (1965)
End of Voting Discrimination
Fair Housing Act (1968)
End Racial Exclusion

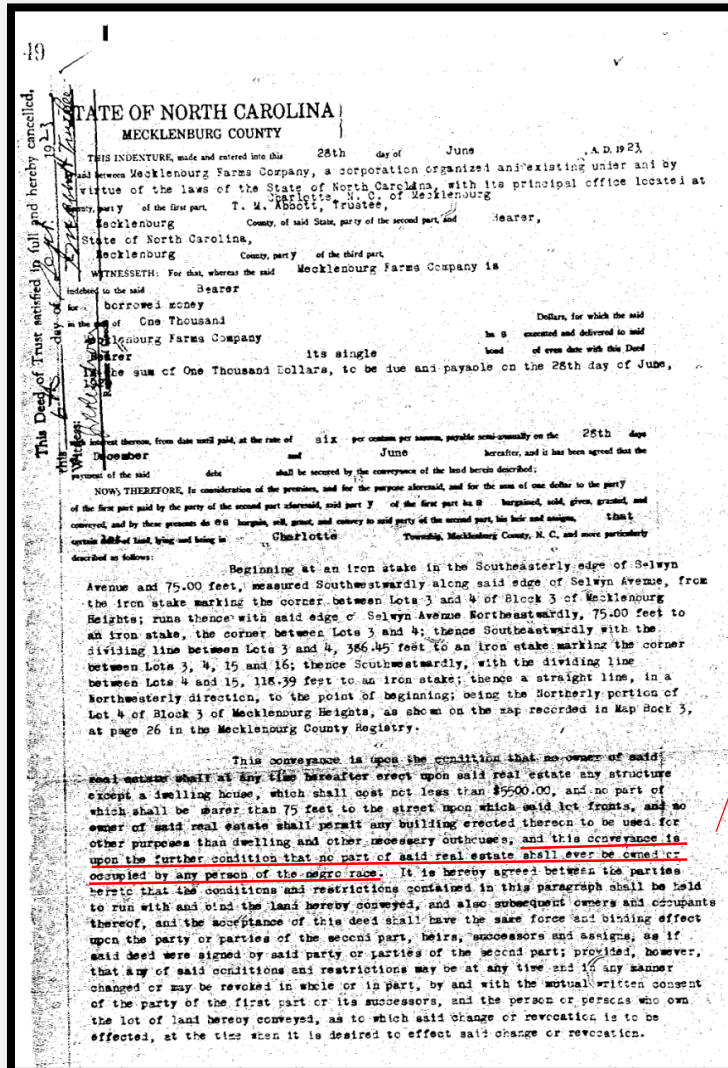



Jones v. Alfred H. Mayer Co.
(1968)
Bars Racial Discrimination in Housing

Supporting Statistics

- Impact of **Restrictive Covenants on New Deal & GI BILL**
 - By 1962 **98% of \$120 BILLION Home Loans went to WHITE HOMEOWNERS**
 - GI Home Loans – **all but 100 out of first 67,000 Loans where to WHITE VETERANS**
- In 1920, one of out seven US farms were black-run; by 1992, African-Americans operated one out of 100 farms
- Brown v. Board of Education 1954, Swann v. Charlotte Mecklenburg 1971 (plan approved in 1974, desegregation order ended in Cappachione 1999, when first post-Swann assignment plan took effect in 2002, 12 of 140 schools were high-poverty, high-minority but by 2017, 73 of 180 schools were high-poverty high-minority), school populations affecting home values and access to housing
- Cycle repeated in *American Recovery and Reinvestment Act of 2009*: qualifying borrowers were overwhelmingly White, and banks foreclosed disproportionately on Black borrowers, increasing the wealth gap in 2016 to \$171,000 median White wealth vs. \$17,600 median Black wealth (9.7x), affecting housing values and access

