PRRAC
# Poverty & Race
POVERTY & RACE RESEARCH ACTION COUNCIL

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## Book Review

# *The Color of Law: A Forgotten History of How Our Government Segregated America,* by Richard Rothstein

Brian Knudsen

When Frank Stevenson came to work in Richmond, California during World War II, he found that little appetite existed for residential racial integration. The white residents of rural Milpitas,California got wind in 1953 that the Ford Motor Company plant employing Stevenson and 250 other African Americans would be relocating to their town, and they quickly snapped into action. In a scene that played out in many locales across the U.S. during the last century, the citizens of Milpitas incorporated their city and passed an emergency exclusionary zoning ordinance banning apartment construction and allowing only single-family homes. Federal Housing Administration (FHA) approval, necessary to finance construction of low-cost subdivisions in Milpitas and elsewhere, explicitly prohibited home sales to Blacks. With no apartments to rent and excluded from the single-family market, for twenty years Stevenson endured a daily six-hour round-trip commute to and from his residence in Richmond California's Black ghetto.

In his new book, *The Color of Law*, Richard Rothstein recounts this and other stories to portray the immense costs and profound consequences of *de jure* segregation on African Americans. *De jure* segregation, defined as segregation by racially explicit law and policy, is a complex system constructed over decades to perpetuate—and in some instances to initiate—the spatial separation of whites and Blacks. *The Color of Law* argues that this type of residential segregation over the course of the twentieth century defined where whites and Blacks could live and denied African Americans access to middle-class neighborhoods, with effects continuing to the present. Furthermore, Rothstein provocatively holds that this governmental promotion of housing segregation—occurring at federal, state and local levels—represents a continuing violation of the U.S. Constitution's Fifth, Thirteenth and Fourteenth Amendments. Finally, Rothstein agrees with past Supreme Court precedent (e.g. *Milliken v. Bradley*, *Parents Involved in Community Schools v. Seattle School District*, etc.) that the enactment of legal constitutional remedies requires showing that segregation had governmental origins. However, whereas Court decisions found no evidence of such state involvement, Rothstein sets out in the

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*Brian Knudsen, bknudsen@prrac.org, is Research Associate at the Poverty & Race Research Action Council.*

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book to remove any doubt that such acts took place. Constitutional remedies can be placed on the public agenda, he contends, only after "we arouse in Americans an understanding of how we created a system of unconstitutional state-sponsored, *de jure* segregation, and a sense of outrage about it...."

The core chapters of *The Color of Law* provide a descriptive historical account of *de jure* segregation. Rothstein separately discusses each element of de jure segregation, including government enforcement of racially restrictive covenants, the use of zoning ordinances for exclusionary purposes, segregation of public housing, redlining, and explicit racial requirements in the Federal Housing Administration's mortgage insurance program. While these topics (and the others included in the book) have been frequently treated separately in prior research, perhaps never before now have they been so accessibly joined together in this way. This is an important innovation. Amassing all of this material together portrays in vivid fashion how all-encompassing and multi-varied were the governmental efforts to spatially separate the races, and therefore to exclude Blacks from equal participation in the society, economy and polity. We also learn from Rothstein's research—so ably presented in colorful examples and stories—that this diverse process played out over many decades and in innumerable locations, both small and large. Overall, the reader leaves the book moved and overwhelmed with the knowledge of the magnitude and creativity of past efforts to enforce housing segregation in the United States.

Moreover, *The Color of Law* is published at an opportune moment. That this book appears in the midst of an emerging zeitgeist of race-conscious scholarship and activism is propitious, and Rothstein clearly intends to contribute to and build upon this new work. Following authors such as Ta-Nehisi Coates, Jeff Chang, Keeyanga-Yamahtta Taylor, and Michelle Alexander, Rothstein's book demands that we explicitly and openly grapple with race, with our society's sordid history of past racial injustices, and with the way that race continues to inform and shape our fraught contemporary moment. As Coates writes in *The Case for Reparations*, an "America that asks what it owes its most vulnerable citizens is improved and humane."

**Race continues to shape our fraught contemporary moment.**

Furthermore, all of these scholars (as well as activists such as the Movement for Black Lives) call us to put aside colorblind approaches to racial and social justice and to once again heed the words of Justice Thurgood Marshall that "class-based discrimination against [Blacks]" necessitates "class-based remedies." *The Color of Law* does all of this, but also makes a novel contribution by focusing race-conscious scholarship upon housing, whereas much of the contemporary literature has centered on criminal justice reform and mass incarceration.

Several questions remain unanswered by the book, hopefully to be taken up by future researchers. First, the book infers that contemporary patterns of segregation are directly and singularly caused by governmental acts from decades prior. However, such links between past and present need to be more methodologically and analytically demonstrated than what can be discerned from Rothstein's historical descriptive account. Similarly, whereas *The Color of Law* pins all of its explanatory weight to a single factor, complex phenomena—like residential segregation—are instead usually multi-causal. Future work should strive to incorporate other causal elements into our understanding of present patterns and conditions, including empirically modeling and measuring the magnitudes of the relative contributions of different sets of factors. Furthermore, what explains *de jure* segregation? Was it a reflection of the racist sensibilities of the majority of Americans at the time? Or, was it elite-driven? For instance, on some occasions Rothstein draws attention to governmental responsiveness to the racist views of the citizenry whereas elsewhere he suggests that government policies undid integrated communities in which Blacks and whites were co-existing. Finally, *The Color of Law* omits any discussion of class and its relationship to race, racism and segregation. Is there any political-economic basis for racism and/or segregative acts or are these expressions of attitudinal deficiencies? Answers to these kinds of questions would merely build upon Rothstein's contribution, and help to flesh out even more our understanding of these relationships.

The Poverty & Race Research Action Council has been exploring the historical roots of segregation for some time, including in three Ford Foundation sponsored studies that trace the development of federal housing and transportation policies in relation to increasing housing and school segregation in American metropolitan areas. ("Housing and School Segregation: Government Culpability, Government Remedies" PRRAC 2004). *The Color of Law* is a powerful addition to an historical understanding of governmental contributions to segregation. ❏

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# Racial and Ethnic Residential Segregation as a Root Social Determinant of Public Health and Health Inequity: A Persistent Public Health Challenge in the United States

Robert A. Hahn

## Introduction. Segregation as a Fundamental Public Health Issue

There is a great and urgent need for public health practitioners to better understand the association of racial and ethnic segregation with ill-health and to collaborate with other agencies to address the underlying causes. This essay provides a synthesis of research on health and segregation and proposes collaborative work between public health and other agencies to jointly address this persistent problem.

