

Searching for a “Sound Negro Policy”: A Racial Agenda for the Housing Acts of 1949 and 1954

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Abstract

The Housing Acts of 1949 and 1954 provided the foundation for slum clearance and urban renewal. Despite efforts to finesse the issue, race remained central to the formation and implementation of public policy. The Racial Relations Service (RRS), an institutional remnant of the New Deal, tried unsuccessfully to prevent local authorities from using the new federal resources to reinforce existing “ghettos.” Searching for a “sound Negro policy,” the RRS warned housing officials against pursuing such a course and offered bureaucratic resistance to individual projects deemed inimical to minority interests.

The coincidence of demographic and political change in the 1950s, the subsequent dismantling of the RRS, the reaction to the Supreme Court’s decision in *Brown v. Board of Education*, and the passage of the Housing Act of 1954 all contributed to the use of urban renewal to create and sustain racially separate neighborhoods even as the civil rights movement gained momentum.

Keywords: Discrimination; Federal; Policy

Introduction

The long-awaited passage of the Housing Act of 1949 provided a spark of optimism within the aging, decaying cities of postwar America. In Chicago, Ira J. Bach, director of the Chicago Land Clearance Commission (CLCC), excitedly wrote to Raymond M. Foley, administrator of the Housing and Home Finance Agency (HHFA) in Washington, DC. The Illinois state legislature, Bach informed Foley, had amended existing state law in anticipation of congressional action. Now authorized to enter into contracts for federal loans and grants, the CLCC hoped to garner financial support for an ongoing locally funded project and stood ready to “accelerate and expand” its redevelopment program under the slum clearance provisions of Title I of the new law. “You will pardon our pride in the fact that the city of Chicago is furthest along in its plans and activities,” Bach concluded, “so that at least in our minds there is no question...that we will be the first city in the country eligible for a grant contract” (Bach 1949).

Hope also reigned supreme in the South Side offices of the *Chicago Defender*, the institutionalized voice of the city’s African-American community. Noting the passage of earlier bond issues, the *Defender*

trumpeted the fact that bulging city and state coffers already had resources in place to match freshly advertised federal revenues (“Government Provides 100 Million” 1949). Indeed, in late August, when the city received a grant and authorization to build 21,000 low-rent units over the next two years, the newspaper rejoiced. Residents in Chicago’s congested ghettos “breathed a sigh of relief,” the paper reported, and believed they had received “assurance[s] of decent and sorely needed housing” (“U.S. OKs Housing Plan” 1949). Keenly aware of the deplorable housing conditions that precipitated the receipt of some 1,000 despairing letters a week, the *Defender’s* editors believed they had reason to expect substantive assistance, particularly from the provision of public housing as called for in Title III of the act (“Housing Action Demanded by Irate Tenants” 1949).

A good deal of honest confusion, however—or at least ambiguity—accompanied the heightened expectations. Looking at the nation’s great cities, Illinois’s liberal freshman, Senator Paul H. Douglas, proclaimed that “this bill should do more for the people of this country than virtually any measure of which I know” (1949a). Douglas realized, though, that major difficulties would attend implementation. A demographic revolution that carried nearly 5 million African Americans out of the South and into the cores of northern cities between 1940 and 1970, a severe housing shortage that not only survived but deepened during the Great Depression and World War II, and an era of explosive suburban growth that fueled both an economic boom and a massive migration of whites to the urban fringe had to raise, the senator believed, unresolved, fundamental questions.

On the one hand, Douglas understood that the largely minority “slum dwellers” who would be “displaced” by demolition needed—under present conditions—to be rehoused “on the outskirts of the cities.” Redevelopment plans that called for “the housing of higher income groups” in former “slum areas” made this imperative, the senator acknowledged in a public speech (Douglas 1949a). On the other hand, the bitter opposition of realtors, developers, and an emergent white homeownership class, virtually precluded such a diversion of outlying vacant land. The result was that Douglas, in a private communication to Raymond M. Foley, reminded the HHFA administrator that “his primary obligation is to clear the slums under Title I.” In so doing, the senator advised, “the acquisition of open sites for development purposes should be at all times subordinate” to that mandated duty (1949b). Foley agreed “unequivocally” with Douglas’s formulation, even going so far as to write that the development of vacant land “while essential to the effective execution of slum clearance programs, is subordinate and supplementary to the basic purpose of slum clearance” (1949). Neither mentioned the race issue, but, then, neither had to; Douglas’s Chicago experience and Foley’s wartime stint as Federal Housing Administration (FHA) director in Michigan had acquainted both of them with

the explosive tensions generated by territorial and housing conflicts. How one could “subordinate” an “essential” element to an “effective” program remained to be seen.

It did not take long for the racial issues tied to redevelopment and relocation to manifest themselves. By the early 1950s, George B. Nesbitt, an official attached to the HHFA’s Racial Relations Service (RRS), warned prophetically that “the way in which these programs are conceived and carried out will...largely determine the physical framework” and “socio-psychological atmosphere” within which the civil rights struggle would be played out. If officials simply tried to avoid racial problems or deal with them on a case-by-case basis, he admonished, they would only “arise again, sharply and stubbornly.” He knew that the “bitter displacement experiences of racial minority groups” had already revealed that “most communities are disposed rather to retain and extend residential segregation patterns than to seek their abandonment....[L]ocal officials are likely not only to overlook constructive approaches which are permissible, but even to attempt evasion of mandatory requirements” intended as safeguards. It was, he ruefully concluded, a repudiation of the opportunity that existed to use public powers and funds to “encourage the production of housing free of racial restrictions” (Nesbitt 1952).

Nesbitt had one final word that seemed to be penned expressly for the senator and the housing administrator. He, as well as they, recognized the complexity of the dilemma urban redevelopment posed for the nation, and he remained convinced that “despite the awesomeness of its racial implications, the advancing sweep of the process cannot be stayed” (Nesbitt 1952). Unlike Douglas and Foley, however, he did not try to finesse the issue by prioritizing it out of existence. There was, he concluded, “no greater problem” facing those concerned with race relations and, consequently, no way to subordinate race in the course of slum clearance, relocation, and public housing construction. It would have to be confronted explicitly in selecting policies that would cement a racial accommodation for the next generation. Neither the hopes of the CLCC nor those of the editors of the *Defender* would alter that fact, and the best intentions of Douglas and Foley could not overcome it.

The Racial Relations Service and early housing policy

Nesbitt’s representations on behalf of the RRS indicated not just a willingness but an earnest desire to place race at the center of the postwar housing policy debate. In staking out that position, the RRS both built on and departed from its early New Deal role. The service’s roots could be found in a series of conferences held in 1932–33 that emphasized the growing importance of federal programs in meeting

the crisis posed by the Great Depression and the need for specific measures to protect, if not advance, African-American interests. One such conclave, a meeting on the "Economic Status of the Negro" sponsored by the Julius Rosenwald Foundation, recommended the appointment within the government of a special adviser on racial matters. Secretary of the Interior Harold L. Ickes proved amenable to the suggestion but initially selected a white, Clark Foreman, for the job. Within a year, Foreman's assistant, Dr. Robert C. Weaver, an African-American, Harvard-trained economist, emerged as the secretary's key "Adviser on Negro Affairs." His role, as originally conceived, involved the "protection" of not only minority interests, but—through attentiveness to racial concerns and good public relations—also those of the housing agencies and the federal government itself (Kirby 1980; U.S. Public Housing Administration [PHA] 1954). Formally titled a consultant to the housing division of Ickes's Public Works Administration (PWA), Weaver found a home in the newly created United States Housing Authority (USHA) after the passage of the Housing Act of 1937.

The USHA took over not only the PWA's projects and personnel, but its racial policies as well. In so doing, the USHA wedded itself to the goal of achieving racial "equity." Segregation initially proved a nonissue, as the PWA's "neighborhood composition guideline" dictated site- and tenant-selection practices. No new project would be permitted to alter the racial makeup of its surrounding community. After its creation, the USHA entrusted such matters to local authorities with the same practical effect. Instead, the concept of racial equity addressed other concerns. Anchored in the notion that African Americans, as citizens and taxpayers, should receive a "fair share" of the benefits bestowed by the federal government, it became PWA policy to furnish public housing to African Americans in accord with their numbers and needs; and, in fact, by 1940 they occupied more than one-third of the units built by the agency. Similarly, Ickes and Weaver believed that African Americans should participate in the planning, development, and management of projects, particularly those to be occupied by African-American tenants. The secretary also inserted a nondiscrimination clause into every PWA contract to guarantee black access to a fair share of the construction jobs flowing out of this Depression-era program. In the latter case, Weaver helped devise an enforceable labor quota that placed the burden of proof on employers rather than the government. An Office on Racial Relations within the USHA oversaw the transition and implementation of such policies. Finally, as head of that office and Special Assistant to the USHA administrator, Weaver selected a committed staff. Most notably, Corienne Robinson (later Corienne Morrow) left her PWA post to become Weaver's assistant, and New York-born Dr. Frank S. Horne became Weaver's lieutenant following a stint in the Division of Negro Affairs of the National Youth Administration (Kirby 1980; PHA 1954).

The USHA and Weaver, however, did not simply reinstitutionalize the PWA concept of racial equity. The 1938 directive defining the role of the agency's special assistant on racial relations manifestly, if vaguely, hinted at more than the acquisition of a fair share of federal benefits. Among other enumerated duties, the USHA charged the special assistant with clearing correspondence and reviewing proposed projects to make certain they were "satisfactory in terms of a sound Negro policy." That Weaver conceived of a "sound Negro policy" in a way that went beyond nondiscrimination in hiring or the proportionate allocation of housing units became clear when he recommended basic guidelines for the agency's program. Indeed, in a detailed 1940 memorandum, he staked out new ground when he stated unequivocally that "public housing should not be used to extend residential segregation." Tenacious resistance by white neighborhoods and local governments, however, not to mention organizational and staffing problems within the RRS (regional offices with the authority to approve projects were set up without racial relations personnel) and a lack of enthusiasm among the HHFA's leadership, prevented the adoption of Weaver's suggested policy. His departure from the USHA shortly thereafter left his successor, Frank Horne, to endure the same rejection during the wartime crisis. Sharp and overwhelming political opposition (including the occasional outburst of threatened or actual violence) attended virtually every effort to provide emergency African-American war housing on outlying vacant land (PHA 1954).

