

# < A 'Forgotten History' Of How The U.S. Government Segregated America

35-Minute Listen

TERRY GROSS, HOST:

This is FRESH AIR. I'm Terry Gross. We're going to talk about how continuing racial inequality in America is in part a result of 20th-century policies that mandated housing segregation, including in the North. My guest Richard Rothstein is the author of the new book "The Color Of Law: A Forgotten History Of How Our Government Segregated America." He writes about federal, state and local policies that help explain why new suburbs were predominantly white while housing projects became predominantly black and so many neighborhoods became - and remain - segregated. He also writes about how this mandated segregation has contributed to inequality in education, employment and income. Rothstein is a research associate at the Economic Policy Institute and a fellow at the Thurgood Marshall Institute of the NAACP Legal Defense Fund.

Richard Rothstein, welcome back to FRESH AIR. So...

RICHARD ROTHSTEIN: Thank you very much.

GROSS: ...Your work is really about how housing segregation isn't something that accidentally happened. It was policy, even in the North. I think, as you point out in your book, Americans assume that segregation is a result of prejudice and white flight, bank redlining, income difference, self-segregation. How far do government policies in the North date back

separating white and black neighborhoods?

ROTHSTEIN: The federal policies mostly began during the New Deal. It was a state-sponsored system of segregation. The things you've just mentioned - private prejudice and real estate steering and bank redlining and income differences - all certainly played a role. But without federal policy designed explicitly with racial explicit intent to segregate every metropolitan area in this country, those private factors would not have been able to successfully segregate their communities.

GROSS: So what are the policies in the New Deal that segregated housing?

ROTHSTEIN: Well, there were two main policies in the New Deal. Immediately after Roosevelt took office in 1933, the Public Works Administration began to build the first civilian public housing in the country. And this was a time when there was an enormous housing shortage in the country. No construction was being done in the Depression. Many families were homeless.

The Public Works Administration program and housing was primarily designed to provide housing to white middle-class/lower-middle class families. The progressive aspect of it was that some projects were built for African-Americans as well. But it was explicitly segregated. And in many cases, it segregated neighborhoods that had never known segregation before. So this went on throughout the country. Of the...

GROSS: What was the rationalization for that?

ROTHSTEIN: Well, I think this is a difficult question to answer. I don't think anybody knows. And I describe in my book that certainly the Roosevelt administration was staffed with people who had racial assumptions that we would consider unacceptable today. It was not a liberal administration in

these ways, except for the fact that it built some projects for African-Americans, and that was very progressive. African-Americans had gotten no federal help before the New Deal. The help they got was segregated, but - and it was done throughout the country.

There's some people who think that the federal government did this in order to gain Southern support for its economic programs. That's certainly part of the motivation, but Southerners never objected to integration in North. They only wanted to make sure that they could preserve segregation in the South. We know that the Roosevelt administration was very prejudiced in other ways. We know that they refused to accept refugees from Nazi Germany, and there were many people who lost their lives as a result. So the fact that it was focused on preserving the racial hierarchy in this country is not surprising.

GROSS: So what was the second Roosevelt administration, New Deal-era program that created or enforced housing segregation?

ROTHSTEIN: The second major one was the Federal Housing Administration, which was established in 1934, the year after the Public Works Administration. And the Federal Housing Administration is well known today by many people as an agency that would not insure mortgages for African-Americans. It redlined communities. That was a minor part of what the federal government - what the FHA did in order to segregate metropolitan areas.

The most important role of the Federal Housing Administration was it subsidized mass-production builders of entire subdivisions, entire suburbs. And it did so with a requirement that no homes be sold to African-Americans and that every home in these subdivisions had a clause in the deed that prohibited resale to African-Americans. So these two programs

combined worked to segregate metropolitan areas in a way that they otherwise would not have been segregated. The public housing program separated African-Americans from integrated neighborhoods. The Federal Housing Administration then subsidized white families to move out of urban areas into suburbs - all-white suburbs - where African-Americans were prohibited from following.

GROSS: And in what sense were African-Americans prohibited from following whites into the suburbs?

ROTHSTEIN: They were prohibited because the developers of these suburbs got bank loans on condition that they sell no homes to African-Americans. It was a federal requirement that they get these bank loans only on condition that they not sell to African-Americans. And the Federal Housing Administration required that deeds in these homes have what we now refer to as restrictive covenants, prohibitions on resale to African-Americans.

