

# THE COLOR OF LAW

A FORGOTTEN HISTORY OF  
HOW OUR GOVERNMENT  
SEGREGATED AMERICA

RICHARD ROTHSTEIN

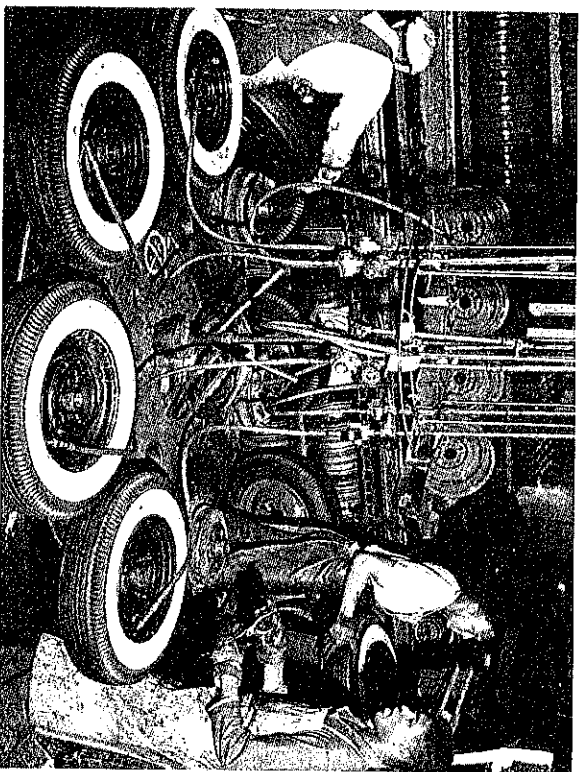


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## IF SAN FRANCISCO, THEN EVERYWHERE?



*Richmond, California, 1948. African Americans worked together with whites in a Ford assembly plant but were barred from living in white neighborhoods.*

**WE** THINK OF the San Francisco Bay Area as one of the nation's more liberal and inclusive regions. If the federal, state, and local governments explicitly segregated the population into distinct black and white neighborhoods in the Bay Area, it's a reasonable assumption that our government also segregated metropolitan regions elsewhere and with at least as much determination—which is why I became particularly interested in the government's racial policies in San Francisco and its environs in the twentieth century.

Across the Bay from the city itself is Richmond, a town with the region's greatest concentration of African Americans. During World War II, Richmond hosted the most extensive shipbuilding complex in the nation; later it was best known as the site of a large oil refinery. There I met Frank Stevenson in 2013, after reading an oral history that he had recorded for the National Park Service. I called on him at his Richmond home.

## I

ONE OF seven brothers, Mr. Stevenson was born in 1924 in Lake Providence, Louisiana, a town that *Time* magazine once called "the poorest place in America." But he was privileged compared to most other black youths in the South at the time. His father, a pastor, owned the land on which his First Baptist Church sat, so unlike many other southern black men in the early twentieth century, he didn't have to sharecrop for white farmers. The Stevensons grew cotton and corn for sale and raised hogs and fowl, hunted, and maintained a vegetable garden for their own sustenance.

Through the seventh grade Frank attended a one-room schoolhouse in his father's church, with a single teacher who lived with the family. If Frank were to continue, he would have had to get to a high school in town, too far to walk. In rural Louisiana in the early 1930s, the school year for African Americans was much shorter than for whites, because children like Frank were expected to hire out when planting or harvesting was to be done. "Actually," Mr. Stevenson recalled, "they didn't care too much whether you were going to school or not, if you were black. . . . White school would be continued, but they would turn the black school out because they wanted the kids to go to work on the farm. . . . Lots of times these white guys would . . . come to my dad and ask him to let us work for them one or two days of the week."

During this time, Franklin Roosevelt's New Deal, first with industry codes and then with the Fair Labor Standards Act, prohibited child labor and established minimum wages of about twelve dollars a week in the South, rising to twenty-five cents an hour in 1938. But to pass such economic legislation, Roosevelt needed the votes of southern congressmen and senators, who agreed to support economic reform only if it excluded industries in which African Americans predominated, like agriculture. The Stevenson brothers were each paid only fifty cents a day to work in white farmers' fields.

