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## I

## Separate Worlds, Separate Lives

Urban and suburban neighborhoods in America are often profoundly different. They vary according to wealth, business and commercial development, employment opportunities, educational quality, health care, recreational facilities, and a variety of other important characteristics. Yet perhaps the most visible difference is their racial composition: black cities and white suburbs. This condition, a product of decades of housing segregation, is explained in large part by discrimination.<sup>1</sup> Although white attitudes toward housing integration have grown more tolerant over time,<sup>2</sup> and African Americans are moving to the suburbs in small but increasing numbers, race still significantly affects residential patterns.<sup>3</sup>

A substantial body of research has explored the complexities of urban segregation in the United States since World War II, with African

<sup>1</sup> See, for example, Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge, Mass.: Harvard University Press, 1993); John Yinger, *Closed Doors, Opportunities Lost: The Continuing Costs of Housing Discrimination* (New York: Russell Sage Foundation, 1995). Recent estimates of housing discrimination in America are found in U.S. Department of Housing and Urban Development, *The Housing Discrimination Study 2000* (Washington, D.C.: U.S. Department of Housing and Urban Development, 2002).

<sup>2</sup> Howard Schuman, Charlotte Steeh, Lawrence Bobo, and Maria Krysan, *Racial Attitudes in America: Trends and Interpretations*, rev. ed. (Cambridge, Mass.: Harvard University Press, 1997), pp. 112–13; Susan Welch, Lee Sigelman, Timothy Bledsoe, and Michael Combs, *Race and Place: Race Relations in an American City* (New York: Cambridge University Press, 2001), pp. 40–44.

<sup>3</sup> Michael O. Emerson, George Yancey, and Karen J. Chai, “Does Race Matter in Residential Segregation? Exploring the Preferences of White Americans,” *American Sociological Review* 66: 922–35 (2001).

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Americans constituting the group most segregated in the nation's cities.<sup>4</sup> Much less scholarly attention has been paid to racial segregation in the suburbs, though its existence is common knowledge. After decades of suburbanization, with whites fleeing urban problems, American society remains divided along racial lines. Today, the United States is primarily a suburban nation. A high percentage of whites reside in the suburbs, whereas African Americans and other minorities, especially the less affluent, mainly occupy urban areas left behind by white flight.

The racial composition of suburban America changed very gradually between 1960 and 2000 (see the Appendix). However, African American suburbanization rarely results in housing integration.<sup>5</sup> Particularly in the North, African Americans principally live in the inner-ring suburban neighborhoods that surround the cities. These areas often have a sizable number of racial minorities, high-density populations, a weak tax base, high property tax rates, and residential instability, thereby replicating the troubles of the cities.<sup>6</sup> Newer suburbs, developing farther from the urban core, remain predominantly white.

Explanations for racial housing segregation are usually sociological in nature. The most widely accepted explanation stresses discrimination in the real estate and lending industries.<sup>7</sup> Others maintain that differences in the neighborhood preferences of whites and blacks help to explain housing segregation.<sup>8</sup> A few scholars insist that segregation is caused in part by economic disparities across racial groups.<sup>9</sup>

<sup>4</sup> See, for example, Massey and Denton, *American Apartheid*; Yinger, *Closed Doors*; Reynolds Farley and William H. Frey, "Changes in the Segregation of Whites from Blacks during the 1980s: Small Steps toward a More Integrated Society," *American Sociological Review* 59: 23–45 (1994).

<sup>5</sup> John R. Logan and Mark Schneider, "Racial Segregation and Racial Change in American Suburbs, 1970–1980," *American Journal of Sociology* 89: 874–88 (1984).

<sup>6</sup> See Myron Orfield, *American Metropolitics: The New Suburban Reality* (Washington, D.C.: Brookings Institution, 2002). Also see W. Dennis Keating, *The Suburban Racial Dilemma: Housing and Neighborhoods* (Philadelphia: Temple University Press, 1994); Logan and Schneider, "Racial Segregation and Racial Change in American Suburbs."

