



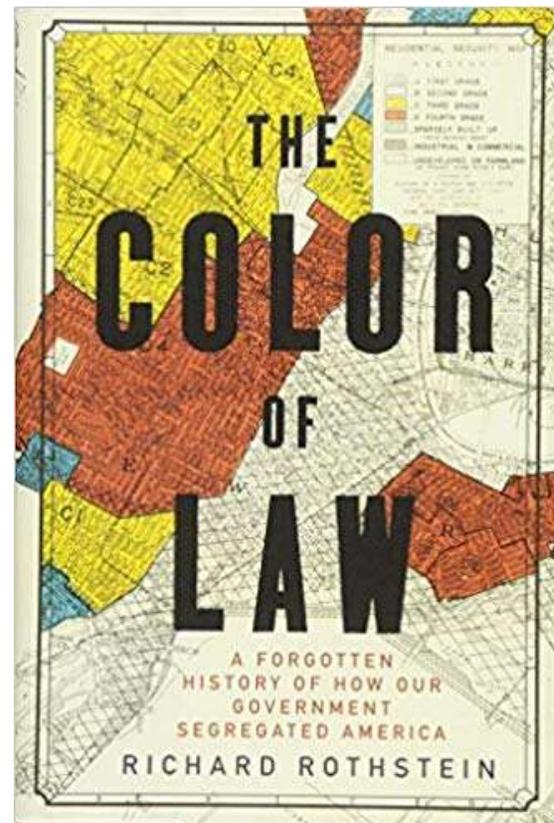
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**The Color of Law: An Essay Review**  
 Reviewed by Lydia Ross & Jeanne M. Powers  
 Arizona State University  
 United States

The August 2017 “Unite the Right” rally in Charlottesville highlighted the attempts by White nationalists and others to explicitly insert White identity into contemporary political debates, marking a shift in our national discourse on race.<sup>1</sup> Charlottesville also presaged a shift in the direction of federal policies toward maintaining and advancing White privilege through rollbacks of Civil Rights-era policies (Green, Apuzzo, & Benner, 2018). Important scholarly work has documented the persistence of White privilege, i.e., the social and economic structures created and institutionalized by public policies that have enabled the uneven transfer of wealth, education, and other social benefits to Whites (e.g., Harris, 1993; Katznelson, 2005; Lipsitz, 2006). These policies created race-based durable inequalities--persistent and systemic disparities in the status and material well-being of Whites and African Americans and other racialized



minorities (Omi, 2001; Tilly, 1998).<sup>2</sup> Outside of education and long predating the Civil

<sup>1</sup> While this is a longer argument than we can make here, Whiteness has always been a part of contemporary national political debates but has often functioned as an unmarked norm in the post-Civil Rights era.

<sup>2</sup> Race-based durable inequalities refer to the process whereby a dominant group uses biological characteristics associated with race such as ancestry, phenotype, or biological markers such as blood to mark other groups as different from and

Rights era, these policies also shape the sorting of students in public school systems, the educational opportunities students have access to in schools, and the resources their families have to invest in their education (Ladson-Billings, 2006). These public policies also contribute to intergenerational patterns of inequality because they have fostered cumulative patterns of educational attainment and wealth for the cohorts of families whose life chances have been affected by them. Among these policies are the federal, state, and local housing policies that have shaped the provision of public housing and the contours of private housing markets.

In this essay, we review Rothstein's (2017) *The Color of Law*, which documents the central role of government policies and practices in establishing patterns of residential segregation, many of which were not addressed by the Civil Rights Act. More importantly, Rothstein helps us understand the enduring legacy of these public policies in contemporary U.S. society. After providing an overview of Rothstein's analysis, we discuss the relevance of his analysis for understanding opportunity gaps in education. We focus on the ways that residential segregation has shaped access to educational opportunities in the U.S. through school segregation, wealth accumulation, and access to higher education.

Rothstein's compelling analysis illustrates how residential segregation in the U.S. was a nationwide project undertaken by federal, state, and local governments. Rothstein demonstrates that the segregation patterns in the nation are not a result of *de facto* segregation, but rather government-sponsored and sanctioned *de jure* policies, which were "so systemic and forceful that [their] effect[s] endure into the present time" (p. VIII). Layers of racially explicit laws, regulations, and government practices have created deep

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subordinate to in-group members, and to restrict access to social resources. Tilly (1998) described the latter as opportunity hoarding.

patterns of residential segregation that continue to shape contemporary American life.<sup>3</sup> More specifically, state and local policies and practices were often taken up and reinforced by federal policies.