After finishing seventh grade, Frank Stevenson followed his older brothers and found work in New Orleans, delivering food to workers in the shipyards. Later he had jobs that were typically reserved for African Americans: carrying cement, laying rails, and loading or unloading freight, including, once World War II began, dangerous ammunition. He followed his brother Allen to California, eventually settling at the age of nineteen in Richmond. At first the shipyards and other war industries attempted to operate only with white men, but as the war dragged on, unable to find a sufficient number to meet their military orders, they were forced to hire white women, then black men, and eventually black women as well.

From 1940 to 1945, the influx of war workers resulted in Richmond's population exploding from 24,000 to more than 100,000. Richmond's black population soared from 270 to 14,000. Like Frank Stevenson, the typical African American settling in Richmond had a seventh-grade education, which made these migrants an elite; their educational attainment was greater than that of African Americans in the southern states they left behind.

With such rapid population growth, housing could not be put up quickly enough. The federal government stepped in with public housing. It was officially and explicitly segregated. Located along railroad tracks and close to the shipbuilding area, federally financed housing for African Americans in Richmond was poorly constructed and intended to be temporary. For white defense workers, government housing was built farther inland, closer to white residential areas, and some of it was sturdily constructed and permanent. Because Richmond had been overwhelmingly white before the war, the federal government's decision to segregate public housing established segregated living patterns that persist to this day.

The Richmond police as well as the housing authority pressed the city recreation department to forbid integrated activities, so where projects for whites and projects for blacks shared recreational and sports facilities, the authority designated special hours for African American use. The authority maintained separate social programs for whites and blacks—Boy and Girl Scout troops and movie screen-

ings, for example. A policy of segregation was adopted, explained the authority's director, for the purpose of "keeping social harmony or balance in the whole community." Another housing authority official insisted that "Negroes from the South would rather be by themselves."

Twenty projects with 24,000 units (for both races) built in Richmond during this period barely met the need. For white workers, the federal government created a "war guest" program in which it leased spare rooms from Richmond's white families so workers could move in as tenants. The government also issued low-interest loans for white homeowners to remodel and subdivide their residences.

Consistent with this policy, the federal government recruited one of the nation's leading mass production developers, David Bohannon, to create Rollingwood, a new Richmond suburb. Federal officials approved bank loans to finance construction, requiring that none of Rollingwood's 700 houses be sold to an African American. The government also specified that each Rollingwood property must have an extra bedroom with a separate entrance to accommodate an additional white war worker.

Although African Americans, with fewer private options, were more dependent on public housing than whites, the Richmond Housing Authority's segregated projects did less to alleviate the housing shortage for African American than for white families. Not surprisingly, units for African Americans included many doubled-up families and illegal sublets. By 1947, when Richmond's black population had increased to 26,000, half still lived in temporary war housing. As the government financed whites to abandon these apartments for permanent homes in suburbs like Rollingwood, vacancies in white projects were made available to African Americans. Gradually black families became almost the only tenants of Richmond public housing, except for three permanent projects of sturdily constructed units that had been assigned to whites, most of whom didn't want to leave. By 1950, the city's ghetto had expanded with more than three-fourths of Richmond's black population living in war projects.

For black workers like Frank Stevenson who couldn't squeeze

into the limited number of public housing units, there were no "war guest" or other supplemental government programs. Mr. Stevenson, like many African Americans in Richmond who did not get into the segregated public projects, lived in North Richmond, an unincorporated area for which the city provided no services. He boarded with an elderly woman with whom he traded maintenance for rent.

Other black war workers in North Richmond, not as fortunate as Frank Stevenson, remained in cardboard shacks, barns, tents, or even open fields. Black workers who earned steady wages at war industries could save to buy small plots in unincorporated North Richmond, but because the federal government refused to insure bank loans made to African Americans for housing, standard construction was unaffordable.\* Some built their own dwellings with orange crates or scrap lumber scoured from the shipyards. By the early 1950s, some 4,000 African Americans in North Richmond were still living in these makeshift homes.