This was not an implicit program. It was not something that was hidden in any way. It was written out in the Federal Housing Administration's manuals that they gave to underwriters who were appraising properties for possible mortgage insurance. The involvement of the Federal Housing Administration in the development of these suburbs was very open, explicit and well-known. There was nothing secret about it.

GROSS: So what was the Federal Housing Authority's (ph) justification for excluding African-Americans from buying homes in newly built suburbs?

ROTHSTEIN: The Federal Housing Administration's justification was that if African-Americans bought homes in these suburbs, or even if they bought homes near these suburbs, the property values of the homes that they were insuring - the white homes that they were insuring - would decline and

therefore their loans would be at risk. There was no basis for this claim on the part of the Federal Housing Administration.

In fact, when African-Americans tried to buy homes in all-white neighborhoods or in mostly white neighborhoods, property values rose because African-Americans were more willing to pay more for properties than whites were simply because their housing supply was so restricted and they had so many fewer choices. So the rationale that the Federal Housing Administration used was never based on any kind of study. It was never based on any reality. Studies showed that property values, as I said, increased when African-Americans moved into white neighborhoods. But nonetheless, the Federal Housing Administration maintained this rationale for 30 or 40 years.

GROSS: It seems that the things that you're describing that were so restrictive and discriminatory against African-Americans would be unconstitutional. Was it tested in the courts?

ROTHSTEIN: It was tested in the courts. And the courts mistakenly - erroneously did not stop them. In 1926, the Supreme Court said that it was not a violation of the Constitution to circulate these restrictive covenants that prohibited sales of homes to African-Americans. In 1948, the Supreme Court reversed itself and said that, well, it is unconstitutional to evict African-Americans who move into homes in violation of these agreements.

But the fact that it took the Supreme Court until 1948 to recognize that it was unconstitutional to enforce these covenants didn't mean that it was constitutional before then any more than in 1954 when the Supreme Court ruled that school segregation was unconstitutional that didn't mean that it was constitutional before 1954. It meant that the Supreme Court recognized its error in calling it constitutional before that.

GROSS: So it's really kind of funny in a way that that 1948 Supreme Court decision that you mentioned, Shelley versus Kraemer, that banned court-enforced restrictive covenants, that was a unanimous 6-0 decision. Three of the nine justices had to recuse themselves from participating in this decision because they had racial restrictions covering their homes.

ROTHSTEIN: Well, we assume that's the case. They did recuse themselves. Justices don't tell the reason that they recuse themselves. But historians...

GROSS: Oh, this is just an assumption that you're making.

ROTHSTEIN: Well, historians generally agree that the reason that the justices recused themselves was because they themselves had restrictive covenants on their homes.

GROSS: That's pretty interesting.

(LAUGHTER)

GROSS: So in looking at these federal restrictions that we've been talking about, you would argue that this shows that the federal government did some social engineering in creating segregation in the north.

ROTHSTEIN: Well, more than some social engineering. The entire northern metropolitan areas across the country are largely segregated because of these two programs. New York City - 85 percent of the subdivisions, the large subdivisions that were built in the New York City metropolitan area in the 1930s and '40s had FHA-required restrictive covenants on them. So this was more than just a contribution. It was structuring the entire private market.

GROSS: If you're just joining us, my guest is Richard Rothstein. And his new book is called "The Color Of Law: A Forgotten History Of How Our

Government Segregated America." Let's take a short break here, and then we'll talk more. This is FRESH AIR.

(SOUNDBITE OF YO LA TENGO'S "HOW SOME JELLYFISH ARE BORN")

GROSS: This is FRESH AIR, and if you're just joining us, my guest is Richard Rothstein, author of the new book "The Color Of Law: A Forgotten History Of How Our Government Segregated America." And it's a history of, like, government-mandated segregation in America, the north, and how that led to all kinds of reverberations of inequality in the United States. Let's look at the GI Bill. We talked about this a little bit the last time you were on the show.

But the GI Bill gave benefits to veterans from World War II that really helped them and their families rise economically and socially in America. What were those benefits in terms of housing and how were African-Americans excluded from them?

ROTHSTEIN: Housing was a big area where African-Americans were excluded. The Veterans Administration, established under the GI Bill, adopted all of the FHA racial exclusion programs when it began to insure mortgages for returning veterans. Big developments like Levittown or south of San Francisco, Daly City, or many other large subdivisions like that that were built after World War II were financed by the Veterans Administration, not necessarily the Federal Housing Administration, with the same racial restrictions.

