

THE SUMMIT FOR CIVIL RIGHTS

WE ARE SEEKING TO "MAKE AMERICA ONE NATION" - THE OTHER AMERICA, DR. MARTIN LUTHER KING, 1967

An Agenda for Racial Justice and Middle Class Opportunity for All Americans Within a Metropolitan Framework

Executive Summary

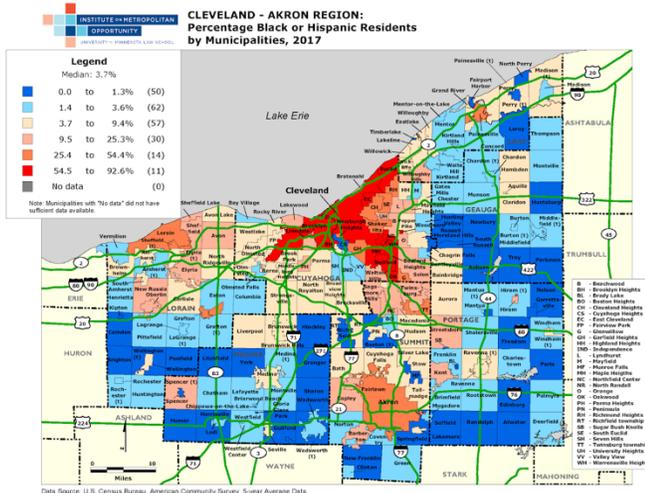
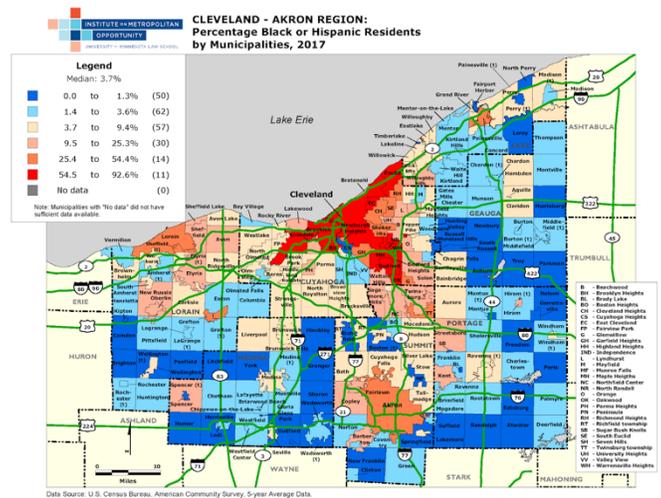
The Summit for Civil Rights is a unique and powerful multi-racial coalition of the nation's leading civil rights and labor organizations, allied with thousands of elected officials, clergy and grassroots leaders at the national, state and local level supported by leading academics in all the relevant fields of both policy and law. These leaders represent interests that unite American cities, and America's thousands of middle and working class small towns and suburbs.

Over the past 4 years, civil rights leaders, including renowned scholars and litigators, clergy and faith leaders, grassroots organizers, labor leaders and elected officials including powerful members of Congress, convened with hundreds of rank and file participants to examine and call for action on today's **triple crisis** of deadly **racial injustice**, **vanishing middle class opportunity** and toxic **political polarization**.

One of the Summit's central conclusions is that **spatial disparities** (segregation by race and income), especially across America's metropolitan regions, are significant and critical drivers of structural inequalities in wealth, education and opportunity, widening both race and class divides and contributing to our already fractured politics. What follows are recommendations for federal action aimed at reducing these disparities and expanding an inclusive middle class through structural reform at the regional level.

The federal government is poised to spend trillions of dollars to provide emergency support to the economy, in addition to its recurring support of schools, infrastructure and local government. Without major reform, these new expenditures will continue to reinforce a racially segregated and unequal metropolitan landscape. The continual development of segregated regions will overwhelm most of the remedial support directed to disadvantaged Americans and do little to rescue a struggling and rapidly disappearing middle class.

In contrast, the Summit asserts that its priorities - **racial disparities**, **economic inequality** and **political polarization** -- can and must be addressed simultaneously in the context of recovery and stimulus spending, transportation reauthorization, and increased Title I spending. If we focus on **metropolitan areas** (and metropolitan structures) as diverse regional communities and engines of growth, we can create prosperity and opportunity for all Americans.



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Summary of Policy Priorities

Over a series of convenings and discussions, the Summit has developed a set of principles, as well as policy proposals. The principles center around the need for broad, metropolitan remedies, a focus on the deep structures of poverty and middle class decline, and the need to simultaneously address racial justice, economic inequality and middle and class opportunity. At the heart of this proposal is a call for a cooperative interagency initiative, with White House support, for a combined approach to housing, education, jobs and infrastructure to further the goals of the Administration.

Guiding Principles:

1. Don't impose good policies on bad structures.
2. Go regional.
3. Promote inclusive economic growth and job creation.
4. Address racial and economic disparities while (and by) supporting the middle class.
5. Don't make better poverty.
6. Make *Brown* metropolitan.
7. Don't let anyone off the hook.

The Summit has applied these principles to **education, housing and infrastructure investment**, in the form of specific policies and interagency cooperation to promote civil rights *and* economic opportunity.