<sup>7</sup> See, for example, Massey and Denton, *American Apartheid*; Yinger, *Closed Doors*; Stephen Ross and John Yinger, *The Color of Credit: Mortgage Discrimination, Research Methodology, and Fair-Lending Enforcement* (Cambridge, Mass.: MIT Press, 2002); Farley and Frey, "Changes in the Segregation of Whites from Blacks."

<sup>8</sup> William A. V. Clark, "Residential Preferences and Neighborhood Racial Segregation: A Test of the Schelling Segregation Model," *Demography* 28: 1–19 (1991); William A. V. Clark, "Residential Segregation in American Cities: A Review and Interpretation," *Population Research and Policy Review* 5: 95–127 (1986).

<sup>9</sup> David J. Armor, *Forced Justice: School Desegregation and the Law* (New York: Oxford University Press, 1995), ch. 3; Richard F. Muth, "The Causes of Housing Segregation," in

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This book adds a political layer of explanation. It does not replace other approaches; instead, it shows that politics, policy, and law also matter. It reveals how various components of the political system – the presidency, the bureaucracy, Congress, and the courts – have addressed or ignored the issue of suburban segregation, thereby affecting its fundamental character. It further demonstrates how leading political figures in the United States have framed and tailored this issue in their zeal to attract and retain the crucial suburban vote.<sup>10</sup>

According to this argument, segregated suburbs are explained in part by the politics of suburban segregation at the national level. The politics of suburban segregation reached high tide during the Nixon administration, and its legacy in American politics and law has lived on. In 1971, Richard M. Nixon articulated a federal housing policy that resonated with suburban voters and contributed to the present paucity of housing for the poor in the suburbs. Nixon's policy is not solely to blame for the nation's segregated housing patterns, of course, but rather is one significant factor. As a result of the president's policy, this country lost a critical opportunity to better integrate the suburbs racially and economically, an opportunity spawned by the passage of the Fair Housing Act.

Richard Nixon did not invent the politics of suburban segregation. Opposition to housing integration in suburban America was well entrenched prior to the 1970s.<sup>11</sup> Yet President Nixon solidified public opposition to federal desegregation of the suburbs at a time when the nation was poised for change. He enunciated a policy declaring that the national government would not pressure the suburbs to accept subsidized low-income housing against their will.<sup>12</sup> In so doing, he formally embraced a fundamental suburban belief: that government should not and could not force a community to accept economic – and by extension racial – integration. Nixon's policy cemented the politics of suburban segregation that informally existed

U.S. Commission on Civil Rights, *Issues in Housing Discrimination*, vol. 1 (Washington, D.C.: U.S. Government Printing Office, 1985), pp. 3–13.

<sup>10</sup> See also Michael N. Danielson, *The Politics of Exclusion* (New York: Columbia University Press, 1976); Dean J. Kotlowksi, *Nixon's Civil Rights: Politics, Principle, and Policy* (Cambridge, Mass.: Harvard University Press, 2001); William Schneider, "The Suburban Century Begins," *The Atlantic Monthly* 33–34 (July 1992).

<sup>11</sup> Danielson, *The Politics of Exclusion*; Anthony Downs, *Opening Up the Suburbs: An Urban Strategy for America* (New Haven, Conn.: Yale University Press, 1973); Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (New York: Oxford University Press, 1985), ch. 12.

<sup>12</sup> *Public Papers of the Presidents: Richard Nixon* (Washington, D.C.: U.S. Government Printing Office, 1972), pp. 721–35.

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before his administration. He converted suburban political preferences into national public policy – a policy that remains largely intact to this day. No president between Gerald Ford and Bill Clinton revoked that policy, and Nixon’s federal court appointees perpetuated it through their judicial decisions.