The consolidation of the nation's myriad housing agencies under the umbrella of the new HHFA in the summer of 1947 set the stage for the postwar redevelopment program. For its part, the RRS fended off a bevy of political enemies during the reorganization and survived to pursue its agenda—if barely. Its budget and ranks slashed, the service found its surviving officials assigned to the Office of the Administrator (OA) of the HHFA, the PHA, and the FHA. Horne, however, as racial relations adviser to the OA, occupied a slot in the central office that now offered oversight of *all* the nation's housing programs, not just public housing. Such a position meant that Horne and the RRS had at least a theoretical opportunity to influence broad policy; employing remarkably strong and blunt rhetoric—the tone and substance of which seem almost out of place in the pre-civil rights era—they served as the HHFA's racial conscience and held an often unflattering (but revealing) mirror up to the government's housing hierarchy. It was from that new, lofty perch that Horne and his colleagues examined the legislative proposals for slum clearance and redevelopment in 1949—and they did so (as Weaver had earlier) with an expansive notion of what constituted "sound Negro policy" (PHA 1954).

A month before the passage of the housing act, Horne detailed the grave dangers posed by the proposed bill in a lengthy memorandum to HHFA Administrator Foley on the "Racial Implications of Title I of

the Housing Act of 1949.” He indicated at the outset that the legislation had been the subject of discussion among race relations staff for “more than a year” and that they remained “very much concerned” by troubling differences that separated the emergent policy from “the views and experience” of his office. If the act’s framers, proponents, and later academic analysts tended to downplay or look past the racial issues inextricably tied to the problems of “blight” and “slum clearance,” the RRS did not hesitate to send up early warning signals as debate on its provisions proceeded (Gelfand 1975; Horne 1949).

The problems, Horne believed, were not insurmountable. The HHFA needed only to face facts and “boldly” establish “policy and procedures that reflect at once sound and modern housing and civil rights principles.” Examining local programs then under way, Horne had sharp words for New York’s Stuyvesant Town project, Chicago’s attempt to rehabilitate its South Side Black Belt, and early slum clearance efforts in Washington, DC. He charged that such exercises in urban revitalization, negative examples all, had been “perverted” by their “failure to face squarely the racial considerations involved.” Each had subsequently generated resistance and charges of “Negro clearance” as demolition uprooted established communities. Even worse, particularly in the case of Stuyvesant Town, state power and money had been used to construct a development that first displaced, and then banned, African Americans.

Collectively, such measures led Horne to insist that “human and civil rights considerations” needed to be moved “from the fringes into the very core” of HHFA policy determinations. Such priorities in the federally administered program, Horne claimed, would be entirely consistent with the theory behind the housing act (which expressed “national concern for the debilitating effects...of slum living”) and Administrator Foley’s public wish that “the Federal Government...make no compromise with the basic civil rights of its citizens.” However much he took heart from Foley’s idealistic expressions, though, the racial relations adviser nevertheless trembled at the dangers still lurking in the act’s fine print (Horne 1949).¹

As far as Horne was concerned, none of the bill’s reputed legal safeguards

preclude[d] the possibility of Federal funds and powers being utilized by localities to clear entire neighborhoods, change the location of entire population groups and crystallize patterns of racial or nationalistic separation by allowing private developers—for whose benefit the legislation is primarily drawn—to prohibit occupancy in new developments merely on the basis of race. (Horne 1949)

¹ For more about redevelopment in Chicago, Washington, DC, and New York, see Gillette (1995), Hamilton (1991), and Hirsch (1983).

The HHFA might be legitimately charged, he warned, of using “Federal funds and powers to harden into brick and mortar the racially restrictive practices of private real estate and lending operations.” As Horne framed it for his bureaucratic superiors, “The central issue is whether racial discrimination...is to be sanctioned in a program...which depends on *public* funds and powers as well as on private investment” (1949).

Clearly, the “sound Negro policy” and “sound and modern housing and civil rights principles” envisioned by the RRS in 1949 went far beyond notions of mere “equity,” and, in fact, Horne’s memo included an explicit rejection of any attempt to “enforce residential segregation through state action.” The legislative and judicial branches of government, he noted, had already had their powers to impose such segregation clipped by the U.S. Supreme Court. Citing the decisions that outlawed racial zoning ordinances (*Buchanan v. Warley*, 1917) and rendered racially restrictive covenants unenforceable in the courts (*Shelley v. Kraemer*, 1948), Horne reasoned that “the administrative branch of government” was also “subject to these judicial rulings” and could not therefore “aid and abet any locally enforced restrictions upon the ownership or occupancy of real property based upon race or color.” Seeking exemption from the still regnant constitutional doctrine embodied in *Plessy v. Ferguson*, Horne argued further that “residential segregation must be regarded quite differently” from the realms of education or public accommodations where, theoretically, “separate but equal” services were possible. “[N]o two residential districts are equal,” he asserted. The “denial of a right to purchase or occupy property is an injury that is not redressed merely by the opportunity to exercise that right elsewhere” (Horne 1949).

Horne concluded his jeremiad with a list of principles that he wished to see govern the redevelopment program. First, he called for the humane treatment of those to be displaced and the provision of more than lip service to their relocation needs. Second, each contract let by the government needed to be “contingent upon [a] firm and explicit agreement,” he wrote, that all land assembled through “the use of Federal funds or powers” would remain free of racial restrictions. And third, exhibiting a continuing concern for fairness, Horne hoped that each city’s “total redevelopment plan” would “adequately and equitably” embrace the needs “of all population elements of the community.”

As for the implementation of such principles in the face of foreseeably powerful local opposition, Horne believed that the federal government could exercise irresistible financial leverage. Budget realities would limit the scope of initial efforts, he informed the administrator, providing the opportunity to produce “a ‘model’ program in housing and racial relations on a basis both legally and morally unassailable.” The “small number of cities ready to participate” simply meant, for Horne, that there was “less reason than ever to justify compromise on racial

considerations for the ‘larger interests’ of a national program.” In his hopes, concerns, and prescriptions, then, the racial relations adviser exposed both the limitations and the potential of the housing act then pending before Congress (Horne 1949). More, he had lectured and hectored his white bureaucratic colleagues in his call for equal rights; and by using “moral unassailability” as a measuring stick for policy, he raised concerns and used language that seemed alien to their everyday experience.

In an attempt to convene a meeting between the administrator and HHFA staff to consider his proposals, Horne wrote his memorandum just weeks before the final passage of the Housing Act of 1949. RRS officials reported that their approach elicited “sympathetic understanding and general acceptance” from those working on redevelopment policy and procedures, but had to admit that “the lack of guiding principles on [the] legal and civil rights issues involved preclude[d] fundamental agreement.” An ardent advocate, Horne tried to force the agency to engage and explicitly link racial and urban affairs; he fairly shouted on behalf of his colleagues that “these issues constitute questions of major policy” (1949). To ignore them—or consciously evade them—courted disaster.

Open discussions of race, however, attended not Title I debates over redevelopment, but rather Title III’s support for an unprecedentedly large public housing program. Moreover, that discussion emanated from the political right, not the left, and from the bill’s opposition, not its supporters. In its final form, the Housing Act of 1949 called for the construction of 810,000 units of public housing, provoking consternation and determined opposition from developers and the real estate lobby. Republican senators John Bricker of Ohio and Harry P. Cain of Washington, implacable foes of public housing, unabashedly injected the race issue into congressional debate over the bill in an attempt to derail it. The Bricker-Cain amendment called for a flat prohibition on segregation and reflected the sponsors’ calculation that its adoption would strip away vital southern support. Indeed, Democrat Allen Ellender of Louisiana, who pioneered the housing bill, vowed to vote against it should the amendment be passed. Liberal Paul Douglas candidly acknowledged it as the “death knell” of slum clearance and redevelopment, and Democratic majority leader Scott Lucas of Illinois similarly denounced the brazen attempt to “kill” the program. “The people who are for civil rights and housing are not going to be fooled by it,” Lucas declared (Davies 1966, 1993; “Housing Bill Fight” 1949; “Big Housing Bill” 1949).

If not fooled by the proposal, however, the principled opponents of segregation were considerably discomfited by it. Douglas knew that many of those voting in favor of the Bricker-Cain amendment “were individuals not usually considered sympathetic to the civil rights pro-

gram.” And in the end, the senator from Illinois had to choose between a ban on segregation and the housing bill—he could not have both. It was with a “heavy heart” (and only after more than 12 hours of occasionally raucous debate) that he “and other Northern Republicans and Democratic liberals” made their priorities explicit and decided to “choose housing” (“Big Housing Bill” 1949).

Much more than a failed attempt to defeat a single piece of legislation, the debate over the Bricker-Cain amendment had a powerful, lasting impact on the nation’s housing agencies and programs. Sensing the danger, reluctant opponents of the measure, as well as the RRS, tried to inoculate themselves against the arguments they knew would be forthcoming. Racial relations advisers quickly asserted that the “debate in the Senate was not on the merits of...racial segregation.” Rather, they wrote, “The issue debated was whether or not the legislation would pass if the Cain-Bricker anti-segregation public housing amendment were attached.” And when, in the midst of that debate, one senator suggested that rejecting the prohibition would “be at least an implication, if not a direct indication, that the Senate...condones and approves segregation,” he was dismissed out of hand. No such inference should be drawn, Douglas insisted. Those who opposed the amendment simply decided that the production of housing was “the most important thing” (Nesbitt n.d.).

