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Race and the Law: The Story of Housing and School Segregation in the United States

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by Julia Miller

Introduction

I teach at an interdistrict magnet highschool in New Haven, Connecticut. In addition to taking their core classes, students choose to follow a particular “pathway” of study over their four years. I teach an 11th Grade Constitutional Law elective in the Law and Politics pathway. After a basic introduction to Constitutional Law and the Supreme Court, I design my units to be thematic- based on a particular amendment and/or issue. One of the units I teach is about the intersection between race and education. We examine the role the Supreme Court has played in both creating and impeding educational opportunities based on race. Over time, as I have taught the unit, I realized that there was a glaring omission: the prominent role that housing segregation played in causing and continuing school segregation. After taking the seminar “Teaching about Race and Racism Across the Disciplines” I also realized the need to disrupt the standard/dominant method of teaching law as neutral and unbiased. With this unit, I additionally wanted to challenge the idea that racism is something aberrant in the legal field, rooted simply in instances of individual prejudice, and that “colorblind” equality is the presumed end goal. I decided to create a unit that would help students understand the systemic nature of racism and white supremacy in government action and the law, particularly as it relates to segregation in the United States, with an ultimate goal that students start to imagine a way to push back against it.

Rationale

This unit was designed for a Constitutional Law elective, however, could be applicable to a U.S. History and/or Civics course as well. Students will be introduced to the basic framework of Critical Race Theory (CRT) and the need to disrupt the perceived neutrality of the law. CRT grew out of the legal field and works to recognize the deep role racism plays in all aspects of American society. Legal scholar Mari Matsuda breaks down the basic tenets of CRT into six themes, one of which is the idea that CRT “expresses skepticism toward dominant legal claims of neutrality, objectivity, colorblindness, and meritocracy.”¹ This will be a grounding notion of this unit.

Students will examine ways in which the law has been used to uphold white supremacy.

Content Objectives

After grounding the discussion in the above framework, the unit will dive into the main theme of housing and school segregation and their reciprocal nature. This connection has been at times overlooked, and as previously mentioned, something that in the past I neglected to flesh out in my own teaching. In their paper, “Disrupting the Reciprocal Relationship Between Housing and School Segregation,” Philip Tegeler and Michael Hilton write, “Historically, they have worked together to maintain racial hierarchy and separation and to protect the privileges of the dominant groups in our society, which partly explains why their obvious connections have been submerged.”² This unit will work to unpack these obfuscations. The goals of this unit will be to:

1. Challenge the notion that the law is neutral and unbiased, and understand how racial intent and impact was structured into the Constitution itself.
2. Understand the history of housing segregation in the United States and the purposeful role the government played in sponsoring and reproducing it.
3. Understand the history of school desegregation and resegregation in the United States and evaluate the Supreme Court’s role in creating said trends.
4. Examine the clear link between housing and school segregation.
5. Investigate modern day approaches that attempt to tackle and dismantle persistent housing and school segregation in the United States in order to find meaningful solutions.

Unit Essential Question: To what extent is the law used to uphold versus dismantle segregation?

I have broken the unit into three main sections about Race and the Constitution, Housing Segregation and School Segregation accordingly. Each section follows the same format: explanation of related content divided into sub-categories, followed by relevant lesson ideas and pedagogical strategies.

Content, Teaching Strategies & Classroom Activities- Part I (Intro to Race and the Constitution)

The Constitution and Race

Before jumping into housing law specifically, we will look to the Constitution itself. A theme we will return to over the course of the unit is the noxious use of “colorblindness” to mask or attempt to neutralize policy that in fact has clear racial/malicious intent. In his essay, “The Sounds of Silence: How Race Neutrality Preserves White Supremacy,” George Lipsitz writes that, “Many of the key mechanisms of white racial rule in U.S. history achieved determinist racist effects without ever having to declare racial intent.”³ He outlines how slavery and race were indeed written into the Constitution without the actual use of either word. For example, the three-fifths compromise refers to “three fifths of all other persons.” The fugitive slave clause uses the phrase

“Person held to Service or Labour in one state, under the Laws thereof, escaping into another,” and the clause protecting the slave trade for a generation states that Congress cannot prohibit the “Migration or Importation of such Persons as any of the States now existing shall think proper to admit.” As Lipsitz writes, these clauses still achieved the intended racial effect without explicitly naming race. Slavery was thus written into the the “supreme law of the land” in an insidious way. The prominence of race was on the surface obscured, while in reality, it was used to secure racial inequality as a fundamental component of the foundation of the United States.

Relevant Classroom Activity 1

Guiding Question: How is race dealt with in the Constitution?

Students will begin the unit with a “Write-Around” or “Silent Discussion.” Sitting in small groups, each student receives a sheet with one of the following questions at the top. There is then spots for three responses below it. The first student answers the question. The second student can then agree and expand or disagree and respond. It then passes to the third student who reads both of the previous responses and does the same. This continues so that all students have the chance to respond to all three questions.

Note: Prior to this activity, prep the students by having them first engage in a vocabulary exercise collectively brainstorming the meanings of both the terms “neutral” and “colorblind” through a word-mapping web. You can then provide students with a given definition if necessary. George Lipsitz’s abovementioned essay can provide a useful introduction to the term “colorblindness” as it relates to a more nuanced understanding of the term and its problematic nature.

- *Do you think the law is neutral?*
- *Do you think the law is colorblind?*
- *Do you think the law is used to address racism or used to uphold it?*

In their article “A transformative pedagogy for a decolonial world,” members of the Transformative Pedagogy Project (TPP) at the University of California Santa Barbara, explain the importance of “students who lead,” the power of building “a trusting environment” and a goal of creating “stronger democratic participation in the classroom.”⁴ They describe a practice known as an “oracle poem,” which while different in nature and intention in some regards, like the write-around/silent discussion, still relies on communicating in “silence.” They explain that the “process... broke down some of the hierarchies that existed in the room.”⁵ It is easy in the classroom to fall into the habit of having the same several students always be the ones who participate in a class discussion. I really like to use the write-around/silent discussion strategy to make sure all students feel comfortable participating and get their voices heard. As this unit tries to disrupt the standard narrative of the law, the hope is to also model ways to further democratize the classroom as well.

After the silent discussion opening, students will examine the language of the clauses related to slavery written into the Constitution, as previously discussed. Students will annotate the actual text, highlighting the places where race was intended but not stated and then connect what they read in the text back to the write-around/silent discussion questions.

Students should then also read and work through the 13th, 14th and 15th amendments. My students have already studied these Reconstruction amendments in depth in the other history/civics class that I concurrently teach with Constitutional Law. Depending upon your students’ prior knowledge, however, you can either do a review/analysis work with these amendments as I do, or go more in depth if needed. Particular attention

should be paid to the loophole of the 13th amendment and the consequent history of convict leasing and connections to modern day mass incarceration. Ava DuVernay's documentary *13th* is a useful resource, as is Michelle Alexander's *The New Jim Crow*.

Content, Teaching Strategies & Classroom Activities- Part II (Housing Segregation)

Housing Segregation and Constitutional Law: A brief introduction

"The problem of the twentieth century is the problem of the color line." - W.E.B. Du Bois

In the case of housing policy, the U.S. government literally drew a color line. Explicit actions taken at all levels of government created enduring racial housing segregation in this country. Persistent housing segregation throughout the United States, including so called progressive beacons such as California, is commonly blamed as being "de facto" or by custom, as opposed to the explicit segregation laws of the Jim Crow South. However, as Richard Rothstein writes in his seminal text on housing segregation, *The Color of Law*, "Without our government's purposeful imposition of racial segregation, the other causes--private prejudice, white flight, real estate steering, bank redlining, income differences, and self-segregation--still would have existed but with far less opportunity for expressions. Segregation by intentional government action is not *de facto*. Rather, it is what courts call *de jure*: segregation by law and public policy." He then argues that housing segregation is a "badge of slavery that the Constitution mandates us to remove."⁶ The book, which will be a grounding text of this unit, documents the overwhelming evidence of government interventions used to produce and reproduce housing segregation in the United States over the course of the 20th century.