In the book, I talk of one family of a returning war veteran who - a very ambitious man. He formed a trucking company, hired a number of people for his trucking company. He was a successful businessman. He got a contract - an African-American. He got a contract from Levitt when he was building Levittown to deliver sheet rock to Levittown. But he and his family

members were prohibited from buying homes in Levittown because of the FHA requirement. So the Veterans Administration, which did provide benefits in the area of education to African-Americans - but when it came to housing, they were not permitted to move into areas that the Federal Housing Administration and the Veterans Administration had designated for whites.

You know, the term red-lining that you mentioned before comes from the development by the New Deal by the federal government of maps of every metropolitan area in the country. And those maps were color coded by the - first the Home Owners' Loan Corporation and then the Federal Housing Administration and then adopted by the Veterans Administration. And these color codes were designed to indicate where it was safe to insure mortgages. And anywhere where African-Americans lived, anywhere where African-Americans lived nearby were colored red to indicate to appraisers that these neighborhoods were too risky to insure mortgages.

GROSS: And you have an example of such a map on the cover of your book.

ROTHSTEIN: I do.

GROSS: So what was the explicit language in the GI Bill that excluded African-Americans from the housing benefits?

ROTHSTEIN: No, there was no explicit language in the GI Bill. This was all in the regulations of the Federal Housing Administration and the Veterans Administration, which adopted FHA policies. It was in something called...

GROSS: I see.

ROTHSTEIN: ...The underwriting manual of the Federal Housing Administration, which said that incompatible racial groups should not be



permitted to live in the same communities, meaning that loans to African-Americans could not be insured. The Federal Housing Administration went so far as to require in one development - I have a picture of this in the book - a development in Detroit that it insured for white families, the FHA would not go ahead during World War II with this development unless the developer built a six-foot-high wall, cement wall, separating his development from a nearby African-American neighborhood to make sure that no African-Americans could even walk into that neighborhood.

The underwriting manual of the Federal Housing Administration recommended that highways be a good way to separate African-American from white neighborhoods. So this was not a matter of law. It was a matter of government regulation. But it also wasn't hidden.

GROSS: So to sum up here, the GI Bill didn't explicitly say, black people, you don't get these benefits. But African-Americans knew that they couldn't apply those benefits to most housing in white neighborhoods 'cause there were exclusionary or, you know, red-lining restrictions.

ROTHSTEIN: Well, not only they knew that they couldn't apply but if they did apply, they would be turned down by the FHA.

GROSS: Right, right. So you write a little bit about how that inequity reverberates in society - that, for instance, if you don't own a home, you don't have equity in a home that might increase over time. If you don't have equity that's increased over time, you have less to leave your children if you die. So that's something that reverberates to the next generation. You don't have a tax deduction for mortgage on your taxes at the end of the year like homeowners do. So it just - you just - are there other ways you want to mention that that just keeps reverberating?

ROTHSTEIN: Well, I want to elaborate on what you just said. Today, African-

American incomes, on average, are about 60 percent of average white incomes. But African-American wealth is about 5 percent of white wealth. Most middle-class families in this country gain their wealth from the equity they have in their homes. So this enormous difference between a 60 percent income ratio and a 5 percent wealth ratio is almost entirely attributable to federal housing policy implemented through the 20th century. Families that were prohibited - African-American families that were prohibited from buying homes in the suburbs in the 1940s and '50s and even into the '60s by the Federal Housing Administration gained none of the equity appreciation that whites gained.

So I mentioned before the Daly City development south of San Francisco or Levittown or any of the others in between all across the country - those homes in the late 1940s and 1950s sold for about twice national median income. They were affordable to working-class families with an FHA or VA mortgage. African-Americans were equally able to afford those homes as whites but were prohibited from buying them. Today, those homes sell for 300 - \$400,000 at the minimum, six, eight times national median income. Those homes are now unaffordable to African-Americans.

So in 1968, we passed the Fair Housing Act that said, in effect, OK, African-Americans, you're now free to buy homes in Daly City or Levittown or any of the other suburbs in between. But it's an empty promise because those homes are no longer affordable to the families that could have afforded them when whites were buying into those suburbs and gaining the equity and the wealth that followed from that. They sent their - the white families sent their children to college with their home equities. They were able to take care of their parents in old age and not depend on their children. They were able to bequeath wealth to their children. None of those advantages accrued to African-Americans, who, for the most part, were prohibited from buying homes in those suburbs.