The protests—though prescient—were to no avail. Within months, high PHA officials made clear their refusal to require nonsegregation in federally supported projects. Falling back on the principles of local control and racial equity, the agency’s first assistant commissioner declared that the distribution of “low-income tenants” would be “left to local determination so long as equitable provision is made for all races.” In examining the sources for this policy, RRS staffers pointed a finger at the Senate’s rejection of Bricker-Cain. “PHA felt it could not do, by its regulations,” they wrote, “what Congress did not see fit to do by legislation” (1954). It was an argument that would be made with great frequency and force in coming years.

The Housing Act of 1949

The passage of the housing act in the summer of 1949 found a number of cities already engaged—under municipal and state laws—in slum clearance, redevelopment, and public housing programs. As Ira Bach’s eager missive to Administrator Foley indicated, they stood ready to enlist federal support for local initiatives already under way. This sequence of events proved crucial in establishing the parameters of Washington’s influence and defining the character of the federal effort. First, it quickly became abundantly clear that the national government could not arrogate unto itself the right to grant prior approval to plans

that were already being implemented. HHFA could, in theory, reject questionable applications for aid, but political pressures (including, but not limited to, the administration's desire to make the program work, the calls for cash coming from heavily Democratic city halls, and the real distress of the American people and their need for more and better housing) meant that, in reality, the bureaucrats in the central government had only a marginal ability to alter plans or compel revisions. Second, because housing agencies had to swing into action instantly following enactment of the new law, they experienced considerable confusion and delay in the ad hoc development of policies and procedures. HHFA's creation of a new unit, the Division of Slum Clearance and Urban Redevelopment (DSCUR), proved less an answer to such administrative difficulties than a venue within which they were played out. Finally, the preexistence of municipal plans and the embryonic nature of federal institutions and practices conspired to reinforce a deference to localism that was both traditional and the product of the moment. Dominant in the federal housing effort since the creation of the USHA and strengthened in the wake of the defeat of the Bricker-Cain amendment, a fierce devotion to local control proved more than a match for the financial club potentially wielded in Washington.

In March 1950, George B. Nesbitt drafted a memorandum on the "Basic Approaches to Racial Considerations" and sent it to DSCUR Director Nathaniel S. Keith on behalf of the RRS. Attempting at once to define first principles and influence policy, Nesbitt wrote that "[r]acial considerations must be brought into the foreground." The RRS hoped that ideally such issues would "emerge...as local officials present[ed] their thinking and planning." However, "if this does not happen," Nesbitt warned in anticipation of bureaucratic conflict, "then the Federal official must see that they come into the foreground." Also, "delicate" considerations demanded "open and frank treatment" early in the planning process, he wrote; and the reflexive resort to expediency would only create a program "beset with controversy," he admonished prophetically. In the end, the RRS advised DSCUR, the agency needed to employ a "positive approach" that went beyond traditional notions of equity in racial affairs. Neither "Negro clearance" nor segregation could be countenanced in a program that pretended to afford African Americans the same rights as whites (Nesbitt n.d., 1950a).

DSCUR hardly picked up the RRS recommendations as a cause célèbre. Indeed, by midsummer, Nesbitt noted that he was "not yet aware of any disposition" of his early March memorandum. And it was late autumn before Frank Horne reviewed DSCUR's "preliminary statement" on "The General Community Plan," intended as a guide for localities contemplating Title I projects. Such a statement seemed

imperative to Horne because the intervening months produced nothing more than a spate of local proposals driven by the evident desire to exercise “arbitrary control” over “normal population movements.” Such programs led him to comment disdainfully on the “piecemeal or project” approach to redevelopment that put forth plans “distorted by pre-conceived notions of where certain economic and racial groups should or should not live.” He hoped that the call for “total community planning” would lift “the sights of most local public agencies.”

Using the act’s Declaration of National Housing Policy in a way never intended by its framers, Horne argued disingenuously that DSCUR had to insist on “sound community planning” to produce the “well-planned, integrated, residential neighborhoods” mandated by the 1949 law. He deliberately racialized the context of that legal charge, despite his firsthand knowledge, as he put it, that “nobody meant integrated by race when they wrote that into the Act. They meant integrated economically or integrated by kinds of housing.” His transmutation of “sound Negro policy” into “sound community planning” and rhetorical gamesmanship reflected his desperation in trying to establish the primacy of the national government in what he saw as an increasingly flawed redevelopment process. “We are becoming convinced,” he concluded, “that the energetic and skillful application of objective community planning requirements by HHFA officials can do more to avert the rise of racial problems and to insure effectuation of sound racial policy than any other one device” (Horne 1950c; New York State Committee on Discrimination in Housing 1950).

It remained for the RRS to make its philosophical predilections operational—if it could. Even as the service hammered out its recommendations, Horne lamented the fact that “organizational and budgetary considerations” prevented the anticipated addition of a “full time experienced racial relations adviser” to the DSCUR director’s immediate staff. Instead, that proposed office’s responsibilities devolved on Horne and the RRS staff attached to the HHFA administrator, despite Horne’s complaint that the DSCUR, to that point, had never “fully utilized” the “extended and intimate experience of the personnel” assigned to his office. He subsequently informed Director Keith, with notable bravado, that “I, as head of the Racial Relations Service, will act as your prime ‘Racial Relations Adviser’ in a similar manner as I would if I were immediately on your staff.” Horne then proceeded to enumerate “the major areas of activity” in which he sought “specific and integral participation.” They included the establishment of policy and procedures, review of agency guidelines and project applications, and direct discussions with DSCUR field agents and local representatives. Within a year, Keith developed a plan—perhaps defensively—to hire his own adviser as well as add “racial relations-relocation” personnel to the staffs of his four area supervisors. He could not, in short,

avoid getting an earful of advice on racial matters, nor could he claim ignorance of the racial implications and consequences of his agency's actions. But RRS success in trying to develop a "sound Negro policy" that pushed beyond the old concept of equity proved elusive (Horne 1950a, 1951c).

Implementation in the North: Chicago

Two of the more notable early redevelopment efforts—in Chicago and Baltimore—posed crises for DSCUR and revealed the grave complexities that arose from the juxtaposition of race and urban revitalization. In Chicago, a northern city poised on the edge of its postwar demographic revolution faced a war-swollen African-American population in desperate need of more and better housing. Both Title I and Title III programs there displayed unmistakable evidence of political and racial manipulation, confirming by late 1951 the dominance of a race-driven local agenda over federal policy. In Baltimore, a southern city sought to use the new national tools to implement a traditional vision of a segregated city. Dusting off plans formulated during the height of the Jim Crow era, Baltimore's first project with federal assistance assaulted African-American interests on every level and—with its Chicago counterpart—contributed directly to the increasing separation of the races in those cities.

Redevelopment Project No. 1 on Chicago's near South Side, also known as the Lake Meadows development, occupied a 101-acre site that previously housed some 3,600 African-American families. About 900 of them proved eligible for public housing; the 2,700 who did not had to find accommodations in the private market during a time of desperate shortage. Started under state law, the relocation of site residents was well under way before Title I's requirement of a "decent, safe, and sanitary" dwelling for each displaced family became effective. The CLCC explicitly disavowed any legal obligation to help with relocation, but ultimately did so by mining the African-American neighborhoods adjacent to the project site while studiously avoiding white residential districts. The CLCC subsequently relied heavily on the racial transition of nearby neighborhoods and—implicitly—on the extension of segregated, all-black residential patterns to furnish the requisite number of relocation units. To the extent that such transitional areas quickly became "saturated" and overcrowded with displacees, the CLCC's burden became lighter. The illegal conversions and deteriorating housing conditions that accompanied that process, however, proved major concerns for the DSCUR. Before approving the city's redevelopment/relocation plan, therefore, the agency, in Director Keith's words, had to "impose the standards of Title I on an existing operation which did not in all respects comply with those standards" (Hirsch 1983; Keith 1952).

Similarly, the Title III public housing assistance made available by the Housing Act of 1949 trailed in the wake of a long, bitter political struggle that saw the Chicago City Council assert its power over the Chicago Housing Authority (CHA). In November 1949, when the CHA proposed a 12,000-unit program and a list of potential sites that included several on outlying vacant land, the council rejected it summarily and devised its own proposal. The so-called city hall plan called for 11,550 to 15,050 public housing units, of which no more than 2,100 were to be built on vacant land. A total of 11,126 families would have to be relocated off inner-city sites; of these, 9,042 (81.3 percent) were African American—and nearly 6,000 of them, ineligible for public housing, were tossed onto the private market (Hirsch 1983; Meyerson and Banfield 1955; Nesbitt 1950b).

Taken together, the Chicago programs under Titles I and III of the Housing Act of 1949 displayed not only an irresponsible callousness toward the city's African Americans, but also an unarticulated "Negro policy" quite at odds with the desires of the RRS and outside critics. George Nesbitt's field trip in the summer of 1950 brought forth a litany of local complaints. The city hall public housing proposal drew particular fire as being "too heavily a slum clearance program" that generated "a near insurmountable relocation problem." The designated inner-city sites not only displaced African Americans "to a degree smacking of 'Negro clearance' but at the same time buttresse[d] up existing patterns of segregation," Nesbitt reported. The Chicago branch of the National Association for the Advancement of Colored People (NAACP) concluded that the proposals were "improper and vicious in that they seek to maintain and impose a ghetto pattern of segregation" and, in a pointed reference to the city's northern boundary, charged that they attempted to "move the Mason-Dixon line to Howard Street." Nesbitt agreed and endorsed the NAACP argument. "That retention of existing racial patterns is a major factor in the current controversy," he wrote, "is a conclusion which is difficult to avoid" (Nesbitt 1950b).