Rothstein's book is a response to the "consensus view of American jurisprudence" (p. XIII) recently expressed by Chief Justice John Roberts in his plurality opinion in *Parents Involved in Community Schools v. Seattle School District No. 1* (2007). Roberts argued that there was not a clear causal link between government activities and contemporary patterns of residential segregation. In other words, he claimed that residential segregation was a result of *de facto* segregation, which he defined as instances that happen "by fact" rather than government policies and practices, or *de jure* policies. Rothstein argues that because most segregation was government-sponsored, and government-sponsored segregation has been unconstitutional for more than 100 years, the federal government should remedy the effects of segregation.<sup>4</sup> Rothstein focuses his analysis on 20<sup>th</sup> century policies starting as early as the 1930s. Though not explicitly stated, this choice is likely because the bulk of the policies he analyzed were implemented during this period, and because these policies played a crucial role in

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<sup>3</sup> Rothstein's analysis focuses explicitly on policies that targeted and affected African Americans. Our discussion follows his analysis of these policies, but this is not meant to imply that these policies did not affect other racial and ethnic groups as well.

<sup>4</sup> While federal, state, and local government agencies helped foster contemporary patterns of residential segregation, the federal government has not engaged in rigorous efforts to reverse the effects of these policies. In 2015, President Obama enacted the Affirmatively Furthering Fair Housing Rule, which marked one of the first formal efforts by the federal government to promote and encourage residential integration. However, the Trump administration's Housing Secretary Ben Carson is working on eliminating or scaling back the implementation of this rule.

establishing present-day patterns of residential segregation throughout the nation.

*The Color of Law* also challenges the common-sense narrative that American history comprises a continuous “march of progress” toward equality and justice without reversals (p. 39). Rothstein begins by providing a brief overview of the period after the end of the Civil War and before the end of Reconstruction when liberated slaves dispersed throughout the country, and some residential integration occurred. As Rothstein explains, after the end of Reconstruction there was a great push for residential segregation among White Southerners, which resulted in a steady decline of residential integration from the 1880s to the 1950s. Residential zoning played a key role in this process. In addition, many towns and cities adopted policies that prohibited African Americans from residing in or even in some cases being present in a town after dark (Loewen, 2005). These racialized ordinances promoted and advanced legalized housing segregation. In 1917, the Supreme Court ruled in *Buchanan v. Warley* that cities’ racialized zoning ordinances were unconstitutional because they limited property owners’ freedom to contract. Despite this decision, many local and state governments continued to enact racialized zoning policies and would argue when challenged that they were different from the policies prohibited by *Buchanan*. Rothstein argues that city planners also crafted zoning rules that took the racial composition of neighborhoods into account. While these rules often did not contain racially explicit language, they were intended to keep African Americans out of White neighborhoods. These policies, which functioned in tandem with racially explicit housing covenants, persisted well into the second half of the 20<sup>th</sup> century, and protected and advanced the interests of White homeowners (see also Lipsitz, 2006).

In addition to racialized zoning practices, Rothstein documents in a set of thematic chapters the role of public housing policies,

home ownership policies, IRS and financial regulations, government financing for housing and residential projects, and other tactics used by government agencies to create and maintain racial segregation. His analysis demonstrates how these often intersecting federal, state, and local policies were enacted in tandem with Jim Crow policies. Similarly, Rothstein’s examples span the public and private sectors, which aptly demonstrates the pervasiveness of government-sponsored and sanctioned residential segregation.

Because Rothstein frequently highlights the segregation policies used in the Bay Area, we shall focus on his examples from this locale to highlight the major themes of the book. Rothstein observes that San Francisco was the starting point for his analysis because the city and the surrounding region has the reputation of being very liberal and inclusive. He surmised that if there was state-sanctioned segregation in that setting, then it is likely that similar types of segregation were instituted across the U.S. However, he also documents these policies and practices in cities and towns across the nation, including Montana, South Carolina, and Massachusetts, to name a few.

### **Housing Segregation in the Bay Area**

During World War II, Richmond in Northern California had one of the largest shipbuilding centers in the country. The city experienced a rapid influx of workers during the war, a large percentage of whom were Blacks migrating from the South to work in war industries. In response, the federal government created segregated public housing for Black and White workers. It also provided government financing to developers and buyers for the construction and purchase of housing that enabled White workers to move out of public housing and buy homes, while Black workers continued to rent and live in public housing, often in less desirable neighborhoods.