While some forms of residential and ethnic residential segregation (RERS) can promote community and health (Cutler and Glaeser 1997; Fullilove 2001), far too much RERS in the United States is the consequence of poverty and restricted choice and the root of substantial poor health (Cutler, Glaeser et al. 1997). Yet, there is extensive evidence that federal, state, and local governments have been active participants in the promotion of RERS at least since the end of Reconstruction (Rothstein 2017). We know that where a person lives is a major determinant of his or her health and well-being because it affects exposure to both threats to and resources for health (Diez Roux 2001). Harmful local exposures may include pollutants, toxins, and pathogens as well as interpersonal and institutional racism, violence, and physical hazards (Williams and Collins 2001; Reskin 2012). Local resources for health may include access to healthy food, water, sanitation, recreation, transportation and employment, housing, the justice system, education, health care, and other services (Braveman and Gottlieb 2014). This article summarizes the multiple, interrelated ways in which RERS in the United States continues to harm minority populations; the magnitude, trends and sources of RERS; public health burden of RERS; and opportunities for redressing public health harms in order to promote public health and health equity (Williams and Collins 2001; Kramer and Hogue 2009).

*Robert A Hahn, rahahn5@gmail.com, is an Adjunct Associate Professor in the Department of Anthropology at Emory University.*

***" . . . Your longevity may be more likely to be influenced by your zip code than by your genetic code."***
**Frieden (2013)**

## Measuring Segregation

Racial and ethnic residential segregation (RERS) is "the isolation of poor and/or racial minorities that live in communities and neighborhoods separated from those of other socioeconomic groups" (Li, Campbell et al. 2013). There are multiple dimensions of segregation—evenness, exposure, concentration, centralization, and clustering—each with a specific statistical definition (Massey, White et al. 1996); when a population in an area has high levels on several dimensions, it is said to be "hypersegregated" and may suffer multiple forms of deprivation (Massey and Tannen 2015). The most common measure of RERS is the "dissimilarity index"—the proportion of comparison racial and ethnic populations that would have to switch regions in order to make proportions equal in both regions. The dissimilarity index varies from 0 (identical proportions of each population in both regions, i.e., no residential segregation) to 100 (all of one population in one geographic region, all of the other population in the second region, i.e., total residential segregation) (Massey and Denton 1988). Dissimilarity rates of 30–60 are considered moderate, rates >60 are considered high. Another common measure, "exposure," is the likelihood that a member of one group encounters a member of the other group. Exposure is a matter of the relative proportions of each group in the regions rather than the evenness of their distribution across regions (Massey, White et al. 1996).

## Segregation as a Social Determinant of Health

Segregation is associated with public health harm and inequity through several pathways (Figure 1, p. 6). While the multiple associations of RERS with factors related to poor health are described separately, these factors likely interact and compound each other in a system (Reskin 2012) that reinforces and perpetuates segregation itself in a feedback loop.

a. *Environment and sanitation:* Minority and segregated communities are commonly located closer to sources of environmental toxic exposures than other communities (Lopez 2002; Mohai and Saha 2007; Jacobs 2011).

b. *Safety:* Violent crime not only harms the local population physically,

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but also instills fear and may deter social interaction and physical activity (Gordon-Larsen, McMurray et al. 2000).

c. *Housing:* Housing is a basic human need that provides shelter and, with home ownership, investment and security. Overall, Black home ownership in the United States is 25% lower than that of whites and the gap increased slightly from 1970 to 2001; trends are similar for all income levels except those with the highest income in which the gap decreased from 13.9% to 11.9% during this period (Herbert 2005). In addition, more Blacks and Hispanics live in crowded and lower quality housing (with problems of heating, plumbing, etc.) which contributes to poor mental and physical health (Changing America; Evans and Saegert 2000; Jacobs 2011).

d. *Transportation:* Transportation provides passage to employment and other resources and may also be a source of pollution and injury. Public transportation resources for low-income and minority communities are often inadequate (Sanchez, Stolz et al. 2003). Nevertheless, greater proportions of minority populations rely on public transportation than do whites, and minority populations spend greater proportions of their incomes on transportation (Bureau of Transportation Statistics 2003).

e. *Employment:* The residential segregation of Blacks and Hispanics is associated with diminished employment opportunities, lower wages, and their multiple health consequences, a phenomenon referred to as "spatial mismatch," i.e., the spatial separation of residence and employment opportunities (Turner 2008).

f. *Cost of living:* For the same quality goods, residents in low-income and segregated neighborhoods pay more than those living outside of such neighborhoods, an excess referred to as the "poverty" or "ghetto tax" (Karger 2007; Pager and Shepherd 2008).

g. *Education:* The segregation of minority communities is associated with lower quality schooling (Ong and Rickles 2004; Bohrnstedt 2015), with substantial long term health consequences (Johnson 2011; Hahn and Truman 2015). It is estimated that the cognitive skills of children whose families have lived in poor neighborhoods for two generations are diminished by the equivalent of between two and four years of schooling(Sharkey 2013).

h. *Nutrition, alcohol, and substance abuse:* Segregated neighborhoods often have reduced access to full-service, relatively less expensive supermarkets (Powell, Slater et al. 2007), high concentrations of fast-food and less nutritious food (Powell, Chaloupka et al. 2007), and higher densities of alcohol outlets (Powell, Slater et al. 2007). These conditions are associated with obesity (Corral, Landrine et al. 2011) and higher rates of alcohol- and drug-related harms (Campbell, Hahn et al. 2009).

i. *Health Care:* Residential segregation is also associated with reduced access to health care services (Smedley, Stith et al. 2003; White, Haas et al. 2012) and lower utilization (Gaskin, Dinwiddie et al. 2011). While access and utilization have greatly increased with the Affordable Care Act (Long, Kenney et al. 2014),