- Promote Sustainable and Inclusive Regions
- Create Sustainable and Inclusive Jobs
- Institute Universal Housing Choice
- Prevent Private-Market Discrimination and Segregation
- Build Inclusive Affordable Housing
- Integrate K-12 Education

Key legislative opportunities include:

- The Transportation Reauthorization with MPO reform
- The Moving Forward Act with regional opportunity indexing
- Title I allocation and formula reform to support more diverse middle class and integrated schools
- The Strength in Diversity Act
- The PRO Act
- The Sustainable and Inclusive Regions Act
- The Economic Fair Housing Act to ban exclusionary zoning
- Amending the federal Fair Housing Act to ban on source-of-income discrimination

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Transition Recommendations

An Agenda for Racial Justice and Middle Class Opportunity for All Americans Within a Metropolitan Framework

Background and Purpose

The first Summit began on November 9, 2017, sponsored by the University of Minnesota’s *Journal of Law & Inequality* in Minneapolis, MN. It was held a year to the day after the election of Donald J. Trump and featured Majority Whip James E. Clyburn, U.S. Commission on Civil Rights Chair Catherine E. Lhamon Vice President Walter Mondale and many others. Since then, we have held two more gatherings, one sponsored by Rutgers University School of Labor Relations in New Brunswick, NJ and another cosponsored by Georgetown University Law School’s Workers’ Rights Institute in Washington, DC, and the University of Minnesota’s *Journal of Law & Inequality* in Minneapolis, MN. Between events, a core committee of Summit organizers representing civil rights scholars, labor leaders, law students, clergy and elected officials have assembled research and analysis to produce a set of recommendations for a strategic approach and a policy agenda to address some of the most critical issues facing our country.

The Summit held this past July was the latest in the series of convenings that included, among others: House Majority Whip James E. Clyburn, House Committee on Education and Labor Chairman Robert C. “Bobby” Scott, AFL-CIO President Richard Trumka, NEA President Becky Pringle, NAACP President Derrick Johnson, Minnesota Attorney General Keith Ellison, Vice President Walter Mondale, AME Bishop Reginald T. Jackson, NAACP Legal Defense Fund President Sherrilyn Ifill, AFT President Randi Weingarten, Congresswoman Bonnie Watson Coleman; and many other civil rights activists, litigators, scholars and experts in education, housing, finance and labor.¹

Our third Summit was held virtually under the cloud of the current health emergency and economic catastrophe resulting from the 2020 Covid-19 pandemic. Despite the immediate crisis of the pandemic, the Summit conference maintained its focus on addressing the three main interrelated topics listed above: **racial injustice**, **economic inequality** and **political polarization** in America. We did not ignore the pandemic. On the contrary, the still unfolding crisis has acted as an ill-timed and regrettable overlay that seems to have only magnified racial disparities, deepened economic inequality and widened the political divide.

¹ Other recent *Summit for Civil Rights* speakers and collaborators include: Keeanga-Yamahtta Taylor, John A. Powell, Beverly D. Tatum, Sheryll Cashin, John C. Brittain, Barbara Ransby, Rev. Willie Francois, John H. Bracey, Jr., Julian Vasquez Heilig, Mark G. Pearce, Theodore M. Shaw, Richard Rothstein, Stella Flores, Eric Foner, William E. Spriggs, Michelle Burris, Alexander Polikoff, Bruce D. Haynes, David P. Rusk, Elizabeth Powell, Prentiss Dantzer, Fred Redmond, Gary Orfield, Genevieve Siegel-Hawley, Myron Orfield, William P. Jones, Douglas Massey, Khalil Gibran Muhammad, Rucker Johnson, Marc Bayard, Amy Wells, Tiffani Torres, Betsey Julian, Rev. Terrance Melvin, Lisa Rice, Paul Jargowsky, Clayola Brown, Algernon Austin and Stefan Lallinger. *Summit for Civil Rights* funders and institutional partners have included: AFL-CIO, AFSCME / OAPSE Local 4, American Federation of Teachers (AFT), American Postal Workers Union (APWU), Bricklayers and Allied Craftworkers (BAC), Cleveland State University, Coalition of Black Trade Unionists (CBTU), Communications Workers of America (CWA), Copper Levinson, Cozen O’Connor, Ford Foundation, Hofstra University, HPAE, International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART), International Brotherhood of Carpenters (IBC), International Brotherhood of Electrical Workers (IBEW), International Brotherhood of Teamsters (IBT), International Longshoremen’s Association, International Union of Operating Engineers Local 68, Iron Workers 399, Local 194 IPFTE, Metal Trades Department of the AFL-CIO, National Educators Association (NEA), NJEA, National Fair Housing Alliance, New York State AFL-CIO, Ohio Educators Association, Plumbers & Pipefitters Local 9, Rutgers / CURE, United Auto Workers Union (UAW), United Steel Workers USW, University of Minnesota Law School - Law & Inequality: A Journal of Theory and Practice.

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This document is an attempt to summarize some of the key areas of transformational reform we believe should be pursued by Congress and the new Administration to move our country in a different and better direction. We believe such reforms can unite the energies and the constituencies committed to racial justice and those focused on middle-class opportunity for all Americans—especially groups tied to civil rights and organized labor, including faith communities and local elected officials. Much of this argues for a regional, or metropolitan, approach to bringing us closer together as a country socially, politically and economically.

The Race Versus Class Conundrum: A False Dichotomy

Just in the past decade, public attention and media focus has shifted dramatically between issues of race and class, with little effort to reconcile the two historically or economically—or to provide any realistic or actionable policy framework. The idea of an irreconcilable conflict between these two deep, historical problems in American society has been so successful and effective at hindering multi-racial solidarity among poor, working and middle-class Americans over so many generations that it gives credence to the suspicion that it is a deliberately propagated narrative.

The 2011 Occupy Wall Street movement sparked by the 2008 crash and the subsequent bailout and forgiveness of its offenders and beneficiaries gave way to an outpouring of black rage and the founding of the Black Lives Matter movement following the 2013 acquittal of George Zimmerman and the 2014 killings of Michael Brown, Trayvon Martin and Tamir Rice. By the summer of 2015, Senator Bernie Sanders launched a presidential campaign that rapidly became a (largely white) leftwing “political revolution” against an economy, “rigged” by and for an entrenched “oligarchy.” This back and forth, with each one seeming to eclipse the other, continued over the next five years with even more dramatic volatility and intensity, like two alternating and poorly timed pistons driving America’s powerful engine of inequality. It all seemed to come to a head during the contentious 2020 election year with the economic devastation of the Covid-19 spring and the uprisings of the summer of George Floyd.