After WW II, similar practices were used when the Ford Motor Company relocated its

Richmond plant to Milpitas. Ford's plans to relocate hastened the incorporation of the rural area as a city, and an emergency housing ordinance passed by the new city council banned the construction of apartments in favor of single-family homes. As in Richmond, these homes were financed by federal loans to both developers and buyers, but restrictive covenants in the deeds prohibited Black workers from buying them. Since there were no other options in the area, Black and Hispanic workers at the Milpitas plant were forced to live at a distance and carpool. Though not discussed at length in Rothstein's book, this policy dramatically affected the lives of Black and Hispanic people in the area. Because they were restricted from living near their workplaces, they had longer commutes and higher commuting costs than their White co-workers. In the short term, this affected their families' quality of life; in the long term, this restricted access to housing also affected their opportunities for building intergenerational wealth.

Rothstein also provides a detailed analysis of the use of public housing policy by the government to segregate African Americans. Government works projects in the 1930s and 1940s, such as the Civilian Conservation Corps and the Public Works Administration created segregated housing in the North and the South. The housing projects and residential zones for African Americans were concentrated in low-income areas. In the period during and following WW II in San Francisco, public housing projects were established for defense workers. The initial rules governing the allocation of housing for these defense workers did not take race into account. However, the Navy objected to these rules by claiming that integrated housing arrangements would result in racial conflict between Blacks and Whites that would interfere with ship repair work. This use of government housing projects, which "herd[ed] African Americans into public ghettos, had as big an influence as any in the creation of our *de*

*jure* system of segregation" (Rothstein, 2017, p. 17). The enactment of these housing policies, in tandem with others that we describe below, enabled Whites to purchase homes while restricting the ability of African Americans to do so. Government policies and practices established race-based access to housing, including government-sponsored housing, whereby Whites were provided with higher quality housing options that Blacks were denied.

Other policies and programs also contributed to residential segregation. The federal government used policy incentives, such as government-financed housing developments, to encourage White families to move from urban apartments to suburban homes, but made it nearly impossible for African American families to do the same. Rothstein also chronicles the many ways that banks and other private companies circumvented policies prohibiting housing discrimination by supporting projects in predominantly White neighborhoods or by refusing to provide housing loans to Black prospective homebuyers. In some cases, Whites could not receive housing loans if they were attempting to buy houses in predominantly Black neighborhoods. For example, during World War II, in Rollingwood, a suburb of Richmond, the Federal Housing Administration (FHA) financed housing developments only if the community was going to be composed entirely of White residents. In 1952, when a Black family purchased a house in Rollingwood, their prospective neighbors offered to buy the house back from them. When the family refused, a mob harassed them for more than a month with the tacit support of the local sheriff and other law enforcement agencies.

In thousands of other communities between Berkeley and Fanwood, New Jersey, the FHA established policies that would not guarantee mortgages for African Americans or to Whites who might lease their homes to African Americans regardless of their credit or

ability to finance. Such policies, known as redlining, involved the systematic denial of benefits, resources, or services to residents who lived in neighborhoods that were designated as lending risks. However, the FHA's neighborhood ratings were associated with the racial composition of neighborhoods. The effects of redlining from the 1930s are still evident today, including increased segregation in lower-rated areas, decreased home ownership rates, reduced home values and depressed credit scores of the residents in those areas (Aaronson, Hartley, & Mazumder, 2017; Mitchell & Franco, 2018).

In the period after WW II, local governments and private entities used devious tactics to create and maintain residential segregation in Milpitas. For example, during WW II, housing developments were established through FHA-backed loans. These houses had restrictions in the deeds that prevented the resale of the homes to African Americans. In 1955, a Quaker group committed to racial integration, the American Friends Service Committee (AFSC), began working to establish an interracial subdivision to meet the housing needs of African Americans in the area. However, the group could not find a financial institution willing to back the project if it allowed sales of homes to African Americans. The AFSC used the personal connections of the organization's leaders to find a bank that would assist with the project. This victory was short-lived when the city government responded by rezoning the land to be developed from residential to industrial. Further, utility companies increased the service rates for that area, and a local company that opposed residential integration filed a lawsuit aimed at preventing the AFSC from building in the area. Ultimately, these efforts to block development of integrated neighborhoods were successful and the project was terminated. The long-term effects of these practices can still be seen today, where African Americans comprise only 2% of the

population in the city (Rothstein, 2017, p. 121).