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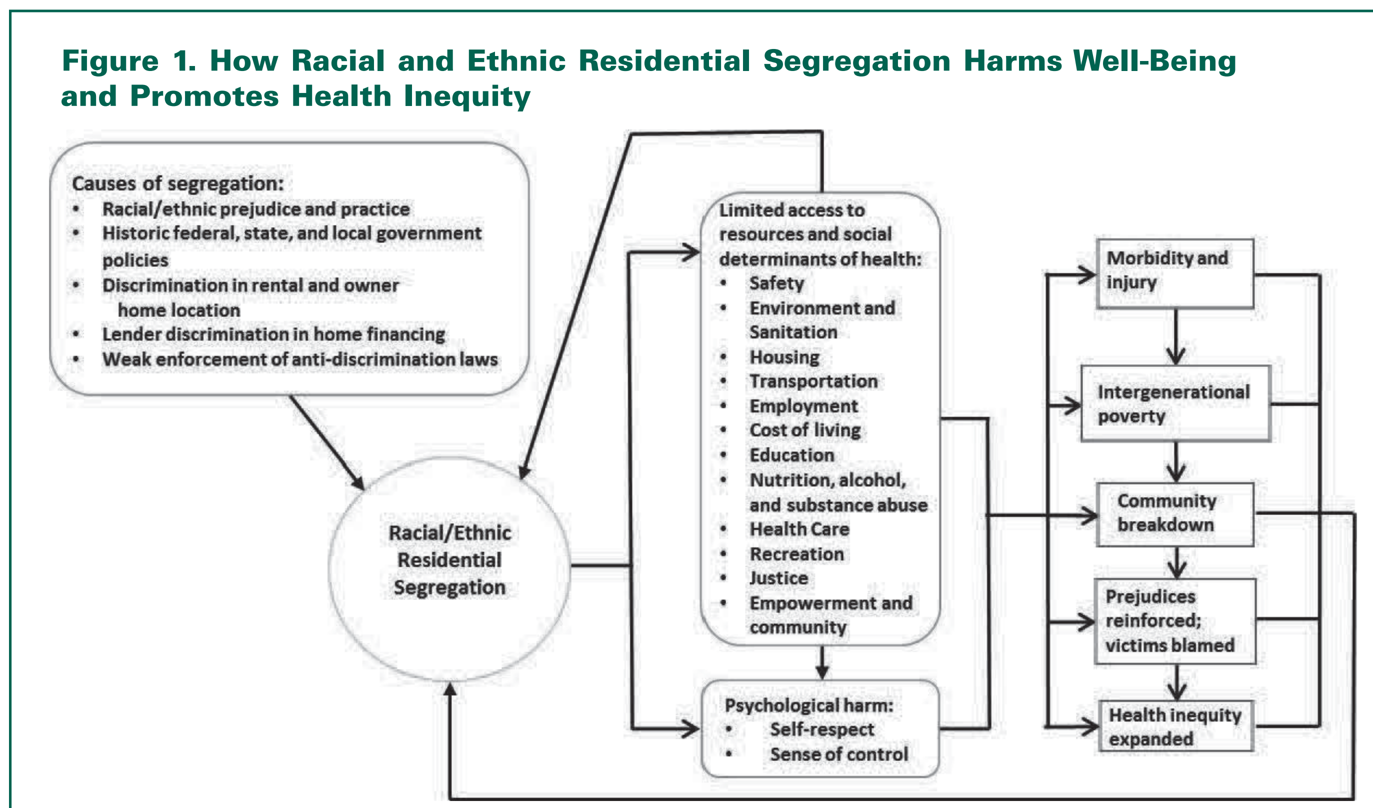
**Figure 1. How Racial and Ethnic Residential Segregation Harms Well-Being and Promotes Health Inequity**



# Parks and Recreation

Bryan Greene

When people first hear about the 1969 Harlem Cultural Festival, they ask, "Why isn't there a movie?"

*The New York Times* reported that the festival drew 300,000 to six Sunday concerts in Harlem's Mount Morris Park the summer of 1969. It boasted some of the biggest names in popular music—The Fifth Dimension, Sly and the Family Stone, Stevie Wonder, The Staple Singers, Nina Simone, B.B. King—but it is virtually unknown. Unlike "Woodstock," the same summer, and "Gimme Shelter," the film of the Rolling Stones' 1969 tour, there is no similar film of the Harlem Cultural Festival, despite the pivotal moment it represents in Black music, politics, and culture. While two television networks aired one-hour specials with festival highlights, the broadcasts left little lasting impact on the culture. Hal Tulchin, a TV producer whose crew filmed over 50 hours of the festival, reported that he was unable to interest anyone in a bigger project. As a consequence, the Festival remains, as documentary filmmaker Jessica Edwards calls it, "The most popular music festival you've never heard of."

Someday, someone will make a film about the Festival, which marks its 50th anniversary in two years. That filmmaker will have to obtain the rights to the concert footage that exists. Past efforts have proven unsuccessful. Many of the organizers and performers have died in the intervening years. To piece things together, I have consulted newspaper and magazine accounts, watched the footage I could obtain, and interviewed Festival attendees and performers. May this article serve as the starting point for the filmmaker who takes on this project. This is my treatment for the film that will come.

*Bryan Greene (greenebee@gmail.com) is a civil rights practitioner living in Washington, DC.*

Just as "Woodstock" and "Gimme Shelter" use aerial shots to show the multitudes at those concerts, my film of the Harlem Festival opens with a helicopter over Mount Morris Park. This would be two years before the 1969 Festival. Sitting in the helicopter are two Yale men—one, the Mayor of New York City, John Lindsay, the other, August Heckscher, his newly-appointed Parks Commissioner (note: They are now deceased. We will have to re-enact this). The men share a vision: to attract more New Yorkers to the parks, especially Blacks and Hispanics. It's March 1967, and Mayor Lindsay, a Republican, is swearing in Heckscher.

***The most popular music festival you've never heard of.***

Heckscher describes the helicopter descent into the Harlem park in his 1974 memoir, *Alive in the City*:

> The mayor and I arrived at the ceremony by helicopter, landing upon the summit of Mount Morris, a six-acre park situated at the center of Harlem. It seemed appropriate at that time to give emphasis to a black community. …As our helicopter came low I could see crowds of children climbing up the slopes and steep paths to greet the mayor. This was a period when John Lindsay's popularity was at its height, and he was a hero to young blacks.