President Nixon actively fostered and transformed the politics of suburban segregation into federal policy for two reasons. First, he was a rational actor who was determined to win a second term in the White House.<sup>13</sup> Nixon’s strategy for victory in 1972, as in 1968, was to carry the southern and suburban vote.<sup>14</sup> An essential part of his suburban appeal was anchored in his aggressive defense of the suburbs’ prerogative to exclude the poor.<sup>15</sup> Second, the president’s grand political strategy was to strengthen the GOP’s base in the nation’s ever-expanding suburbs, the Northern Flank of his Southern Strategy.<sup>16</sup> If urban residents continued to support Democratic candidates and rural voters continued to back Republicans, the critical battleground would plainly lie in the suburbs. Moreover, if African Americans persisted in solidly favoring Democrats, there was no strategic reason to compete for their votes.<sup>17</sup> As Nixon declared during the 1968 presidential campaign, “I am not going to campaign for the black vote at the risk of alienating the suburban vote.”<sup>18</sup>

<sup>13</sup> Mayhew’s theory of members of Congress as single-minded seekers of reelection would seem to apply to presidents as well. See David R. Mayhew, *Congress: The Electoral Connection* (New Haven, Conn.: Yale University Press, 1974).

<sup>14</sup> See Rowland Evans, Jr., and Robert D. Novak, *Nixon in the White House: The Frustration of Power* (New York: Vintage Books, 1972), ch. 6; Kotlowski, *Nixon’s Civil Rights*, ch. 2.

<sup>15</sup> Danielson, *The Politics of Exclusion*; Kotlowski, *Nixon’s Civil Rights*, ch. 2.

<sup>16</sup> James MacGregor Burns and Georgia J. Sorenson, *Dead Center: Clinton-Gore Leadership and the Perils of Moderation* (New York: Scribner, 1999), pp. 244–46.

<sup>17</sup> Also see memo from Nixon to John D. Ehrlichman, 11/30/70, NPMS, WHSF, Presidential Materials Review Board, Review of Contested Documents, SMOF, Ehrlichman, Documents from Boxes 23–34, National Archives II, College Park, Maryland.

<sup>18</sup> Quoted in Lewis Chester, Godfrey Hodgson, and Bruce Page, *An American Melodrama: The Presidential Campaign of 1968* (New York: Viking Press, 1969), p. 625; Hugh Davis Graham, *The Civil Rights Era: Origins and Development of National Policy, 1960–1972* (New York: Oxford University Press, 1990), pp. 303–4; and Kotlowski, *Nixon’s Civil Rights*, p. 48. Nixon made related statements in memoranda to his closest White House aides. See, for example, memo from Nixon to Ehrlichman, 11/30/70. The president’s advisors held comparable views. See H. R. Haldeman’s ideas on “The Posture of the President,” 11/23/70, NPMP, WHSF, SMOF, Haldeman, Alpha Subject Files, Box 139, Archives II.

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## PRESIDENTIAL INFLUENCE AND FAIR HOUSING

Richard Nixon's influence permeates past and present national fair housing policy. As such, the concept of presidential influence is central to this study.<sup>19</sup> Presidents possess both formal and informal tools for affecting public policy and its implementation. The best-known formal tools flow from the president's legal powers and include appointments, legislative initiatives, and budgetary proposals and decisions, as well as the veto power. Presidents often attempt to increase their influence by centralizing control over domestic policy and its implementation. They may, for instance, rely more heavily on their White House advisors and less on cabinet members in the policy process.