By early 1951, troubling echoes could be heard from sources at the national level. Walter White, executive secretary of the NAACP, wrote to President Harry S Truman to ask him to "direct the administrators of the various governmental housing agencies to withhold federal funds, credit or powers from those localities which maintain a policy of racial segregation...and unduly restrict the land and living space available to Negroes." Similarly, Robert C. Weaver, as the temporary chairman of the National Committee against Discrimination in Housing (NCADH), wrote to Raymond M. Foley and warned him that "unless the racial issue is resolved, the entire federal housing program stands in jeopardy." Denouncing the substitution of "local prejudice" for "rational land use," Weaver prayed that "federal sanction" would not be granted to "a policy of minority containment and to action contrary to the spirit of the federal Housing Act of 1949." Voicing par-

ticular concern over the Chicago public housing program then under HHFA review, he expressed “apprehension lest the underlying pattern there should spread” (Weaver 1951a; White 1951a).²

Frank Horne and the RRS needed little encouragement to haul out the federal government’s financial club to avoid setting a dangerous precedent. Current plans, he believed, would transform public housing in Chicago into a “Negro program” that would only enhance “‘Negro containment’ and racial segregation.” As for the city’s massive relocation problems, federal approval of the proffered “statistical ‘paper’ program” would, Horne wrote, “constitute Federal sanction for the expansion of ‘ghetto’ living,” throw “additional Negro families into the hands of rent racketeers,” and “creat[e]...problems in the...public housing projects themselves.” And there was little doubt in his mind that the CLCC’s Lake Meadows operation was not being carried out “in accordance with the requirements under Title I.” Most infuriatingly—at least to Horne—local authorities carried on without any apparent fear that they might lose their “eligibility for this project.” In a statement that betrayed not a whit of deference, he said grimly, “It would appear to us that the time has really arrived for the CLCC to understand exactly what we mean” (Horne 1951a, 1951b).

Among a long list of RRS policy recommendations, Horne demanded that federal assistance under either Title I or Title III be made contingent on the immediate development of vacant land sites “fully open to Negroes.” Directing his fire at the CLCC, he also recommended that any “prior approval” of a Title I project needed to be “contingent upon an acceptable relocation plan and our belief that no such plan is possible if only the existing housing supply available to Negroes is to be utilized.” Obviously aware of the precedent-setting nature of the HHFA’s Chicago operation, Horne hoped that the willingness to cut off financial assistance for reasons of racial policy would “preclude the rise...of racial problems” in cities such as Detroit, St. Louis, Baltimore, and Philadelphia (Horne 1951b).

There were, to be sure, dissenting voices within the HHFA. PHA Commissioner John Taylor Egan proved perhaps the most persuasive as he resurrected the specter of the Bricker-Cain amendment. The “prohibition of segregation on account of race is not one of the conditions” found in PHA contracts, he informed Foley in defense of his agency and in response to White’s demand for a cutoff of funds. Indeed, he reminded the administrator, the U.S. Congress, “by a roll call vote in 1949, refused to insert such a requirement” into the housing act.

² Frank Horne already believed that the lack of a firm guiding hand from Washington, DC, meant that Detroit, as well as Chicago, appeared “to be embarking upon Federally-sanctioned and financed programs which reflect highly questionable planning, inordinately high costs and densities, and extremely negative racial policy” (Horne 1950b).

Lacking such specific authority or a governing court order, Egan did not “feel warranted in imposing any prohibition of segregation on account of race either as a condition precedent to or as a provision in our contracts with local public housing agencies” (Egan 1951).

By the spring of 1951, Foley and the HHFA moved to satisfy the cacophony of voices. He advised Weaver that he had “recommended for Presidential approval eight of the twelve projects” proposed by the CHA. He held four densely packed slum sites in abeyance, however, and exacted a price from the CLCC as well. He decided that the relocation plan for Lake Meadows failed to “meet the rehousing requirements of Title I of the Housing Act of 1949” and, consequently, withheld approval. “With regard to the Chicago programs,” Foley summarized, “our actions widened the understanding of local officials regarding the relocation difficulties in the extensive slum clearance operations that are now either underway or proposed” (Foley 1951a). It was an overly optimistic assessment, but one that heartened the RRS.

The outbreak of racial rioting in Chicago’s western suburb of Cicero in July further emboldened Horne and Nesbitt to press their case. Horne linked the violent protest over an African-American veteran’s occupation of an apartment in the virtually all-white town to the past actions of “Chicago mobs [that] have physically attacked Negroes to beat them back into their traditional ghettos.” But in this instance, the real objects of Horne’s ire were not the “blunt crudities of Cicero,” but the “subtleties of official manipulation” in Chicago’s Title I and Title III programs. Objecting to projects that were designed to “contain...[blacks] in their ghettos,” Horne warned Administrator Foley that a host of similar proposals pending in other cities meant that the HHFA needed to set a “nation-wide precedent” that would “serve notice to other localities...as to where the Federal Government stands.” For Horne, it was clear that the “housing agencies” had to “throw the weight of the national government in the balance to adjust local inequities.” Or else, he concluded, “the intervention of the Federal Government into the field of housing would cease to have justification.” Nesbitt concurred, noting Chicago’s critical need for “Federal housing aids.” If the HHFA did not insist on a sound racial policy as a condition of such assistance, it would only, he wrote, “underwrite...and reinforce...the racism and slum clearance sleight-of-hand now there” (Horne 1951d; Nesbitt 1951a).³

³ Outside critics, of course, eagerly tied the eruption of violence to government policy. Walter White wrote that “the manner in which local agencies in...[Chicago] are utilizing slum clearance to push Negro families out without suitable places for them to go and are attempting to confine them to existing, over-congested racial ghettos appears to be aggravating racial tensions and contributing to repeated instances of personal assault, violence and property damage” (1951b). Similarly, Robert C. Weaver apprised Foley of the need “to remove federal sanction from local containment policies destined to heighten racial tension and thwart the stated objective of the federal Housing Act of 1949” (1951b).

Weaver and the NCADH were “encouraged” by the rejection of Chicago’s Title I relocation plan and the four public housing slum sites proposed by the city council. They urged no reconsideration “until more vacant land sites are proposed and substantial additions to the private housing supply available to non-whites on vacant land are actually scheduled for construction” (Weaver 1951b). Despite the apparent momentum, however, implacable white resistance at the grassroots level united the local political establishment (joining together the “machine”-dominated city council and the “reform” mayor, Martin H. Kennelly) and presented Foley with the unpalatable choice of supporting a program acceptable to the local segregationists or having no program at all in the Democratic stronghold of Chicago.

In the end, the RRS demonstrated that while it could offer critiques, articulate recommendations, and delay necessary approvals, it was incapable of effectuating policy. An October 15, 1951, meeting in the administrator’s office between the HHFA hierarchy and Chicago officials, including the mayor, sealed a deal that spoke volumes on the federal government’s inability (and ultimate unwillingness) to impose an unwanted racial policy on recalcitrant localities. Providing the most tangible concessions, the HHFA approved the original four slum sites for public housing as proposed by the city council and removed all bureaucratic obstacles to the Lake Meadows development as well. The HHFA also promised to better coordinate the operations of its constituent agencies and to stimulate the development of privately financed housing for African Americans through the FHA. In return, the city accepted a warning from the HHFA that the agency would not fund similar proposals in the future and promised to provide “positive leadership” in locating vacant sites for African-American residential development. The mayor also agreed to concentrate inspection services in “transition” areas to prevent blighted conditions in neighborhoods converted to African-American occupancy (Foley 1951c).⁴

Tellingly, Foley’s summary memorandum to the mayor stated that the “objective [was] to assure a maximum utilization of all the Federal aids to both public and private redevelopment and housing activity in order to make a decisive contribution to improved living conditions with increased living space for the Negro population of Chicago.” If more and better black housing could be provided only on a segregated basis, so be it. Writing contemporaneously in a slightly different context, Foley revealed no predisposition to wield federal power in the manner suggested by the RRS or the NAACP. “It seems to me that,

⁴ FHA involvement in providing homes for middle-class African Americans through the private market became a major issue for Horne, and he had great hopes for its potential. Intuitively, he saw the dangers of an emergent, racially identifiable “two-tier” housing policy that subsidized homeownership for the white masses while consigning African Americans to public housing. For the development and implications of a “two-tiered” housing policy, see Radford (1996).

under our system of government,” he informed his correspondent, “non-segregation by governmental compulsion is just as obnoxious as segregation by governmental compulsion” (Foley 1951c, 1951d).

Horne tried to put the best face on the situation and salvage something as well. He expressed gratitude to Foley for having “laid it on the line” to the mayor and wrote that “these Chicago principles can but be a healthy breath of air to invigorate all local public agencies, public interest organizations and federal officials who are committed to the Declaration of National Housing Policy” (Horne 1951f). Others had different opinions. George Nesbitt informed DSCUR Director Keith that he doubted that Chicago would “readily respond to the position taken by the Administrator.” The mayor’s chief housing official, he noted, “slough[ed] off” responsibility for relocation and made “little or no reference to private housing and [the] land area needs of Negroes in Chicago.” Nesbitt concluded that “[t]he mayor is hardly apt to take a forthright position in view of such limpness surrounding him” (1951e).⁵

Chicago’s use of the new federal housing tools to contain its rapidly growing African-American population had counterparts elsewhere, perhaps nowhere more notably than in its Midwestern neighbor, Detroit. Field observations reported that in the Motor City, as well as the Windy City, housing had become “an issue of rough and tumble big city politics.” As George Nesbitt informed his superiors, “In both localities, the maintenance of existing racial patterns is the issue and public housing and urban redevelopment are the victims of the politics they make of it.” The only differences in the “otherwise common pattern” found in the two cities stemmed from their political structures. In Detroit, the key housing and redevelopment agencies were simply departments in the city government “under the direct and immediate control” of the mayor (who was elected every two years) and an “aldermanic body” elected at large. The result, Nesbitt observed, was that the “race-housing issue [came] into the open,” and the housing agency “openly assert[ed] its segregation policy.”

In Chicago, the ward system provided at least some representation for the growing African-American electorate, and the administrative bodies controlling housing existed as separate entities outside the city administration. Candidates did not speak directly to the issue of racial living patterns, while the CHA paid verbal obeisance to a state policy on nondiscrimination and the CLCC said almost nothing at all.

⁵ For Horne’s original negotiating position and the list of proposed “conditions to be attached by HHFA to any contracts to be signed with CHA and CLCC,” see Horne (1951e). Two years later, Robert C. Weaver judged Nesbitt to have the better argument. The directive demanding the coordination of PHA, DSCUR, and FHA relocation efforts, he noted, “was hailed by many of us as a marked step forward.” But, Weaver concluded, it “has not produced one single unit of private housing” (Weaver 1953).