Heckscher was New York aristocracy. His predecessor as Park Commissioner, the legendary Robert Moses, had named a Long Island state park and Central Park's largest playground after Heckscher's grandfather and namesake, a German-born capitalist and philanthropist. Heckscher's commitment to improve park access for underprivileged New Yorkers stood in stark contrast with Moses, whose biographer, Robert Caro, told the *New York Times*, "[Moses] was the most racist person I ever met." Caro, in his Pulitzer-prize winning biography of Moses, described Moses's idea of helping Harlem residents feel at home in Riverside Park: he installed wrought-iron trellises with monkeys on the comfort stations.

Heckscher, meanwhile, sponsored the Harlem Cultural Festival. In a press release, Heckscher announced that the City had partnered with Maxwell House, the General Foods subsidiary, to sponsor the 1969 Festival. He stressed: "However, the City is not running the Festival; General Foods is not running it. We are only supporting it. The Harlem Cultural Festival belongs to Harlem. It is the expression of the many elements—'soul,' if you will—of the diverse cultures that make up the Harlem community."

Tony Lawrence, a Caribbean-born singer and actor, was the driving force behind the Festival. By 1969, the budget for the three-year old Festival had grown such that Lawrence told the *New York Times*, "The entertainers charged me top price, and we paid it." Moreover, he said, "We put a lot of money around this community. I hired as many people as possible." This included money for security, advertising, and a house band. Lawrence also emphasized that the television crews included Black supervisors and trainees. *The Times* said the Festival "provided a lucrative market for enterprising small merchants…to indulge in what Harlemites would call a 'legitimate hustle.'"

The headliner the first day (which the *Times* said drew 60,000) was The Fifth Dimension. The group's record, "Aquarius/Let the Sunshine In," from the Broadway musical, Hair, was still in the Billboard Top 40, after six weeks at #1 in April and May. "Aquarius" would win "Record of the Year" at the Grammy Awards (just as

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"Up, Up, and Away" had in 1968). The band's schedule was so packed that it's no surprise the group's founding member, Lamonte McLemore, told me he scarcely remembers the Harlem gig. They played Ed Sullivan that year. The group had just come off a tour with Frank Sinatra, the only group to go on the road with him, McLemore said. They also guest-starred in Sinatra's 1968 TV special and opened for him during his engagement in Las Vegas. The group was ubiquitous. We know the group played the Harlem Festival because CBS-TV aired highlights of their performance in a primetime special on July 28th. Alas, the concert footage remains in a vault.

Meanwhile, Sly and the Family Stone's 42-minute set is on the Internet (with Hal Tulchin's watermark). The band is absent from posters, which suggests their July 27th performance was a fortuitous last-minute booking; they played the popular Schaefer Music Festival in Central Park the day before.

Sly and the Family Stone deliver an exhilarating performance. Tulchin's footage is in brilliant color, shot by multiple cameras, and masterfully edited. The band's setlist is almost identical to their Woodstock show two weeks later. But the Harlem performance packs more punch: it's an historical moment to see the band, sporting Afros, bell-bottoms, and frilled jackets, play to tens of thousands in Harlem. If such a performance hadn't existed, you'd have to invent it. You can imagine an inspired Larry Graham inventing his trademark slap-bass technique, on the spot, inspired by the appreciative crowd. You see here how the band had soaked up that time's crosscurrent of music genres—rock, psychedelia, funk, soul—and taken it to a new level. The hippie zeitgeist is here, too. When Sly sings, "Higher" he tells the crowd, "When we say 'higher,' if you'd say 'higher' and throw the peace sign up, we'd appreciate it. Now it don't make you mellow if you don't, it don't make you groovy if you do…" But the crowd does. The song's breakdown is one of the most joyful music moments on film. See if it doesn't make you jump up and dance. And when trumpet player Cynthia Robinson introduces "Dance to the Music," and shouts, "Get up and dance to the music! Get on up and dance to the music!" you wonder if the revolution might very well be televised.

The Festival provided a national showcase for Black gospel music. A staple on radio and local TV, gospel took a leap forward when ABC-TV broadcast, in primetime, highlights from the Festival's "Folk and Gospel" concert on September 16, 1969. Helping whet the worldwide appetite for

**Gospel took a leap forward when ABC-TV broadcast highlights from the Festival's "Folk and Gospel" concert.**

Black gospel music was a breakout hit that summer—an arrangement of an old hymn by an Oakland, California choirmaster, Edwin Hawkins. "Oh Happy Day" spent 10 weeks on the Billboard Hot 100, peaking at #4 on June 7, 1969. It reached #1 in France, Germany, and the Netherlands. When the Edwin Hawkins Singers took the stage June 29th in Mount Morris Park, they were one of the most popular acts in the world. CBS featured the Singers on the same July 28th special with the Fifth Dimension.

Edwin Hawkins told me in an email:

> That was a whirlwind year for me. We'd recorded "Oh Happy Day" to raise money for our youth choir tour. It was as simple as that. A San Francisco radio station started playing it, and next thing you know, 500 copies weren't enough. My calling is to spread the gospel, the good news. This song could have stayed in the church—which is what the church elders preferred when the song showed up on the radio. But the funny thing about gospel is it touches people and it spreads. You can't contain it, and why would you? I count myself so blessed to have been a vehicle for this message that went around the world that year.

"Oh Happy Day" shaped gospel music for years to come but its influence went beyond that. George Harrison became the first former Beatle to write a number-one song with "My Sweet Lord" in 1971. Ronnie Mack sued him successfully for copyright infringement, citing similarities with "He's So Fine," which Mack had written for the Chiffons. George Harrison in his 1980 autobiography, "I, Me, Mine," demurred. He said, "I was inspired by the Edwin Hawkins Singers' version of 'Oh Happy Day.'"

While Hawkins was a 26-year old newcomer in 1969, Mahalia Jackson was the reigning "Queen of Gospel." She had inherited the mantle from her mentor, composer Thomas A. Dorsey. Jackson would perform with her protege Mavis Staples at the festival, a moment Jessica Edwards, maker of the film "Mavis!" said "very much indicated a passing of the baton." Together, Jackson and Staples sang Dorsey's standard, "Take My Hand, Precious Lord," which Jackson sang at the funeral of Dr. Martin Luther King, Jr. The crowd, many in their Sunday best, responded enthusiastically. Exiting the stage, Jackson and Staples passed the mike to their mutual Chicago friend, civil-rights leader Jesse Jackson.

