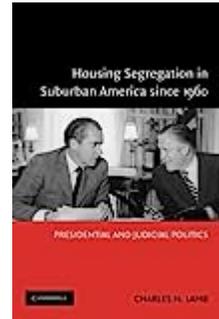


Charles M. Lamb. *Housing Segregation in Suburban America since 1960: Presidential and Judicial Politics.* Cambridge: Cambridge University Press, 2005. xiii + 302 pp. \$24.99 (paper), ISBN 978-0-521-54827-4.



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Is the Cup Half Full? Suburban Housing Integration since the 1968 Fair Housing Act

The legacy of three-and-a-half centuries of black subjugation in America has left a lasting imprint on the structure of the twenty-first century metropolis. The civil rights movement of the mid-twentieth century spurred federal legislation aimed at ending legal segregation and rectifying the resultant inequities. Following the 1964 Civil Rights Act and the 1965 Voting Rights Act, the 1968 Fair Housing Act sought to end discrimination in the sale and rental of housing and to redress the racial imbalance in American cities where African Americans were crowded in inner cities surrounded by more affluent rings of white residential suburbs.

Charles Lamb's study argues that the promise of the Fair Housing Act was not realized because President Richard Nixon narrowly construed its intent and set in place a policy that has been upheld by his appointees to the federal courts and sustained by subsequent administrations, both Republican and Democratic. Lamb concludes that America's metropolitan suburbs remain overwhelmingly white today because of Nixon's policy.

Lamb brings to his study a thorough understanding of fair housing issues, which includes work with the U.

S. Commission on Civil Rights in the mid-1970s, an impressive amount of primary research in presidential papers and congressional sources, and a thorough mastery of the secondary fair housing literature.

While Lamb's is a policy study, it tells a number of absorbing stories. The first details the congressional and presidential negotiations that led to the passage of the Act. Everett Dirksen, the Republican minority leader in the Senate who led the resistance to the passage of a national fair housing law, reversed his opposition with a compromise that sale-by-owner homes would not be covered by the Act and that enforcement would be at the discretion of the attorney general, rather than the secretary of Housing and Urban Development. The Dirksen compromise was followed by two significant events: the March 1968 report of the Kerner Commission that concluded that the United States was moving toward two racially separate societies and the April 4, 1968 assassination of Martin Luther King, Jr. President Johnson, who had been advancing fair housing legislation, seized on the opportunity to urge Congress to pass a fair housing act as a means to end racial segregation in housing and as a

tribute to the slain civil rights leader. Four days later the House accepted the Senate version of the Fair Housing Act, and on April 11, 1968, Johnson signed the act into law.

Lamb's second engrossing story explains the practical consequences of the inherent weakness in the act created by the Dirksen compromise. HUD only had the authority of conference, conciliation, and persuasion in its efforts to enforce section 3608, which vested in HUD the affirmative duty to promote fair housing. The first HUD secretary who attempted to use conciliation and persuasion to promote fair housing was George Romney. Lamb details how Romney developed a blueprint for suburban integration that sought to bring low-income housing projects into suburban communities that were receiving HUD funds for sewers, parks, and other development projects. Romney selected Warren, a Detroit suburb in his home state of Michigan, to use HUD support for public-works projects as leverage to require the community to develop a plan to construct low-income housing. HUD officials thought that their low-key negotiations were making progress, but they actually roused the political opposition of white suburban officials whose constituents feared HUD-financed housing projects in their communities. Romney tried to calm the waters himself, but the Warren controversy stirred the White House into action and Nixon shifted responsibility for housing policy to his domestic policy advisor, John Ehrlichman.

Ehrlichman's housing plan was released June 11, 1971. The policy stated that under the Nixon administration, race would not be a reason for denial of equal housing opportunity and that federal agencies would be directed to implement programs that would enhance equal housing opportunities on a metropolitan-wide basis. Federal agencies, however, would not selectively target communities and force them to construct low-income housing. President Nixon's policy committed the federal government to enforce the right of minorities to buy or rent in the suburbs, but not to force integration by making acceptance of public housing a condition for receiving community development grants.