Nixon's tendency to centralize power led to an "administrative presidency" – the idea that a chief executive could and should promote his domestic policy preferences by personally managing the bureaucracy.<sup>20</sup> Presidential centralization, one formal mechanism for exercising influence, removes policymaking discretion, implementation authority, and internal oversight from an administrative agency. By bringing those functions inside the White House for a period of time, centralization allows the president and his advisors to develop and control a particular type of policy. This study provides a notable example of centralization of policymaking power in the Nixon White House after HUD Secretary George Romney failed to produce a fair housing policy that was acceptable to the president.<sup>21</sup>

<sup>19</sup> On the concept of presidential influence, see especially Terry M. Moe, "The Politicized Presidency," in John E. Chubb and Paul E. Peterson, eds., *The New Direction in American Politics* (Washington, D.C.: Brookings Institution, 1985), ch. 9. A number of other studies are relevant, including John P. Burke, *The Institutional Presidency* (Baltimore: Johns Hopkins University Press, 1992); Charles M. Lamb and Jim Twombly, "Presidential Influence and Centralization: The Case of Nixon and George Romney," *Politics and Policy* 29: 91–119 (2001); Terry M. Moe, "The Presidency and the Bureaucracy: The Presidential Advantage," in Michael Nelson, ed., *The Presidency and the Political System*, 7th ed. (Washington, D.C.: Congressional Quarterly Press, 2003), ch. 16; Richard P. Nathan, *The Administrative Presidency* (New York: John Wiley, 1983); Steven A. Shull, *American Civil Rights Policy from Truman to Clinton* (Armonk, N.Y.: M. E. Sharpe, 1999).

<sup>20</sup> Richard P. Nathan, *The Plot That Failed: Nixon and the Administrative Presidency* (New York: John Wiley, 1975); Nathan, *The Administrative Presidency*.

<sup>21</sup> For other historical examples of centralization, see the sources cited in note 19. In contrast to formal mechanisms, informal tools of presidential influence make up what is normally referred to as presidential leadership. See Richard E. Neustadt, *Presidential Power and Modern Presidents: The Politics of Leadership from Roosevelt to Reagan* (New York:

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This kind of centralization is an unmistakable case of presidential influence on executive branch policy, but the imprint of the White House is usually less obvious. In truth, influence may be hard to detect and document, and it is very difficult to know exactly how much impact the president has. Simply because a president addresses certain issues in public, for instance, or introduces legislation, does not necessarily mean that those initiatives carry a great deal of weight.

This book seeks to discern presidential influence through the use of archival documents, supplemented by public documents and secondary sources. Although presidents can exercise their influence and affect the behavior or policies of other actors in the political process, they do not dominate that process. Presidents exert influence to obtain the support of others that they otherwise would not give.<sup>22</sup> Demonstrating the existence of influence, however, does not prove cause and effect.<sup>23</sup> When archival evidence indicates that a president influenced other political actors, that does not necessarily mean that he caused their behavior. Their behavior could be caused, entirely or in part, by factors other than a president's influence.

Presidential influence is often associated with agenda setting.<sup>24</sup> "No other single actor can focus attention as clearly, or change the motivations of such a great number of other actors, as the president," Frank Baumgartner and Bryan Jones conclude. Although the president is not always involved in shaping the national agenda on a particular issue, "when he decides to become involved, his influence can be decisive indeed."<sup>25</sup> In order to have an impact, the president has to persuade the bureaucracy,

Free Press, 1990). These informal tools include persuasion, logrolling, and "going public." Persuasion forces bureaucrats to be alert to their political environment and respond positively to the president's initiatives. Logrolling consists of presidents making deals with other political actors, especially members of Congress. Going public includes presidential attempts to affect Washington politics by appealing to the general public for support through press conferences, travel, and other public appearances. Samuel Kernell, *Going Public: New Strategies of Presidential Leadership*, 3d ed. (Washington, D.C.: Congressional Quarterly Press, 1997).

<sup>22</sup> George C. Edwards III, "Presidential Influence in the House: Presidential Prestige as a Source of Presidential Power," *American Political Science Review* 70: 101–13 (1976).

<sup>23</sup> Ibid.; George C. Edwards III, *Presidential Influence in Congress* (San Francisco: W. H. Freeman, 1980), p. 49.

