

# *The Color of Law*

## A Forgotten History of How Our Government Segregated America

by Richard Rothstein

*An explosive, alarming history that finally confronts how American governments in the twentieth century deliberately imposed residential racial segregation on metropolitan areas nationwide.*

“*The Color of Law* is one of those rare books that will be discussed and debated for many decades. Based on careful analyses of multiple historical documents, Rothstein has presented what I consider to be the most forceful argument ever published on how federal, state and local governments gave rise to and reinforced neighborhood segregation.”

—**WILLIAM JULIUS WILSON**, author of *The Truly Disadvantaged*

“Richard Rothstein’s *The Color of Law* offers an original and insightful explanation of how government policy in the United States intentionally promoted and enforced residential racial segregation. ...[H]is argument, which calls for a fundamental reexamination of American constitutional law, is that the Supreme Court has failed for decades to understand the extent to which residential racial segregation in our nation is not the result of private decisions..., but is the direct product of unconstitutional government action. The implications of his analysis are revolutionary.”

—**GEOFFREY R. STONE**, Professor of Law (and former dean)  
at the University of Chicago Law School

“While the road forward is far from clear, there is no better history of this troubled journey than *The Color of Law*.”

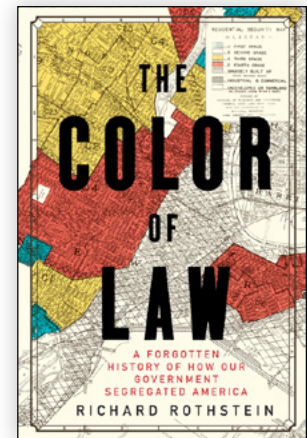
—**DAVID OSHINSKY**, Professor of History at New York University,  
in *The New York Times Book Review*

“A masterful explication of the single most vexing problem facing black America: the concentration of the poor and middle class into segregated neighborhoods. Rothstein documents the deep historical roots and the continuing practices ...that maintain a profoundly un-American system holding down the nation’s most disadvantaged citizens.”

—**THOMAS B. EDSALL**, Opinion Columnist at *The New York Times*  
and author of *The Age of Austerity*

“Rothstein is brilliant and has the kind of fine understanding of the machinery of government policy as it relates to housing that I deeply envy.”

—**Ta Nehisi Coates**, in *The Atlantic*



***The Color of Law*** documents how American cities, from San Francisco to Boston, became so racially divided, as federal, state, and local governments systematically imposed residential segregation, with:

- **undisguised racial zoning,**
- **public housing that purposefully segregated previously mixed communities,**
- **subsidies for builders to create whites-only suburbs,**
- **tax exemptions for institutions that enforced segregation,**
- **official support for violent resistance to African Americans in white neighborhoods,**
- **state licensing of real estate brokers whose code prohibited racial mixing,**
- **state and federal court orders evicting African Americans who moved to white neighborhoods,**
- **routing of highways to separate African American and white neighborhoods**

These policies were supplemented by racially purposeful government programs that depressed African American incomes, making escape nearly impossible from neighborhoods of concentrated disadvantage. Properties in African American neighborhoods frequently had higher assessed-to-market-value ratios, resulting in higher property tax payments. The federal government certified unions that excluded African Americans from membership, denying them full participation in the economic boom that followed World War II.

Such programs still influence tragedies in places like Ferguson and elsewhere. Scholars have separately described many of these policies; ***The Color of Law*** uniquely brings them together to show how they interacted to create a powerful system of residential segregation in every metropolitan area.

Under our legal system, it is difficult if not impossible to design effective policies to integrate the nation, because we are hobbled by the notion that our segregation is “*de facto*,” arising from private discrimination, personal choices, and the unintended consequences of economic forces. But once we understand that our racial landscape has been created and maintained “*de jure*,” by governmental law and policy, we can engage in a national conversation to design remedies.

We could, for example, prohibit suburbs from maintaining zoning that prohibits affordable housing, like modest single family homes, town-houses, or apartments. We could require that all new development be mixed-income. For lower-income families hoping to move to integrated neighborhoods, we could prohibit landlords from discriminating against “Section 8” voucher families and adjust voucher administration to make them affordable in middle-class communities. Such policies are not only feasible, but in the context of our shameful history, constitutionally required.

*The Color of Law* is available at your local bookstore, [www.norton.com](http://www.norton.com), [Amazon](http://Amazon.com), [Barnes & Noble](http://BarnesandNoble.com), [Books-A-Million](http://Books-A-Million.com), or [IndieBound](http://IndieBound.com).  
Also available as an [audiobook](#).

For articles, reports, and other books by **Richard Rothstein** on race and education policy, visit his page at the Economic Policy Institute website, [go.epi.org/rothstein](http://go.epi.org/rothstein).

To sign up for the **Economic Policy Institute’s** mailing list to keep up to date on research on the economic challenges facing working families of all ethnicities and races, visit [epi.org/signup](http://epi.org/signup).