The footage I saw of the Festival's gospel concert is not publicly available, but Mahalia Jackson's appearance at the concert is more widely documented by a *New York Times* photograph of her with Mayor Lindsay, on the steps of her trailer. Lindsay was in Harlem, campaigning for re-election. Jackson, with her arm around Lindsay, told the assembled reporters, "We're really going to go for him." Accounts of the Festival say the emcee introduced Lindsay to the crowd that day as "our blue-eyed soul brother."

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## Essay

# The Fight to be Public: Making Public Spaces Accessible to All

Tyler Barbarin

### An Emerging National Discussion

The public sphere is often the most contentious space in our lives, but sometimes the least examined. What is a public space? Is there an affirmative right to access public space and if so, what is that right? How do we navigate situations of conflict in public spaces? How do we mitigate fear and discomfort during interactions? The stranger that lingers too long, the body that stands in the shadows, the group that feels just too big or too loud—what are reasonable expectations of safety, comfort and certainty? Are such expectations guaranteed and to whom does the guarantee run? Too often we see the mitigation of fear turn into the over-policing of Black, Brown, trans and disabled bodies. This fear manifests itself in the regulation and oppression of sexual orientations and expressions that fall outside of the norms of the dominant culture. Across the country public spaces have been the site of abuses of power by the powerful, the control of the minoritized, and the perpetuation of damaging systems of oppression.

In American society, there is an assumption of neutrality in unnamed, unregulated spaces. This assumption creates a false comfort. America's history of oppression and regulation of bodies has prevented this assumed neutrality from actualizing. Spaces that are not intentionally integrated and made to be safe for the unique and specific needs of historically minoritized groups become inherently dangerous spaces. The consequence of allowing our public spaces to be inhabited, monitored and controlled under the guise of being free from labels, rules or constraints is that these spaces default to regulation by stereotypes, misconceptions and prejudice. Those who are not white, male, heteronormative and able-bodied often become subject to policing based on the comforts of the majority. Instances of harassment, policing and altercations leading to the mistreatment and even death of minoritized people have become all too frequent. Those that inhabit multiply oppressed intersectional identities, such as Black trans women, trans women of color, and disabled peoples, are especially vulnerable to this mistreatment.

***Use of public spaces shapes our sense of belonging and, therefore, affects our role in the social order.***

The ability to safely traverse and utilize public spaces affects an individual's ability to fully participate in society. Use of public spaces has a direct effect on civic and political participation and affects interaction with the economy and economic opportunity. David Harvey, in *The Political Economy of Public Space*, chronicles this connection between the political and economic. He writes of the connectivity between the performance of difference and the regulation of the other in public spaces with the more concrete and rote control that occurs in institutional and privatized forums: "[o]n both sides, therefore, politics was inflected by the experience of a symbiotic connectivity between private, public and institutional spaces" (Harvey, 2005). Use of public spaces shapes our sense of belonging and, therefore, affects our role in the social order.

Attention to the equitable design and regulation of our public spaces has been increasingly acute within the last several years. From conflict between public servants and private citizens, to the discussion of constitutional rights and gender identity and expression, violence and oppression, to the revived movement to occupy public space for political protest—public spaces have mandated national conversation. "Cities, by definition, are shared spaces...The promise of our public spaces is the assurance that we can live well together, creating places that we can all enjoy and call our own" (Black Lives and the [Broken] Promise of Public Space, 2016). The current conversation attempts to reconcile the need to immediately and broadly name, react to and address frequent and open displays of oppression in public spaces with the need to plan and strategize to prevent such occurrences and subsequently transform the public space experience for all.

Yet the conscious decision to divide streets, section off green spaces, label areas as private and public has always had real and material consequences for non-majority citizens. Public spaces—such as sidewalks, restrooms, parks and playgrounds—are part of a cornerstone of social life and have been systematically and intentionally regulated and restricted for certain demographics in our society, as discussed by Harvey.

To create a society where the physical, mental and social well-being of each citizen is protected with equal and

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*Tyler Barbarin, tbarbarin@prrac.org, is Administrative and Research Assistant at PRRAC. This essay is an excerpt from a longer work under development.*

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equitable fervor requires a concerted effort to address and remedy the ways in which minoritized peoples experience public spaces.

## Strengthening Solutions

Successful strategies for equitable public spaces require solutions borne from the empowerment of intersectional and specifically minoritized peoples. One strategy with both promise and room for improvement is the use of Community Benefits Agreements (CBAs). The function of a CBA, generally, is to create an understanding between developers and community organizations and stakeholders about the plans for land use. CBAs have the potential to be leveraged by minoritized peoples to ensure that they are engaged and that their unique needs are included in a meaningful way throughout the approval, planning and development processes of the reinvestment in public spaces within communities.

Well known CBAs, like those organized by the Los Angeles Alliance for a New Economy (LAANE), have been used to address hiring practices and equitable employment in corporations and businesses that are developed in communities (Gerber, 2007). Yet the vibrancy of a community extends far beyond the economic operations. Without attention to the public sphere built into CBAs, low-income, minoritized, or disabled people, are often still met with force, surveillance, judgment and harassment in public spaces. This unequal application of protection and concern perpetuates systems of inequality. It perpetuates narratives of criminality and therefore detracts from the overall goals of the CBA. There needs to be a concrete framework, built into the design of CBAs, which defines public spaces as equitable and nonviolent spaces. This framework, beyond providing a clear definition of the commitments to equity that all public spaces embody, should also clarify ways to maintain the commitments to these in a way that is enforceable.