During the war the government also collaborated with private groups to segregate Richmond. The United Services Organization (USO) maintained separate black and white clubs in Richmond for military personnel and also operated separate black and white Travelers Aid services for newly arrived war workers. On one occasion in 1943, the USO proposed a service center for African Americans on property that was available in a white neighborhood. The local newspaper, the *Richmond Independent*, protested; a petition drive in opposition to the plan ensued, and the city council prevented the plan from going forward. Although the USO was and is a private organization, it was organized by President Roosevelt (who held the title of honorary chairman), benefited from the use of government buildings for some of its clubs, coordinated its services with the War Department, and had a congressional charter. Along with the city council's action, this tight federal government nexus rendered

\* Throughout, I use the term *bank* loosely to include not only banks but also savings and loans, credit unions, and mortgage-originating companies. However, the discussion in Chapter 7 about federal and state regulators of banks includes only those lending institutions that are heavily regulated by government.

the USO's practice of segregation in Richmond (and elsewhere) an aspect of *de jure* segregation.

To ensure that no African Americans migrated to Richmond unless they were essential to the war effort, the city's police stopped African American men on the street and then arrested and jailed them if they couldn't prove they were employed. So after joining his older brother Allen in Richmond, Frank Stevenson quickly located a job at a Ford Motor assembly plant that had been taken over by the government for the manufacture of military jeeps and the refurbishing of damaged tanks.

In the 1930s, the Ford plant had a sign in front, "No Mexican or Black Workers Wanted," but when Frank Stevenson arrived in 1944, his services were badly needed. Three years earlier, the United Auto Workers (UAW) had forced Henry Ford to the bargaining table, and at the war's end, a union contract prevented Ford Motor from firing African Americans to make way for returning white veterans or for white workers who had been laid off from military production in places like the shipyards. So in 1945, when the army gave up control of the plant and the Ford Motor Company began to make cars again, black workers who had been hired during the war were able to stay on with secure industrial jobs.

Ford had established the plant in 1931 after Richmond offered the company tax incentives to lure its northern California assembly operations. The city had a deepwater port—that's why it became a shipbuilding center during the war—and Ford found the site attractive because it was accessible both to ocean freighters and to railroads. The company could inexpensively transport parts from Detroit to Richmond for assembly into cars and light trucks and then ship the completed vehicles from Richmond to dealers in northern California and Hawaii. The Richmond plant was two stories tall, with conveyor belts moving parts and subassemblies from one floor to the other.

When they were first hired during the war, black workers were assigned only to the lowest and most strenuous job classifications, but the union fought to open more skilled assignments to African Americans. Frank Stevenson seems to have been among the most ambitious and talented, and within a decade of being employed, he

was sufficiently skilled to fill in when workers at different workstations were at lunch. "I was smart enough," Mr. Stevenson says, "to go to the other jobs on my break and say, 'Let me see what you do.' That's why they made me a utility man."

In the 1950s, as the postwar consumer boom created growing demand for automobiles, Ford's Richmond plant had no room to expand. Highways made undeveloped rural areas accessible, and land was cheap, allowing Ford the opportunity to spread out and eliminate the inefficiencies of multistory buildings. So in 1953, the company announced it would close its Richmond plant and reestablish operations in a larger facility fifty miles south, in Milpitas, a suburb of San Jose, rural at the time. (Milpitas is part of what we now call Silicon Valley.) Ford purchased a 160-acre site from the Western Pacific Railroad, which had bought 1,700 acres in hopes of attracting industrial facilities for a rail hub.

Union leaders met with Ford executives and negotiated an agreement permitting all 1,400 Richmond plant workers, including the approximately 250 African Americans, to transfer to the new facility. Once Ford's plans became known, Milpitas residents incorporated the town and passed an emergency ordinance permitting the newly installed city council to ban apartment construction and allow only single-family homes. Developers then set to work, creating subdivisions of inexpensive single-family houses for workers not only at Ford but at the other plants that Western Pacific had drawn to the area.