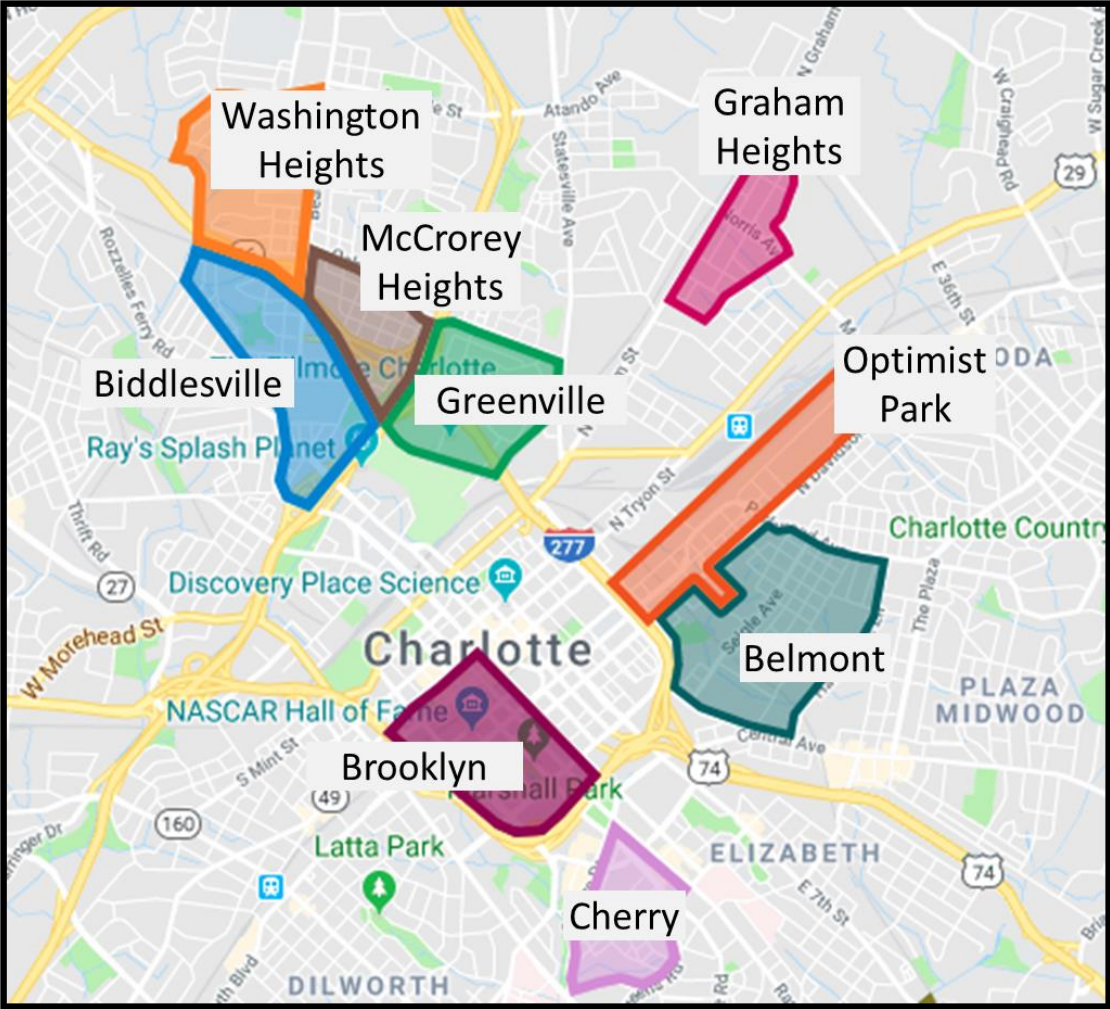
Charlotte Examples: Myers Park Property Deed Restriction