Lamb points out that the policy of "no forced integration" of suburban housing dovetailed with the Nixon administration's political agenda of building a winning coalition of white southern and suburbanite voters for the Republican Party. This coalition contributed to Nixon's landslide reelection in 1972. In Lamb's view this "had a segregative impact on suburban housing patterns for decades following [the Nixon] presidency" (p. 163).

To substantiate this argument, Lamb meticulously traces the working of federal housing policies through the administrations of Ford, Carter, Reagan, Bush, and Clinton. He contends that Nixon's narrow construction of the Fair Housing Act that prevented the use of federal funds as leverage to require public housing projects for minorities in white suburbs was a powerful precedent that was not reversed by any of his successors.

HUD secretaries in the Ford, Carter, and Clinton administrations looked for ways to provide suburban housing opportunities for minorities. Lamb frames the debate in terms of a carrot and stick approach. It was clear from the experience of Romney with Warren, Michigan, that using the "stick" of funding cutoffs to force acceptance of public housing projects would cause political damage. However, there were court challenges contending that HUD was continuing patterns of racial segregation by funding public housing in African American neighborhoods and not in white suburban communities. One notable 1976 case was *Hills v. Gautreaux*, when the U. S. Supreme Court ruled that a lower federal court could order HUD to disperse public housing throughout a metropolitan area where HUD had knowingly given funds to a local housing authority that discriminated on the grounds of race.

Patricia Roberts Harris, the HUD secretary in the Carter administration, followed in the footsteps of George Romney by trying to tie acceptance of some subsidized low- and moderate-income housing as a condition for HUD community development projects. Unlike Nixon, Carter backed his secretary who proposed that three-quarters of the Community Development Block Grant (CDBG) funds be required to go to benefit low- and moderate-income persons. But opposition in Congress, spurred by protests from the U. S. Conference of Mayors and the National League of Cities, killed the big-stick approach during the Carter years.

President Ronald Reagan spoke strongly in favor of fair housing to a joint session of Congress in January 1983, saying that "enforcement of the Fair Housing Act was 'essential to ensuring equal opportunity'" (p. 182). His administration successfully advanced a bill to amend the Fair Housing Act that strengthened enforcement of minority access to housing by authorizing the secretary of HUD to refer complaints to the attorney general for legal action when conciliation failed. Civil penalties for denying access were also toughened with fines of \$50,000 to \$100,000. While this strengthening of enforcement powers to ensure minority access to housing was not

as strong as fair housing advocates wanted, it was an improvement on the weakness created by the Dirksen compromise in the 1968 act. After the bill became law in September of 1988, during the administration of the first President Bush, there was a dramatic increase of fair housing complaints, from 4,422 in 1988 to 9,320 in 1991.

In the Clinton administration, HUD secretary Henry Cisneros focused attention on continuing impediments to housing access by looking at steering practices of realtors and biased lending policies of banks. There were 70 fair housing centers in cities across the United States to help the poor find suburban housing. Cisneros sought to provide all public housing residents with a genuine choice of living where they were or moving to private housing elsewhere in their metropolitan region. But Cisneros, like the secretaries before him, ran into local political opposition when he tried to leverage minority housing developments in the suburbs.

Lamb expands his examination of fair housing enforcement with an analysis of the judicial arguments of Nixon appointees. He concludes that the opinions of Nixon's Supreme Court and District Court appointees, who did not support efforts to force suburban communities to accept low-income housing, "had a negative impact on residential integration in suburban America," (p. 206) and that Nixon would have been pleased with their rulings. In Lamb's view, if Nixon and his successors, backed by court rulings, had directed suburban jurisdictions to build housing for minorities, then the metropolitan suburbs would be more diverse than they are today.