<sup>24</sup> Frank R. Baumgartner and Bryan D. Jones, *Agendas and Instability in American Politics* (Chicago: University of Chicago Press, 1993); Charles O. Jones, *The Presidency in a Separated System* (Washington, D.C.: Brookings Institution, 1994); John W. Kingdon, *Agendas, Alternatives, and Public Policies*, 2d ed. (Boston: Little, Brown, 1995); Paul Charles Light, *The President's Agenda: Domestic Policy Choice from Kennedy to Clinton*, 3d ed. (Baltimore: Johns Hopkins University Press, 1999).

<sup>25</sup> Baumgartner and Jones, *Agendas and Instability in American Politics*, p. 241.

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Congress, or the public that his policy preferences are correct.<sup>26</sup> His impact is greatest, naturally, when he influences all three.

Dramatic or persistent statements or actions by a president early in agenda setting may well affect other principals in the political process. A president exerts influence if he takes the lead in creating new policy, Congress follows the lead, and the policy survives his administration. When a president's policy supersedes existing policy and those changes endure beyond his administration, influence is likewise visible. A president's imprint may extend beyond the bureaucracy, subsequent administrations, Congress, and the public. It may even be seen in the federal courts through judicial appointments. Indeed, presidents select judges whose policy views are thought to be consistent with their own,<sup>27</sup> although a president's effect on federal judges and their decisions is obviously indirect and uncertain.<sup>28</sup> The more branches of government a president affects, the wider the sphere of influence.

Presidents influence the implementation process as well.<sup>29</sup> Article II of the Constitution vests the executive power of the federal government in the president. The president has the constitutional authority to appoint the heads of departments and to take steps to ensure that the law is faithfully executed. This means the president must occasionally surmount resistance within the bureaucracy to carry out the law in a way that achieves his policy priorities.<sup>30</sup> Moreover, even when there is little or no bureaucratic

<sup>26</sup> Jones, *The Presidency in a Separated System*, p. 25. Presidents are often unable to convince the bureaucracy, Congress, or the public of the need to embrace his policy preferences. With regard to changing public opinion, for example, see George C. Edwards III, *On Deaf Ears: The Limits of the Bully Pulpit* (New Haven, Conn.: Yale University Press, 2003).

<sup>27</sup> Sheldon Goldman, *Picking Federal Judges: Lower Court Selection from Roosevelt through Reagan* (New Haven, Conn.: Yale University Press, 1997); David Alistair Yalof, *Pursuit of Justices: Presidential Politics and the Selection of Supreme Court Nominees* (Chicago: University of Chicago Press, 1999).

<sup>28</sup> Lawrence Baum, *The Supreme Court*, 8th ed. (Washington, D.C.: Congressional Quarterly Press, 2004), pp. 152–53, 188–89; Jeffrey A. Segal and Harold J. Spaeth, *The Supreme Court and the Attitudinal Model Revisited* (New York: Cambridge University Press, 2002), pp. 217–22.

<sup>29</sup> Charles S. Bullock III and Charles M. Lamb, eds., *Implementation of Civil Rights Policy* (Monterey, Calif.: Brooks/Cole Publishing Co., 1984); Graham, *The Civil Rights Era*; Shull, *American Civil Rights Policy*.

<sup>30</sup> Joel D. Aberbach and Bert A. Rockman, "Clashing Beliefs within the Executive Branch: The Nixon Administration Bureaucracy," *American Political Science Review* 70: 456–68 (1976); Richard L. Cole and David A. Caputo, "Presidential Control of the Senior Civil Service: Assessing the Strategies of the Nixon Years," *American Political Science Review* 73: 399–413 (1979); Moe, "The Politicized Presidency."



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resistance, the very process of policy implementation may create results that differ from presidential preferences.<sup>31</sup> A president may consequently adopt administrative strategies, such as centralization, to generate desired policy outcomes.<sup>32</sup> In some cases, the president may place the bureaucracy on an implementation trajectory that affects how a policy is executed beyond his administration. Such implementation paths may persist until a subsequent president and his or her appointees deliberately intervene to set a new course.