The amazing outpouring of anger and support for racial justice followed by the 2020 election outcome revealed a hopeful glimmer of multi-racial solidarity and a hint of unity around moral revulsion and a common anxiety over a looming economic disaster. But as a new Administration prepares to take office, many advocates, some political leaders and a gaggle of reckless media voices from the left and right continue to further a narrative of competing constituencies and even conflicting interests between “moderates” and “progressives.” The suggestion is that Americans have to choose between saving the American middle class versus remedying present and past harms caused by decades and centuries of racial apartheid and discrimination in America.

The perception of such a conflict only serves those who profit economically and thrive politically within that fault line. We believe it is a false choice and propose that any agenda for progress must address both middle class opportunity and racial justice simultaneously and wherever possible together. We believe there are more pathways to such an approach than many people may think if we honestly and objectively analyze our problems and aggressively seek opportunities for politically unifying solutions and a unified policy approach. **Place**—where people live and don’t live, especially within a metropolitan area—provides one of the most powerful frameworks for achieving both social equity and expanded middle class opportunity.

Inequality and the Power of Place

Much of what has driven both opportunity and inequality over the past century has been tied to geography: real estate, land development, infrastructure and especially housing and schools. But many

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factors of opportunity and quality of life are defined, or heavily influenced, by place, including higher education and job options, home value and wealth accumulation, property tax rates and fees, access to work and transportation, safety and public services, outcomes of law enforcement encounters, clean air, access to good food, health and even mortality.

For these reasons it has been increasingly understood and recognized among policy experts and some policy makers that racial segregation caused by redlining and past and present patterns of racial steering and discrimination have enormously disadvantaged African Americans, and for many, have compounded these harms by perpetuating deeply damaging levels of concentrated and generational poverty.

Often overlooked when examining the measurable harms of racial and economic segregation is the role of power, or more precisely powerlessness. Kenneth Clark called “the ghetto” a place of “institutionalized powerlessness” where “invisible walls have been erected by the white society, by those who have power, both to confine those who have no power and to perpetuate their powerlessness.” When we understand this, it is easier to see why “better” segregation through “in-place” development strategies still results in diminished opportunity, thwarted potential, economic exploitation and political manipulation and corruption. We see why Martin Luther King believed the “underlying purpose of segregation was to oppress and exploit the segregated, not simply to keep them apart.”

But segregation in America in the 20th (and into the 21st) century did not occur in a geographical vacuum. It happened in the context of the growth of metropolitan regions and as a result of deliberate exclusion of African Americans from suburbs and new housing developments in growing and multiplying municipalities and school districts now scattered across regions. Redlining was only one part of a broader myriad of place-based policies, laws and priorities that incentivized and financed what has become a very fragmented, sprawling, unstable and environmentally unsustainable patchwork of unequal, segregated and politically divided metropolitan America. Urban policies including urban renewal, low-income housing placement and highways further divided, degraded and isolated black communities—concentrating poverty and separating poor neighborhoods and whole cities from the economic and social opportunity structures of their regions.

Suburban growth, sprawl and racial segregation in the last half of the 20th century advantaged white families of nearly all economic backgrounds at the expense of nearly all black and brown families. But recent decades have seen a divided trajectory of white families’ fortunes, as the wealthiest suburbanites began to literally pull away, walling themselves into ever more exclusive strongholds of affluence, leaving lower middle class whites increasingly cut loose from opportunity and losing ground—and in communities that were no longer so white.

The end of legal racial discrimination, the enforcement of the Fair Housing Act and the migration of middle class black and brown families (and new immigrants) into suburbs led to a dramatic and rapid growth in the racial and ethnic diversity of suburbs and small towns within metro areas all across America. More and more white middle and working class Americans have found themselves sharing a tax base and school districts with African American, Latino and Asian families for the first time since the 1940s.

Only a handful of the wealthiest white communities had both the means and the will to prevent this racial diversification of their neighborhoods and school districts, and they did it largely through economic exclusion as both a proxy, and a substitute, for race. These wealthy enclaves and exurban communities, employing exclusionary tactics including zoning to keep out affordable housing and lower income student populations, have denied not only most black and Hispanic families (which are

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disproportionately poor and working class) from entering but also whites who no longer met the criteria for admission to the new exclusive suburban whiteness.

But affluent whites did not only separate themselves from an increasingly multi-racial middle class; there was also a corresponding “hoarding” of the economic capital, infrastructure, commercial tax base and resources of metro regions and a sharp divergence in the market value of homes and properties bolstering the security and fortunes of the already rich while undermining the fragile wealth of lower middle and working class white residents and homeowners.

The 2008 housing market collapse intensified this already growing divide and contributed tremendously to the unprecedented levels of wealth inequality we are still experiencing today. Subprime mortgage schemes and aggressive predatory marketing of mortgages wiped out the already meager wealth accumulation of millions of middle class blacks and for the first time put millions of working and middle class whites in a position where crushing debt was eclipsing the value of their only asset.

The full scale of the economic damage from the pandemic of 2020 is yet unknown, but it should surprise no one that it has deepened existing disparities and widened economic inequality both between blacks and whites and between the rich and the rest of us. **Place** will continue to play a big role as more and more already-stressed, racially diverse, middle class municipalities see poverty increase, commercial retail tax base and jobs get wiped out, infrastructure fall further into disrepair and schools decline as residents experience job loss, foreclosures and evictions.

The most segregated and distressed urban areas are already becoming further isolated and some are sinking deeper into crisis with a rise in violent crimes—including murder. Poor school children are losing ground and slipping out of view more quickly and profoundly than their suburban middle class peers. Virtual communication seems to have become another way to disconnect, dissociate and forget many of the people who have been being socially distanced for years.