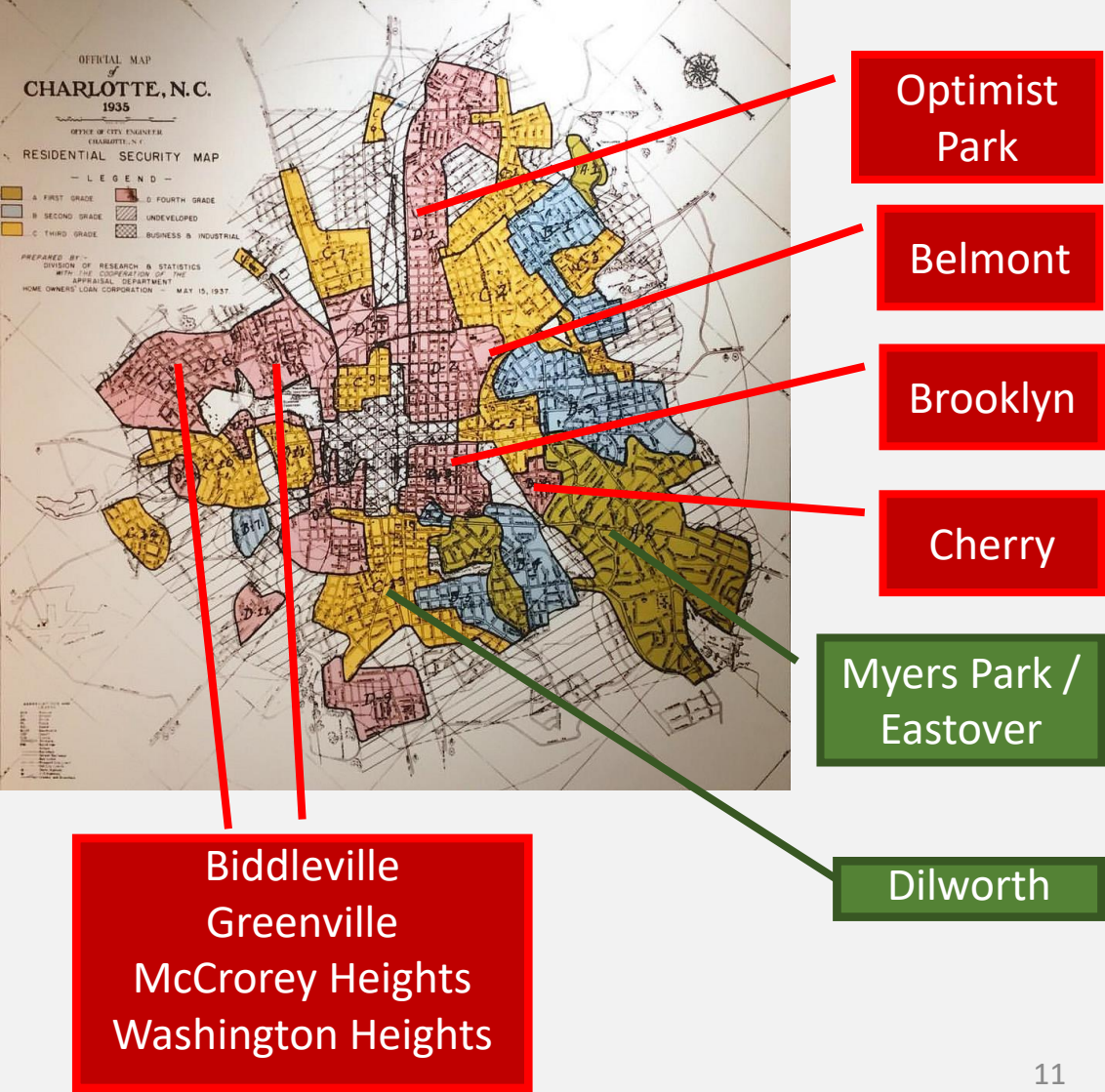
...and this conveyance is upon the further condition that no part of said real estate shall ever be owned or occupied by any person of the **negro race.**"

Charlotte Examples: Housing Segregation – Deed Restrictions to Non-Discriminatory Lending Risk (REDLINING)