### **Moving Forward**

In each chapter, Rothstein provides analyses of different policies, such as zoning or banking policies, that are rich in detail and that highlight the central role of the federal government in creating or reinforcing patterns of residential segregation. While this is helpful to emphasize the breadth of policies involved in this process, it can also be a bit disjointed for the reader to follow because the sheer number of cases and examples can be overwhelming. There is also a trade-off between presenting a thematic analysis and providing a clear and chronological narrative; Rothstein's examples jump around by date and locale. At the same time, this presentation speaks to the complex and interlocking nature of the policies and practices employed by federal, state, and local governments and private sector firms to establish and maintain residential segregation. The thematic presentation also reinforces the reader's understanding of the pervasive nature of the practices associated with residential segregation.

In the last chapter of the book, Rothstein shifts from the historical narrative to propose possible solutions to residential segregation and ways to move towards a more integrated society. He argues that we must develop a broadly shared understanding of this common history before considering steps that will reverse and remedy the effects of *de jure* segregation. One way to work toward this goal is through books such as Rothstein's that are aimed at a broad audience and provide engaging analyses that further our understanding of residential segregation by highlighting the historical and contemporary effects of these racialized policies and programs.

With the aim of furthering this understanding, Rothstein briefly draws attention to the role of education in reversing

residential segregation. He critiques the curricula used in middle and high schools across the nation. Most current U.S. history textbooks do not address the historical legacy of *de jure* segregation and overt racial discrimination; there is little mention of the government's role in creating or facilitating these policies and practices (Brown & Brown, 2015). Schools and the textbooks used in public schools are key sites where people learn history, which can also help us develop a more nuanced understanding of current events (Loewen, 2005). Most public school curricula promote a whitewashed, colorblind narrative of American history. These accounts have reinforced contemporary misunderstandings regarding segregation and other forms of institutionalized racial inequalities in the U.S. (see, for example, Kraus, Rucker, & Richeson, 2017). To broaden and deepen our understanding of history, Rothstein argues that school curricula should explicitly address the active role of the government in creating and maintaining racialized public policies that discriminated against people of color.

Rothstein encourages us not only to remember, but to work actively to dismantle the legacy of racialized housing policies and programs that directly provided benefits to White people while systematically marginalizing people of color. At the book's outset, he asserts that current civil rights groups and others concerned with ending housing segregation need to employ a new legal strategy. Rather than using the traditional civil rights strategy of employing the Equal Protection Clause of the 14<sup>th</sup> Amendment to challenge racial inequality, Rothstein instead calls for the use of a more radical strategy for challenging segregation using the 13<sup>th</sup> Amendment, which made slavery illegal. Specifically, he discusses *Jones v. Mayer* (1968), in which the Supreme Court ruled that housing discrimination was a residue of slave status, and therefore violated the 13<sup>th</sup> Amendment. Yet most challenges to housing discrimination have relied on the Fair Housing

Act, which was signed two months before *Jones* was announced and had only modest provisions for enforcement. Rothstein argues that legal claims should be based on the 13<sup>th</sup> Amendment using *Jones* as a precedent. Some of the federal remedies he proposed in the concluding chapter seem politically out of reach in the Trump era. However, he observes that state and local governments can change zoning ordinances that prohibit multifamily housing or minimum square foot requirements that restrict housing options and price low and middle income families out of affluent suburbs. States and municipalities can also create inclusionary zoning rules that require developers receiving government subsidies to create mixed-income housing.

### **Connecting Residential Segregation to Access to Educational Opportunities**

*The Color of the Law* provides a compelling story of these largely hidden public policies that not only accommodated the Jim Crow social order, but created vast racial inequalities in housing, employment, and access to welfare that shaped the life chances of subsequent generations. Civil Rights era policies aimed at addressing racial inequality have fallen far short of their goals. As Rothstein states, "the public policies of yesterday still shape the racial landscape of today" (2017, p. 178). Policymakers and the general public need to be more aware of past laws and practices and the ways they have profoundly influenced state and local educational systems.