The result, Nesbitt concluded, was that “in Chicago the politicians play the race issue more insidiously.” Still, in common, the Title I and Title III programs in the two cities did not “focus as much on housing needs as on preserving existing racial patterns” (Nesbitt 1950b; Thomas 1997).

Implementation in the South: Baltimore

If put to good use in “preserving existing racial patterns” in northern cities, the Housing Act of 1949 had other virtues in the eyes of southern segregationists. For all their devotion to racial hierarchy, smaller, older, and less industrialized southern towns historically developed a residential pattern characterized by scattered enclaves rather than concentrated ghettos, with African Americans often living in close proximity to, if not mixed among, whites. With the dawning of the Jim Crow era—the age of legalized segregation—early in the 20th century, many southern cities displayed the desire to separate the races spatially. Their problem, however, was less one of preserving the geographical distribution of the races than one of undoing their history and reshaping their neighborhoods. Baltimore’s experience early in the redevelopment program both served as a model and set a precedent in the adaptation of national legislation to a southern idiom.

The first two Baltimore redevelopment projects contemplated under Title I were the Waverly development in the northeast part of the city and the Johns Hopkins–Broadway proposal. The Waverly plans called for the displacement of nearly 200 families, more than half of them African American. All of the 291 new homes to be built in the area, however, were reserved for whites. Similarly, 1,138 of the original 1,175 families residing on the Johns Hopkins–Broadway site were African American; plans compelled 956 to flee the wrecker’s ball, with only 178 “moderately” priced units held for African Americans out of the 656 apartments and 506 “other dwelling units” to be built. In this instance, African Americans represented about 90 percent of those displaced, while 85 percent of the new dwellings were set aside for whites (Horne 1950d).

Complaints came quickly. The Baltimore Urban League objected that the “segregation of colored families in the Waverly area, the limited access of Negro tenants to the Hopkins project and the creation of added blight by rehousing displaced Negro families in areas which are now overcrowded does not constitute redevelopment.” The most scathing comments, however, came in a December 6, 1951, address to the Richmond Civic Council by Clarence Mitchell, Director of the Washington Bureau of the NAACP. Placing Baltimore’s Waverly and Hopkins plans alongside similar proposals emanating from Aiken, SC; Savannah, GA; and Nashville, TN, Mitchell denounced the “timid

bureaucrats” who were now “underwriting segregation with tax money.” He thundered, “What the courts have forbidden state legislatures and city councils to do and what the Ku Klux Klan has not been able to accomplish by intimidation and violence, the present Federal Housing policy is accomplishing through a monumental program of segregation in all aspects of housing which receive government aid” (Baltimore Urban League 1950; Mitchell 1951).

There is little doubt that local authorities in Baltimore seized the new federal tools and resources to fulfill longstanding desires to effect a greater separation of the races than previous history allowed. Indeed, the city’s “Joint Committee” on housing, an advisory body to the PWA, first called for Waverly’s redevelopment in 1934. Significantly, the recommendation came from a group that included architect W. W. Emmart, a longtime member of the Commission on City Plan, who had suggested as early as 1911 that slum clearance might be used to redraw racial borders and protect “better” neighborhoods. Situated in what was then an outlying, white area, Waverly contained a mixed, black-majority enclave. The Joint Committee’s plan called for the elimination of a row of houses where “white and colored live side by side” (and where the “colored families” were a “higher type than the whites”) in a cold attempt to rid the city of such racial anomalies. Left on the drawing board, the Waverly site eventually moved to the top of Baltimore’s post-World War II redevelopment agenda—an agenda defined by the Housing Authority of Baltimore City (HABC) as one that would consolidate African-American residence in the city’s core and “arrest” racial group movements to the periphery. Complementing the move to root out those remaining pockets of interracialism that defied Jim Crow, local FHA market analysts agreed with the HABC. Reserving the suburbs for whites, one wrote that “the bulk of new building for non-white occupancy should be within the city limits of Baltimore.” He worried only that the “non-availability of suitable sites” for potential African-American homeowners would be “a serious limitation to the general objective of promoting close-in development for nonwhites” (Argersinger 1988; Arnold 1979; Henderson 1993; Housing Authority of Baltimore 1945; Weese 1953).⁶

RRS officers subsequently detected an unmistakable “three-fold risk...in the Baltimore program.” First, the Waverly project in particular, they wrote, “pose[d] the issue of Federal facilitation of ‘Negro clearance’

⁶ Emmart’s 1911 suggestions on the use of state power to effect a more perfectly segregated city took place during public and legislative debates over the adoption of municipal segregation ordinances. On the eve of World War I, Baltimore enacted a series of laws designed to restrict neighborhood access by race. The courts ultimately struck down all of them. With a clear white consensus favoring greater racial separation, Baltimore turned to private means of restriction, such as racial covenants, and—when the opportunity presented itself—the use of federal resources and powers. See Power (1982) and Rice (1968).

about as sharply as is conceivable.” Second, “the conversion of racially flexible areas of residence to residential areas for white habitation only” represented a “retrogression” in racial relations underwritten by the government. More than that, such a conversion also demonstrated how quickly the HHFA and local authorities could jettison the “neighborhood composition guideline” when it undermined, rather than supported, segregation. Finally, taken together, the Waverly and Hopkins proposals reduced the land and living space available to an already congested and housing-starved African-American population. Writing two years after the passage of the Housing Act of 1949, George Nesbitt reminded Director Keith that DSCUR had “no adequate policy” to prevent either “Negro clearance or ‘Negro containment’.” Nor had the agency, he wrote, encouraged localities “to attack the land problem.” He concluded, “We are convinced that Baltimore represents but the first Title I program in which such risks to Negroes will occur and that in the absence of preventative policy the Division will recurrently face” such issues. Refusing to go quietly, Nesbitt resubmitted a list of corrective RRS recommendations that, following an earlier presentation, were neither “adopted nor occasioned discussion in which racial relations personnel participated” (1951b, 1951c, 1951d).

Increasingly marginalized within the HHFA and writing at the very moment Foley prepared his press release detailing the agency’s capitulation to Chicago’s authorities, Nesbitt and the RRS urged rejection of the Baltimore program. Hardly the worst slum in the city, “the Waverly area was first selected for clearance 15 years ago,” Nesbitt told DSCUR’s director, and remained a redevelopment target despite (or perhaps because of) the fact that its “bi-racial character...harmoniously obtained for half a century.” He argued, “We cannot over-emphasize the dangerous implication inherent in governmental subsidy of the conversion of an area occupied by white and Negro families to one of white residence exclusively.” To do so would leave “the HHFA open to the charge of leveling-downward its policy so as to embrace projects actually planned in advance of and without regard to the highest implications of the Housing Act of 1949.” As was the case in Chicago, however, protests from the RRS could not halt what it regarded as a dangerous national precedent (Nesbitt 1951d).

Nesbitt’s internal recommendation preceded Clarence Mitchell’s formal request to “hold up” Baltimore’s redevelopment program and perhaps prepared Foley’s office to make a quick, negative response. The city’s “relocation plans appear to meet the requirements of the Housing Act of 1949,” the administrator told Mitchell, and—toeing a narrow, legalistic line—he reiterated the agency’s prohibition on racially restrictive covenants. That ban, included in the HHFA’s *Guide to Slum Clearance and Urban Redevelopment*, of course, still left private developers free to select tenants as they saw fit. Thus, Foley’s assurance that “the contracts with redevelopers will meet the requirements that

there will be no covenants restricting the sale, lease, use or occupancy on the basis of race, creed or color” was, in Walter White’s estimation, nothing more than a “thinly disguised subterfuge.” There is no difference, White argued futilely, “between a racial restrictive covenant in writing and an unwritten but well-known verbal agreement that new housing made available with the assistance of the Federal Government will be open to whites only.” Foley ended the discussion with a now well-worn statement on the limits of federal power. It “should be borne in mind,” he concluded with finality, “that this agency does not have the authority to compel any local public agency to establish requirements governing the racial characteristics of the families to be rehoused in redevelopment projects” (Foley 1951e; White 1951c).⁷

The administrator’s assertion of his powerlessness proved an especially bitter pill to those public interest groups—both black and white—that had counted themselves among the staunchest supporters of the housing act. A number of them initially sought explicit protection in the legislation that would have prevented precisely the sort of minority clearance contemplated in Baltimore. They continued to back the bill in the absence of such a specific congressional shield because, according to one insider, they received “assurances leading them to believe that administrative interpretations would substantially accomplish the safeguards they were seeking.” Such traditional friends of housing now expressed the feeling that they had been “let down” and frustration that “good statements” had not been followed by good policy (Nesbitt 1951d, 1951f).