Rothstein outlines that the actions taken by the government in regards to housing policy were in direct violation of the Fifth, Thirteenth and Fourteenth amendments. While the Fifth and Fourteenth Amendments are on face value more obviously related to the issue, Rothstein points to the importance of understanding the entirety of the Thirteenth Amendment. Section 2 of the Thirteenth Amendment gives Congress the power to enforce the more widely known Section 1, which called for the abolition of slavery. According to Rothstein, the Civil Rights Act of 1866 utilized this role of Congress by outlawing any actions that "perpetuated the characteristics of slavery... that made African Americans second-class citizens, such as racial discrimination in housing."⁷ Unfortunately in 1883, the Supreme Court dismissed this idea and ushered in decades of state sanctioned and manufactured housing segregation. Furthermore, in what is often referred to as the "Civil Rights Cases" of 1883, the Supreme Court ruled on five cases collectively, declaring that prohibiting discrimination in public places was unconstitutional, effectively inviting Jim Crow to take root. A few years later in 1896, the concept of "separate but equal" was then infamously cemented into law by the landmark case *Plessy v. Ferguson*. For nearly a century, the Supreme Court created the legal environment for segregation to embed itself into every aspect of society, which is why I appreciate Rothstein's rejection of the "widespread view that an action is not unconstitutional until the Supreme Court says so."⁸ While *Brown v. Board of Education* reversed *Plessy* in 1954, it wasn't until the 1968 case *Jones v. Mayer* that the Supreme Court finally reversed course with housing, declaring that, as Rothstein states, "housing discrimination was a residue of slave status that the Thirteenth Amendment empowered Congress to eliminate."⁹

Housing Segregation and the New Deal

While President Franklin D. Roosevelt is often looked at as a hero who supported and encouraged housing development and home ownership during a fraught time in U.S. history, his support clearly followed a color line. The unit will unpack for students the direct role government policy played in promoting housing segregation, beginning with the federal government. We will examine how FDR, through New Deal programs and policies, actively promoted housing segregation. New Deal programs such as the Federal Housing Administration (FHA) and the Home Owners' Loan Corporation (HOLC) refused mortgages to African Americans, and even thwarted white home ownership in neighborhoods where African Americans were residing. Rothstein explains that in many cases, "the government was not following preexisting racial patterns; it was imposing segregation where it hadn't previously taken root."¹⁰ Again, not de facto, but de jure.

Even public housing, first created as part of the New Deal, was designed to take race into account, a legacy that can still be seen today. Public housing was built on a segregated basis. As the Public Works Administration stepped in to deal with the housing crisis, they promoted segregation even more. They created a "neighborhood composition rule" in which any new federal housing project had to reflect the racial composition of the neighborhood. While this would be a concern in and of itself, the PWA would actually take previously integrated neighborhoods and label them as either "black" or "white" and then build public housing respective of those designations, causing the neighborhoods to segregate. After providing many examples of how these New Deal programs created housing segregation from Birmingham to Detroit, from New York to Austin, Rothstein writes, "It would be going too far to suggest that cities like these would have evolved into integrated metropolises were it not for New Deal public housing. But it is also the case that the federal government's housing rules pushed these cities into a more rigid segregation than otherwise would have existed."¹¹

There is perhaps nowhere better to turn to, to understand the federal government's stronghand in creating housing segregation, than the HOLC's "residential security maps" and the FHA's *Underwriting Handbook*. In the maps, cities and areas were color-coded: green was labeled as "Best," blue "Still Desirable," yellow "Definitely Declining" and red was defined as "Hazardous," hence the term "redlining." In the maps, red indicated "infiltration" of either "foreign" or "negro" influence. The HOLC worked with mortgage lenders, developers and real estate appraisers to assess the supposed risk and "credit worthiness" of neighborhoods across 250 U.S. cities.¹² The areas marked as red, or redlined, were not eligible for FHA backing. These HOLC maps can be explored in detail through an incredible resource: the website *Mapping Inequality*. The University of Richmond has compiled over 150 of these HOLC maps and created an interactive database for users to explore them. The introduction to the website states, "more than a half-century of research has shown housing to be for the twentieth century what slavery was to the antebellum period, namely the broad foundation of both American prosperity and racial inequality."¹³ This relates back to the previous discussion of the Thirteenth Amendment and the implications of U.S. housing policy codifying a racial caste system in this country. Students should realize how deeply rooted white supremacy was in U.S. law, especially as it relates to housing.

Relevant Classroom Activity 2

Guiding Question: What is the legacy of redlining in the United States?

After a brief review of the FHA (my students already have some prior knowledge about the New Deal and the

FHA, again from their history/civics class) and an introduction to redlining (provide students with a definition and the explanation of the color-coding), students will have the opportunity to explore the HOLC maps on the abovementioned website Mapping Inequality. Students should search their own city and then have some time to make and write down their observations, inferences and reactions (provide a graphic organizer for them to do so).

Next, students will log on to the *New York Times'* interactive "Mapping the 2010 U.S. Census" site¹⁴. Students should choose the "Racial/Ethnic Distribution 2010" map filter and zoom into the same city which they explored with the HOLC maps. Again, students should write down their observations, inferences and reactions on the graphic organizer.

Comparing the two maps (HOLC and 2010 census), you can see that zones that were red and yellow under the HOLC's maps, currently house predominantly residents of color, while green zones, viewed by the HOLC as "desirable" back in the New Deal era, currently house predominantly white residents, thus illustrating the long lasting impact of these government policies. Give the students an opportunity to discuss their findings and share insights and reactions first as a pair-share and then as a whole group.

Housing Segregation vis-a-vis the Suburbs

The FHA was clear in its racial intent. It discouraged banks from making loans in what it deemed undesirable neighborhoods in urban areas, favoring instead to underwrite mortgages in newly built suburbs and areas that were easily segregated thanks to the built environment. It stated that "[n]atural or artificially established barriers will prove effective in protecting a neighborhood and the locations within it from adverse influences,...includ[ing] prevention of the infiltration of...lower class occupancy, and inharmonious racial groups."¹⁵ Highways, in particular, created such barriers. While this unit will not get into the policy of "urban renewal" in depth, it does play a role in the story and could be a useful and/or interesting extension to the unit.

With highways came suburbs, and the FHA (along with the VA) continued its segregating mission with their advent. Rothstein writes that, "the FHA had its biggest impact on segregation, not in its discriminatory evaluations of individual mortgage applicants, but in its financing of entire subdivisions, in many cases entire suburbs, as racially exclusive white enclaves." Both the FHA and the VA allowed for the mass production of suburbs on the condition that they be entirely white. The FHA would even authorize mortgages for buyers for whole areas based on pre-construction plans. In short, an entire suburb could be automatically insured, reducing the need for appraisers to use the aforementioned *Underwriting Manual* and residential security maps to inspect individual properties, if of course the new development was to be all white.¹⁶

In the documentary *Race: The Power of an Illusion*, Bernice and Eugene Burnett, an African American couple, recount their experience trying to buy a house in the newly built Levittown development on Long Island. Eugene was a returning GI from World War II, hoping like many other African American GIs that they would come home to a newfound equality and a chance at the "American Dream." The narrator states that, "for many, that dream was a new home for little money down and some of the easiest credit terms in history." That dream, however, was predicated on one's race. The Burnetts explain how a real estate seller showed them around one of the Levittown houses, however, when they inquired what next steps to purchase would be, apparently said, "it's not me, but the owners of this development have not as yet decided to sell these homes to negros." Bernice remembers thinking it was unreal, seeing this amazing life being presented and yet, she says, "for them to tell me that because of the color of my skin I can't be a part of it?"¹⁷

The Role of the Real Estate Industry: Restrictive Covenants, Blockbusting and Contract Sales

While the government was the driving force behind residential segregation, of course real estate agents weren't blameless. Private industry and individuals played a role in perpetuating racial housing segregation, at the aiding and abetting of the U.S. government. Individuals, along with the housing and real estate industries, colluded with all levels of government to enshrine housing segregation into the landscape of the nation. In 1973, The U.S Commission on Civil Rights explained that "Government and Private industry came together to create a system of residential segregation."¹⁸

The use of restrictive covenants was rampant in the early-mid decades of the 20th century. Restrictive covenants were clauses written into the deeds of houses listing obligations that the new homeowner would have to agree to. They could include anything as mundane as what type of tree one would be allowed to plant in the front yard to a blatantly racist promise to not rent or sell to a person of color. These racial covenants would take root in an entire neighborhood with neighbors working to persuade one another to agree to such conditions. Developers would even mandate that would-be buyers must agree to join a community association as a condition to purchase a home in a new development, and then make the bylaws of that community association include a whites-only clause.¹⁹ Furthermore, the government championed and protected these covenants. Rothstein explains that courts even ordered African Americans out of homes they had already purchased. Judges would consistently rule that the racial covenants weren't unconstitutional because they were private agreements, not government action.²⁰ That said, local governments promoted them and the federal government upheld them, and so they were indeed state sanctioned. This is a good opportunity for students to, again, reflect upon and interrogate the supposed neutrality of the law.