Charlotte Historical Black Neighborhoods



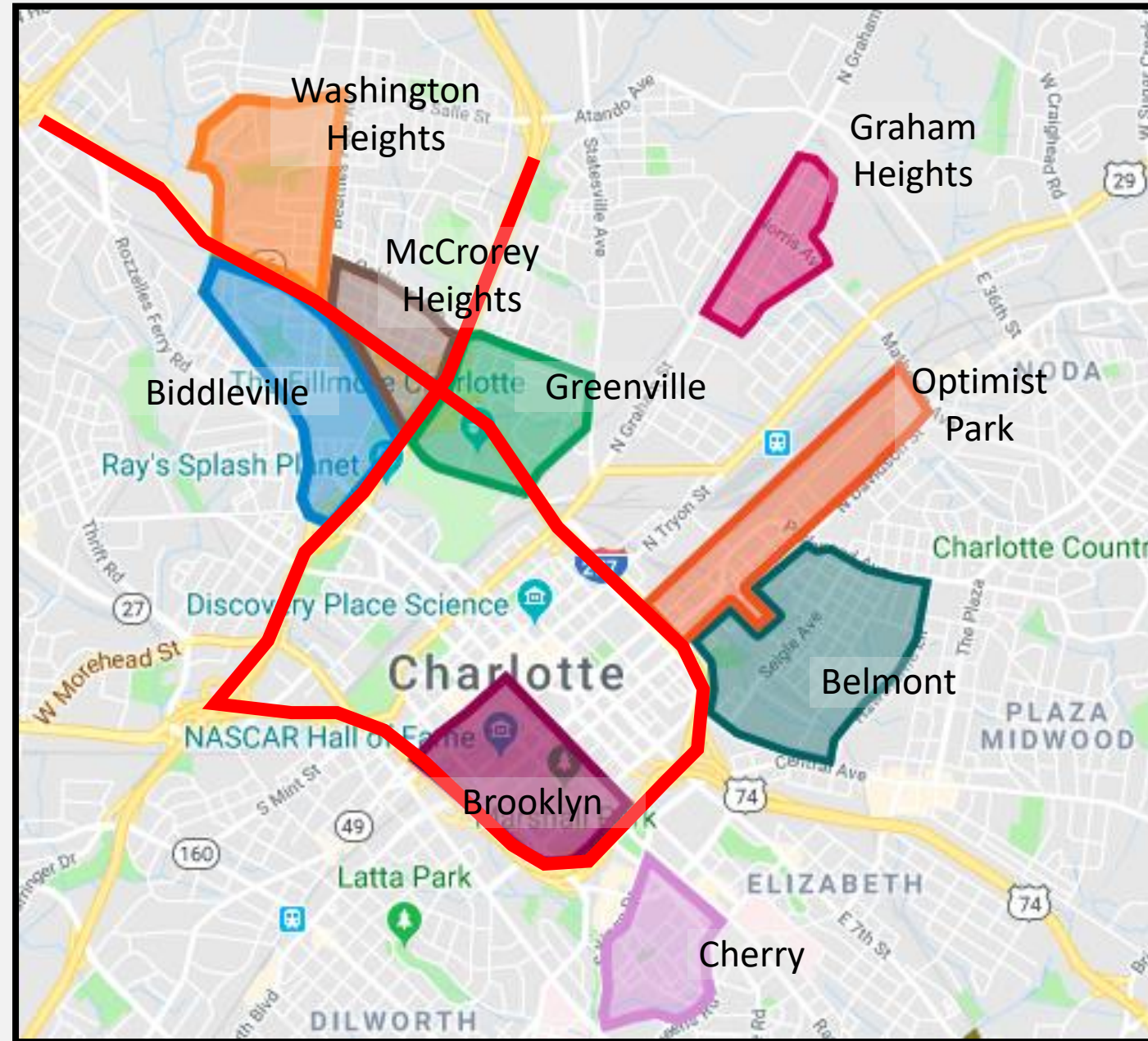
Charlotte Redlining Map 1935



1960's Charlotte Interstate Alignment with Charlotte Historical Black Neighborhoods