Saving and Expanding an Inclusive Multi-Racial Middle Class

A Metropolitan Approach to Racial Justice and Economic Opportunity for All

Principles:

1. Don't impose good policies on bad structures.

At our first Summit in 2017, Vice President Walter Mondale, reflecting on the passage of the 1968 Fair Housing Act and our failure to fully integrate our society, said that despite well-meaning efforts at education reform, “America’s children will never achieve their full potential as long as we maintain a segregated society with segregated schools.”

Princeton historian Keeanga-Yamahtta Taylor, a speaker at our last Summit in 2020, wrote, “predatory inclusion” was the unfortunate result of recent, well-intended federal housing reforms to promote homeownership and access to credit.² Because we did nothing to dismantle the segregated residential housing markets, it “created the conditions for continued extraction as opposed to development and actual renewal.”³

²KEENGA-YAMAHTTA TAYLOR, RACE FOR PROFIT: HOW BANKS AND THE REAL ESTATE INDUSTRY UNDERMINED BLACK HOMEOWNERSHIP 52–53 (2019).

³ *Id.* at 255.

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Just as bad policies (or a recession) can accelerate or deepen existing inequalities, “good” policies and well-intentioned funding priorities imposed on an inherently and historically unequal structure will often make things worse. It will invite the exploitation of profiteers and ultimately political backlash with little to show for results. This has been particularly true for federal housing and educational programs and policies, especially those aimed at addressing poverty and problems of our most segregated deindustrialized urban centers and cities.

This is not to say that immediate needs should not be addressed to mitigate eviction, mortgage foreclosures, bankruptcies and job loss resulting from the pandemic response. But, emergency measures should not be a substitute for structural change, and we should try, wherever possible, to drive immediate relief and emergency measures in ways that alleviate longer term structural inequality.

2. Go regional.

One of the most powerful ways for the federal (and state) government to combat structural inequality is through bold regional reform at the metropolitan level. Many, if not most, structures of inequality in our society play themselves out and are driven by regional forces: housing, education, access to health, job centers, tax base and good public services.

Trying to fix regional disparities at the local level is a Sisyphean endeavor that is both counter-productive and thankless. Fragmented, regional local governments represent fragmented opportunity structures determining winners and losers based on zip code, tax base and school district. Federal spending and regulatory authority at the regional or MPO level can powerfully incentivize social inclusion and regional cooperation while saving and creating inclusive, well-paying, unionized jobs in both the public sector and building trades.

Most of our policies and practices, to the extent they exist, to combat racial and economic segregation, and civil rights action of the Justice Department, tend to zero in on municipalities or school districts without measuring their success, progress or lack of progress in the context of the regional demographics and economic factors and trends. This is true for housing and for schools. Working class towns and school districts that have been overwhelmed with poverty in recent years remain under decades’ old consent decrees while stunningly affluent towns in the same region, untouched by racial or economic diversity, are left alone. Success and compliance measurements that punish and reward need to consider and be guided by regional demographics and trends—what we call “opportunity mapping.”

3. Promote integration through economic growth and inclusive job creation.

Today there are estimates of over three trillion dollars’ worth of pent up demand for infrastructure needs all over America.⁴ Most of the need is in metropolitan regions where aging sewers, roads, bridges, transit and highways are in desperate need of repair, upgrade, or replacement to keep up with technological changes and enormous environmental demands. Stimulus measures and relief packages at some point need to be united with a powerful jobs bill that drives meaningful structural reform that rewards inclusive communities and regions and supports diverse jobs in the public sector while expanding inclusive work in the building trades. Such an approach could build a powerful, renewed, expanded and revitalized alliance between the labor and civil rights movements.

⁴ The American Society of Civil Engineers’ 2017 “Report Card” estimated the cost of work on the nation’s roads, dams, airports and water and electrical systems at \$4.6 trillion. *America’s Infrastructure Grades Remain Near Failing*, The American Association of Civil Engineers (Mar. 9, 2017), <https://www.asce.org/templates/press-release-detail.aspx?id=24013>.

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Punitive measures to enforce fair housing and inclusive schools have always been and will continue to be needed to move the United States in a positive direction. But federal spending on infrastructure (highways, roads, transit, water, sewer, rail, air and communication) as well as federal aid to bolster local governments and school districts can and should have “strings attached” that can powerfully incentivize or require inclusive policies, especially for housing, jobs and schools. This should include: (a) strong inclusionary zoning policies and other measures to affirmatively further fair housing; (b) compliance with existing civil rights laws that advance integration and inclusion and discourage segregation; (c) programs and funding that support inclusive school integration of students (and faculty) at the classroom, building, and district level, and (where needed to achieve integration) at the regional or multi-district level; (d) inclusive hiring and job opportunities for public sector employees as well as construction and building trades jobs while requiring prevailing wage and support for collective bargaining; and (e) regional planning and cooperation to promote sustainability and shared services, advance regional transportation and transit, curtail wasteful development and sprawl, prevent greater regional fragmentation and to protect and preserve the environment.

In 1941, A. Philip Randolph pressured President Franklin D. Roosevelt into signing an executive order (the FEPC) banning discrimination against African Americans in defense and government jobs. The result of this order was the unprecedented inclusion and expansion of black workers in a rapidly growing manufacturing sector and the industrial labor movement through World War II and beyond. For the first time, the wage gap between white and black workers began to decline. But all workers, including white workers, saw not only increases in their pay but more power on the shop floor as the labor movement became a multi-racial organization with greater bargaining power than it ever had before—or since. Black unionized workers’ power set the stage and built the infrastructure for the civil rights movement of the 1960s and helped fuel 40 years of economic growth, middle class expansion and greater social equity for workers of all backgrounds.

4. Address racial and economic disparities while (and by) supporting the middle class.

Too many of our federal and state policies today do more to punish than help towns and school districts as they become more diverse, setting them on a trajectory of decline and middle class flight while fueling resentment, political polarization and backlash.