Reassessing policy: Birmingham, AL

The controversy and prolonged debate over redevelopment and public housing programs in Chicago and Baltimore precipitated a reexamination of racial policy at the HHFA and its constituent agencies in late 1951 and early 1952. Ever reluctant to issue formal directives or articulate such policies explicitly, Foley proved most revealing when responding to congressional inquiries. He did so in the fall of 1951, denying to one congressman that the FHA had “any right” to require nondiscrimination as a condition for receiving mortgage insurance. To another, he explained that the “basic racial policy governing...public housing” required “racial equity” while it allowed a “local option as to segregation or non-segregation of...different racial groups.” Redevelop-

⁷ Baltimore’s relocation plans depended, as did Chicago’s, on the projected transition of previously white neighborhoods. RRS officers in the southern city expressed some “reservations” about the expectations of racial turnover, however, since they believed “Negro families are not always and inevitably able and disposed readily to absorb housing vacated by white families; nor are white families inevitably able and disposed to flee from areas upon entry by Negroes.” They noted that “racially interspersed residence has been quite a customary pattern” in Baltimore (Nesbitt 1951d).

ment remained in the hands of private parties. Such federal timidity, an obviously irked Horne concluded, permitted “local responsibility” to become “by default...local autonomy.” Still, as far as Foley was concerned, social progress did not depend on federally mandated nonsegregation (Foley 1951b, 1951d; Horne 1950b).⁸

Clarence Mitchell’s scathing Richmond, VA, speech in December, however, did lead to a new effort “to uncover gaps and deficiencies in current operations” and to determine what could be done to “effect equitable participation by non-white families,” given “prevalent Agency policy.” But by this time—January 1952—even Horne had to reconcile himself to “the theory that current housing legislation does not permit the agency to withhold Federal funds, powers and credit from local public agencies and private developers who restrict occupancy on the basis of race.” His reward and that of the RRS was the HHFA’s commitment to use “its full resources” to support open housing on “a democratic basis” wherever it was voluntarily accepted or required by “state or local statute” (Horne 1952). This was entirely in keeping with Foley’s belief that the best racial policy and most lasting change would come from “the development and management of housing projects which the owners voluntarily and freely choose to operate on a completely non-segregated basis” (1951d). It did not, however, satisfy the NAACP, which denounced a policy that “clearly permit[ted] continued segregation.” For the gathering civil rights forces, the HHFA still represented the “chief threat” to “progress in eliminating Negro ghettos” (NAACP 1952).

At the time the NAACP registered its protest, HHFA data indicated that Chicago and Baltimore served as exemplars of the Housing Act of 1949 in action. The 266 slum sites already selected for the Title III public housing program projected the displacement of 55,778 families; of these, three out of four (74 percent) were African American. Similarly, 53 “Title I slum project areas” slated the removal of 41,630 inner-city families; African Americans comprised 85 percent of those displaced, RRS officer B. T. McGraw informed Horne, not counting New York’s “atypical” developments (McGraw 1953). Such targeted and disproportionate uprooting, combined with relocation policies that enhanced segregation, clearly eroded the concept of equity and laid bare its limitations.

By the end of the year, Weaver and the NCADH pushed Foley and the HHFA to implement further policy revisions that would move in the direction of greater equality. They urged, first of all, that the HHFA accept “the principle of open occupancy for all housing owned or oper-

⁸ As a corrective, Horne suggested precisely those measures Foley opposed: contractual requirements imposing nondiscrimination on all housing agencies and “positive statements of racial policy.”

ated by the Federal government” (Weaver 1952a).⁹ Second, they inquired whether forthcoming rumored changes in the “procedures and regulations regarding land use in connection with Title I and Title III projects under the Housing Act of 1949” were ready for unveiling. The timing of Weaver’s missive, moreover, lent urgency to his request. Coming a month after Dwight D. Eisenhower and the Republicans made their successful bid for the White House, Weaver told Democrat Foley it would be “regrettable indeed were you to leave as ‘unfinished business’ conclusive action in these matters” (Weaver 1952a).

Foley ignored the question of open occupancy in his response to Weaver, but, in the early 1950s, the HHFA and, especially, the PHA moved hesitantly in that direction. Vowing to assist those localities that—through resolution or legislation—had mandated nondiscrimination, RRS staff attached to the central office prepared guidelines and “how to” manuals on desegregation. Though more honored in the breach than in the application, staffs of the Local Public Agencies (LPAs) occasionally attempted to override the color line with sometimes explosive results (Foley 1952; Horne 1953a; Johnson 1953; Morrow 1953; Weaver 1952b).¹⁰

Far more important than the PHA’s uneven and inconsequential effort to overcome racial restrictions was Foley’s promulgation of a new set of Title I and Title III “procedures” just days before Eisenhower’s inauguration. Significantly, redevelopment along the lines of the Chicago and Baltimore models remained permissible under the new regime. Neither the selective, massive, and disproportionate dislocation of African Americans nor their resettlement in a segregated pattern more extreme than before merited proscription. Building on the November 1951 “Chicago Principles” and previous “operating experience,” the new procedures focused on the land question and simply tried to “assure that the living space available in a community to Negro...families is not decreased.” Waverly- and Lake Meadows-type developments (as well as Baltimore’s and Chicago’s intensely segregative public housing programs) remained acceptable, although they now required the ostensible consultation and nominal consent of local minority leadership. The administrator laid out the case for the new procedures in a transmission to the Senate Committee on Banking and Currency. “These operating procedures,” Foley instructed the committee chair,

do not impose, and are not intended to impose, any mandatory requirements for any change in the customary racial occupancy

⁹ This included Lanham Act housing, homes owned and operated by the FHA, public housing constructed under the Defense Housing Act of 1951, and low-rent public housing in Washington, DC (Weaver 1952a).

¹⁰ See also Hirsch (1995).

pattern presently obtaining in any local community. The procedures relate only to reasonable requirements...to assure that housing and living space available to Negro and to other minority group families is not reduced as a result of the clearance and redevelopment of slums and blighted residential areas, and, whenever possible, is increased. (Foley 1953a)

Screened by both HHFA Deputy Administrator and General Counsel B. T. Fitzpatrick and Frank Horne, the document had something to offer each of these less than synchronic soulmates. Both placed great faith in the mandated consultations with minority leadership. For Fitzpatrick, "It does more than just talk about local initiative and local responsibility; it honestly recognizes it by permitting a change in the racial occupancy of an area if representative local leadership among the minority groups affected finds it to be without objection" (1953). For Horne, the "requirement of assent by Negro leadership" provided cover for the agency and "the opportunity for real 'bargaining'...., especially in southern areas where the minority groups are so largely excluded from representative voice in community determinations" (1953a).

Outside critics proved less sanguine. Hortense Gabel of the NCADH responded to the announced procedures after having received news of Foley's "proffered resignation." Gabel's reflections on the administrator's reign at HHFA subsequently provided the context for her evaluation of the new policy:

We have continuously been conscious of the political and philosophical framework within which your agency has operated. Here our differences were most clearly marked. We have constantly argued that HHFA and its constituent agencies were under a constitutional obligation to administer Federal aids and grants on a non-discriminatory and non segregated basis. Your agency, with equal sincerity, has argued that this determination was for Congress or for the courts. (Gabel 1953)

The new procedures, she concluded, could represent a "marked advance" if backed by "vigorous enforcement and the knowledgeable cooperation of national and local groups." Pleased with the "sanction given to open occupancy patterns in both Title I and Title III programs," among other provisions, Gabel rejoiced that there was a virtual guarantee that minorities would lose no more living space. Still, the HHFA's inability "to take a vigorous and unequivocal stand against government assisted segregation" remained disconcerting (Gabel 1953).

Foley appreciated Gabel's "very fair appraisal," but reacted defensively to the implicit charge of HHFA-sponsored "Negro clearance." He wrote, "None of us here like the idea." The "initial tendency" in preparing the new procedures, he told Gabel, "was to make it a mandatory requirement that any area presently occupied exclusively by Negroes

which was to be redeveloped for residential uses must be available for either open occupancy or for occupancy by Negroes.” However, “the Housing Act of 1949,” Foley ultimately pointed out, “is predicated upon local initiative and local responsibility.” Falling back on the now-mandated minority consultations and promises that relocatees would get comparable quarters in comparable neighborhoods, the outgoing administrator felt that distant federal officials should not govern “by edict” as long as “the rights of those...who are most affected are adequately protected” (Foley 1953b). The first test of the new procedures would not be long in coming.

A decade before it became the center of national attention and the target of an intense civil rights campaign—and nearly a year before the U.S. Supreme Court’s *Brown v. Board of Education* decision precipitated the chain of events that brought the country to that point—Birmingham, AL, submitted a Title I project for HHFA’s approval. According to Horne, the Medical Center project involved “the clearing of a slum occupied predominantly by Negroes for possible hospital expansion” and a “privately-financed multiple dwelling structure to be available to white families only.” Already aware of “substantial objections and rising opposition from clearly identifiable and responsible Negro leadership,” Horne prevailed on Albert M. Cole, Foley’s successor as HHFA administrator, to review the plan “in light of the requirements of our ‘living space’ procedures.” For his part, Horne “strongly” recommended rejection of the project “in its present form” and urged no reconsideration until “basic revisions” were made (Cole 1953a; Horne 1953b).¹¹

New DSCUR Director J. W. Follin undertook the review Horne and the NAACP (national and local) requested but came back with conclusions they did not share. Follin believed that the definition of “representative Negro leadership” could “best be determined by the local people” and that the NAACP’s participation in a public hearing made it difficult to contend that the agency’s new guidelines had been violated—this despite the Birmingham NAACP’s judgment that the hearing was a “sham.” As for the question of segregation, Follin advised Cole that the “administration of Title I has proceeded upon the assumption that this Agency did not have the authority to compel local public agencies to institute non-segregation policies in Title I project areas.” Indeed, Follin explicitly invoked the memory of the Senate’s 1949 debate over the Bricker-Cain amendment and concluded that “it does not appear reasonable to assume that...we can impose an anti-segregation requirement in the absence of any statutory authority...

¹¹ W. C. Patton, president of the Birmingham branch of the NAACP, told Cole that the plan “has every appearance of being a plan to clear some members of a minority group from a section of the city that now has high real estate value.” He noted, “[W]e cannot fail to register objection to a plan which calls for the use of Federal funds in the extension of segregation, while adding to the suffering of Negroes” (Patton 1953).

and in light of the Congressional intention as evidenced by its vote on [Bricker-Cain].” Inevitably, he determined that NAACP complaints lacked “sufficient merit” to halt the project (Follin 1953; Hurly 1953).¹² In the end, protests from African-American groups and the need for federal assent extracted some minor concessions from local whites (the white housing component was deleted from the plan), but segregation survived intact (Scribner 1995).

Though the Birmingham program represented an early test for the Republican Eisenhower administration and new HHFA Administrator Albert M. Cole, it symbolized in many ways the denouement of housing reform under New Deal/Fair Deal Democrats. The questionable application of the new procedures—which were themselves the result of the contested implementation of the Housing Act of 1949—resulted in RRS objections, a recommendation to disapprove, and ultimate federal support for a project that exemplified redevelopment as “Negro clearance”; it also displayed a deference to localism that intensified segregation. That Cole acceded to Horne’s request that he personally review the case demonstrated the residual (though rapidly waning) influence of that remnant of the New Deal, the RRS, and placed the episode more clearly at the end of one era than at the beginning of the next.