Realtors played a big role in the practice as well. Daniel Martinez HoSang looks at California as a case study in his book *Racial Propositions*. He explains that prior to restrictive covenants, black homeownership in California was actually not uncommon. In 1910 the rate was 38 percent. However, in the 1920s the use of racial covenants began to catch on, in large part spawned on by realtors who would push such agreements. HoSang makes the point that realtors would have to actively promote their use by going door-to-door "precisely because there were white homeowners willing and interested in selling and renting their homes to nonwhites."²¹ Racial housing segregation was thus not foreordained, but calculated. Realtors also participated in blockbusting, in which they would persuade white homeowners to sell their properties quickly and cheaply, stoking fears that the neighborhood was going to soon be "overtaken" by people of color. Speculators would then be able to snatch up whole residential areas cheaply, and once the whites were out, rent or sell the properties to blacks at inflated rates. They would even use such tactics as hiring African American women to push baby carriages around or African American men to drive cars through a neighborhood with loud radios playing in order to dissuade whites from remaining.²²

Blockbusting led both to white flight and to the dangerous and pervasive contract buyer agreements used to take advantage of black families. The way that contract sales worked was that firms would sell their newly acquired properties (thanks in part to blockbusting) to African Americans at inflated prices. Because African Americans were not eligible for FHA backed mortgages as discussed previously, they would have to buy the homes on installment plans called "contract sales." Ownership would be transferred after a period of fifteen to twenty years. However, if a payment was late, the speculator would evict the buyer. It was easy to be late on payments because of the inflated prices, and so the vicious cycle continued.²³ In his case for reparations, Ta-Nehisi Coates explains that contract sales were "a predatory agreement that combined all the responsibilities of homeownership with all the disadvantages of renting—while offering the benefits of neither."²⁴

Relevant Classroom Activities 3

Guiding Question: How did real estate practices contribute to housing segregation in the United States during the 20th century?

As an opener, students will look at two primary source documents:

1. A recently uncovered Woodie Guthrie song that tells the story of Beach Haven, a Coney Island apartment building that Fred Trump (Donald Trump's father) owned and in which Guthrie was a tenant in the early 1950s. Fred Trump both adhered to racist federal housing guidelines and was later investigated in the 1970s for discriminating against black tenants. (For more background on the song I suggest reading Justin Wm. Moyer's piece in the *Washington Post* on the subject.²⁵)
2. You can view examples of restrictive racial covenants as part of the Seattle Civil Rights and Labor History Project through the University of Washington.²⁶ The project has collected dozens of these primary sources, which list city, neighborhood and corresponding race restriction. I have included a small handful to demonstrate, however, you can allow students to explore the site itself if you prefer. The database includes listings of covenants that restrict based on race, national origin and religion, additionally showing that housing segregation went beyond a simple black-white dichotomy.

For each source, students should write down their major takeaways and inferences (ask them to infer what type of source/document they are looking at, main idea, etc.) and underline one line that stands out in particular to them and explain why. Then, share-out as a class.

*I suppose Old Man Trump knows just how
much Racial Hate he stirred up
In the bloodpot of human hearts
When he drew that color line
Here at his Eighteen hundred family project
Beach Haven ain't my home!
I just cain't pay this rent!
My money's down the drain!
And my soul is badly bent!
Beach Haven looks like heaven
Where no black ones come to roam!
No, no, no! Old Man Trump!
Old Beach Haven ain't my home!*
- Woodie Guthrie

*No person other than one of the Caucasian race shall reside on any of said described premises excepting that a domestic servant in the actual employ of an occupant may reside in the home of his master.
No residence property shall at any time, directly or indirectly, be sold, conveyed, rented or leased in whole or in part to any person or persons not of the white or Caucasian race.
no part of the lands owned by him or described following their signatures of this instrument shall ever be used or occupied by or sold, conveyed, leased, rented, or given to negroes, or any person or person of the negro blood.
No part of the property hereby platted, shall be used for trade, manufacture or business purposes of any kind, but shall be used for residential purposes only by white persons, except that servants, not of the white race but actually employed by white occupant, may reside on said premises.*

After some direct instruction, students will next watch two video clips to gain a deeper understanding of this section's content as well as the actual lived experiences of the people of color who were affected by these policies.

1. The first video (previously referenced) is from the series *Race: The Power of an Illusion*. The first ten minutes of Episode Three do a good job of going over the history of the FHA mortgage program, especially as advertised to returning GIs after WWII, the development of new suburban communities

and a clear overview of redlining.

2. The second video is called the “The Story of the Contract Buyers League” and is embedded as part of Ta-Nehisi Coates’ aforementioned piece in the *Atlantic*, “The Case for Reparations” (a piece worth the read, which could also be potentially excerpted for students). It follows three, now elderly, people of color from Chicago’s North Lawndale neighborhood who were affected by the predatory contract sales system. They, along with others, joined together to organize against the unjust practice. Through a long and heated payment strike, they were able to renegotiate and successfully gain ownership of their homes. Though not all who were involved with the Contract Buyers League were as lucky, the story shows an important example of resistance and agency.

*Note: In this unit, it is easy to feel weighed down by the injustice being presented. It is also possible to fall into the trap of presenting people of color simply as passive victims. It is thus really important to highlight ways in which folks of color resisted and pushed back against the institutional racism embedded into this country. You can point out how resistance took many forms: from individual opposition to group organization to direct legal action. As a white teacher teaching predominantly students of color, that is something that I haven’t always done a good enough job with and am actively trying to reflect on ways to make my curriculum more balanced in this particular way.

Students can take notes on a story web diagram as they watch the video clips. I have also extracted the following two quotes for students to analyze. Ask students to summarize the main idea of each quote and explain how the quotes connect to each other and the underlying theme of the unit. In the subsequent discussion, make sure to highlight that these events were not just the results of a few bad actors but of the underlying law/government power itself.

- “I can understand an individual depending upon his environment or his family or whatever being racist, but for your country to sanction it, give him tools to do that, there’s something definitely wrong there.” - Bernice Burnett (Race: The Power of an Illusion)

“How could we be charged like that? If there was a law, then how would the law let them do this, but they said it was their property, that they had a choice to sell it at whatever price they wanted to and if you bought it then that was on you.” -Ethel Weatherspoon (Contract Buyers League)

The Legacy of Housing Segregation: Wealth Inequality

The legacy of housing segregation has led to a legacy of deep wealth inequality in this country based on race. One of the primary ways one builds equity and wealth is through homeownership, the very thing African Americans were systematically denied. The ensuing results have been profound. Diane Kuthy writes in “Redlining and Greenlining” that one “might expect that inequities started by overt discrimination in the past would become less important over time because of improved race relations. However, precisely the opposite is true: assets that appreciate in value and are transferred over generations increase in value over time.”²⁷ The notion of intergenerational wealth is key. Rothstein explains that “neighborhood poverty is...more multigenerational for African-Americans and more episodic for whites.”²⁸

Statistically, young African Americans (defined as ages 13-28) are ten times as likely to live in a poor neighborhood as compared to whites (66% vs 6%).²⁹ Median white household wealth is about \$134,000, compared to median black household wealth which is around a mere \$11,000. Whites are more able to borrow from their home equity to endure hard times, something which blacks are often unable to do because for

generations the government prevented them from buying homes, and thus the ability to borrow against them.³⁰ The financial crisis of the early 2000s only compounded the problem. Blacks used to have 1/10th the net worth of whites, but now that number is 1/20th.³¹ Eduardo Bonilla-Silva further explains how discrimination in housing still persists despite civil rights era legislation against it: “Blacks and Latinos experience discrimination in forms such as steering by realtors, receiving a disproportional number of subprime loans net of their credit worthiness, and even being given differential information about the availability of housing units.”³² Government-created/promoted housing segregation has had long-term dire effects. Bonilla-Silva argues that “racial inequality is still being produced in a systematic way, but that the dominant practices that produce it are no longer overt, seem almost invisible, and are seemingly nonracial.”³³ Just as colorblindness language was written into the Constitution, so it persists today, working to maintain white supremacy.