More and more middle and working class suburbs today are becoming racially, economically and ethnically diverse. This is particularly true when measuring racial and economic change in suburban school districts. Federal policies, funding priorities and programs should recognize and reward the relative diversity of communities as they better reflect the demographics of their regions, states and the nation. Criteria for federal funding and support should include racial and/or economic diversity as well as fiscal capacity and the trajectory of change as many communities that were once bastions of white flight and privilege are not only increasingly diverse but fiscally stressed with stagnant or falling property values, raising tax rates, diminished services and weakened borrowing power.

A different approach can reward school districts and suburban communities that have become “de facto” integrated by recognizing their progress (intentional or not) and their often immense challenges of limited and shrinking fiscal capacity with growing social needs and aging infrastructure. Federal funding and programs for schools and housing can and should help them better address and manage school and neighborhood integration and inclusion.

Most metropolitan regions have very distressed, racially segregated, high-poverty urban areas that are in dire need of immediate support and attention to deal with the many symptoms of poverty and joblessness. These same regions also have a very small number of highly affluent, usually racially

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homogenous (white) municipalities that hoard much of their region’s resources and dominate its political power. The remainder are communities that are somewhere in the middle, ranging from rapidly resegregating and distressed towns to solidly lower middle class communities with abandoned strip malls, disappearing jobs, mediocre schools and ever-increasing property taxes. These places are often ignored, misunderstood or even disparaged as places of suburban privilege.

These are places to support and *improve* inclusion, integration and regional cooperation. They are often towns that are bipartisan and electorally competitive, making them important places to bolster powerful multi-racial constituencies. Local elected leaders, clergy, labor leaders and community leaders can help to build support in Congress and in state legislatures, for more and better programs to unify our regions and our country while reducing both race and class disparities in income, wealth, security and opportunity.

5. Don’t make better poverty.

Most government and philanthropic approaches to addressing the damage of segregation and concentrated poverty in urban areas in the past half century have involved “in-place solutions” while continuing policies and funding that maintain and even increase and intensify segregation. These have ranged from the paternalistic to the punitive, including empowerment zones, charter school and the crime bill as well as transit-to-work schemes that take people to places with jobs by day and back to poverty at night. If we continue to take integration off the table, we will continue to desperately throw new or warmed-over versions of already failed programs or policies at a problem that just gets worse. The result is little to no progress, billions wasted, and another generation of victim-blaming and scapegoating.

Urban areas that have reached a point of poverty concentration and diminished fiscal capacity cannot be expected to bootstrap themselves to recovery and viability. Poor areas have never become economically viable without some economic diversification. The only way high-poverty cities and urban neighborhoods can become more economically diverse is by a major influx of wealth, through gentrification, or a decrease in poverty by a mass exodus of the poor.

No government program should tell people where they can and can’t live. Unfortunately, that’s what was done, and that’s what we have now through government sanctioned zoning and the very narrow choices for affordable and subsidized housing provided by taxpayer dollars. Integration is only the absence of segregation, the removal of laws, restriction, biases, rules and policies that limit people’s mobility and choices. But years of damage and generations of diminished choices warrant an affirmative approach to opening up opportunity. And because the concentration of poverty is by definition a **regional** problem, choices and opportunities must be affirmatively opened and marketed throughout metropolitan areas with housing choice vouchers, the abolition of exclusionary zoning and Section 8 discrimination and affordable housing targets tied to future federal funding in communities that have the most resources but have done the least to be inclusive.

Where and when poor urban areas are able to attract a high wealth or even a middle class market to revitalize or gentrify all or parts of a city, inclusionary zoning, development and marketing can and should be required to ensure that growth is equitable, and that people are not being pushed out or left behind. But unless there are options throughout the entire metropolitan housing market, even hot markets and luxury developments are not enough to offset and absorb the imbalance of poverty in most regions caused by segregation. A regional approach has to be included with any realistic efforts to diversify high poverty urban areas.

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6. Make *Brown* metropolitan.

In 1974, Supreme Court Justice Thurgood Marshall, in his dissent from the *Milliken v. Bradley* decision, argued that a Detroit school desegregation remedy can and should be implemented on a metropolitan level.⁵ He said, “the metropolitan area is viewed as a single cohesive unit by its residents” who “participate in a wide variety of cooperative governmental ventures on a metropolitan-wide basis, including a metropolitan transit system, park authority, water and sewer system.”⁶ There was no good legal or moral reason why the education of children should not be treated with the same level of importance as parks, transit and sewers.

A great deal has been demonstrated and documented about the damages of maintaining racially segregated schools both to children and to our society. The arguments made by Kenneth and Mamie Clark in 1954 have held up over time and been validated by the unfortunate state of racial segregation that endures today in our education system. Congressman Bobby Scott, the powerful chairman of the House Committee on Education and Labor, recently asked, “How many children have been disadvantaged because of our failure to desegregate schools?”⁷

Like Detroit in 1974, most of our high-poverty, racially segregated districts cannot desegregate themselves because there is not enough diversity in most urban districts to achieve integration. The white flight to suburban school districts across the country over the last 40 years, unleashed in part by the *Milliken* decision, led to the sprawling, racially diverse, yet deeply segregated metropolitan regions most Americans now live in. If we are to achieve inclusive and integrated education now, we will have to do much of it on a regional level.

The good news is that unlike in 1974, today there are a very large number, in some places the largest number, of suburban school districts that have already achieved a level of diversity needed to achieve integration without intra-district remedies. This is important for building multi-racial leadership support among local officials, parents, teachers and students for a broader remedy that will require higher opportunity communities to make classroom desks available for students from the most racially segregated districts.

Communities and school district structures and sizes can differ considerably from region to region and in different parts of the country. Many districts appear diverse from the outside but are intensely segregated within their boundaries, while others are more inclusive but can experience extreme levels of racialized tracking and social discrimination that continues to drive a learning and performance gap. Despite these problems, thousands of middle class suburban school districts today better reflect the demographics of their region and realization of the *Brown* decision than their segregated urban or exclusionary ex-urban counterparts. For this reason they have become important places to focus our attention. They are places where integration can be achieved and where best practices for inclusion, diversity and learning can be experienced, developed, improved and exported.