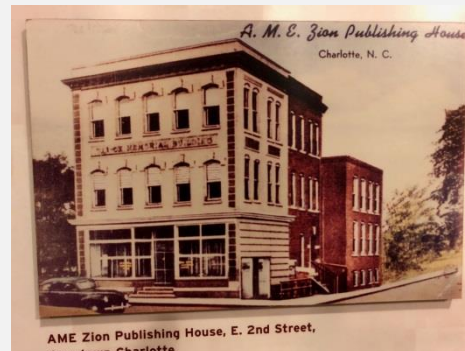
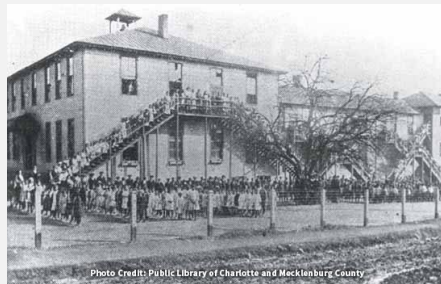
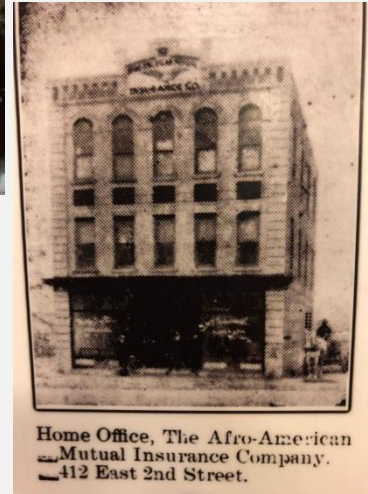
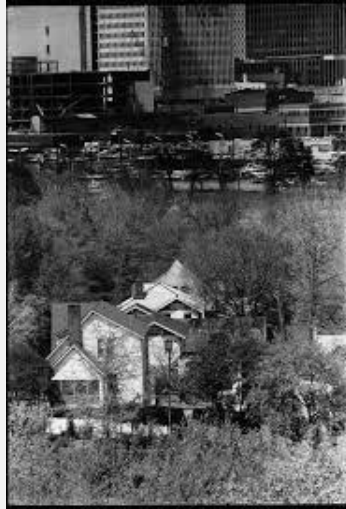
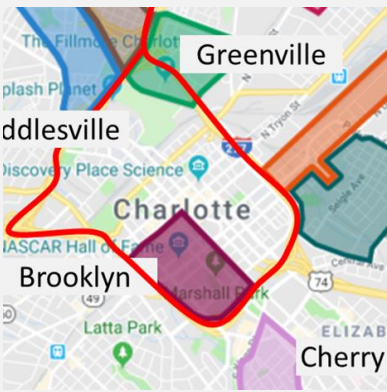
1960 Transportation Plan
77
277
Brookshire Freeway



Isolating
Black
Communities
by DESIGN??

Charlotte Examples: Brooklyn Neighborhood Before URBAN RENEWAL

Urban SLUMS??



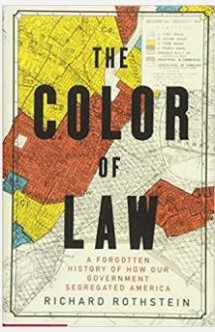
Brooklyn – Before and After 1960's URBAN RENEWAL



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



Brooklyn
Boundaries



Color of Law Community Book Read Next Steps

- **January 8th 2019 – 7:00 – 8:30 pm**
 - 2nd Community Gathering Book Discussion - “How does it still impact Charlotte Today”
C.M. Jenkins Memorial Presbyterian Church
1421 Statesville Ave
Charlotte, NC
 - Panel Discussion followed by Charlotte Residents discussing impact on their lives
- **January 28th 2019 – 7:00 – 9:00 pm**
 - Community Discussion with Author Richard Rothstein
First Baptist Church – West
1801 Oaklawn Ave
Charlotte, NC
 - Reception and book signing followed by a discussion of the Color of Law with the following panel:
 - Glenn Burkins — Moderator, Editor/Publisher of QCitymetro.com
 - Richard Rothstein — Author of The Color of Law
 - Willie Griffin — Museum of the New South
 - Arthur Griffin — Black Political Caucus Chair & former School Board Chair
 - Julie Porter — Charlotte Mecklenburg Housing Partnership
 - Greg Jarrell — West Side Community Land Trust
 - Dr. Justin Harlow — District 2 City Councilman