Relevant Classroom Activity 4

Guiding Question: How has housing segregation affected wealth inequality in the United States?

Compile a list of statistics showing modern day wealth inequality in the United States as it relates to race. You can use some of the data I have compiled above. Additionally, infographics can be useful, especially for visual learners. Howard University’s Center on Race and Wealth has put together an extensive compilation of relevant infographics that could be helpful to draw from.³⁴

Have students individually jot down which statistic stands out to them the most and why, as well as their reactions in general to the data. Then in pairs or small groups have students make an inference (based on their prior knowledge from the unit so far) about what they think accounts for the disparity they observe in the infographics/statistics. Each pair/group should write one statement summarizing their conclusion, which they will then share with the whole class.

An additional useful source to use with students for this section is a short 5 minute clip (around the 20 minute mark) from *Race: the Power of Illusion*, episode 3, which clearly discusses the impact of the government’s segregationist housing policies on generational wealth.

Housing Segregation and the Supreme Court

To place this issue squarely in the Constitutional law realm, students can study five relevant cases from the twentieth century:

Buchanan v. Warley (1917)- In this case, the Supreme Court overturned a racial zoning ordinance in Louisville, Kentucky, involving an African American who attempted to buy a house on an already integrated block. With an albeit problematic interpretation of the 14th Amendment, not based on protecting African Americans’ rights but rather “freedom of contract,” the Court nonetheless declared racial zoning ordinances to be unconstitutional, claiming they obstructed a property owner’s right to sell to whomever they wanted. Local governments, however, found many loopholes and ways around the Buchanan decision by rewriting their ordinances to be race-neutral on face value, even though having clear racial intent³⁵, once again showing the problematic nature of colorblindness in the law. This ushered in an era of zoning practices which claimed to be economic in nature, but were often code for race. For example, zoning ordinances would classify neighborhoods as being for only single-family homes, which would barr lower-income residents. Rothstein writes that even though this would affect lower-income families of all races, “there was...enough racial intent

behind exclusionary zoning that it is integral to the story of *de jure* segregation.”³⁶ In another example, if an African American family did move into an area, zoning would be changed from “residential” to “industrial.” As white flight took hold, then predominantly black neighborhoods would be stuck being zoned as industrial, which would then allow things such as industrial pollution, nightclubs, liquor stores, etc. to take root, none of which were permitted in residential zoned areas intended for whites.³⁷ *Buchanan* also helped lead to the use of the aforementioned racial covenants, because they, at least on face value, relied on *private* discrimination.

Corrigan v. Buckley (1926)- The Supreme Court upheld this interpretation when it ruled in this case that restrictive covenants were constitutional because they were private and voluntary, not state action. Rothstein explains that “with this decision to rely upon, successive presidential administrations embraced covenants as a means of segregating the nation.”³⁸ Hoover, for example, promoted restrictive covenants, while FDR, taking things a step further, codified racial restrictions into actual federal programs and policy, as previously demonstrated.

Shelley v. Kraemer (1948)- The Supreme Court reversed course in 1948 with its decision in *Shelley v. Kraemer*. It overturned its decision in *Corrigan*, claiming that restrictive covenants did indeed violate the Fourteenth Amendment. While reaffirming that private individuals could discriminate, it explained that such private discrimination relied on state courts to enforce it. As noted previously, courts would force the eviction of black families based on the covenants, and thus the government was obviously participating in their discrimination. The federal government reacted to the Supreme Court’s decision with lackluster enforcement. Particular obstinance came from the FHA. They used delay and evasion tactics for years.

Nearly twenty years later the Supreme Court made two different decisions to try to remedy the situation.

Reitman v. Mulkey (1967)- In this case, the court ruled that California’s Proposition 14 violated the Fourteenth Amendment. Proposition 14 had been an attack on the Rumford Fair Housing Act in California, which had aimed to deal with the deeply embedded residential segregation of the area. The California Real Estate Association crafted the proposition in an attempt to exempt homeowners and the real estate industry from most antidiscrimination legislation. HoSang writes that “the Realtors’ public campaign asserted that ‘property rights’ could not be sacrificed to the onslaught of ‘forced housing.’”³⁹ The Supreme Court saw through this, nullifying Proposition 14 and restoring the Rumford Act. However, HoSang explains that damage was still done. For example, the setback to civil rights in California caused by Proposition 14 is considered one of the factors that led to the Watts riots the following year.

Jones v. Alfred H. Mayer Co. (1968)- Lastly, in this case, the Supreme Court yet again tried to chip away at housing discrimination. It ruled that a St. Louis real estate company could not refuse to sell a home to an African American man on the account of his race. The court referred back to Section 2 of the Thirteenth Amendment giving Congress the power to eliminate any racial barriers that represented “badges and incidents of slavery.”⁴⁰

Relevant Classroom Activities 5

Guiding Question: How did the Supreme Court weigh in on housing segregation during the 20th Century and to what effect?

In my Con Law class, students regularly complete Supreme Court Case studies using some variation of the following template.

Case Name:

Year Decided:

Facts of the Case:

Constitutional Question Asked of the Court:

Decision: (Who did the majority rule in favor of?)

Court's Reasoning:

What precedent did this decision create? (*What impact do you think this case will have on the future?*)

Do you agree or disagree with the Court's decision? Explain.

This template can be used for the cases outlined above. A good go-to resource for Supreme Court case summaries is Oyez.org. You can make this case study activity a jigsaw, with each initial group responsible for one of the five cases.

Another activity is, after having studying the cases (you can alternatively use my summaries), have students complete the following classification tool. I have completed the first row as an example.

	Upheld Housing Segregation	Opposed Housing Segregation	Loophole
<i>Buchanan v. Warley</i> (1917)	x	Racial zoning declared unconstitutional	Local governments would rewrite zoning ordinances to appear to be economic/ race-neutral, while actually serving an exclusionary racial purpose...
<i>Corrigan v. Buckley</i> (1926)			
<i>Shelley v. Kraemer</i> (1948)			
<i>Reitman v. Mulkey</i> (1967)			
<i>Jones v. Alfred H. Mayer Co.</i> (1968)			

Content, Teaching Strategies & Classroom Activities- Part III (School Segregation)

Housing Segregation Leads to School Segregation

School segregation was both a byproduct of housing segregation and a calculated move on the part of the government. The FHA was apparently just as invested in preventing school integration as it was in preventing neighborhoods from integrating, and in fact the two goals were bound together. Its notorious *Underwriting Manual* claimed that if children “are compelled to attend school where the majority or a considerable number of the pupils represent a far lower level of society or an incompatible racial element, the neighborhood under consideration will prove far less stable and desirable than if this condition did not exist.”⁴¹ Children historically attended their neighborhood schools. If neighborhoods were segregated, then the schools would be as well.

Furthermore, schools are funded in large part through property taxes. As Nikole Hannah-Jones, a preeminent thinker and researcher on the issue of school segregation, so clearly identifies: “That meant that black cities cannot produce as much money as white suburbs, which can tax at a very low rate on high property tax, and so you see vast disparities between how suburban schools that serve lots of white children are funded and urban schools that serve lots of black and latino kids are funded. And that all goes back to the legacy of redlining.”⁴² This causal relationship should be made explicit to students.

Brown v. Board of Education

Brown v. Board of Education is one of the most famous landmark Supreme Court decisions. It is often viewed as a prime example of American progress, illustrating the ultimate justice of the law. However, it is not that simple.

As we turn our attention from housing to school segregation, this section of the unit will primarily focus on post-*Brown* Supreme Court actions that helped lead to the resegregation of American schools. However, students should review and/or be introduced to background of the lead-up to the case, the decision itself and its immediate aftereffects. Depending on how much prior knowledge your students have on the topic, you can choose to make full lessons out of any of the following key points.

It’s important to understand that the landmark 1954 decision *Brown v. Board of Education* did not occur in a vacuum. In 1939, the NAACP created its Legal Defense and Educational Fund, responsible for pursuing constitutional remedies to school segregation.