⁵ *Milliken v. Bradley*, 418 U.S. 717 (1974) (Marshall, J., dissenting).

⁶ *Id.* at 804.

⁷ Valerie Strauss, *65 years after Supreme Court’s historic Brown v. Board of Education ruling: ‘We are right back where we started,’* THE WASHINGTON POST (Apr. 30, 2019), <https://www.washingtonpost.com/education/2019/04/30/years-after-supreme-courts-historic-brown-v-board-education-ruling-we-are-right-back-where-we-started/>.

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7. Don't let anyone off the hook.

The only way regional approaches to inclusion can work is if everyone participates. Myron Orfield says, “white people seem to always find a way to escape integration if they are given an option.” But when those options are closed off, when all municipalities and school districts have to do their part to share in the opportunity structure of the region, most people will support integration. And in time, regions become more stable, sustainable and prosperous. Diverse working class suburbs will resent any fix that leaves the wealthiest communities untouched. If factors of class (such as the relative tax capacity of towns and school districts and the medium income of the residents) are not considered in assigning responsibility for fair housing obligations or school integration goals, it will not seem fair because it will not be fair. And it will not work.

Conclusion

With all the criticism of the Trump Administration around race, somehow its full-throated, unapologetic support of apartheid in America seemed to get little attention.

The first night of the 2020 Republican National Convention (RNC) featured Mr. and Mrs. McCloskey, the gun-toting St. Louis couple who became martyrs to the new conservative movement and symbols of white resistance to “mob rule.”⁸ They greeted America from their stately but cozy living room in a palatial mansion in a gated subdivision. In the span of just four minutes, while making their case for four more years of Donald Trump as President, they effectively tied together in a single, concise narrative: (1) the virtues of exclusionary zoning, saying Democrats plan “to abolish the suburbs all-together by ending single-family home zoning” and “bring crime, lawlessness and low-quality apartments into thriving suburban neighborhoods;” (2) the expectation that a police officer should be able to kill to defend your exclusive neighborhood from “criminals” who “riot” and encourage “chaos” and “anarchy on our streets;” and (3) the “God-given right of every American to protect their homes and their families” with automatic weapons if zoning and police are not enough to stop the zoned-out elements of our society.⁹

But the RNC was not all a threatening vision of a violent and racist dystopia. Senator Tim Scott and every other African American speaker assigned to describe Trump’s Black agenda, touted the wonders of the “Opportunity Zones” to which every Black person should be overjoyed to be confined—apparently with a “choice” of a private charter school as one of the few acceptable ways out.¹⁰

But this vision of a society made up of Orwellian named “Zones” of containment and exclusion as a cover for segregation was not invented by Donald Trump, nor is it a concept confined to Republicans or conservatives. Former President Bill Clinton introduced the “Empowerment Zone” the same year he signed the 1994 Crime Bill and the bipartisan dismantling of “welfare as we know it.”¹¹ It was also the

⁸ Chris Smith, *McCloskey’s speak at Republican National Convention*, Fox 2 Now (Aug. 24, 2020), <https://fox2now.com/news/politics/mccloskeys-speak-at-republican-national-convention/>.

⁹ *Id.*

¹⁰ *Tim Scott, Black GOP senator, hails progress made in America on race in RNC speech*, ABC13 (Aug. 24, 2020), <https://abc13.com/6386669/>.

¹¹ *Background on the Clinton-Gore Administration’s Community Development Record*, CLINTON WHITE HOUSE ARCHIVES (Nov. 4, 1999), https://clintonwhitehouse4.archives.gov/WH/New/New_Markets_Nov/factsheets/comdevl.html#:~:text=The%20Clinton%20Administration%20has%20designated,%2C%20designated%20in%20January%2C%201999.&text=In%20FY2000%2C%20Rural%20Urban%20Empowerment%20Zones%20will%20receive%20%2470%20billion.

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same year that liberal Senator Barbara Mikulski (D-MD) moved to defund HUD’s Moving to Opportunity (MTO) housing program.¹²

What Trump is most guilty of is showing no hesitation in saying out loud what these zones of exclusion and zones of containment are really for, unlike most professional politicians. These zones are two sides of the same coin commemorating the post-civil rights bipartisan segregationist consensus that allows us to practice a stunning level of cognitive dissonance and to avoid doing anything about a reality that has been hiding in plain sight for generations. Perhaps we should be grateful to Mr. Trump and the McCloskeys for their candor because it allows us to see what needs to be done, and perhaps more importantly, what needs to be undone.

Specific Measures to Advance Principles

In keeping with the Summit’s conviction that civil rights problems are interrelated and interlocking, and must be addressed in concert by multi-agency efforts, they include topics related to housing, labor and employment, and schooling.

1. Promote Sustainable and Inclusive Regions

Make the new **Sustainable Communities Initiative** the **Sustainable and Inclusive Regions Initiative and Commission**. The new administration can establish a new regional initiative based on the experience of the Sustainable Communities Initiative (SCI) pilot project that builds on what worked and did not work in that program. Key differences are that the partnership includes the Department of Education and school desegregation goals and that it provides direction and guidance for *all* metro regions and is not simply a pilot project.

- a. Instead of a pilot project and competitive grant program, it should have universal application for all federally designated transportation authorities and metropolitan planning organizations in the United States.
- b. It should be guided by three priorities that are given equal weight and importance:
 - i. **Promote environmental sustainability** through cooperation and regional planning;
 - ii. **Reduce racial segregation and concentrated poverty** that drive racial and economic disparities in wealth and opportunity; and
 - iii. **Promote economic growth** and inclusive middle class expansion.
- c. It must include the entire metro region (which includes but is not limited to the central city) as defined by Metropolitan Statistical Area (MSA) or other designation that defines an economic region as a recognizable community of interests but that includes the entire *opportunity structure* of the region (its greatest assets and most significant challenges) together.