The underlying difficulty with Lamb's argument is that does not take into account the inherent problem of concentrating poor people in housing projects. The 1972 demolition of the Pruitt-Igoe complex in St. Louis symbolized the failure of large-scale public housing projects for the poor. It was not just fear of minorities that stirred opposition. Published a decade earlier, Jane Jacobs' *Death and Life of Great American Cities* provided well-founded criticism of large public housing projects.[1]

Lamb's study does not address this important and related housing policy issue that has confounded administrations since Nixon. How can the federal government effectively provide housing for the poor in both urban and suburban communities? When the 1968 act was passed, it seemed a simple matter of dispersing housing projects in the suburbs. But a decade later, construction of large-scale housing projects for the poor and minorities was widely seen as ineffective. As Lamb notes, Section 8 of the Housing and Community Development

Act of 1974 provided the alternative of rent subsidies that could offer a suburban choice for urban minorities. If rent subsidy was to be effective as a tool to open the suburbs to minorities, there needed to be both affordable units in the suburbs and federal enforcement of opportunity. While the latter was improving, the former was lagging.

At the heart of Lamb's argument is the contention that the lack of federal will to provide housing units for the poor and minorities is a major contributor to the continuation of suburban segregation. At the same time, his treatment of housing policy makes a strong argument that enforcement of the Fair Housing Act's requirement for access has successfully increased housing in the suburbs for minorities. Lamb notes that Republican and Democratic administrations have rallied to this cause, even strengthening the enforcement and punitive powers of HUD with the 1988 amendments to the act. There are two related, but distinct components of the intent of the 1968 Fair Housing Act. If Nixon is to be criticized for his failure to force the dispersal of public housing projects in the suburbs, he should be credited with setting in place a policy of federal enforcement of equal housing opportunity that has been followed and strengthened by subsequent administrations.

At the beginning and end of his study, Lamb uses data from the census to make his case for continuing suburban segregation. A table shows the percentages of suburban African American population from 1960 to 2000 for the 100 largest U. S. metropolitan areas. He computes the percentage changes from 1960 to 2000 to argue that the racial composition of the suburbs has increased only modestly. The difficulty with this general conclusion is that there is tremendous variation among the 100 largest metropolises depending on the relative size of the central city to its surrounding suburbs and on the relative size of the local African American population. For example, among the ten largest metropolitan areas in 2000, Washington D.C., and Atlanta, Georgia, had black suburban populations of 22 percent and 25 percent respectively. Both cities have had large black populations with small central cities relative to their suburban jurisdictions. New York and Chicago, on the other hand, which had large central cities, had black suburban percentages of 8 percent and 9 percent respectively. While at first glance a seemingly low proportion for New York, 8 percent was almost double that of the 1960 black population, and for Chicago, which Lamb calls one of the most segregated cities in America, 9 percent was triple the 1960 rate. Considering the absolute numbers of African Americans in the suburban areas of New York and Chicago, roughly

two million in the former and three-quarters of a million in the latter, there has been progress in suburban integration. One would realistically expect only modest increases beyond these numbers if their suburban jurisdictions had added low-income housing units for minorities as a condition of receiving HUD funds. It can be argued that the enforcement of opportunity has been effective alone in opening the suburbs to minorities.

It is also instructive to take a look at the 2000 census figures for Warren, Michigan. In the early 1970s, when HUD secretary Romney failed in his attempt to get the government to build low-income housing, there were only 132 blacks among a total population of 179,260. There was clear evidence that African Americans were being denied access to home sales in the community, and for the 132 black residents, threats and intimidation were not uncommon. In the thirty years since 1970 there is clear evidence of the successful enforcement of equal access to housing guaranteed by the Fair Housing Act of 1968. In 2000, while the percentage of African Americans was small—only 2.7 percent of the Warren

population—this represents 4,240 individuals, a dramatic increase from 132, especially when one examines the racial distribution maps available from the 2000 census. African Americans can be found living in homes that are dispersed throughout the community. Moreover, when an expanded definition of diversity is used for Warren, the total minority population is over 11,000, of which 3.1 percent are Asian and 1.4 percent Hispanic.

In sum, Lamb sees the 1968 Fair Housing Act as a partial failure because Richard Nixon narrowly construed its goal of opening the suburbs to minorities by empowering HUD only to enforce the equal access provision of the Act. Yet, one can also read his study and see the partial success of the Act, whose enforcement by successive administrations has expanded housing opportunities for minorities and changed the complexion of suburban neighborhoods.

Note

[1]. Jane Jacobs, *The Death and Life of Great American Cities* (New York: Vintage Books, 1961).

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