GROSS: So I want to ask you about what was called urban renewal or, by some people, slum clearance. Urban renewal - it sounds really positive. Like, renewal - that's a good thing. But it wasn't a good thing for the people living in the areas that were renewed or cleared. What's your take on urban renewal?

ROTHSTEIN: Well, the other thing that urban renewal was called was Negro removal. And urban renewal was typically a program, especially in the 1950s and early 1960s, where African-American neighborhoods near and adjacent to central cities were demolished in order to build housing for middle-income whites or provide space for hospitals or universities. And the African-American neighborhood was simply displaced to someplace farther away from downtown.

This was quite intentional. When a - the director of the federal department of slum clearance in the 1950s was asked about the segregationists, the motivation and policy of this urban renewal program that the federal government was running, he said that the vote in Congress in 1949 that opposed integration justified the policy of the federal government in this urban renewal plan and that the federal government certainly couldn't do something that Congress hadn't intended, that is, provide an integrated urban environment. So this was, again, another example of explicit federal policy that segregated metropolitan areas.

GROSS: My guest is Richard Rothstein, author of the new book "The Color Of Law." After a break, we'll talk about the policies that explain how housing projects that were built in the 1950s and intended for white, working-class families became predominantly black and why new suburbs were mostly white. And TV critic David Bianculli will tell us about an early forgotten work made for TV by film director Jonathan Demme, who died last week. I'm Terry Gross, and this is FRESH AIR.

(SOUNDBITE OF MEDESKI AND MARTIN AND WOOD'S "THINK")

GROSS: This is FRESH AIR. I'm Terry Gross back with Richard Rothstein, author of the new book "The Color Of Law: A Forgotten History Of How Our Government Segregated America." It's about the federal, state and local policies that mandated housing segregation, even in the North.

Let's talk a little bit more about housing projects. You write that housing projects started off as designed predominantly for white, working-class and lower-middle-class Americans. But they ended up being largely populated by African-Americans. Well, I want to talk with you about how that change happened. Let's start with, why were they officially designated early on as being primarily for white people?

ROTHSTEIN: Public housing began in this country, for civilians, during the New Deal, and it was an attempt to address a housing shortage. It wasn't a welfare program for poor people. During the Depression, no housing construction was going on. Families - middle-class families, working-class families - were losing their homes during the Depression when they became unemployed. And so there were many unemployed, middle-class, working-class white families. And this was the constituency that the federal government was most interested in.

And so the federal government began a program of building public housing for whites only in cities across the country. The liberal instinct of some Roosevelt administration officials led them to build some projects for African-Americans as well, but they were always separate projects. They were not integrated. It was something of an afterthought to build projects for African-Americans. They were mostly intended for whites because of this enormous housing shortage that whites were experiencing.

GROSS: So after World War II, in the 1950s, there was a lot of public

housing that was built. Was that designated as public housing for white people?

ROTHSTEIN: Yes. It was segregated as well, as the public housing that was built before that. In 1949, Congress debated a provision that would require public housing to be integrated in the future, and that provision was defeated. So public housing that was built after 1949 under the New Housing Act was segregated as it had been before. And as a result of that, we saw these large towers being built all over the country - the Robert Taylor Homes in Chicago, the Pruitt-Igoe towers in St. Louis - the kind of the public housing that became vertical slums. But they didn't start out that way.

When the Pruitt-Igoe towers were built, for example, in the early 1950s, there was two separate projects. The Pruitt towers were for African-Americans. The Igoe towers were for whites. And soon after they were filled, suddenly there became large numbers of vacancies in the Igoe project, the white project, and long waiting lists for the African-American project, the Pruitt project. And this was true of public housing all across the country. The white projects had large numbers of vacancies. Black projects had long waiting lists.

And eventually, it became so conspicuous that the public housing authorities and the federal government opened up the white-designated projects to African-Americans, and they filled with African-Americans. At the same time, industry was leaving the cities. African-Americans were becoming poorer in those areas. The projects became projects for poor people not for working-class people. They became subsidized. They hadn't been subsidized before. Before, working-class families in public housing projects were paying the full cost of the rent that was needed to maintain the projects. And so they became vertical slums that we came to associate

with public housing.

GROSS: So why were there so many vacancies in the white housing projects? Why were whites leaving the housing projects?