Inequalities in educational opportunity are well documented in the educational literature (see, for example, Carter & Welner, 2013). However, for those concerned with equity in education, there is a need for continued focus on policies and practices outside of education that nonetheless have strong direct and indirect effects on the education system (Berliner, 2006). In the sections that follow, we expand on the implications of Rothstein's analysis of residential segregation for how we understand contemporary school segregation,

wealth accumulation, and higher education access.

### School Segregation

As Rothstein discusses, residential segregation that resulted from racialized housing policies has fundamentally shaped contemporary patterns of school segregation within and between districts (see, for example, Frankenberg, 2013; General Accounting Office [GAO], 2016; Rivkin, 1994). U.S. schools are becoming increasingly segregated (Tarasawa, 2009). For instance, from 2000 to 2014, the percentage of schools that were composed of predominantly Black or Hispanic students grew from 9% to 16% (GAO, 2016; Darling-Hammond, 2018). Currently, the literatures on school segregation and residential segregation are largely separate. Most researchers focus on school or residential segregation; relatively few studies address the relationship between the two types of segregation. There is a need for research that examines the connections between residential and school segregation to better understand this complex relationship. In this section, we discuss the research that addresses this connection, the increasing segregation of schools, and the benefits of desegregating schools to make them more racially diverse.

Racial segregation in neighborhoods has profound consequences for access to educational opportunity in the U.S. because children often attend schools in close proximity to their homes (Denton, 1995; Frankenburg, 2013). In some locales, the policies and practices that Rothstein documents also involved public schools. For example, in 1958, the Palo Alto (CA) school district decided to construct a second high school in what had become the East Palo Alto ghetto as a result of blockbusting by real estate agents and to which state agencies had turned a blind eye. Rothstein observes that the school district's decision, which created two segregated African American and White schools because of housing patterns, "ignored

the pleas of African American and liberal white activists" to locate the school in an area that would foster integrated schools (Rothstein, 2017, p. 13). City planners and school boards in other cities engaged in similar practices in Richmond, California, Austin and Houston, Texas, Raleigh, North Carolina, and Atlanta, Georgia. Similarly, Erickson and Highsmith (2018) found that planning around schools was a key part of neighborhood unit development during periods of explicitly mandated residential segregation in the nation. Schools played a critical role in the development of the modern metropolitan landscape. Residential segregation and school segregation functioned in tandem, as the notion of the neighborhood unit was used to encourage and facilitate residential and school segregation. In an analysis of Southern metropolitan statistical areas in the 1990s, Reardon and Yun (2005) documented the direct relationship between residential and school segregation. Their analysis demonstrated that the vast majority of school segregation was attributable to residential segregation. Frankenberg (2013) also observed a strong association between residential and school segregation levels in metropolitan areas.

Despite the well-known connection between residential and school segregation, most government-sponsored desegregation efforts have focused only on schools, with little to no attention to decreasing residential segregation (Orfield, 2013). In the years following the Civil Rights Act through the 1980s, substantial desegregation between Black and White students attending public schools – the focus of most court-ordered desegregation – occurred rapidly, particularly in the South, but has largely leveled off in the decades that followed (Logan, Zhang & Oakley, 2017; see also Ashenfelter, Collins & Yoon, 2006). During this period, Southern schools were the most integrated in the nation (Orfield, 2009).

The resegregation that occurred in many school districts was due in part to the scaling

back of court-ordered desegregation that occurred alongside a demographic shift in public schools and, in particular, an increase in the Latinx student population (Logan, Zhang, & Oakley, 2017). In the early 1990s, the Supreme Court established standards that would allow schools to be released from mandatory desegregation efforts. Many school districts were declared “unitary” or having met the required standards of integration, and ended formal desegregation efforts (Reardon, Grewal, Kalogrides, & Greenberg, 2012). Liebowitz (2017) observed that release from court orders resulted in short term increases of Hispanic-White residential segregation, while dropout rates for Black and Hispanic students increased. As desegregation was rolled back in recent decades, the connection between school and residential segregation has grown even closer (Logan, Oakley, & Stowell, 2008). Since 2010, school segregation has increased at a faster rate than residential segregation (Frankenberg, 2013; see also Saporito & Sahoni, 2006).