For CBAs to function at their maximum potential and these systems to be more equitable, the process of creation has to be equitable from ideation to implementation. The planning process should engage citizens throughout the decision-making process, not just in a reflective capacity after planning is completed. Any group charged with organizing should be sure to find ways of including those who cannot actively participate in the process formally—so no voice goes unheard. A board or coalition (tied to funds) should maintain oversight of the CBA with an explicit commitment to equity, justice, and anti-oppressive systems. This board should be reflective of the community in which this CBA will actualize and their role should be participatory, not solely supervisory. Fair and equitable access to public space is integral for a healthier community, requiring intentional creation and maintenance of anti-oppressive systems and spaces across the commercial, private and (*especially*) public spheres. ❏

### Resources


Black Lives and the (Broken) Promise of Public Spaces, Project for Public Spaces, 2016: www.pps.org/blog/black-lives-broken-promise-public-space/

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Lindsay had credibility among Black New Yorkers because he not only talked the talk; he literally walked the walk—through the streets of Harlem and other neighborhoods, on a regular basis. Richard Grant, an African-American aide to Lindsay, described the power of these walks during an interview with me. Grant worked as an advance man on the 1969 campaign, so he would go ahead and scout the route. On this particular walk, Grant observed a colorfully-dressed woman who had set down at 135th and Lenox "with a folding chair and food," who knew a lot of people in the community, and announced, "I'm going to give [the Mayor] a piece of my mind!" Grant sent word to the Lindsay team, "This may be a place where you might not want to stop." Yet, when Lindsay reached this location, Grant said, "This woman called out, 'Mr. Mayor, Mr. Mayor!' [Lindsay] walked right over to her and I thought, 'Oh my God.' And she began a lecture. 'We have you white politicians who come up here and make all these promises. Nothing ever changes'." As she recited the City's failings, Grant said, "The mayor stood there, batting his eyes, looking very, very seriously down to the ground. When she finished, he said, 'Well I have understood what you say and I'm sure we haven't done all we should have done and could have done, but all I can promise you is that I'm going to continue to work on things and I'm going to do my best to make some changes. The people with me have taken down what you said. And we're going to see what we can do to help.' She had a very stern look on her face...And after he finished she stepped back and broke into this wide smile and said, 'I don't know about you. I don't know, but I think I trust you.' She shook his hand. That

was what was on the news at the end of the day."

Lindsay aide Sid Davidoff, in an archival film on CUNY's website, describes how the mayor's Harlem relationships helped quell tensions the night of the King assassination. Davidoff recalls "it was a very tense situation on the streets," but Lindsay insisted on walking Harlem that night, protected by the Five Percenters, a group of former prisoners with whom Lindsay's office had built a relationship. Davidoff said, "[Lindsay] got out of the car and began to walk…He began walking and shaking hands, and hugging people and saying, 'I'm sorry.' And meanwhile around him were some really bad guys of Harlem." A shoving match ensued as local politicos jostled for position next to the Mayor. Davidoff said, "This wasn't about local politics… This was about John Lindsay who'd been in that neighborhood many times…who was coming back to say, 'I feel your pain.' And he did feel the pain." While New York was less than peaceful that night, many credit Lindsay with sparing New York the fallout other cities experienced.

Lindsay was also a champion for Black urban communities nationwide. He served as Vice Chairman of the Kerner Commission, where he penned the Commission's famous conclusion about the cause of the mid-1960's civil disturbances: "Our nation is moving toward two societies, one black, one white, separate and unequal." He became the face of liberal concern for the fate of Blacks trapped in inner cities. *Reader's Digest* captured Lindsay's challenge to America with its title for an August 1968 interview: "We can lick the problems of the ghetto, if we care." And so, the official poster for the Harlem Cultural Festival boldly asked, "Do you care?"

Anthony Flood, a 16-year old white kid from the Bronx, saw such a poster on the B27 bus. Tony cared about music. "I got into The Beatles but I never got into hard rock… By 1968, '69, I was listening to R&B." On Sunday, July 20th, Flood took the subway to Lexington Ave and 125th St., the very station from which Lou Reed emerged in the Velvet Underground's "Waiting for The Man." Contrary to Reed's song, no one asked, "Hey, white boy, what you doin' uptown," or accused him of "chasin' our women around." Instead, Flood's presence in the park was unremarked upon. "I was in the sea of black people and there was no tension." Flood recalled, "I stood for hours and hours…. I took the train home and I told Mom, you should see what I saw, Gladys Knight and the Pips, Chuck Jackson, Stevie Wonder…" Wonder's "My Cherie Amour" was #9 on the charts and climbing. About the free concert, Flood said, "I was struck by how much I was getting for nothing. What am I missing here? Am I going to be charged on the way out? How is this possible?"

**The Hendrix experience typified the pressure on black artists to ally themselves with the Black Power Movement.**

That date, July 20, 1969, is special for other reasons. For that same day, Heckscher's Park Commission had erected giant screens in Central Park for thousands to watch one of the most historic events of mankind: the landing on the moon. Why weren't the Harlem concertgoers there or glued to their TV sets at home?

*The New York Times* on July 27, 1969 provides an answer. In a story headlined, "Blacks and Apollo: Most Couldn't Have Cared Less," the *Times* reported, "An estimated 50,000 people flocked to last Sunday's Harlem Cultural (soul music) Festival at Mt. Morris Park and the single mention of the [Lunar Module] touching down brought boos from the audience." NAACP Executive Director Roy Wilkins "called the moon shot 'a cause for shame,' and added, 'there's something wrong with the Government's priority system.'" *The Times* article concluded with a lament from an editorial that ran in the *Amsterdam News*, the city's leading Black newspaper, the day after the moon landing: "Yesterday, the moon. Tomorrow, maybe us."

Two weeks after Woodstock, Jimi Hendrix put on a free benefit concert in Harlem. Hendrix had resided there during his formative years (taking the top prize at the Apollo's amateur night in 1964). In 1969, Hendrix had been playing with a loose collection of mostly Black musicians, the Band of Gypsys. He told *The New York Times* why he was playing Harlem: "Sometimes when I come up here, people say, 'He plays white rock for white people…' 'What's he doing up here?' Well, I want to show them that music is universal—that there is no white rock or black rock.'" Alas, the Harlem crowd disagreed. They threw eggs at him.

The Hendrix experience typified the pressure on Black artists to ally themselves with the Black Power Movement. In many instances, musicians had to choose between commercial mainstream success and a more Black-conscious identity. Sly and the Family Stone even faced pressure during the 1970s to let go its white drummer and saxophone player. The Fifth Dimension navigated these loyalties better than some, but McLemore told me, "Black people, when we first started…they didn't understand what we were doing at all." One time, he convinced the Temptations promoter to let them open for the R&B group in Los Angeles. "We were singing our number-one song then, 'Go Where You Wanna Go'…The audience was looking at us, like, 'Well, y'all better go on and get off that stage and bring the Temptations on! People said, here's a black group singing white songs, white stuff, with a white sound…And we said, How can you color a sound? This is *our* sound. And it's different and we ain't gonna change it. When Aquarius came out, all of a sudden, all the black people came up and said, 'We were with y'all all along!'"