¹² Michael A. Fletcher, *Mikulski, Champion of Liberal Causes, Led Fight to Kill MTO*, THE BALTIMORE SUN (Sept. 25, 1994), <https://www.baltimoresun.com/news/bs-xpm-1994-09-25-1994268041-story.html>. The MTO pilot program was one of the very few times HUD attempted to reverse the damage they had done concentrating poverty in segregated ghettos. *Id.*

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- d. Must develop an **Opportunity Assessment** of the region that includes trends and demographics such as poverty, race, income, fiscal capacity of municipalities, housing, jobs and local zoning. Such an analysis also needs to include school districts including free and reduced lunch populations, fiscal capacity and educational outcomes. This Opportunity Analysis is used to produce an **Opportunity Map** of the metro region to be used for planning and for prioritization and allocation of federal investments.
- e. It must be an interagency commission, housed in one of the agencies, that must include HUD, Transportation, EPA and Education, and can and should interact, partner and coordinate with any relevant agency including Justice, Agriculture, Energy, Labor, Defense, GSA, Health and Human Services, and Commerce for the purposes of advancing the goals of inclusion, growth and sustainability.
- f. **Metropolitan Planning Organizations (MPO)**, which are currently required to help plan regional transportation infrastructure, should be expanded to support regional housing plans. Plans should include assigning fair-share housing need allocations across the regions based on a regional demographics housing need assessments and metropolitan opportunity indexing. MPOs should be authorized to disburse federal housing subsidies and other community development funds in accordance with regional housing plans.
- g. Federal guidelines and rules should encourage and incentivize regional bonding authority to pool together the borrowing power of multi-municipal partnerships for major regional infrastructure projects especially for transit, road and sewer, and stormwater projects.

2. Create Sustainable and Inclusive Jobs

The incoming administration’s proposed \$2 trillion **Build Back Better plan** and other federal infrastructure expenditures (including Transportation Reauthorization in 2021, the \$1.5 trillion **Moving Forward Act**) should direct all funding for roads, transit, rail, air, communication and water infrastructure **to be indexed** to support: (1) inclusive and good paying union jobs; (2) diverse middle class communities; and (3) regional planning and cooperation to promote environmental sustainability.

- a. The President should sign a new **Fair Employment Practices Committee (FEPC)** executive order that requires strong, measurable and enforceable fair hiring practices in all skilled building and construction trade jobs that are in any part funded by federal dollars. The order should specify goals and requirements for hiring from groups that have been historically discriminated against in the construction sector, particularly African Americans.
- b. All taxpayer-funded construction projects must mandate **Project Labor Agreements** that support prevailing wage standards that protect communities and workers from unscrupulous contractors and low-balling bids while protecting collective bargaining agreements between building trade unions and contractors.
- c. Congress and the President should support the **Pro Act** and other measures that strengthen, simplify (including those in the **Employee Free Choice Act (Card Check)**), protect and expand the right to organize and to bargain collectively in all industries.

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- d. Federal funding for transportation and water infrastructure in the **Transportation Reauthorization and Water Resources Development Act** and the **Clean Water State Revolving Fund (CWSRF)** should be indexed to prioritize communities and school districts that: (1) are compliant with the 1968 Fair Housing Act and school integration laws; (2) demonstrate a need based on density and/or limited fiscal capacity; (3) can demonstrate progress or trends toward reflecting the economic and racial demographics of their region or MSA; and (4) are participants in a regional plan that includes sustainability, fair housing and school integration goals.
- e. Federal stimulus funding to states to support municipalities, school districts and counties (and other public sector jurisdictions) should also be prioritized based on the above sustainability and inclusion goals, as well as their support for collective bargaining and living wage standards.

3. Institute Universal Housing Choice

Lower-income Americans should not have to wait years or navigate a maze of bureaucratic red tape to access housing opportunity. The **Housing Choice Voucher program** needs major reforms.

- a. Housing Choice Vouchers should be fully funded and made an entitlement like other social insurance programs, eliminating all waitlists and ensuring any family that needs a voucher can receive one.
- b. The **Small Area Fair Market Rent (SAFMR) program** should be expanded by statute nationwide. **SAFMR** tailors voucher limits to an area’s real housing costs, making it easier for families to use vouchers in affluent areas while limiting the incentive to price-gouge voucher recipients in lower-income neighborhoods.
- c. Source-of-income protections should be instituted nationwide. Landlords should not be permitted to turn away low-income families simply because they intend to pay rent with a voucher.
- d. Voucher administration should be simplified and regionalized. Currently, vouchers are often awarded by public housing authorities with a restricted, single-city jurisdiction. Using a voucher outside an agency’s jurisdiction (“porting”) can involve navigating complex bureaucracy, restricting housing choices to a limited geographic area. Vouchers should be distributed on a regional basis, and housing authorities should be required by statute to standardize their porting policies, ensuring a family can use a voucher wherever they can find a home.
- e. Additional funding should be required to ensure that housing counseling and other forms of ongoing mobility support are provided alongside housing vouchers. Research and practitioner experience has consistently shown that families are able to best use housing vouchers when they receive ongoing assistance on housing selection.

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4. Prevent Private-Market Discrimination And Segregation

The vast majority of American housing is private and unsubsidized.¹³ For decades, the private real estate industry has helped worsen segregation through practices like mortgage lending discrimination, steering and redlining. Worse still, localities often intensify the problem with exclusionary zoning and other segregative land use laws.