There are limits to presidential influence, and research suggests some of them. George Edwards and B. Dan Wood, for example, systematically measure the president's influence in agenda setting.<sup>33</sup> Specifically, they examine the ability of the president to focus the attention of Congress and the media on five issues. Presidential influence is quite complicated in this context. According to Edwards and Wood, the president, Congress, and the mass media mutually affect each other. The president is able to direct media attention to some issues but may also respond to media attention. For the most part, the president appears to react to changes in attention by the media, whereas Congress has no effect on the agenda of either the media or the president. Edwards and Wood conclude that "the influence of the White House varies across issues, within an issue over time, and within a single presidency over time."<sup>34</sup> Even so, occasionally presidents are able to exercise their administrative initiative and place high-priority items on the agenda of other institutions. "Under these circumstances, presidents operate as issue entrepreneurs, essentially creating attention where none exists."<sup>35</sup>

Richard Nixon utilized various means of presidential influence to frame the national debate regarding federal fair housing law and the extent to

<sup>31</sup> Herbert Kaufman, *The Forest Ranger: A Study in Administrative Behavior* (Baltimore: Johns Hopkins University Press, 1960); Michael Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services* (New York: Russell Sage Foundation, 1980); Jeffrey L. Pressman and Aaron Wildavsky, *Implementation*, 3d ed. (Berkeley: University of California Press, 1984).

<sup>32</sup> Marc Allen Eisner and Kenneth J. Meier, "Presidential Control versus Bureaucratic Power: Explaining the Reagan Administration in Antitrust," *American Journal of Political Science* 34: 269–87 (1990); Moe, "The Politicized Presidency"; Moe, "The Presidency and the Bureaucracy"; Nathan, *The Administrative Presidency*.

<sup>33</sup> George C. Edwards III and B. Dan Wood, "Who Influences Whom? The President, Congress, and the Media," *American Political Science Review* 93: 328–44 (1999). Edwards assesses presidential influence in other works. See Edwards, *On Deaf Ears*; George C. Edwards III, *At the Margins: Presidential Leadership of Congress* (New Haven, Conn.: Yale University Press, 1989); Edwards, "Presidential Influence in the House."

<sup>34</sup> Edwards and Wood, "Who Influences Whom?" p. 342.

<sup>35</sup> Ibid.



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which the law requires housing integration as opposed to nondiscrimination. There are two important sides to the debate.<sup>36</sup> The first, to which Richard Nixon subscribed, is that federal law requires only nondiscrimination in housing based on race, color, national origin, sex, and religion. The other, embraced by Senator Walter F. Mondale (D-Minn.), a principal architect of the Fair Housing Act of 1968, is that federal law requires both nondiscrimination and integration in housing.

President Nixon argued that “the law does not now require or, in my opinion, allow the Federal Government to have forced integration of the suburbs.”<sup>37</sup> Nixon publicly deplored “forced suburban integration” on five separate occasions,<sup>38</sup> but his reference – though at times vague – was always to economic, not racial, integration. According to the president, any person who could afford to live in the suburbs could not be denied the right to live there. Equal housing opportunity meant, in Nixon’s words, “the achievement of a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion, or national origin.”<sup>39</sup> The key phrase, of course, is “individuals of similar income levels.” The president insisted the federal government lacked the legal authority, under the Constitution and statutory law, to force a suburb to integrate economically. This concept appeased suburban residents, who feared the influx of low-income people into their neighborhoods. The president maintained that “for the Federal Government to go further than the law, to force integration in the suburbs, I think is unrealistic. I think it will be counter-productive and not in the interest of better race relations.”<sup>40</sup>

Under Nixon’s interpretation of fair housing law, racial housing integration has occurred very slowly in the suburbs with nondiscrimination as the sole objective of federal law. This is because a disproportionately high percentage of low- and moderate-income people are African Americans.<sup>41</sup>

<sup>36</sup> On these two concepts, see Keating, *The Suburban Racial Dilemma*; *Trafficante v. Metropolitan Life Insurance Co.*, 409 U.S. 205 (1972); *United States v. Starrett City Associates*, 840 F.2d 1096 (2d Cir. 1988).