The major reason we need a film of the Harlem Cultural Festival is to document a community at a cross-

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roads—torn on which direction to take but hopeful about where each road leads. The community was under strain, but its unity had not dissipated. Surely, Tony Lawrence had demonstrated what was possible from a partnership among city administration, corporate sponsors, neighborhood organizers, and local entrepreneurs. Hundreds of thousands had come out to see an unprecedented number of Black artists at the top of their game, in pop, blues, R&B, rock, gospel, jazz, soul, and funk. It was a time when leaders like Lindsay and white performers like Elvis were shining a light on what was going on "in the ghetto," while those who dwelt there debated whether it was better to go it alone.

In 1969, these questions and the possibilities they present come into sharp focus, just before another turn of the lens takes us into the blurry 1970s. The Festival did not return to Mount Morris Park in 1970. Joseph Harris, a doctor who was a Black Panther in Harlem in 1969, told me, "The first thing they did after '69…They said, 'We're not gonna have this anymore. Oh, we're gonna build a pool for y'all.'" Years later, a large pool complex filled in the area where the Festival crowd had gathered. The Parks Commission renamed the park Marcus Garvey Park in 1973, a symbolic victory for the Black Power Movement, but Harris observed, "Every central meeting place in Harlem was eliminated [in the 70s]." That decade, Nina Simone, whose stirring Festival performance is available in its entirety online, left the United States altogether. In a 1997 interview, she said, "I left because I didn't feel that Black people were going to get their due, and I still don't."

If we had a film, we could freeze the frame in 1969. We could watch, over and over, Sly and the Family Stone remind us, "We've got to live together" and celebrate, "Different strokes for different folks. And so on, and so on, and scooby dooby doo." ❑

# PRRAC Update

● Once again, we are fortunate to have a terrific group of summer interns. Welcome to our Law & Policy Interns **Jessica Smiley** and **Julia Mizutani** (both from Georgetown Law School), Policy Intern **Pooja Patel** (Princeton University), and Communications Interns **Caroline Kuzel** (Saint Xavier University) and **Emma Stein** (Union College).

● June 12th, 2017 marked the 50th anniversary of the landmark *Loving v. Virginia* Supreme Court decision, which officially ended the ban on interracial marriage in the United States. PRRAC board member (and Georgetown law professor) **Sheryll Cashin** observes this anniversary in her book *Loving: Interracial Intimacy in America and the Threat to White Supremacy*, exploring challenges to traditional race boundaries and the growth of cultural dexterity. Congratulations to Sheryll on her new book.

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segregated populations have long had less access and lower quality health care than higher income populations (Smedley, Stith et al. 2003).

j. *Recreation:* Regions with high concentrations of minority populations are associated with fewer opportunities for indoor and outdoor physical activity, e.g. gyms and parks, less physical activity, and high rates of being overweight (Gordon-Larsen, Nelson et al. 2006).

k. *Justice:* High rates of police strength in U.S. cities are associated with the proportions of Blacks in the population, the degree of Black/white racial segregation, and income disparities, independent of level of crime (Kent and Carmichael 2014). "Disproportionate minority contact" is a well-recognized problem referring to the participation of minority subjects—principally Blacks and Hispanics—in all phases of the justice system, from arrest to incarceration—in excess of their proportion in the population (Piquero 2008).

While the consequences of RERS are predominantly negative, RERS has also been found to promote community empowerment which itself may have health benefits (LaVeist 1993).

## Consequences of Segregation on Health

In all 38 Metropolitan Statistical Areas (SMAs) with populations greater than 1 million in 1980, infant mortality rates for Blacks exceeded those of whites (Polednak 1991). In a statistical regression analysis including female householder, poverty, median family income, and the segregation dissimilarity index, only segregation was a statistically significant predictor of excess Black infant mortality. Black infant mortality exceeded white infant mortality by 2/1000 live births in the least segregated SMAs and by 9/1000 live births at highest levels of segregation.

An analysis of U.S. metropolitan areas in 2000 indicates that, adjusted for background demographics, including income and education, the likelihood of poor self-rated health was 50% higher among Blacks than among whites, and that controlling for white/Black segregation essentially eliminates this gap (Subramanian, Acevedo-Garcia et al. 2005). In the period 1989–1994, residential location is estimated to have accounted for between 15% and 75% (depending on age and gender) of the difference in Black and white self-rated health not accounted for by individual-level characteristics

(Do, Finch et al. 2008). Econometric analysis of U.S. residents 20–30 years of age in the 1990 census suggests that the elimination of the causes of RERS for Blacks would result in the elimination of white-Black gaps in employment, earnings, and high school graduation (Cutler and Glaeser 1997). Segregation decreases the opportunity for children to escape from the cycle of poverty (Chetty, Hendren et al. 2014).

An analysis of the U.S. adult population in the 1980s indicates that, adjusted for family income, the annual likelihood of death was 2.8 times higher for Black men ages 25 – 44 years living in census tracts with >70% Blacks than in tracts with <10% Blacks, and similarly 2.1 times greater for Black women living in high compared with low concentration Black tracts (Jackson, Anderson et al. 2000). In 1990, elevated mortality in U.S. cities from heart disease, cancers, and homicide among Black men was associated with segregation (measured by isolation), and heart disease and cancers among Black women were associated with segregation; among whites, only cancer mortality among men was associated with segregation (Collins and Williams 1999). It is estimated that approximately 176,000 deaths per year are associated with racial segregation in the United States (Galea, Tracy et al. 2011). This number exceeds the number of deaths attributable to cigarette smoking among 35-64 year olds in the Unitd States and is approximately one third of all mortality among Blacks and Hispanics in the United States in 2014 (Rogers, Hummer et al. 2005; National Center for Health Statistics 2016).

## Causes of Segregation

Racism, the systematic discrimination in attitudes, actions, and policies against populations assumed to be "races," is a root cause of segregation, and segregation, in turn, reinforces racism when the consequences of segregation are blamed on the segregated population due to a lack of understanding of structural discrimination and exposure to other groups (Mahoney 1995; Williams and Collins 2001). There is evidence, for example, that segregation leads to increased poverty (Teitz and Chapple 1998). In the past, federal and state policies have supported segregationist principles (United States Commission on Civil Rights 1973; Rothstein 2017), and programs such as "urban renewal" have led to the destruction of minority communities (Fullilove 2001).