The builders went to the Federal Housing Administration (FHA) for approval of their subdivision plans, and then used these approvals to get banks to issue low-interest loans to finance construction. If the houses conformed to its specifications, the federal government then guaranteed mortgages to qualified buyers without a further property appraisal.\* Although banks would generally make mortgage loans to affluent buyers without government involvement, they usually shield away from making loans to working-class families unless the mort-

\*The Veterans Administration "guaranteed" mortgages, while the Federal Housing Administration "insured" them. The distinction is of no importance for understanding *de jure* segregation, and I use the terms interchangeably.

gages were insured. With reduced risk, banks offered lower interest rates, making ownership more affordable to working-class families. For veterans, government approval also usually meant that no down payment was required. As in Rollingwood ten years earlier, one of the federal government's specifications for mortgages insured in Milpitas was an openly stated prohibition on sales to African Americans.

Because Milpitas had no apartments, and houses in the area were off-limits to black workers—though their incomes and economic circumstances were like those of whites on the assembly line—African Americans at Ford had to choose between giving up their good industrial jobs, moving to apartments in a segregated neighborhood of San Jose, or enduring lengthy commutes between North Richmond and Milpitas. Frank Stevenson bought a van, recruited eight others to share the costs, and made the drive daily for the next twenty years until he retired. The trip took more than an hour each way.

Of Frank Stevenson and his eight carpoolers, only one was ever able to move farther south, closer to the plant, and he was not able to do so until the late 1960s. He found a home in Hayward, a town about halfway between Richmond and Milpitas that had also previously been closed to African Americans.

As the civilian housing shortage eased after the war and more government-subsidized suburbs like Rollingwood were built for white working-class families, Richmond itself became a predominantly black city. As the black population of North Richmond swelled, African Americans began to break into the south Richmond housing market. Soon, south Richmond as well became part of Richmond's ghetto. In 1970, after his daughters finished high school, Frank Stevenson was finally able to buy his first home in the southern, previously whites-only section of the city.

## II

AT THE end of World War II, Stanford University in Palo Alto, south of San Francisco, recruited Wallace Stegner to teach creative

writing. Stanford's offer followed the publication in 1943 of Stegner's widely acclaimed semiautobiographical novel, *The Big Rock Candy Mountain*. Years later Stegner would go on to win the Pulitzer Prize and the National Book Award, but when he arrived in Palo Alto with his family immediately after the war, his financial resources were modest.

Like the rest of the country, the Stanford area was suffering from a housing shortage: during the war, with all available material and labor reserved for military use, the government had prohibited civilian housing construction, except for projects designated for the defense industry in towns like Richmond. Stegner joined and then helped to lead a cooperative of middle- and working-class families who were all unable to find available housing. For the most part, college professors were not highly paid; the co-op included others of similar economic status—public school teachers, city employees, carpenters, and nurses. Of the first 150 families to join, three were African American.

Calling itself the Peninsula Housing Association of Palo Alto, the co-op purchased a 260-acre ranch adjacent to the Stanford campus and planned to build 400 houses as well as shared recreational facilities, a shopping area, a gas station, and a restaurant on commonly owned land. But banks would not finance construction costs nor issue mortgages to the co-op or to its members without government approval, and the FHA would not insure loans to a cooperative that included African American members. The cooperative's board of directors, including Stegner, recommended against complying with the demand that the cooperative reconstitute itself as an all-white organization, but the membership, attempting to appease the government, voted in January 1948 by a narrow 78-75 margin to compromise. The co-op proposed to include a quota system in its bylaws and deeds, promising that the proportion of African Americans in the Peninsula Housing Association would not exceed the proportion of African Americans in California's overall population.

This concession did not appease government officials, and the project stalled. Stegner and other board members resigned; soon afterward the cooperative was forced to disband because it could

not obtain financing without government approval. In 1950, the association sold its land to a private developer whose FHA agreement specified that no properties be sold to African Americans. The builder then constructed individual homes for sale to whites in "Ladera," a subdivision that still adjoins the Stanford campus.

### III

OVER THE next few years, the number of African Americans seeking jobs and homes in and near Palo Alto grew, but no developer who depended on federal government loan insurance would sell to them, and no California state-licensed real estate agent would show them houses. But then, in 1954, one resident of a whites-only area in East Palo Alto, across a highway from the Stanford campus, sold his house to a black family.