<sup>37</sup> *Public Papers of the Presidents* (1972), p. 12.

<sup>38</sup> *Ibid.*, pp. 11–12, 163–64, 166, 464, 728, 730; *Public Papers of the Presidents: Richard Nixon* (Washington, D.C.: U.S. Government Printing Office, 1971), p. 1106.

<sup>39</sup> *Public Papers of the Presidents* (1972), p. 730.

<sup>40</sup> *Ibid.*

<sup>41</sup> Reynolds Farley, *The New American Reality: Who We Are, How We Got Here, Where We Are Going* (New York: Russell Sage Foundation, 1996), pp. 253–59. See also Paul A. Jargowsky, *Poverty and Place: Ghettos, Barrios, and the American City* (New York: Russell Sage Foundation, 1997).

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To insist that government lacks the legal authority to pressure suburbs to integrate economically is therefore, in part, to assert that government cannot pressure the suburbs to integrate racially.<sup>42</sup> “The harsh facts of housing economics,” in the words of the U.S. Commission on Civil Rights, “suggest that *racial* integration cannot be achieved unless *economic* integration is also achieved.”<sup>43</sup>

From the second viewpoint, nondiscrimination and racial integration are the twin objectives of federal law.<sup>44</sup> The legislative history of the Fair Housing Act of 1968 provides a glimpse into this perspective. When Senator Mondale spoke before Congress during the debate over the act, he asserted that “the reach of the proposed law was to replace the ghettos ‘by truly integrated and balanced living patterns.’”<sup>45</sup> Mondale’s concepts were subsequently advanced by three HUD secretaries: George Romney during the Nixon years, Patricia Roberts Harris during the Carter presidency, and Henry Cisneros during the Clinton administration. The chief problem with Mondale’s formulation is that there is no compelling evidence that he was speaking for a majority of the Senate or the House of Representatives when he made this statement, and it is impossible to determine the intent of most other members of Congress who actually voted for or against the Fair Housing Act. Second, there is no evidence that a majority of the American public – in 1968 or in 2005 – would endorse housing integration as a national goal.<sup>46</sup> Third, it is not clear whether Mondale was referring solely to racial integration in housing or to economic integration as well.

In 1972, the Supreme Court endorsed Mondale’s nondiscrimination-plus-integration concept in *Trafficante v. Metropolitan Life Insurance Co.*,<sup>47</sup> but political reality has trumped legal interpretations. The political

<sup>42</sup> See David Rusk, *Cities Without Suburbs* (Washington, D.C.: Woodrow Wilson Center Press, 1993); Peter H. Schuck, *Diversity in America: Keeping Government at a Safe Distance* (Cambridge, Mass.: Harvard University Press, 2003), ch. 6.

<sup>43</sup> U.S. Commission on Civil Rights, *The Federal Civil Rights Enforcement Effort: Seven Months Later* (Washington, D.C.: U.S. Government Printing Office, 1971), p. 6 (emphasis in original).

<sup>44</sup> See Robert G. Schwemm, *Housing Discrimination: Law and Litigation* (St. Paul, Minn.: West Group, 2002), chs. 2, 7.

<sup>45</sup> Quoted in *Trafficante v. Metropolitan Life Insurance Co.*, 409 U.S. 205, 211 (1972). The meaning of Mondale’s statement is explored in Chapter 6 in the context of *Trafficante*.

<sup>46</sup> The issue of housing integration aside, research indicates varying degrees of public support for different requirements of fair housing law. See Martin D. Abravanel, “Public Knowledge of Fair Housing Law: Does It Protect against Housing Discrimination?” *Housing Policy Debate* 13: 469, 483–85 (2002).

<sup>47</sup> 409 U.S. 205 (1972).