In 1947, in the case *Westminster v. Mendez*, a federal appeals court struck down the segregation of Mexican American school children in California. The reasoning used in the case would foreshadow the same reasoning later used in *Brown*. Importantly, Earl Warren, governor of California at the time, was as state executive, responsible for enforcing the desegregation of the state’s schools after the court’s decision. It was then he who, as chief justice seven years later, penned the unanimous *Brown* opinion, attempting to do the same for the entire country. *Note: My students, a number of whom are Latinx, were grateful for the inclusion of this case into the unit. Civil rights is often framed as a black-white issue, and the students were very interested to see a case that involved Mexican-American students. PBS LearningMedia has great and accessible short videos and accompanying readings for the *Mendez v. Westminster* case⁴³

The Supreme Court itself continued to chip away at school segregation over the course of the decade preceding *Brown* through a series of decisions in favor of black students in the realm of higher education: *Sipuel v. Board of Regents of the University of Oklahoma* (1948), *Sweatt v. Painter* (1950), and *McLaurin v. Oklahoma State Regents for Higher Education* (1950).

There are also important examples of students fighting back against school segregation themselves. One such example is that of Barbara Johns, who at age 16, led a student strike against school segregation in Farmville, Virginia. The black high school she attended was horrifically overcapacity. Classes were held on school busses and in tar-paper shacks to try to deal with the overflow of students. Following their brave walkout, the students asked the NAACP to take on their case. Importantly, the case was one of the five that would be ultimately bundled together and decided as part of *Brown*, and the only one that had originated with the students themselves. This is another good example of a place to highlight agency and resistance in the unit. PBS LearningMedia also has great and accessible short videos and accompanying readings for the story of Barbara Jones’ student strike⁴⁴ .

And then of course, school segregation was officially and finally struck down as unconstitutional in 1954, reversing the infamous *Plessy* decision, which had established the doctrine of “separate but equal.” In the unanimous *Brown* decision, the court declared school segregation unconstitutional with the famed words: “We conclude in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”

The problem, however, is it also ordered schools to desegregate “with all deliberate speed” and so the implicated states dragged their feet and/or met the order with outright defiance, most famously with the crisis in Little Rock, Arkansas. Counties and districts even closed schools rather than have to desegregate. It was the era of massive resistance, and so the Supreme Court had to step in again. The first 20 minutes of the documentary *Eyes on the Prize*, Episode 2, “Fighting Back, 1957-1962” is a good resource for the Little Rock Nine story.

The Supreme Court and Enforcing School Desegregation

Little progress desegregating schools was made in the first decade after the *Brown* decision was made. And so in the late 1960s/early 1970s, the Supreme Court stepped in again.

In 1968, in the case *Green v. County School Board of New Kent*, the Supreme Court ordered states to dismantle segregated school systems “root and branch,” claiming that little progress had been made where “dual school systems” had been maintained by the states. The Court identified five factors — facilities, staff, faculty, extracurricular activities and transportation — to be used to gauge a school system’s compliance with the mandate of *Brown*.

The Court went a step further three years later in 1971 with the case *Swann v. Charlotte-Mecklenburg Board of Education*. In this case, the court approved many remedies to address school segregation, most controversially, busing. Writing for the majority, Warren Burger wrote, “An optional majority-to-minority transfer provision has long been recognized as a useful part of every desegregation plan. Provision for optional transfer of those in the majority racial group of a particular school to other schools where they will be in the minority is an indispensable remedy for those students willing to transfer to other schools in order to lessen the impact on them of the state-imposed stigma of segregation... The importance of bus transportation as a normal and accepted tool of educational policy is readily discernible...”⁴⁵ This is significant because it not only opened the option of white students integrating predominantly black schools (as opposed to the other way around, which was more common), but it encouraged it and declared it as a necessary “remedy.”

Relevant Classroom Activities 6

Guiding Question: How did the Supreme Court’s decision in *Swann v. Charlotte* attempt to deal with persistent school segregation in the era after *Brown*?

Students will first read the oyez.org summary as well as excerpts from the majority opinion of *Swann v. Charlotte-Mecklenburg Board of Education*. They should complete a case study chart using the template previously provided.

Next, students will watch “The Battle for Busing,” a mini-documentary that is part of the *New York Times’* video series *Retro Report*. The ten minute video documents the effect the *Swann* ruling had on the city of Charlotte, North Carolina (where the case originated from). It tells the story of white students being bused to West Charlotte High, “the pride of the black community.” While there were some tensions to be sure, and

resistance from the parents in particular, the students themselves adjusted and consequently gained a lot out of the experience. The video describes that due to its successful integration, West Charlotte High became “the darling of the media.”⁴⁶ The school demonstrated meaningful integration at work. Unfortunately, it didn’t last for long. Provide students with follow-up analysis questions, including:

- *Why did Charlotte end its busing program if it was so successful?*
- *Do you think busing should be mandated? Why/why not?*

The Supreme Court and the Resegregation of Schools

Colorblindness continues to be a dominant framework in mainstream society and the law since the civil rights era. Here we will see how the Supreme Court has employed colorblind language to allow for the resegregation of schools and then subsequently maintain the status quo.

The Supreme Court reversed direction just three short years after its decision in *Swann*. Because of government housing policies previously examined, by the 1970s, much of the country was entrenched in a pattern of mostly white suburbs, while the population of nearby cities was made up of predominantly people of color. And so to be effective, desegregation efforts had to cross district lines. There needed to be cross-district busing such as there was in the Charlotte-Mecklenburg district, as well as interdistrict busing.

In the 1974 case *Milliken v. Bradley*, however, the Supreme Court forbade interdistrict busing in favor of “local autonomy.” Lipsitz refers to the case as another prime example of a colorblind approach being used to actually discriminate: “they used district lines as a proxy of race and promoted the ideal of local autonomy as a colorblind principle that had to be upheld. This claim was clearly a pretext for discrimination.”⁴⁷ Writing for the majority, Justice Potter Stewart amazingly claimed that the segregation of Detroit and its surrounding suburbs was a result of “unknown and unknowable causes” thus pretending that the federal government had played no role in the perpetuation of housing segregation throughout the country for decades.

Lipsitz details a follow-up case to *Milliken* twenty years later in which the courts again turned a blind eye to the realities of history. In the case, Kansas City had finally created a desegregation plan in 1985, which included some additional spending and enrichments for predominantly black inner city schools. The court then ridiculously ruled that blacks “could no longer be the ‘special favorite’ of the law because seven years of limited desegregation had wiped out the effects of slavery, state laws banning Blacks from public schools, mandatory Jim Crow segregation, and thirty-four years of resistance to *Brown*,”⁴⁸

This line of thinking is precisely what in the end caused the resegregation of Charlotte’s schools despite its successful legacy of desegregation. In 1999, a federal judge ruled that the Charlotte-Mecklenburg school district had met its constitutional duty. He declared that desegregation had been a success. Busing had worked and so “no more needed be done.” The plaintiffs who had brought the lawsuit dismantling Charlotte’s busing claimed that instead of focusing on racial quotas, the district should focus on the “quality” of education. Once busing and desegregation mandates were removed, the district promptly resegregated.⁴⁹ Such reasoning and subsequent regressive pattern can be seen in present day Supreme Court decisions as well.

The Roberts court used similar logic in *Shelby County v. Holder* in 2013 when it gutted the Voting Rights Acts. Writing for the majority, Roberts claimed that Section 4 of the Voting Rights Act might have been needed in the 1960s and 70s, but that it was now placing an unconstitutional burden on affected states. He reasoned that fifty years of “progress” made it unnecessary and that the preclearance law was now in violation of a

state's constitutional right to regulate its own elections.⁵⁰ Van R. Newkirk II, writing for the *Atlantic*, clearly outlined what followed: "The results have been predictable. Voter-identification laws, which experts suggest will make voting harder especially for poor people, people of color, and elderly people, have advanced in several states, and some voting laws that make it easier to register and cast ballots have been destroyed. For many of the jurisdictions formerly under preclearance, voting became rapidly more difficult after the *Shelby County* decision, particularly for poor and elderly black people and Latinos."⁵¹ This *Shelby* decision was made firmly during the Obama era. Bonilla-Silva argues that the "color-blind play that White America began acting out in the late 1970s and 1980s" actually intensified after the election of Obama and deepened what he calls a "new racism." He speaks of the belief that racism was viewed to be on the decline once we had a black president, when in fact what we started seeing was just a new, as Dylan Rodriguez coined it, "multiracial White supremacy." Bonilla-Silva writes "... in Obama's America, racism is alive and well but the space to fight it has been drastically reduced."⁵² The Roberts court has helped reduce this space with its dangerously "colorblind" decisions.