ROTHSTEIN: The vacancies in the white projects were created primarily by the Federal Housing Administration program to suburbanize America. And the Federal Housing Administration subsidized mass-production builders to create subdivisions that were white only. And they subsidized the families who were living in the white housing projects, as well as whites who were living elsewhere in the central city, to move out of the central cities and into these white-only suburbs.

So it was the Federal Housing Administration that depopulated public housing of white families while the public housing authorities were charged with the responsibility of housing African-Americans who were increasingly too poor to pay the full costs of their rent.

GROSS: And the government helped white people move into suburbs. How did they help?

ROTHSTEIN: The government helped white families move to the suburbs by giving them low-interest mortgages - by insuring low-interest mortgages for them that would permit them to move to single-family homes in the suburbs where their monthly carrying charges for these mortgages were less than the rent they were paying in public housing. So it was a financial incentive that the government was giving.

Of course, the government also had a propaganda campaign emphasizing the desirability for white families of living in single-family homes. As early as the 1920s, the federal government put out pamphlets urging whites to move to single-family homes. And federal government agents went around

the country giving lectures in which they talked about moving into single-family homes away from central cities was a way to avoid racial strife. So there were both propaganda incentives and monetary incentives that got whites to move out of central cities and into suburbs.

GROSS: Why? What was behind that? What was the thinking behind that?

ROTHSTEIN: Well, this is an interesting inquiry into intellectual history. The single-family home movement began after World War I when the federal government - this was the Harding administration, President Warren Harding. The secretary of commerce was Herbert Hoover - decided that a good way to fight Bolshevism, to fight communism - they were afraid of the Russian Revolution - was to get white families into single-family homes because if you owned a home, you couldn't be a Communist. That's how it started, and it built from there.

In 1931, when Hoover was president, he held a conference on homebuilding that was attended by the leading planners and developers in the country. Many of them were segregationists. The whole building conference advocated that suburbs have restrictive covenants, that they have zoning rules that prohibited low-income African-Americans from moving nearby. This was all recommendations. It took the Roosevelt administration, with the money involved in the Federal Housing Administration and the Public Works Administration, to actually implement these programs. But the ideology had been building ever since World War I.

GROSS: Let's take a break here, and then we'll talk some more. If you're just joining us, my guest is Richard Rothstein. We're talking about his new book, "The Color Of Law: A Forgotten History Of How Our Government Segregated America." We'll be right back. This is FRESH AIR.

(SOUNDBITE OF MOACIR SANTOS' "EXCERPT NO. 1")

GROSS: This is FRESH AIR. Let's get back to my interview with Richard Rothstein, author of the new book "The Color of Law: A Forgotten History Of How Our Government Segregated America." It's about how federal and local housing policies created and enforced housing segregation in the North and what the reverberations of inequality have been as a result.

Let's look at where we are now: Ben Carson is the new secretary of Housing and Urban Development in the Trump administration. He is of course a brain surgeon and doesn't really have any policy background in housing. What, if anything, do you know of his positions about housing?

ROTHSTEIN: Well, the Obama administration issued the rule in - a year or two before it left office in which it called on suburbs to take policies - to take initiatives to desegregate themselves, to permit a mixture of types of housing in their suburbs. Ben Carson called this a form of social engineering. And he said that social engineering always has bad consequences. We shouldn't do it. What he didn't recognize was that the segregation that this rule was intended to address was itself social engineering, and the Obama administration's rule is an attempt to undo social engineering.

So without an understanding of this history that I've been describing to you, it's impossible to address policy or to look at policy carefully that's required today. If we think that housing segregation just happened de facto, then it's very hard to think of what we can do about it. If we understand that housing segregation occurred because the federal government and state and local governments insisted upon it as a matter of open explicit policy, then we recognize not only do we have an opportunity to do something about it but we actually have a constitutional obligation to address the housing patterns that exist in this country and that separate the races.



GROSS: What do you mean when you say a constitutional obligation?

ROTHSTEIN: Well, under our Constitution, if there's a violation of the 14th Amendment or the Fifth Amendment or the 13th Amendment, which abolished slavery and the badges of slavery - if there's a violation of those constitutional provisions, there's a constitutional obligation to remedy it, to reverse that violation.

GROSS: So you would like to see some way of addressing the results of government socially engineered housing segregation in America. But at the same time, you say, we have to acknowledge that there is a cost to integration. What is that cost that you're describing?