Almost immediately Floyd Lowe, president of the California Real Estate Association, set up an office in East Palo Alto to panic white families into listing their homes for sale, a practice known as blockbusting. He and other agents warned that a "Negro invasion" was imminent and that it would result in collapsing property values. Soon, growing numbers of white owners succumbed to the scaremongering and sold at discounted prices to the agents and their speculators. The agents, including Lowe himself, then designed display ads with banner headlines—"Colored Buyers!"—which they ran in San Francisco newspapers. African Americans, desperate for housing, purchased the homes at inflated prices. Within a three-month period, one agent alone sold sixty previously white-owned properties to African Americans. The California real estate commissioner refused to take any action, asserting that while regulations prohibited licensed agents from engaging in "unethical practices," the exploitation of racial fear was not within the real estate commissioner's jurisdiction. Although the local real estate board would ordinarily "blackball" any agent who sold to a non-white buyer in the city's white neighborhoods (thereby denying the

agent access to the multiple listing service upon which his or her business depended), once wholesale blockbusting began, the board was unconcerned, even supportive.

At the time, the Federal Housing Administration and Veterans Administration not only refused to insure mortgages for African Americans in designated white neighborhoods like Ladera; they also would not insure mortgages for whites in a neighborhood where African Americans were present. So once East Palo Alto was integrated, whites wanting to move into the area could no longer obtain government-insured mortgages. State-regulated insurance companies, like the Equitable Life Insurance Company and the Prudential Life Insurance Company, also declared that their policy was not to issue mortgages to whites in integrated neighborhoods. State insurance regulators had no objection to this stance. The Bank of America and other leading California banks had similar policies, also with the consent of federal banking regulators.

Within six years the population of East Palo Alto was 82 percent black. Conditions deteriorated as African Americans who had been excluded from other neighborhoods doubled up in single-family homes. Their East Palo Alto houses had been priced so much higher than similar properties for whites that the owners had difficulty making payments without additional rental income. Federal and state housing policy had created a slum in East Palo Alto.

With the increased density of the area, the school district could no longer accommodate all Palo Alto students, so in 1958 it proposed to create a second high school to accommodate the expanding student population. The district decided to construct the new school in the heart of what had become the East Palo Alto ghetto, so black students in Palo Alto's existing integrated building would have to withdraw, creating a segregated African American school in the eastern section and a white one to the west. The board ignored pleas of African American and liberal white activists that it draw an east-west school boundary to establish two integrated secondary schools.

In ways like these, federal, state, and local governments purposely

created segregation in every metropolitan area of the nation. If it could happen in liberal San Francisco, then indeed, it not only could but did happen everywhere. That the San Francisco region was segregated by government policy is particularly striking because, in contrast to metropolitan areas like Chicago, Detroit, Cleveland, or Baltimore, northern California had few African Americans before migrants like Frank Stevenson arrived during World War II in search of jobs. The government was not following preexisting racial patterns; it was imposing segregation where it hadn't previously taken root.\*

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\* If you inquire into the history of the metropolitan area in which you live, you will probably find ample evidence of how the federal, state, and local governments unconstitutionally used housing policy to create or reinforce segregation in ways that still survive.



## LOCAL TACTICS



*Miami, 1966. Mayor Chuck Hall sends the first wrecking ball into homes of African Americans near downtown, fulfilling the city's plan to relocate them to a distant ghetto.*

WHEN FRANK STEVENSON and his carpoolers needed housing near the new Ford plant, FHA- and VA-insured subdivisions were rapidly filling the area between Milpitas and the African American communities of Richmond and Oakland. The most active developer was David Bohannon, who had built the whites-only Rollingwood subdivision just outside Richmond in 1943. The following year, he created the massive whites-only San Lorenzo Village about five miles south of the Oakland border. With more than 5,000 units and 17,000 residents, San Lorenzo Village was the nation's largest wartime government-insured project, intended for workers at naval shipyards and support factories. Like the homes in Rollingwood, each house included a bedroom with a separate entrance, so the owner could rent it to another war worker.

The development was financed by a seven-million-dollar FHA-authorized loan from the Bank of America and the American Trust Company. As was the case with other FHA developments, houses were sold at relatively low prices so as to be within reach of war workers, and the deeds included restrictive covenants to prevent future resales to African Americans. Within easy commuting dis-

tance of Milpitas, San Lorenzo Village was an ideal location for Ford workers. Sales brochures in the early to mid-1950s, when Ford workers would have been seeking housing in the area, assured prospective buyers that the village was "a safe investment" because "farsighted protective restrictions . . . permanently safeguard your investment."