Returning to the education sphere, in 2007 the Supreme Court ruled against a local and voluntary school desegregation plan in *Parents Involved in Community Schools v. Seattle*. The court claimed that the program was not narrowly tailored enough and that race should not be taken into account in assigning students to schools for the purpose of integration. It stated that the Seattle School District's plan was targeted toward a too broad concept of racial balance or "racial diversity" without demonstrating a specific educational benefit or compelling state interest. It objected to taking race into account in assigning students to schools. In its plan, the district had allowed students to apply to any high school they wanted to and then created a tiebreaker system for popular schools, which included a racial component: "If a school's student body deviated by more than a predetermined number of percentage points from those of Seattle's total student population (approximately 40% white and 60% non-white), the racial tiebreaker went into effect."⁵³ The Supreme Court's ruling deeply weakened districts' ability to create targeted desegregation plans using race as a factor. Speaking for the majority yet again, Justice Roberts, absurdly wrote, "The way to stop discriminating on the basis of race is to stop discriminating on the basis of race," a quote that harkens back to Justice Stewart's myopic claim in *Milliken*.

Relevant Classroom Activities 7

Guiding Question: What caused the resegregation of American schools and what role did the Supreme Court play in the process?

As an opener, students will study a selection of graphs and answer the following questions. Links to graphs included below.

1. "Southern Desegregation and Resegregation for Black Students, 1954-2011"
<https://www.businessinsider.com/ucla-civil-rights-project-shows-segregation-in-schools-2014-5>
 - a. What trends do you notice from the mid-1960s- late 1980s?
 - b. What trend started to occur from the mid 1980s- late 1990s/early 2000s?
 - c. What do you think might have caused these trends?
2. "A Portrait of Segregation in New York City"
<https://archive.nytimes.com/www.nytimes.com/interactive/2012/05/11/nyregion/segregation-in-new-york-city-public-schools.html?ref=education>
 - a. What statistics stand out to you the most? Why ?
 - b. What do these charts tells us about school segregation in major U.S cities?

3. “Shortfall in Per Pupil

Spending” https://www.huffpost.com/entry/civil-rights-act-anniversary-racism-charts_n_5521104

a. What is the connection between per pupil spending and segregated schools?

Next, students will read the oyez.org summaries of *Milliken v. Bradley* and *Parents Involved in Community Schools v. Seattle School District No. 1* and complete the chart below. Then, answer the follow-up questions.

How did the school district attempt to desegregate schools?

How did the Supreme Court’s decision in the case limit school desegregation efforts?

Milliken v. Bradley (1974)

Parents Involved in Community Schools v.

Seattle School District No. 1 (2007)

- *What is your reaction to these Supreme Court decisions? Do you agree/disagree and why?*
- *To what extent did “colorblindness” play a role in these decisions?*

Efforts to Desegregate Today

And so where do we go from here?

In 1968, Congress finally passed the Fair Housing Act. Students should learn about this landmark piece of legislation, which is still on the books today. While for sure an important legacy, its effects/benefits have been inconsistent. Rothstein makes the point that the law was intended to prevent future discrimination, but it did nothing to deal with the issue of affordability and generational poverty that racist government policies had created. He writes, “The right that was unconstitutionally denied to African Americans in the late 1940s cannot be restored by passing a Fair Housing law that tells their descendants they can now buy homes in the suburbs, if only they can afford it. The advantage that the FHA and VA loans gave the white lower-middle class in the 1940s and ‘50s has become permanent.”⁵⁴

The concluding section of the unit will ask students to investigate and brainstorm ways out of the mess the federal government and the Supreme Court has left us when it comes to both housing and school segregation in this country. Rothstein writes that “actions of government in housing cannot be neutral about segregation” and that “remedies that can undo nearly a century of *de jure* residential segregation will have to be both complex and imprecise.”⁵⁵ Colorblindness has led to the belief that for things to be “equal” we are supposed to ignore race. Rather than confronting the racism perpetuated by our government and legal system, however, this approach simply allows for the unjust status quo to continue. The final activity/assessment will ask students to name race and brainstorm ways to undo the segregationist practices they have learned about over the course of the unit. Students will dive into looking at strategies and attempts to integrate both housing and schools.

Unit Exit Task: A Seminar

Seminar Overview: To conclude the unit, students will prepare for and participate in a full class period student-led seminar focused around the question listed below. Students can use information and sources from throughout the entire unit to prepare, as well as new additional provided sources particularly relevant to the seminar question. You can give students a “reading period” class or two, or create more formal lessons to introduce the new texts. Below you will find the overview I give out to students to introduce them to the seminar assessment, a list of the new sources, and a seminar prep graphic organizer that students can use to prepare.

Seminar Question: What is the best way to address school segregation in the United States?

Things for students to consider when developing their seminar thesis/claim:

Possible Ways to Address School Segregation:

- Mandated vs. Opt-in/Buy-in
- Busing
- Magnet schools
- Lotteries
- Quotas based on socio-economic factors and/or zip codes
- Desegregation plans focused on cities vs. suburbs
- Preliminary focus on housing integration

Who should be responsible for desegregating schools?

- Federal government
- State governments
- Local governments
- The courts
- Individual families
- Non-profits
- Market-based solutions

What is a Seminar?

A seminar is a discussion that is focused around an essential question. The discussion should try to elicit an in-depth answer to that question. The discussion should be grounded in specific evidence and sources. Students are expected to address and question each other and to conduct the discussion with a minimum of teacher involvement. The seminar provides you with an opportunity to make connections between the pieces of evidence, sources, your own experience, and the world around you. A seminar involves three components:

• **Seminar Prep:** A thesis statement should be prepared that responds to the seminar question and is supported with evidence. A seminar prep graphic organizer should be completed prior to the seminar. Students must be prepared to participate in the seminar.

• **Seminar Discussion:** The seminar usually lasts the whole period. You will receive credit based on your preparation and participation. In the seminar you must refer to and cite specific evidence and sources as much as possible. You should support your thesis, and provide clear analysis. You should listen carefully to what others contribute and try to respond with relevant points and information.

• **Seminar Assessment:** Some form of self-assessment and reflection is required. Seminars help you develop speaking, listening, reading and critical thinking skills as well as help you process important content from the course. They also provide important preparation for college seminar-based courses.

Some key points to remember:

1. Follow all discussion norms (see below)
2. Address your classmates more than the teacher.
3. Stay focused on the seminar question.
4. Respect the ideas and opinions of everyone in the class.
5. Avoid debating. A seminar is a discussion.

Discussion Norms

- Listen actively, look at speaker
- Use respectful tone, even when disagreeing
- Balanced contribution to discussion (move up/move back)
- Considers/open to multiple/alternative perspectives
- Uses Open Forum sentence starters/accountable talk

Seminar Resources for Students

As an opener/hook for the seminar, the recent exchange over busing that took place between Kamala Harris and Joe Biden during the first round of the 2020 Democratic candidate debates is a great snapshot of some of the issues that will be discussed, highlighting everything from the debate over the role of federal mandate versus local desegregation plans, to the different perspectives of a white male politician versus a student of color.

You can find a link to the exchange here:

https://www.realclearpolitics.com/video/2019/06/27/kamala_harris_vs_joe_biden_for_opposing_federal_bussing_that_little_girl_was_me.html

Also introduce students to the landmark 1996 Connecticut Supreme Court decision *Sheff v. O'Neill* that mandated efforts to desegregate Hartford's public schools. In the case, the court ruled 4-3 in favor of the plaintiffs, declaring that "the existence of extreme racial and ethnic isolation in the public school system deprives schoolchildren of a substantially equal educational opportunity and requires the state to take further remedial measures." In their essay on the topic, Jack Dougherty, Jesse Wanzer and Christina Ramsay write, "Connecticut's judicial branch advanced the cause of school integration at a time when the federal government was retreating."⁵⁶ They go on to outline, however, the pitfalls and limited success the decision had in instituting real lasting change. In their conclusion they explain, "The 1996 Connecticut Supreme Court ruled the existing system of school districting unconstitutional, but the 1997 legislature merely required each district to report on its progress toward racial and economic diversity while providing millions of dollars of interdistrict magnet and city-suburban transfer funding without mandating any goals for suburban participation." They note that under the settlement, not a single suburban district is required to either send students to the interdistrict magnets in Hartford, nor accept Hartford students through the program known as "Project Choice."⁵⁷

I have included many resources for students. You or they can choose (or excerpt) from the list provided to make for a manageable/reasonable amount of sources for classroom use. As students read and annotate articles in preparation for the seminar. They can also fill out a source analysis sheet in which they summarize the author's main argument, find and explain two quotes that support that main idea, and then provide three reasons why they either agree or disagree with the author.