ROTHSTEIN: Well, if African-Americans - low-income African-Americans are permitted to move into suburbs that now have a diverse stock of housing and that are more integrated both economically and by race, more money will have to be spent in schools, for example, to provide remedial help for children who may have grown up in much less advantaged neighborhoods than the neighborhoods that they're moving into. That's a price that will have to be paid.

If - for African-Americans, integration has always had a price. When we desegregated schools in the South, we lost a whole generation of African-American teachers and principals because children began to attend white schools. So there's no doubt that this is a costly effort, but the costs are far less than the costs of maintaining segregation. The segregation of our metropolitan areas today leads to the kinds of police-youth confrontations that lead to deaths of young men, to riots in those neighborhoods. It leads to stagnant inequality because families are much less able to be upwardly mobile, when they're living in segregated neighborhoods where opportunity is absent, than they otherwise would.

So the costs of integration are much less than the costs of maintaining our present system. And if we want greater equality in this society, if we want a lowering of the hostility between police and young African-American men, we need to take steps to desegregate even if small prices have to be paid for it.

GROSS: Ta-Nehisi Coates who had a pretty famous piece - I guess it was a couple of years ago - that was a cover story in The Atlantic that was a good deal of the whole edition of The Atlantic, recommended reparations after describing some of the kinds of housing discrimination and segregation that you've been researching for years. Do you support reparations as a remedy for the kind of discrimination that African-Americans have faced in housing?

ROTHSTEIN: Well, I prefer the term remedies to reparations because it's a much broader term. If we, for example, provided rules that prohibited suburbs from maintaining ordinances that prohibited the construction of townhouses or single-family homes on smaller lot sizes than is presently required, that's a policy that would serve to desegregate. It's not what people normally think of as reparations, which is a monetary payment.

If we understood this history of residential segregation and understood the lack of opportunity that African-Americans have as a result and reinstated, for example, more affirmative action programs for African-Americans whose opportunities have been limited from living in segregated neighborhoods, that would be an important policy advance. It's not a monetary grant. So reparations are part of the kinds of policies perhaps that we need to implement. But I think that we need to think more broadly in terms of policy and remedies and not simply about the monetary payment. But if people prefer to think of reparations more broadly as including these kinds of policies, I certainly have no objection to the term.

GROSS: Do you remember the first time you had a kind of aha moment about government-mandated housing segregation, the first time you discovered it in an official document?

ROTHSTEIN: In 2007, I read the Supreme Court decision in which the court prohibited the cities of Louisville and Seattle from implementing a very token integration plan in their schools. They gave high school students a choice of which school to go to. But if their choice would increase the racial imbalance of the high school that they applied to, their choice would not be honored in favor of a student who would help to balance the school. The Supreme Court prohibited those plans on the grounds that the schools in Seattle and Louisville were segregated because the neighborhoods in which they were located were segregated. And the neighborhoods in which they were located were segregated for de facto reasons - because of non-governmental actions, because of private prejudice, because of real estate steering, because of families preferring to live with others of the same race.

And both the controlling opinion, written by Chief Justice Roberts, and the dissenting opinion, written by Stephen Breyer, both agreed that Louisville and Seattle were segregated not by government action. And I remember the few facts from reading long ago that made me think that this was not an accurate representation of Louisville and Seattle's history. I remembered reading, for example, about a case in Louisville in the 1950s when a white family sold a home to a black family and the white seller was prosecuted, convicted and jailed on the grounds of sedition by the state of Kentucky for having sold a home to an African-American.

So this was not a de facto situation. Segregation in Louisville and Seattle were both maintained by government policy.

GROSS: How has your research into government-mandated segregation in

housing in America changed your view of race in America?

ROTHSTEIN: I think it made me somewhat more hopeful that if we could understand this history, we might be able to address some of these problems because I realized that although there's certainly a lot of private prejudice involved in this country, there's still racial hostility in individuals. But I also realized that much of this has been structured by government policy. And different government policies might structure different attitudes as well.

It's true it's a chicken and egg situation. Both private attitudes influence government policy and government policies influence private attitudes. But I hadn't realized until I did this research how much and how powerful government policy was in creating the racial separation that we have today in this country.

GROSS: Richard Rothstein, I want to thank you so much for talking with us.

ROTHSTEIN: Thank you very much.

GROSS: Richard Rothstein is the author of the new book "The Color Of Law." After a break, TV critic David Bianculli will tell us about a forgotten work by director Jonathan Demme, who died last week. This is FRESH AIR.

(SOUNDBITE OF STEFON HARRIS & BLACKOUT'S "UNTIL")

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