Attending segregated schools is associated with short- and long-term educational and occupational outcomes. In a multi-year analysis of state-level National Assessment of Education Progress scores in reading and math, Condrón, Tope, Steidl, and Freeman (2013) found that Black-White achievement gaps in fourth grade increased as the segregation between Black and White students increased (see also Fahle & Reardon, 2018; Hanushek, Kain, & Rivkin, 2009). Card and J. Rothstein (2007) found that the Black-White test score gap on the SAT was substantially larger in cities with higher levels of segregation between Blacks and Whites after controlling for family background and school factors. Although the effects of school segregation on the test-score gap were attenuated by residential segregation, the authors suggest that this is likely due to within-school segregation that was not captured by their measure of between-school segregation. Goldsmith (2009) analyzed the probability of

attaining a high school diploma and bachelor’s degree by age 26. His findings indicated that disadvantaged students who attended predominantly Black or Latinx schools were less likely to receive a high school diploma than their peers who attended predominantly White schools, regardless of their racial backgrounds. Similarly, average students who attended predominantly Black or Latinx schools were substantially less likely to have a bachelor’s degree by age 26 than their peers who attended predominantly White schools. Ashenfelter, Collins & Yoon (what year?) compared the income and likelihood of high school graduation in 1990 for five cohorts of Black men who were attending schools in the South before and after segregation. They found evidence that suggested that both were higher for the cohorts attending Southern schools in the period after the *Brown* decision (see also Reber, 2004). Finally, Ananat (2011) found that for both Blacks and Whites, the educational attainment of young adults born during the Great Migration who lived in cities that were more segregated during early adulthood was lower than for those who lived in cities that were less segregated. In more segregated cities, there were higher shares of Black dropouts and a greater concentration of Whites who only obtained a high school diploma.

A substantial and increasing proportion of U.S. schools are both majority Black and Hispanic and high poverty (GAO, 2016; Darling-Hammond, 2018). Students attending these schools are less likely to have access to advanced math and science courses and Advanced Placement (AP) classes than students in less racially concentrated and lower poverty schools (GAO, 2016). Likewise, students attending majority Black and Hispanic schools are also more likely to be retained in ninth grade, receive an out-of-school suspension, or be expelled than their peers attending schools that are less minority racially concentrated. The differences in educational outcomes between students

attending highly segregated schools compared to their peers who attend less segregated schools may be due in part to differences in students' access to social networks that provide information about and entree into educational opportunities (Wells & Crain, 2004).<sup>5</sup>

A substantial body of research documents the civic and social benefits of integrated school environments for all students (Mickelson & Nkomo, 2012). School composition is associated with the extent to which students are comfortable with peers from different racial or ethnic groups and value working and living in diverse settings in their adult lives (Braddock & Gonzales, 2010; Kurlaender & Yun, 2005, 2007; Wells, Duran & White, 2008). Similarly, compared to their peers who attended less racially diverse schools, students who attended more racially diverse schools were more likely to report having greater opportunities to develop their civic knowledge and skills, and had more positive attitudes about civic responsibility (Jacobsen, Frankenberg, & Lenhoff, 2012). Students who attended racially diverse schools are also better able to exhibit interracial understanding and empathy, and to forge diverse relationships than students attending schools that are less diverse (Wells, Fox, & Cordova-Cobo, 2016). Conversely, college students who attended racially homogeneous schools were more likely to prefer same-race neighbors as young adults and want their children to attend schools with children of the same race than students whose schools were more racially diverse (Braddock & Gonzales, 2010). The *amicus* brief submitted to the Supreme Court by the American Educational Research Association in *Fisher v. The University of Texas* case provides an overview of research

that makes a persuasive case that racially diverse educational settings are more effective in preparing students to be members of a racially diverse workforce and participate in the global economy than more homogeneous school environments (Ohlendorf et al., 2015).

The robust research base on the benefits of racially diverse educational settings highlights the urgent need for a national agenda aimed at reducing both residential and school segregation. Yet at this writing, the Trump administration is scaling back federal efforts to desegregate schools. For example, Secretary of Education Betsy DeVos ended the Obama administration's program, Opening Doors, Expanding Opportunity, a grant program aimed at encouraging school districts to encourage socioeconomic diversity in their schools. While focused on socioeconomic diversity, unlike the Magnet School Assistance program, participation in the Open Doors program was not limited to districts under a court order or with a federally approved voluntary desegregation program. DeVos's decision was widely viewed as an indicator of the Trump administration's lack of commitment to diversity and school integration (Brown, 2017).