The Fair Housing Act (1968) charges the U.S. Department of Housing and Urban Development (HUD) with promoting housing and urban development "in a manner affirmatively to further the purposes of fair housing" (United States Commission on Civil Rights 1973). The Fair Housing Act also prohibited discrimination on the basis of race, color, religion, or national origin in the sale or rental of housing, the financing of housing, or the provision of brokerage services"(United States Commission on Civil Rights 1973). However, in the 2012 HUD survey of housing discrimination, Black interviewers were informed of 17.0% fewer homes and shown 17.7% fewer homes than otherwise similar whites (Turner, Santos et al. 2013). Asians were informed of 15.5% fewer homes and shown 18.8% fewer homes than otherwise identical whites. Similar rates of discrimination were reported in 1977 (Wienk 1979). In the 2012 survey, Hispanics were found not to be discriminated against.

***RERS has also been found to promote community empowerment which itself may have health benefits.***

## Redressing Segregation for Health Equity

While HHS's Healthy People 2020 (US Department of Health Human Services 2010) recognizes that housing and residential segregation are fundamental social determinants of health, the reduction of RERS is not included as a primary objective of Healthy People 2020. This is a critical gap. There are multiple approaches to redressing RERS, some included in HUD's Strategic Plan 2014–2018 (Department of Housing and Urban Development 2010). Health agencies can support these strategies as well. Public health personnel and policy makers can collaborate in surveillance, research, policy, and programming, with personnel from housing, justice, transportation, and environmental agencies to advance public health.

Efforts can be made A) to address and reduce RERS and, B) insofar as RERS continues, to reduce its harms; some strategies address both outcomes. Efforts to address RERS are a potential key to the elimination of the system of racial discrimination that underlies health inequity (Reskin 2012).

## A. Addressing and Reducing RERS

1. *Fully enforce anti-discrimination laws:* Promote justice and equity by more actively enforcing the body of law that prohibits discrimination in housing on the basis of race, ethnicity, and other factors. HUD's Plan for 2014-8 notes that "housing discrimination still takes on blatant forms in some instances," and includes as an objective to "reduce housing discrimination, affirmatively further fair housing through HUD programs, and promote diverse, inclusive communities" (Department of Housing and Urban Development 2014). Housing rights enforcement actions may be brought by the Departments of Justice and HUD, or by plaintiffs claiming discrimination. HUD also funds NGOs under the auspices of the National Fair Housing Alliance (National Fair Housing Alliance 2015), to prosecute cases of discrimination. There is evidence that strong enforcement is associated with reduced rates of discrimination (Ross and Turner 2005; Department

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of Housing and Urban Development 2010). But only a very small proportion of instances of housing discrimination are reported to these agencies investigated or remedied. It is estimated that approximately 1,760,000 incidents of discrimination against Black home-seekers occur annually (Simonson 2004). HUD receives reports of and investigates several thousand claims of racial discrimination and brings several suits each year; in 2014, the total number of claims brought for racial discrimination was approximately 6,000—about 0.3% of the estimated number of discriminatory events (National Fair Housing Alliance 2015).

2. *Provide opportunities for low-income populations to move:* Promote housing programs such as Moving to Opportunity that have been found to benefit their recipients—including improvements in housing, employment, and reductions in obesity, diabetes risk, and alcohol abuse (Fauth, Leventhal et al. 2004; Ludwig, Sanbonmatsu et al. 2011; Sanbonmatsu, Ludwig et al. 2011). Under President Obama, efforts were made to assure that relocation programs do not send recipients into segregated neighborhoods (Davis and Applebaum). The HUD-Department of Transportation—Environmental Protection Agency Partnership for Sustainable Communities coordinated the development of affordable housing and transportation to improve access to employment and other resources (E.P.A. and Office of Sustainable Communities 2014).

3. *Promote the use of federal, state, and local governments tax incentives* to motivate investments that encourage residential integration or allow residents to remain in their neighborhoods despite movements such as gentrification (Reskin 2012), or facilitates the renovation or construction of housing for low income populations in areas of opportunity, as with the HUD Low-Income Tax Credit program (Hollar 2014).

4. *Implement the recent HUD Affirmatively Furthering Fair Housing (AFFH) rule:* a "legal requirement [in the Fair Housing Act] that federal agencies and federal grantees further the purposes of the Fair Housing Act." The rule requires HUD fund recipients to use local data (including on "environmental health") and advance fair housing and overcome prior segregation (HUD 2015). It also encourages local interagency collaboration.

**While racial and ethnic residential segregation persists, it is unlikely that racial and ethnic health inequities will be eliminated.**

5. *Implement education programs to reduce racism and its consequences:* A recent meta-analysis indicates that many anti-prejudice programs for school-age children and youth are effective in reducing prejudicial attitudes and behavior that are an underlying cause of ongoing RERS (Beelmann and Heinemann 2014).

## B. Eliminating and Reducing the Harms of Ongoing RERS

1. *Support resource development* (e.g., healthy foods, banks, health care services, transportation) in segregated neighborhoods that can improve access to resources for health.(Austin 2004) For example, from 2004–2010, the Pennsylvania Fresh Food Financing Initiative supported a program to increase the number of supermarkets in under-served communities across Pennsylvania (http://www.thefoodtrust.org/php/programs/super.market.campaign.php).

2. *Promote anti-poverty programs:* Many federal programs provide support for various aspects of life among the poor, including those living in segregated communities (Pfeiffer).

3. *Zone for public health*, for example, for alcohol outlet density that can reduce public health harm in low income communities (Campbell, Hahn et al. 2009).

4. *Strengthen public services* (e.g., community policing, sanitation, transportation, health care) in segregated regions, for example, The King County Equity and Social Justice Strategic Plan 2016-2022 (Constantine 2016).

## Conclusion

Racial and ethnic residential segregation is a fundamental social determinant that adversely affects the health of large proportions of many minority communities and is a critical source of health inequity. While racial and ethnic residential segregation persists, it is unlikely that racial and ethnic health inequities will be eliminated. Public health leaders, researchers, and practitioners should collaborate in surveillance, research, program and policy design, evaluation, and support agencies promoting housing and the implementation and enforcement of fair housing law. ❏

### Thanks for your contributions to PRRAC!

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**You can also donate online at www.prrac.org**

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