Here are articles in defense of *Sheff*:

<https://www.naacpldf.org/case-issue/sheff-v-oneill/>

https://www.huffpost.com/entry/connecticut-school-desegregation_n_7269750

<https://www.courant.com/opinion/op-ed/hc-op-parker-sheff-hartford-build-on-success-0319-20170316-story.htm>

Here are articles critical of *Sheff*:

https://www.huffpost.com/entry/connecticut-school-desegregation_n_7269750

<https://www.courant.com/community/hartford/hc-hartford-sheff-case-discrimination-claim-20170912-story.html>

Next, have students listen to/read the transcript of an excerpt from *This American Life*'s episode on school desegregation "The Problem We All Live With - Part II." It documents Hartford's post-*Sheff* attempts to desegregate its city schools through aggressive advertisement of its interdistrict magnet schools to suburban families.

<https://www.thisamericanlife.org/563/the-problem-we-all-live-with-part-two>

Shifting from the Hartford example, here is a short *PBS NewsHour* video documenting New York City's recent efforts to desegregate its schools. It highlights the efforts of student activists, another good example of showing people (particularly students) of colors as change agents.

<https://www.pbs.org/newshour/show/new-york-city-students-are-fighting-for-school-integration>

Shifting to the intersection of housing and school segregation and their reciprocal relationship, the Poverty & Race Research Action Council has an incredible resource for their special project entitled "Housing-School Nexus." It includes links to many different publications and resources that could be of value.

<https://prrac.org/housing-school-nexus/>

The following sources are all focused on addressing housing segregation specifically. Even though the seminar question addresses school segregation, part of the purpose of the unit is to make clear the relationship between housing segregation and school segregation in the United States. And so, when brainstorming possible solutions to addressing school segregation, these sources are to get students thinking about ways in which people are working to desegregate housing, which could then have a subsequent effect on the desegregation of schools.

This post is from the Harvard Civil Rights- Civil Liberties Law Review. It evaluates where we are fifty years after the passage of the Fair Housing Act and documents current housing desegregation setbacks under the Trump Administration.

<https://harvardcrcl.org/on-the-50th-anniversary-of-the-fair-housing-act-where-are-we/>

This *Hartford Courant* article details how wealthier and predominantly white Connecticut towns (with a focus on Westport, CT) have resisted zoning laws that would allow more affordable housing, and thus more integration.

<https://www.courant.com/politics/hc-pol-affordable-housing-zoning-connecticut-part-1-20190527-4hgfyffvh2t i7bo4am4o3k2q-story.html>

The *Partnership for Strong Communities* is a Connecticut-based "statewide nonprofit policy and advocacy organization dedicated to ending homelessness, expanding affordable housing, and building strong communities in Connecticut." Their campaign HOMEConnecticut works to create more affordable housing throughout the state. This is a brochure/advertisement they put out touting the benefits of mixed-income housing in the state.

http://pschousing.org/files/PSC_Mixed-IncomeSuccessStories_10-23-12.pdf

This piece begins with a recent quote from Alexandria Ocasio-Cortez claiming that housing should be "legislated as a human right." It goes on to explain housing proposals of some of the major 2020 Democratic

candidates.

<https://www.citylab.com/equity/2019/06/democratic-candidates-housing-election-2020-trump-campaign/591604/>

*Note: Many of the above sources focus on Connecticut where I teach. If you live in another state, you can look for more relevant local sources for your students as well.

THESIS STATEMENT (CLAIM):

Evidence: Which evidence (facts, cases, quotes, statistics, etc.) best proves your thesis?

Source: From which source did you get this information?

Explain: State the evidence in your own words, and explain why it is important. Show how it connects to your thesis.

Additional Analysis: You may...
• **Connect**
• **Infer**
• **Evaluate**

#1

#2

#3

Counterclaim: What point might someone who believes the opposite of you and/or an alternative perspective try to make? What evidence would they use to support their claim?

Refute: How would you respond to them? What evidence and/or analysis could you use to disprove or discredit their claim?

Source:

Source:

Discussion Question: (A higher-level question that doesn't have a simple yes/no or one word answer that could get people talking about the issue)

Concluding Statement: (Powerful last words that sum up your argument)

Appendix on Implementing District Standards

Common Core English Language Arts Standards - History/Social Studies - Grade 11-12

CCSS.ELA-LITERACY.RH.11-12.1

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-LITERACY.RH.11-12.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-LITERACY.RH.11-12.7

Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually,

quantitatively, as well as in words) in order to address a question or solve a problem.

CCSS.ELA-LITERACY.RH.11-12.8

Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.

CCSS.ELA-LITERACY.RH.11-12.9

Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

New Haven Public Schools 21st Century Competencies

Problem Solving and Critical Thinking:

- Reason effectively
- Make insightful judgments and decisions
- Solve problems

Accessing and Analyzing Information:

- Use research tools to access and evaluate information from multiple sources
- Organize and synthesize information using multiple methods

Communication and Collaboration: (*specifically relates to seminar)

- Articulate ideas clearly and effectively to a variety of audiences using multiple modes
- Communicate effectively and work productively with others

Citizenship and Responsibility:

- Exercise empathy and respect for diverse cultures and perspectives
- Contribute to and take responsibility for the larger community

Bibliography

"Barbara Johns of Farmville Virginia," *PBS LearningMedia*.

2002. <https://cptv.pbslearningmedia.org/resource/bf10.socst.us.global.farmville/barbara-johns-of-farmville-virginia/>. A short video telling the story of the student strike led by Barbara Johns which helped lead to Brown v. Board of Education.

Bloch, Matthew, Shan Carter and Alan McLean. "Mapping the 2010 U.S. Census," *New York Times*. Accessed July 25, 2019. <http://www.nytimes.com/projects/census/2010/map.html>. An interactive website where one can explore demographic info gathered from the 2010 U.S census.

Bonilla-Silva, Eduardo. "The Structure of Racism in Color-Blind, 'Post-Racial' America," *American Behavioral Scientist*, Vol 59(11) (2015): 1358-1376. A useful article to understand the structural and color-blind racism of the post-Civil Rights era.

Center on Race and Wealth. "CRW Demographics." Accessed July 25, 2019.

<http://raceandwealth.coas.howard.edu/reports&publications/CRW%20demographics.pdf>. A plethora of infographics about race, wealth and inequality in the United States.

Coates, Ta-nehisi. "The Case for Reparations," *The Atlantic*, June 2014. Coates' renowned piece on the subject. Has useful information about predatory contract sales agreements.

Dougherty, Jack, Jesse Wanzer, and Christina Ramsay/ "Sheff v. O'Neill: Weak Desegregation Remedies and Strong Disincentives in Connecticut, 1996-2008." In *From the Courtroom to the Classroom*, edited by Claire E. Smrekar and Ellen B. Goldring, 103-127. Cambridge: Harvard Education Press, 2009. A deep-dive into the Connecticut school desegregation case Sheff v. O'Neil.

Fujino, Diane C., Jonathan D. Gomez, Esther Lezra, George Lipsitz, Jordan Mitchell and James Fonseca. "A transformative pedagogy for a decolonial world." *Review of Education, Pedagogy, and Cultural Studies*, 40:2 (March 2018): 69-95. Explains the work of the Transformative Pedagogy Project (TPP) at the University of California. Provides lots of concrete pedagogical tools for decolonizing the classroom.

Harriot, Michael. "Redlining: The Origin Story of Institutionalized Racism," *The Root*, April 25, 2019.

<https://www.theroot.com/redlining-the-origin-story-of-institutional-racism-1834308539>. A short video and accompanying article that gives an easy to understand overview of redlining and its legacy.