Although the RRS was never able to determine policy, its activities and, especially, those of Horne, nonetheless distinguished federally supported housing programs between the passage of the Housing Acts of 1937 and 1954. They expended special effort in trying to influence the implementation of the Housing Act of 1949. Painfully aware of the grave dangers to minorities inherent in the use of massive new powers to redevelop aging, postwar cities, Horne believed that his role was to “hold the program by the tail” (Meyerson and Banfield 1955). In short, he tried to restrain the quick execution of plans that damaged African-American interests and mitigate the effects of those he could not. In so doing, he fought to expand the bureaucratic notion of equity (even to the point of including federally mandated desegregation), championed the cause of federal control over reactionary localism, invited and incited the participation of civic groups in the national housing program, and organized minority forces and interests within the HHFA to confront policy makers with the implications and consequences of their actions. The living space procedures that guarded access to the land, the hesitant move toward federally supported open occupancy and voluntary desegregation in the early 1950s, and a greater concern for those sent scrambling over the urban landscape

¹² The NAACP had obvious reservations about the consultation process. “We are deeply concerned,” the regional secretary informed Horne, “about the devious methods and subterfuge that might be used by the Birmingham Housing Authority and other local administrations to discriminate further against Negroes if this plan is finally approved” (Hurly 1953).

by the wrecker's ball were, in the end, exceedingly modest accomplishments. If the struggle for the soul of the Housing Act of 1949 proved one-sided, though, at least there was a struggle. And there was real value in having a brake to slow the system.¹³ Things could have been worse—as they would be when the brakes came off during urban renewal.

The Housing Act of 1954 and urban renewal

The penumbra of the Housing Act of 1949 stretched beyond the Truman years and cloaked the housing initiatives of the Eisenhower administration as well. The major legislative landmark of the 1950s, the Housing Act of 1954, emerged from a report made by the President's Advisory Committee on Government Housing Policies and Programs that clearly reflected the experience and results generated by the earlier law. Staffed primarily by members of the real estate, finance, and building industries, the advisory committee displayed an almost reflexive hostility to the extension of federal authority and an ideological affinity for private market solutions. But the shift in focus from slum clearance to the protection and rehabilitation of sound, but threatened, neighborhoods—the shift from urban redevelopment to urban renewal—embodied in the 1949 and 1954 laws grew just as clearly from the massive movement of minority populations (Burk 1984; Gelfand 1975; Hirsch 1983). Promising “more bang for the buck” than the controversial clearance program, urban renewal would funnel more of those bucks into nonresidential development and nonslum areas. Historian Mark Gelfand called the final version “the Republican professional's gift to the G.O.P.'s friends in the cities” (Gelfand 1975).¹⁴

Although the law made little explicit reference to race, President Eisenhower's 1954 State of the Union address contained a message on housing that took special cognizance of minority problems. In it, he

¹³ Historian Mark Gelfand notes that redevelopment “lay in the dumps” by 1953. The 1949 law authorized \$500 million in grants to localities over the next five years; four years into the program, only \$105 million had been committed, and “less than a tenth of that figure had actually been spent.” Of some 200 cities expressing interest in the program, only 6 had actually started construction. Gelfand, though he cites “staffing” and “bureaucratic red tape” among a number of problems causing delay, does not specifically mention the debate over racial policy (Gelfand 1975).

¹⁴ Even before the law was passed, Horne commented on the nature of the competition fostered by it while sounding “notes of reservation.” Chicago had two proposals pending, one for the West Side (in the “worst type of area”) and another for the area surrounding the University of Chicago (a district offering the “best possibilities”). It was Horne's conclusion that HHFA should “avoid any inference that the Agency is mainly interested in ‘saving the nice’ areas rather than utilizing federal funds and powers to tackle ‘tough’ areas that require the full arsenal of weapons required for renewal of blighted communities and neighborhoods” (Horne 1954b).

specifically recognized difficulties both created and left unaddressed by the Housing Act of 1949 and vowed to prevent “the misuse of slum clearance programs” that displaced minorities. Furthermore, he acknowledged that African Americans, “regardless of their income,” lacked access to decent housing in good neighborhoods and promised to expand the availability of private financing for nonwhite home seekers as well. Perhaps most significantly, he also expressed an apparently earnest desire to end direct federal support and operation of projects from which minorities were excluded. The administrative policies of the housing agencies, Eisenhower declared, would, consequently, be “materially strengthened and augmented in order to assure equal opportunity for all our citizens to acquire, within their means, good and well-located homes” (McFarland 1954; Payne 1954).¹⁵

It seemed an agenda—a “sound Negro policy”—that even Frank Horne could accept. Indeed, within days, Horne praised the speech as “significant and challenging,” singling out the president’s articulation of an “objective” (homes for all citizens within their means in good locations) and an “approach” (the strengthening and augmentation of the policies and procedures of the housing agencies) as particularly noteworthy. For Horne, this meant, logically, the “[a]ugmentation of race relations personnel and strengthening of racial relations operations and activities” in the HHFA and its constituents (Horne 1954a). He had, however, badly misread the administration and his times. HHFA Administrator Cole, rather than enhancing the RRS, had already started to dismantle it. And in so doing, he accelerated the racial segmentation of urban America with federal support, even as the Supreme Court struck down constitutionally sanctioned segregation in *Brown*. Recoiling from the spur to equality provided by the Court, the HHFA and its subordinates instead provided the framework within which changing metropolitan demographics, a budding civil rights revolution, and majoritarian racial sensibilities could all be safely accommodated.

Cole’s hostility toward the RRS and Horne in particular manifested itself as early as 1953 when the administrator demoted and transferred the service’s top officer, making him a “special assistant” for minority studies. Closely identified with the liberal wing of the Democratic Party, Horne found himself isolated and replaced by a political appointee, Joseph R. Ray, a former board member of the black National Association of Real Estate Brokers. By the summer of 1955—just one year after the *Brown* decision—Cole used the cover of an

¹⁵ At a press conference six months after this speech, the president was asked what was being done to stop the flow of federal assistance to exclusionary housing. He admitted his lack of knowledge and tossed the question to an aide for investigation. He did add, however, that he “tried as hard as he knew how” to gain acceptance for the idea that “there should be no discrimination” where “Federal funds and Federal authority were involved” (“Transcript of Eisenhower’s Press Conference” 1954).

ostensibly budget-minded reduction in force to fire Horne and his assistant, Corienne Morrow.

Critics immediately seized on the political, institutional, and racial implications of the administration's action. Housing expert Charles Abrams noted that powerful interests believed that the antisegregation policy pushed by the RRS threatened the building boom and had become a political liability for the administration. According to Abrams, there were, moreover, political advisers who hoped in the wake of *Brown* that "dissident elements on the Southern fringe might be won over by a slow-down policy toward integration." Finally, there were those who, for ideological or other reasons, simply believed that "the absorptive limits of racial progress had been reached if not exceeded" by the school decisions. It took Corienne Morrow, however, to place the matter in context and implicitly recognize the end of the New Deal. Her dismissal and that of Frank Horne, she contended, "repudiate[d] and reject[ed] the concepts of sound racial relations in [the] administration of the Federally assisted housing programs with which we have been identified since 1936" (Abrams 1955; Burk 1984; Levenson 1956; NCADH 1956).¹⁶

Cole's game, if lame, defense of his actions in the name of efficiency and nondiscrimination merely transformed "shock" into "outrage" among supporters of Horne and Morrow. Civil rights attorney Pauli Murray reminded Cole that he had earlier removed Horne's job from the classified civil service to permit the patronage appointment of Joseph R. Ray and that the administrator's present action flowed from similar "political" rather than "fiscal" imperatives. Deploring Cole's utter "lack of sincerity," the angry African-American attorney lashed out in a lengthy letter and got to the heart of the dispute in his criticism of HHFA policy. "If the Federal Government continues ...[its current] approach to housing we will eventually experience the kind of racial proscription that is known in...South Africa. It would be better for the Federal Government to get out of housing altogether than be the instrument of such barbarism" (Murray 1955).

HHFA actions soon lent substance to Morrow's charges and Murray's fears. By the fall of 1955, HHFA field representatives received instructions "not to send reports" to the RRS, and George Nesbitt complained of the "total lack of...racial relations services in the HHFA regional offices." By the end of the year, even Ray, Cole's hand-picked RRS director, protested that his unit "lack[ed] a definite well-defined program." It got worse. Within weeks, Ray noticed that the "correspondence which normally would require the attention of this Service is being routed to other offices." The only mail that got through to the RRS in-

¹⁶ Adding insult to injury, Horne did not feel that his termination was handled with "good grace and according to protocol" (Racial Relations Committee 1955d).

volved innocuous requests for publications. At one point Ray decried to a deputy administrator the “gradual erosion of the duties and responsibilities of the Racial Relations Service” and grieved in a memo to Cole that his staff had been “precluded from or circumvented in discharging its designated functions.” Ultimately, the director forwarded a reorganization plan that allowed for regular RRS participation in the normal flow of HHFA business. Cole ignored it. In short, despite Ray’s willingness to defend his boss and agency from outside attack, it is hard to disagree with Charles Abrams’s assessment that the administrator purposefully “scuttled” the RRS (Black 1958).¹⁷

The Horne-Morrow purge and the dismantling of the RRS in the mid-1950s symbolized a fundamental struggle. It was, in fact, the pitched battle over the HHFA’s post-*Brown* direction (and, ultimately, the implementation of urban renewal) that provided the context for the Cole-Horne confrontation. Ironically, the Supreme Court’s May 1954 nullification of the old separate-but-equal doctrine precipitated a thorough reexamination of housing policy and practice, but also the revivification—not the rejection—of that now tainted principle.¹⁸ It was a course that appeared unthinkable to those who soldiered in the RRS.