- a. More funding should be provided for fair housing testing and oversight. While the process of testing for housing discrimination using undercover investigators is well-understood, little funding exists for this important tool. Moreover, federal agencies lack sufficient resources to quickly resolve discrimination complaints, protecting violators.
- b. The **Affirmatively Furthering Fair Housing (AFFH) rule** and the **Disparate Impact rule**, both undermined by the Trump administration, should be restored in statute. Current exclusions for the **Disparate Impact rule** envisioned by the Trump administration should be barred by statute. The **AFFH rule** should be strengthened, with a restatement of Congress’s original integrative intent for the **Fair Housing Act**.
- c. The holding of *Texas Department of Housing and Community Affairs v. Inclusive Communities Project* should be reaffirmed by codification in law, including a statement that federal housing funding is intended to be used to provide high-opportunity housing for residents, not to spur economic development unrelated to housing.¹⁴
- d. Congress should require HUD, the Consumer Financial Protection Bureau, and the Department of Justice to collaborate in order to combat mortgage lending discrimination and other discriminatory real estate financial practices.

5. Construct Inclusive Affordable Housing

At present, subsidized housing is often concentrated in areas with limited economic opportunity, worsening segregation.

- a. Congress should clarify that all fair housing rules apply to all sources of affordable housing funding, including **Low-Income Housing Tax Credits**, currently administered by the IRS and state agencies.
- b. Congress should expand the **Housing Trust Fund program** with additional funding, while implementing siting criteria that prioritize high-opportunity neighborhoods.
- c. Public housing capital funding should be provided to rehabilitate existing public housing units. New public or social housing should be funded, with a mandate that new construction be sited in high-opportunity areas.
- d. Public housing and federally subsidized low income housing must be built and maintained using fair labor practices and standards including project labor agreements and prevailing wage standards.

¹³ Eric Muschler, *Exploring Unsubsidized Affordable Housing*, PD&R EDGE, https://www.huduser.gov/portal/pdredge/pdr_edge_trending_022315.html (last visited Jan. 13, 2021).

¹⁴ *Texas Dept of Housing and Community Affairs v. Inclusive Communities*, 576 U.S. 519 (2015) (holding that disparate-impact claims are cognizable under the Fair Housing Act).

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6. Integrate K-12 Education

School segregation is increasing, while American K-12 students rapidly become more diverse. The federal government has largely abandoned its traditional role of safeguarding the right of schoolchildren to attend integrated schools.

- a. Congress should pass currently proposed legislation providing a variety of financial and technical support for school desegregation, including the **Strength in Diversity Act**, which authorizes competitive grants to support school diversity programs; greater funding for **Equity Assistance Centers**, which provide technical assistance to schools attempt to provide equitable educational opportunity; and other programs to support integration efforts, the National Coalition on School Diversity’s proposed **Equal Educational Access program**, which funds regional interdistrict integration programs.
- b. Congress should prioritize all fiscal support for school integration for regional and inter-district integration efforts. In the 21st century, school segregation occurs more frequently between neighboring school districts than within individual districts. As a result, district-level support for integration has a limited return on investment. Congress should incentivize, or even mandate, the formation of regional plans, agreements and compacts that allow for integration of students across district boundaries.
- c. At present, the **Title I funding formula** provides greater federal support for schools with higher concentrations of poverty, potentially incentivizing segregation. The **Title I formula** should be modified to remove any plausible segregative incentive.
- d. Magnet schools are a proven method of creating racially integrated K-12 learning environments, when operated according to best practices and sufficiently funded.¹⁵ The Department of Education’s **Magnet School Assistance Program** should receive a substantial funding increase, and that funding should be restricted to magnet schools that successfully maintain demographic balance.
- e. A significant recent trend is “district secession,” where wealthier and whiter enclaves of diverse school districts break away and reconstitute as an effectively all-white district. Congress should institute a federal preclearance process for district secession, in which breakaway districts must receive prior approval, and certify the absence of segregative impacts, in order to continue to receive federal funds post-secession.
- f. The federal charter school grant program should be modified to prioritize funding for charters that maintain a balanced student body within an acceptable demographic band. In most states, charter schools are significantly more racially segregated than K-12 public schools.
- g. Additional funding should be provided to support the Department of Education’s **Civil Rights Data Collection department**, in order to maintain accurate demographic data about K-12 schools, as well as about ongoing and historic integration efforts within

¹⁵ HAROLD HINDS, DRAWN TO SUCCESS: HOW DO INTEGRATED MAGNET SCHOOLS WORK? 2 (RIDES ed., 2017), https://rides.gse.harvard.edu/files/gse-rides/files/rides_-_drawn_to_success_how_do_integrated_magnet_schools_work.pdf.

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those schools. This data assists with other federal supportive programs, as well as local civil rights remedies.

- h. Congress should provide additional funding to the **Department of Justice** for educational civil rights investigations focused on school segregation. Court orders and compliance agreements have proven one of the most effective devices for creating and maintaining effective integration plans.

Supporting Documents

[Building One America’s 2009 Recommendations to Obama Administration on Sustainable Communities Initiative co-presented by PRRAC.](#)

[What Would a New Kerner Commission Conclude Today? PAUL A. JARGOWSKY](#)

[The National Fair Housing Alliance A Map for the Biden Administration and the 117th Congress](#)

[National Education Policy Center, An Agenda for Restoring Civil Rights in K-12 Federal Education Policy](#)

[10 WAYS THE BIDEN/HARRIS ADMINISTRATION CAN PRIORITIZE SCHOOL INTEGRATION IN ITS FIRST 100 DAYS – The National Coalition on School Diversity.](#)

[Reviving and Improving HUD’s Affirmatively Furthering Fair Housing Regulation: A Practice-Based Roadmap](#)

[Community Classification and 111th U.S. Congressional Districts NE Ohio Cleveland Metro Region \(to be updated\)](#)

[A Blueprint for Racial Healing in the Biden Era by Sheryll Cashin](#)

[H.R. 2, the Moving Forward Act](#)

[The Protecting the Right to Organize \(PRO\) Act](#)

[An Economic Fair Housing Act - Richard D. Kahlenberg](#)