HoSang, Daniel Martinez. *Racial Propositions: Ballot Initiatives and the Making of Postwar California*. University of California Press, 2010. A detailed history of California's controversial ballot initiatives as they relate to race and racism. Chapter 3 "Get Back Your Rights!" is particularly applicable to this unit.

"Jones v. Alfred H. Mayer Company." Oyez. Accessed June 2, 2019. <https://www.oyez.org/cases/1967/645>. A concise summary of the case.

Kuthy, Diane. "Redlining and Greenlining: Olivia Robinson Investigates Root Causes of Racial Inequity." *Art Education*, 70:1 (2017), 50-57. An instructional resource that documents artist Olivia Robinson's research and artwork around the history of redlining in Baltimore.

Lipsitz, George. "Sounds of Silence." In *Seeing Race Again: Countering Colorblindness across the Disciplines*, edited by Kimberlé Williams Crenshaw, Luke Charles Harris, Daniel Martinez HoSang and George Lipsitz, 23-51. Oakland: University of California Press, 2019. Very useful read to understand the dangers of colorblindness and the role it has played in Constitutional Law, especially as it relates to school desegregation cases.

Moyer, Justin Wm. "The unbelievable story of why Woody Guthrie hated Donald Trump's dad," *Washington Post*, January 22, 2016. The history behind Woody Guthrie's song, documenting Donald Trump's father's racist actions as a landlord.

Newkirk II, Van R. "How Shelby County v. Holder Broke America." *The Atlantic*. July 10, 2018. Documents the dangerous results the Supreme Court's decision in Shelby County v. Holder had on voting rights as they relate to race.

"Parents Involved in Community Schools v. Seattle School District No. 1." Oyez. Accessed June 1, 2019. <https://www.oyez.org/cases/2006/05-908>. A concise summary of the case.

Race- The Power of an Illusion. California Newsreel, 2003. Film. <https://vimeo.com/133506632>. A three part series about race that works to disrupt misconceptions and myths about the topic. Episode three, "The House We Live in" is particularly relevant to this unit, documenting the history of housing segregation in the U.S. and its legacy.

"Racial Restrictive Covenants," The Seattle Civil Rights and Labor History Project, Last modified 2018, <https://depts.washington.edu/civilr/covenants.htm>. An online database of dozens of actual racial covenants from Seattle.

Robbie, Sandra, "Mendez v. Westminster: Desegregating California's Schools," *PBS LearningMedia*. 2002. <https://cptv.pbslearningmedia.org/resource/osi04.soc.ush.civil.mendez/mendez-v-westminster-desegregating-californias-schools/>. A short video about the California case Mendez v. Westminster which acted as precedent to Brown v. Board of Education.

Rothstein, Richard. *The Color of Law: A Forgotten History of How Our Government Segregated America*. New York: Liveright Publishing Corporation, 2017. One of the primary sources used in this unit. Gives detailed history of residential segregation in the U.S. and the role the government played in sponsoring it.

Ryan, Caitlin L. and Adrienne D. Dizon, "Rethinking Pedagogy to Re-center Race: Some Reflections." *Review of Research* Vol. 84, No. 2 (2006): 17-183. A useful overview and reflection about how Critical Race Theory can be applied to the field of education.

"Shelby County v. Holder." Oyez. Accessed June 1, 2019. <https://www.oyez.org/cases/2012/12-96>. A concise summary of the case.

"Swann v. Charlotte-Mecklenburg Board of Education." Legal Information Institute, Cornell Law School. Accessed July 25, 2019. <https://www.law.cornell.edu/supremecourt/text/402/1>. A concise summary of the case.

Tegeler, Philip and Michael Hilton, *Disrupting the Reciprocal Relationship Between Housing and School Segregation*. Poverty & Race Research Action Council,

2017. https://www.prrac.org/pdf/Disrupting_the_Reciprocal_Relationship_JCHS_chapter.pdf. A report explaining the relationship between housing and school segregation, how policy has been used to perpetuate such segregation, but how it could also be used to disrupt it.

“The Battle for Busing.” *New York Times*.

2013. <http://www.nytimes.com/video/us/100000002427912/the-battle-for-busing.html>. A short video that tells the story of the desegregation of Charlotte, North Carolina schools thanks to busing, and the district’s more recent resegregation.

University of Richmond. “Mapping Inequality.” Accessed July 25,

2019. <https://dsl.richmond.edu/panorama/redlining/#loc=13/41.3286/-72.9090&opacity=0.8&city=new-haven-ct>. An interactive website in which one can look at original HOLC redlining maps from across the United States.

Notes

¹ Caitlin L. Ryan and Adrienne D. Dizon, “Rethinking Pedagogy to Re-center Race: Some Reflections,” 175.

² Philip Tegeler and Michael Hilton, “Disrupting the Reciprocal Relationship Between Housing and School Segregation,” 1.

³ George Lipsitz, “Sounds of Silence,” in *Seeing Race Again*, 26.

⁴ Diane C. Fujino et al., “A transformative pedagogy for a decolonial world” *Education, Pedagogy, and Cultural Studies*, 40:2, 76-78.

⁵ *Ibid.*, 81.

⁶ Richard Rothstein, *The Color of Law*, viii, x.

⁷ *Ibid.*, viii.

⁸ *Ibid.*, x

⁹ *Ibid.*, ix.

¹⁰ *Ibid.*, 14.

¹¹ *Ibid.*, 20-24.

¹² “Mapping Inequality.”

¹³ *Ibid.*

¹⁴ Bloch et al., "Mapping the 2010 U.S. Census."

¹⁵ Rothstein, *Color of Law*, 65.

¹⁶ *Ibid.*, 70-71.

¹⁷ *Race: The Power of an Illusion*, Episode 3.

¹⁸ Rothstein, *The Color of Law*, 75.

¹⁹ *Ibid.*, 78-79.

²⁰ *Ibid.*, 81-82.

²¹ Daniel Martinez HoSang, *Racial Propositions*, 55.

²² Rothstein, *Color of Law*, 95.

²³ *Ibid.*, 96.

²⁴ Ta-nehisi Coates, "The Case for Reparations."

²⁵ Justin Wm. Moyer, "The unbelievable story of why Woody Guthrie hated Donald Trump's dad."

²⁶ "Racial Restrictive Covenants."

²⁷ Diane Kuthy, "Redlining and Greenlining," 52.

²⁸ Rothstein, *The Color of Law*, 187.

²⁹ *Ibid.*

³⁰ *Ibid.*, 184-185.

³¹ Eduardo Bonilla-Silva, "The Structure of Racism in Color-Blind, 'Post-Racial' America," 1363.

³² *Ibid.*, 1362.

³³ *Ibid.*, 1363.

³⁴ "CRW Demographics."

³⁵ Rothstein, *Color of Law*, 45-52.

³⁶ *Ibid.*, 48.

³⁷ *Ibid.*, 50.

³⁸ Ibid., 82.

³⁹ HoSang, *Racial Propositions*, 53.

³⁹ “Jones v. Alfred H. Mayer Company.”

⁴¹ Rothstein, *Color of Law*, 66.

⁴² Michael Harriot, “Redlining: The Origin Story of Institutionalized Racism.”

⁴³ Robbie, Sandra, “Mendez v. Westminster: Desegregating California’s Schools.”

⁴⁴ “Barbara Johns of Farmville Virginia.”

⁴⁵ “Swann v. Charlotte-Mecklenburg Board of Education.”

⁴⁶ “The Battle for Busing.”

⁴⁷ Lipsitz, “The Sounds of Silence,” 34.

⁴⁸ Ibid., 35

⁴⁹ “The Battle for Busing”

⁵⁰ “Shelby County v. Holder.”

⁵¹ Van R. Newkirk II, “How Shelby County v. Holder Broke America.”

⁵² Bonilla-Silva, “The Structure of Racism in Color-Blind, ‘Post-Racial’ America,” 1368.

⁵³ “Parents Involved in Community Schools v. Seattle School District No. 1.”

⁵⁴ Rothstein, *The Color of Law*, 183.

⁵⁵ Ibid., 190, 197.

⁵⁶ Dougherty, Jack, Jesse Wanzer, and Christina Ramsay, “Sheff v. O’Neill: Weak Desegregation Remedies and Strong Disincentives in Connecticut, 1996-2008.” 103.

⁵⁷ Ibid., 126

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