## I

IN 1955, Bohannon began developing Sunnyhills, a project in Milpitas itself. After Western Pacific announced plans to create its new industrial zone, other builders had also obtained FHA guarantees to construct whites-only, single-family subdivisions in the area. One, Milford Village, a development of 1,500 units on unincorporated land just outside the town boundaries, was guaranteed by the VA and required little or no down payment for veterans and low monthly payments.

When it became apparent that no existing Milpitas-area development would sell or rent to black workers, the American Friends Service Committee (AFSC), a Quaker group committed to racial integration, offered to assist Ben Gross—the chair of the Ford plant's union housing committee—by finding a developer who would agree to build an interracial subdivision. The AFSC had an existing campaign to press (unsuccessfully) Richmond to desegregate its public housing and find adequate, integrated residences for its African American population being displaced by the demolition of federal war projects. The group also operated a settlement house in North Richmond with after-school tutoring, dances and other youth recreational opportunities, a well-baby clinic for mothers, a day care program for children of working parents, a small playground for toddlers, and a meeting room for community organizations. Ford workers were involved in all these activities.

The rapid growth of the Milpitas area had resulted in some overbuilding, and several new subdivisions had unsold units that

were affordable to Ford workers. Despite this excess inventory, the AFSC was unsuccessful in persuading any existing developer to sell to African Americans.

The first builder recruited by the AFSC selected a plot in an unincorporated area south of Mountain View, a Santa Clara County community about ten miles west of Milpitas and accessible to other growing industrial areas in Silicon Valley. The AFSC, however, could not find a financial institution in the San Francisco Bay or San Jose areas willing to provide funds for a development that would permit sales to African Americans. After a few months, an AFSC official flew to New York to meet with a Quaker vice-president of the Metropolitan Life Insurance Company who, despite his skepticism about the feasibility of integrated suburban development, agreed to issue a loan for initial construction. Only as a result of this Quaker connection was the AFSC able to obtain a financial commitment. It may also have helped that Metropolitan Life was a bit chastened by the reversal of its racial segregation policy by New York city and state legislative bodies.

But when the builder's intent to sell both to blacks and whites became known, the Santa Clara Board of Supervisors rezoned the site from residential to industrial use. When he found a second plot, Mountain View officials told him that they would never grant the necessary approvals. He next identified a third tract of land in another town near the Ford plant; when officials discovered that the project would not be segregated, the town adopted a new zoning law increasing the minimum lot size from 6,000 to 8,000 square feet, making the project unfeasible for working-class buyers. After he attempted to develop a fourth site on which he had an option, the seller of the land canceled the option upon learning that the project would be integrated. At that point, the builder gave up.

Ben Gross then recruited another builder who proposed to the union that he create two projects, one integrated and the other all white. Because white buyers would be directed to the all-white project, it was apparent that the plan for a nominally integrated project

would result in an all-black one. The builder proposed to construct the white project in a suburban area and the integrated one in a less desirable environment—a plot sandwiched between the Ford plant and two tracts zoned for heavy industry.

Workers at Ford, members of the United Auto Workers (UAW), were divided over whether to accept this proposal, and at the next local union election, candidates who opposed the two-project concept challenged those who were in favor. It was a difficult decision, because the union was faced with choosing between segregated housing and no new housing for any union members, black or white. It was a dilemma similar to the one confronted by Hubert Humphrey and other congressional liberals when they attempted to enact President Truman's housing proposal. But the union decided differently from the congressional liberals. Although the membership was overwhelmingly white, the union adopted a policy that it would support only developers who would commit to integrated housing.

A San Jose businessman in the meatpacking business, with no previous experience as a developer, obtained a tract adjoining David Bohannon's all-white Sunnyhills project and proposed an all-black development. When the UAW and AFSC became aware of these plans, they persuaded the developer to construct an integrated project instead, and the union promised to promote the project to its white as well as to its African American members. For six months, the businessman sought financing, but every bank or thrift institution he approached, knowing that FHA backing would be unavailable, either refused to lend money for a project that was open to African Americans or agreed to lend only if he paid higher interest, a premium for integration ranging from an additional  $5\frac{1}{2}$  percent to an additional 9 percent. Such a payment would have greatly increased project costs and made the houses unaffordable to union members. The businessman advised the UAW that he would have to drop his plans. The union was able to persuade him to continue only by promising that the union itself would take responsibility for finding a lender. UAW and AFSC representatives again went to New York to ask Metro-

politan Life to provide construction financing, which the insurance company agreed to do.