### Wealth

The housing policies documented by Rothstein were, in essence, a form of government sponsorship that allowed many White families to accrue and transfer wealth, while restricting the opportunities for families of color to do the same. These public policies have directly benefited and advanced the interests of White people, while negatively influencing the life chances of people of color, and have likely contributed to the well-documented income and wealth gaps between Blacks and Whites. Rothstein highlighted federal policies and the practices of state and local agencies and private firms that limited the employment prospects of Black workers, which in turn limited their ability to accumulate the savings that would allow them

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<sup>5</sup> That said, there can also be challenges associated with concentrated privilege when more advantaged parents use their social and cultural capital to hinder school reforms or opportunity horde (Lareau, Weinger & Cox, 2018; Posey, 2012).

to buy homes. Poverty and income gaps between Blacks and Whites in metropolitan areas have persisted and are associated with housing segregation (Ananat, 2011). Gale and Scholz (1994) observed that households acquire wealth from two main sources: saved income and wealth received through transfers from other people. These transfers, often from family members, happen across generations. Intergenerational transfers of wealth are a distinct form of income that accounts for approximately half of aggregate household wealth (Gale & Scholz, 1994). The ability to transfer wealth across generations has resulted in increased wealth and accrual of resources for those who inherit wealth, providing them with access to better housing options and employment opportunities.

In an early study that used data from the National Longitudinal Survey to examine the magnitude of differences in wealth by race and the possible reasons for these discrepancies, Blau and Graham (1990) observed that young Black families in 1976 possessed 18% as much wealth as their White counterparts. Though income differences were the largest contributor to the wealth gap, they also found residential location to be significantly associated with the wealth gap; suburban residents had higher wealth than city residents. Conley (1999) highlighted racial differences in wealth accumulation, and in particular, property ownership. Compared to Blacks, Whites had much higher rates of home and property holdings. This provided Whites with key advantages for wealth accumulation, including access to better schools and more desirable homes. Additionally, property ownership provides numerous economic advantages, such the ability to purchase homes with greater values and more opportunities for investment than those who rent and do not own homes (Conley, 1999).

More recent studies continue to find evidence of significant racial gaps in wealth accumulation. Killewald (2013) examined panel data from 1980 to 2009 and observed

that among wealth holders, Black families were significantly disadvantaged compared to similar White families; much of the difference is due to parental wealth. Meschede et al. (2016) observed that people living in neighborhoods with high concentrations of poverty and families with a Black head-of-household had lower levels of absolute wealth mobility, or the ability to grow wealth. Hamilton et al. (2015) explored recent trends in wealth disparities by race and demonstrated consistently lower levels of wealth accumulation rates for people of color compared to Whites, even after controlling for education level, income, and employment. In a detailed review of empirical studies, Killewald, Pfeffer, and Schachner (2017) underscored the important role that race has played in depressing wealth accumulation for families of color.

These racialized patterns related to the accrual and intergenerational transfer of wealth have had lasting and durable consequences for generations of students (Tilly, 1998). One such consequence deals with the relationship between wealth and access to educational opportunities. Johnson (2006) documented how, “disproportionately White, wealth-holding parents, used the financial assistance, intergenerational transfers, and security of their family wealth to help access schools for their own children that were viewed as advantageous” (p. 102; see also Yeung & Conley, 2008). Wealthy families are more likely to have the financial means to pay private school tuition or have a greater array of housing options than families with less wealth. Because a substantial portion of public school funding is tied to the property wealth of school districts, students who attend public schools in high property wealth districts tend to attend better-resourced schools (Johnson, 2006; GAO, 2016; Yellin, 2016). In general, schools with high poverty levels have disproportionately lower resources than low poverty and predominantly White schools (GAO, 2016). As we highlighted above,

schools with high poverty rates have fewer advanced math and science courses and AP classes than lower poverty schools (GAO, 2016), all of which provide students with access to future educational and career opportunities.

### Access to Higher Education

Both wealth accumulation and residential segregation shape higher education access and outcomes. With the increasing cost of higher education and the decrease in government support of higher education institutions, the burden to pay for college falls primarily on students and their families (Callahan & Perna, 2015). Parents with higher income and wealth have a greater ability to pay for their children's college education than families with less income and wealth (Bailey & Dyanarski, 2011). The result is lower college attendance among low-income students, who are disproportionately students of color (Ryan & Bauman, 2016). Parents' wealth, including home ownership, is positively and significantly associated with higher education enrollment, the quality of institutions attended, and bachelor's degree completion rates (Conley, 2001; Doren & Grodsky, 2016).