In January 1955, more than a year after Ford notified its Richmond workers that their jobs were going to Milpitas, and only a month and a half before the scheduled transfer of automobile assembly, the UAW was able to advise its black members in Richmond that a nondiscriminatory housing development, called Agua Caliente, was going to be available in the Milpitas area. By this time, many white workers had already found housing in racially restricted Santa Clara County neighborhoods.

David Bohannon's company, however, remained fiercely opposed to an integrated project adjoining Sunnyhills, and after a San Francisco newspaper article revealed the plan to establish "the first subdivision in the Bay Area where Negro families will be sold homes without discrimination," the company began to pressure the newly formed Milpitas City Council to prevent the construction of Agua Caliente by denying it access to sewer lines.

The sanitary district for Milpitas, whose chair was a member of the Santa Clara County board of supervisors and whose other members were the Milpitas mayor and a Milpitas city councilman, had advised the Agua Caliente builder that its fee for sewer access would be one hundred dollars an acre, based on the project's anticipated use of about 3 percent of the sewer line's capacity. The union and its builder estimated project costs and set sale prices using this figure; Metropolitan Life had extended its financing based on it. Under pressure from David Bohannon's company, the sanitary district board held an emergency meeting and adopted an ordinance that increased the sewer connection fee by more than ten times the hundred-dollar figure.

The new charge caused the builder to suspend work. He attempted unsuccessfully to negotiate a compromise with the sanitary district and the Bohannon organization, whose representatives acknowledged that the purpose of the ordinance was to prevent minorities from living close to Sunnyhills. The mayor of Milpitas, however, denied that his motive in voting to increase the sewer fee was dis-

criminatory but added that he did not think it would be a great loss if the subdivision never got developed because, he asserted, the Ford workers' tract would depress property values in Milpitas. A real estate agent himself, the mayor claimed that Negroes inquiring about housing had told him that they did not want to go where they weren't wanted. He was only deferring to these customers' wishes, he said, in declining to show them properties in the city.

Problems persisted even after the UAW's builder indicated he would proceed with the Agua Caliente project, despite the higher sewer connection fees. The Bohannon group next filed suit to prevent the project from using a drainage ditch alongside its tract. This was purely a nuisance suit because the drainage ditch belonged to the county, not to Bohannon. The UAW then mounted a public campaign against the Sunnyhills project. Not only did union members refrain from purchasing the houses, but they flooded open houses to disrupt sales to white buyers. Meanwhile the UAW and the AFSC contracted California attorney general Edmund C. (Pat) Brown, who sent an assistant to Milpitas to investigate the sewer fee controversy. Brown promised help "in overcoming any racial discrimination by governmental units which might be disclosed."

The Agua Caliente builder could no longer sustain the delays; nor could he afford the legal bills that would be incurred if he persisted. The Bohannon company, perhaps influenced by the attorney general's implicit threat, also tired of the fight. The union's boycott had been responsible, or partly responsible, for the company's being stuck with finished but unsold homes. In November 1955, both the Agua Caliente builder and Bohannon sold out to a new developer recruited by the UAW, making the sewer connection controversy moot, and a combined project was finally constructed.

The combined development took the name of the original Bohannon project, Sunnyhills. California banks and thrift institutions continued to refuse, without an exorbitant interest rate surcharge, to issue individual mortgages, without FHA insurance, to

borrowers living in an integrated project. At first the UAW's own pension fund offered to guarantee the African American workers' loan repayments. Eventually the FHA agreed to guarantee mortgages with a favorable rate only if the subdivision were converted to a cooperative, in which the owners would possess shares of the overall project rather than their individual houses. The union and its member-buyers agreed, and on this basis twenty of the project's first 300 units were sold to African American families.