Another aspect of higher education opportunity that is less often considered by researchers is the role of geography in higher education access and attendance (Turley, 2009). Residential locations and segregation patterns also influence students' access to educational opportunities at the postsecondary level because place or location plays a significant role in college attendance for students. Nearly 60% of students attend college within 50 miles of their homes (Eagan et al., 2014). Close proximity to a college or university is strongly associated with increased levels of postsecondary enrollment and participation (see Kim & Rury, 2011; Turley, 2009). In a recent study, Hillman and Weichman (2016) explored the concept of "education deserts," areas where there are no nearby colleges or universities or only one

community college. Residents living in education deserts have lower educational attainment rates than those living outside of these areas. Education deserts are also an outcome of residential segregation, as these education deserts are often located in areas with high concentrations of people of color (Hillman & Weichman, 2016).

Access to money and inherited wealth, even in small amounts during young adulthood, can compound greatly over a lifetime (Killewald, 2013). Likewise, higher education greatly affects future earnings. On average, individuals who hold a bachelor's degree earn an average of 61% more per year than individuals with only a high school degree (Daly & Bengali, 2014). Higher education degree attainment provides greater opportunities for wealth building and future career opportunities compared to those who do not obtain a postsecondary degree. These trends compound the racial inequalities associated with differences in residential segregation, segregation in elementary and secondary education, and wealth accumulation that we highlighted above.

### Conclusion

As Rothstein forcefully demonstrates in *The Color of Law*, the housing policies that he presents in copious detail continue to have far-reaching and long lasting effects on the organization of American life through residential segregation and its corollary effects on school segregation. As Orfield (2013) explained, the residential isolation of groups set into place by the policies documented by Rothstein has been largely self-perpetuating. Residential segregation encourages a sense of superiority among Whites who are privileged, and systematic disadvantages for people of color who continue to face the ramifications of past and present institutionalized discrimination. This "toxic combination of minority isolation and racial bias deepens inequality" (Orfield, 2013, p. 43). Once these policies were institutionalized, they fostered

expectations among Whites that the material benefits associated with Whiteness would continue to be protected, a phenomenon that Harris (1993) describes as “Whiteness as property.” Efforts at dismantling the benefits associated with these past public policies have been met with fierce resistance, while compensatory policies were not able to make deep changes in the racial order before they were rolled back (Lipsitz, 2006). As a result, in the post-*Brown* era, the overt legal protections for Whiteness associated with Jim Crow were transformed into a “more modern form through the law’s ratification of the settled expectations of relative White privilege as a neutral baseline” (Harris, 1993, p. 1714). Formed in part by the policies and practices associated with residential segregation documented by Rothstein, these settled expectations in White property rights and privilege have had important implications for the U.S education system. The relationship between residential segregation and school

segregation, among other influences, has contributed to a vicious cycle in which residential segregation leads to increased school segregation, which in turn reinforces residential segregation (see Bradock & Gonzalez, 2010; Goldsmith, 2010).

Much like the complex history of policies and programs that directly facilitated residential segregation throughout the nation, the education system is a product of a complex set of public policies within and outside the education sector. Our review highlights some of the enduring effects of residential segregation on education, including school segregation, opportunities for wealth accumulation, and access to higher education. Researchers and policymakers interested in dismantling segregation in its many forms should focus on the historical legacies of these policies, the lasting implications of Whiteness as property, and the interconnectedness between these two tenacious systems of segregation.

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### About the Reviewers

**Lydia Ross** is a doctoral candidate in the Educational Policy & Evaluation PhD program in the Mary Lou Fulton Teachers College at Arizona State University. Her research examines the effects of formal and informal policies on access, equity, and inclusion for historically marginalized groups, with a focus on higher education. Her dissertation is an examination of undergraduate students' knowledge of and attitudes toward affirmative action admissions policies in engineering and education.

**Jeanne M. Powers** is an Associate Professor in the Mary Lou Fulton Teachers College, Arizona State University. Dr. Powers received her PhD in Sociology from the University of California, San Diego. Her research is oriented around education policy dealing with of equity and access. Recent projects have focused on school segregation, school choice, and the educational achievement of immigrant students. She has published in the *Review of Research in Education*, *American Educational Research Journal*, *Educational Policy*, *American Journal of Education*, *Equity and Excellence in Education*, *Law and Social Inquiry*, and *Education Policy Analysis Archives*.



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