By this time, however, the Milpitas Ford plant had been operational for nearly a year, and almost all white workers who wanted to move to the area had done so. The delays, legal fees, and financing problems had raised the cost of the combined Sunnyhills project to a level that was unaffordable to all but the most highly skilled and highly paid Ford workers. Many of the African American workers had become so discouraged about housing opportunities in the Milpitas area that, like Frank Stevenson, they had formed carpools to share the hundred-mile daily round trip from Richmond. As a last alternative, the UAW and other area unions pressed for a public authority to create rental housing, but the idea was met with strong resistance from the local finance and real estate industry—the local association of savings and loan institutions called it "dangerous to our American way of life"—and the county refused to act.

In the ensuing years, African American residence in Milpitas continued to be confined to Sunnyhills and a relatively undesirable project, built in the 1960s between two freeways and a heavily trafficked main shopping thoroughfare. The Ford plant closed in 1984. Milpitas is no longer all white—it now has many Hispanic and Asian families—but the effects of its earlier segregation remain visible: African Americans make up only 2 percent of the population.

As the Milpitas area developed, other plants transferred there from the Oakland-Richmond corridor. One was a Trailmobile factory that relocated from Berkeley in 1955. Soon after, the plant manager announced a change in hiring policy: the company would accept only new workers who lived in the vicinity, and they, of course, were almost exclusively white. Black workers, he said,

attempting to commute from the Oakland area, were too likely to have car accidents from the long drives, leading to excessive absenteeism. Before Trailmobile moved from Berkeley, its workforce was 16 percent African American. By 1967 it had dropped to 6 percent, mostly carryovers from before the new hiring policy was adopted.

## II

THE MILPITAS story illustrates the extraordinary creativity that government officials at all levels displayed when they were motivated to prevent the movement of African Americans into white neighborhoods. It wasn't only the large-scale federal programs of public housing and mortgage finance that created *de jure* segregation. Hundreds, if not thousands of smaller acts of government contributed. They included petty actions like denial of access to public utilities; determining, once African Americans wanted to build, that their property was, after all, needed for parkland; or discovering that a road leading to African American homes was "private." They included routing interstate highways to create racial boundaries or to shift the residential placement of African American families. And they included choosing school sites to force families to move to segregated neighborhoods if they wanted education for their children.

Taken in isolation, we can easily dismiss such devices as aberrations. But when we consider them as a whole, we can see that they were part of a national system by which state and local government supplemented federal efforts to maintain the status of African Americans as a lower caste, with housing segregation preserving the badges and incidents of slavery.

## III

DEVICES LIKE those that Milpitas and surrounding towns employed to exclude African Americans were common segregation

tactics throughout the country after World War II. In numerous instances, local governments condemned or rezoned property to prevent African Americans from residing there.

For example, in 1957 a University of Pennsylvania professor and his wife purchased a site in Swarthmore, a town just outside Philadelphia, where they planned to develop a tract of twenty-eight middle-class homes to be sold to both African Americans and whites. The couple's intent was to prove that "families of differing races, colors, and religions can live together in harmony." The Swarthmore Property Owners' Association petitioned the borough council that it did not want the town to become "a laboratory" for social experiments. The council reacted by refusing to consider the housing plan without a certified engineer's drawing, an expensive condition that it had not imposed on other developments.

After the couple submitted the drawing, the council made a series of objections, none of which it had made when considering other recent projects: It blocked the construction of a private drive leading to some of the homes, and it required a costly new sewer system. The professor and his wife forged ahead, scaling back their plans to avoid the need for a private drive. Adjoining property owners then asserted that the project could not proceed because the main road accessing the property was also private, notwithstanding that the borough had made public improvements to the road in the past without any one raising similar issues. When the neighbors sued to halt the project on these grounds, borough officials supported the neighbors and did not intervene. With no prospect that such impediments would ever end, the professor and his wife abandoned the project.

A similar situation developed in Deerfield, Illinois, a white suburb of Chicago. In 1959 a developer purchased two tracts of vacant land and proposed to subdivide and build fifty-one houses on them, with a plan to sell ten to African Americans. He specifically chose Deerfield for the project because it was far from an existing African American community; he hoped it would be less likely to attract the attention of real estate speculators who