Ray summarized the service’s view of past and present HHFA policy shortly after the Court struck down the *Plessy v. Ferguson* precedent. With a few exceptions, Ray wrote, “Racial exclusion and segregation predominate in local DSCUR programs.” In public housing, the PHA had traditionally accepted “separate but equal,” tempered by administrative notions of “equity.” Significantly, however, Ray acknowledged that the PHA’s application of the *Plessy* doctrine to housing “rested upon no sound legal theory...but rather reflected ‘political expediency.’” As for *Brown*, the Court’s renunciation of separate but equal in public education “remove[d] any vestige of justification” for the continued application of a principle that “the Court has never sanctioned in the field of real property.” The implications for public policy seemed evident. Adopting the perspective and rhetoric of the free market, Ray called for “unrestricted competition” in the “administration of all Federal aids.” He recommended that “all residential properties and related facilities developed or marketed through the use of Federal funds, insurance, guaranty or other Federal authority or powers” should be “rented or sold...without regard to race, religion, national origin, or political affiliation” (Ray 1954).

¹⁷ Chairman Algernon D. Black of the NCADH preferred characterizations such as “emasculat[ed]” or “destroy[ed]” but obviously agreed with Abrams (Black 1958; Ray 1955, 1956a, 1956b; Sadler 1957).

¹⁸ For the broader reaction to the Supreme Court’s historic judgment, see Klarman (1994).

Horne similarly weighed in from his obscure perch in “Minority Studies.” He, too, employed the fashionable rhetoric of the age and declared that the federal government’s proper role was to foster a “free, open competitive housing market and the progressive removal of all restrictions.” The question, for Horne, was whether blacks and whites would enjoy “the *same* rights to the ownership and use of real property.” If so, there could be no “justification or necessity” for targeted minority programs or special “‘equity’ formulae.” The experience of the past 15 years, he wrote, established the “practical impossibility of attaining substantial equality of opportunity through these special devices.” The HHFA should simply follow the Supreme Court’s lead, Horne concluded, and eliminate race as a factor in FHA underwriting, PHA tenant selection, and disposition of DSCUR property and services. In sweeping away the old “dualism” of separate but equal, the Supreme Court provided the administration with the “opportunity...to remove all restrictions from the housing market” (Horne 1954c, 1954d). Horne urged Cole to take it.

Others in the HHFA hierarchy, however, remained less impressed by the Supreme Court’s handiwork, and some were not at all inclined to view it as an opportunity. General Counsel B. T. Fitzpatrick took an especially hard line, advising that the Court “expressly limited” its ruling “to the field of public education.” Sanctioned segregation in housing, from this perspective, remained permissible. DSCUR Director Follin dissented, but only to a point. He acknowledged the need to “re-examine our policies pertaining to racial matters” in light of *Brown*, but—given the complexity of Title I projects—found himself splitting redevelopment hairs. On the one hand, public agencies that owned and operated public facilities in a project, Follin believed, were now “constrained by force of law to make them available for use on a non-segregated basis.” On the other, he claimed that the “rulings of the Court do not go so far as to require the private entrepreneur to make his private facilities available on a non-segregated basis.” Permutations involving private operations on leased public land or projects involving different degrees of state and municipal support seemed to float in a gray legal limbo (Fitzpatrick 1954; Follin 1954).¹⁹

Associate General Counsel Joseph Guandolo’s direct rejoinder to the arguments by Ray and Horne, however, gathered the panoply of arguments for doing nothing (or, at least, as little as possible). Echoing Fitzpatrick, Guandolo argued that the “factual situations” in *Brown* and DSCUR operations were “not analogous.” In addition, he raised practical considerations when he speculated that the proposed RRS policy “may seriously impede the disposition of project land in certain localities.” Finally, to counter demands that nondiscrimination clauses

¹⁹ Follin’s memo to Cole was prepared by Associate General Counsel Joseph Guandolo.

be inserted into all contracts providing federal assistance, Guandolo resurrected the specter of the Bricker-Cain amendment and subsequent similar debates. The Housing Acts of 1949 and 1954 lacked “express statutory language” authorizing the imposition of the sought-after contractual obligations, he wrote. Moreover, he believed, the “recommendation that private developers and owners of property be required to use and administer their private property free of racial discrimination involves a major extension of Federal authority.” Tossing the matter squarely into Cole’s lap, Guandolo concluded:

The Administrator must decide whether it is advisable for him to impose such a policy administratively without authorization by the Congress. The failure of the Congress to impose any such requirement in its consideration of the Housing Act of 1954 after the Supreme Court’s opinion in the public school segregation cases suggests that the Congress did not deem it appropriate. (Guandolo 1954)

In his rejection of the policy revisions suggested by the RRS and Horne, Guandolo had explicitly linked urban renewal and *Brown* without conceding the latter’s seemingly obvious implications. That Cole found such an analysis congenial became evident even before he dispatched his dissident employees and domesticated the RRS.

Albert Cole offers “separate and adequate”

Cole was a recently defeated four-term congressman from a rural Kansas district who had lobbied for the appointment as administrator; he had been a strong critic of public housing and opponent of the Housing Act of 1949. Initially, NAACP officials feared that he would “destroy” the only housing program that delivered tangible benefits to minorities. Following *Brown* and the passage of the Housing Act of 1954, however, Cole accepted the necessity of at least some public housing and became a staunch advocate of separate minority programs (Gelfand 1975; Mitchell 1953).²⁰

Shortly after the Supreme Court ruled in the school desegregation cases, Cole met with key presidential advisers and staff, as well as the heads of the HHFA constituents (PHA, FHA, and DSCUR). According to Cole, in crafting a housing strategy in light of the Court’s judgment, they resisted the call to “crack down” and use “government aids as financial clubs” in pursuing nondiscrimination. Instead, by creating an Advisory Committee on Minority Housing, they selected, against Horne’s advice, racially targeted programs. For Cole, minority

²⁰ It is interesting to note that one month before the *Brown* decision, Cole expressed his reluctance to see provisions for “separate” minority programs written into the pending housing bill (Cole 1954a).

housing remained a “special problem” that required “extra effort and consideration” to bring African Americans “to a position of equality.” The goal, as the administrator put it, was not desegregation, but rather to “expand and improve the local housing supplies available” to African Americans. In short, the Supreme Court’s landmark ruling in *Brown* led the nation’s housing agencies to reaffirm their faith in separate but equal. Cole confirmed his adherence to at least the first half of that legal dualism by convening a Minority Housing Conference in December 1954 that recommended a 10 percent “minority” quota in all new housing if sites acceptable to the community could be found. Such initiatives distressed Weaver and Gabel of the NCADH, since they saw in these initiatives “the seeds of the ghettos of the future.” The NAACP’s White, like Pauli Murray, noted that the plan disturbingly resembled the “South African government’s program of building separate communities for colored people” (Cole 1954d, 1954e, 1955; Weaver and Gabel 1954; White 1954).²¹

The most significant diversion down the path of separate development, however, came with the virtual de facto conversion of public housing into a “minority” program. Overcoming his aversion to public housing, if not integration, Cole became an ardent supporter of the president’s recommendation in the Housing Act of 1954 to construct 35,000 such units (the 1949 act had authorized 810,000). Assigned the role envisioned earlier for outlying vacant land, federally supported low-rent housing would now permit the “decanting” of inner-city populations, thus facilitating urban renewal. As Cole asserted, there had been a “theoretical tie” between slum clearance and public housing in the Housing Act of 1949, but the two programs never maintained more than a “nodding acquaintance through the preference given displaced slum dwellers in public housing.” The 1954 law went further, specifically directing that those displaced by renewal be relocated in the now limited number of subsidized apartments. Federally assisted public housing became, in Cole’s words, the “only means that most cities have for rehousing” their displaced poor. That functional imperative meant that public housing no longer served as a social reform primarily intended to improve the lives of low-income families. Instead, it had been “integrated into a larger program of community betterment” that would “improve the living standards and housing opportunities of all segments” of society. Rendering a political judgment, the administrator concluded that public housing had to serve the needs not only of its tenants, but of those living beyond its walls. “Only in that way can it command the community support it must have. It cannot function and survive as a mission apart” (Cole 1953b, 1954b, 1954c).

²¹ If there is little doubt that Cole believed in separate minority programs, his insistence on African-American equality is more problematic. Using a far more relaxed standard, he informed his staff at one point that no assistance would be approved if a community had not “adequately housed and...fairly treated” its minority families. It is not evident what, exactly, Cole regarded as “adequate” or “fair” (Nesbitt 1955).

There was an important corollary here. If public housing was reserved for displaced inner-city “slum dwellers” (and increasingly located in poor, African-American, core neighborhoods), it followed, as the administrator acknowledged, that a “very large part” of such new housing would “go to minority families.” He informed Senator Prescott Bush that the “small program” authorized by the Housing Act of 1954 “was based entirely upon the needs of families displaced by slum clearance and other governmental action.” He explained, “Since racial minorities constitute a high proportion of slum dwellers these circumstances orient the low-rent program significantly to serve their needs.” For Cole, this was tangible evidence of the administration’s good faith and constituted a policy of nondiscrimination. To go further and compel integration, the administrator feared, would simply slow the pace of housing construction, damage the national economy, and kill public housing in the South, and perhaps elsewhere (Cole 1954e, 1956c). In sum, Cole embraced the 1930s notion of equity when he promised African Americans rightful access to the benefits of the programs administered by the HHFA; but his vow that his agency’s tools would not be “misused to strangle broad national progress until every last extreme aim has been satisfied” meant that urban renewal would not be held hostage to demands for desegregation (Cole 1954f).²²

Beyond such arguments, Cole believed compulsion to be outside the scope of legitimate federal activity and ineffective as well. “You cannot simply legislate acceptance of an idea,” he told the National Urban League. Officials in Washington, DC, might encourage right conduct on race in the localities, but should never attempt to dictate; such matters, he believed, were “peculiarly local.” As for tactics, Cole similarly lectured his listeners at the Hampton Institute in Virginia on the eve of the 1954 congressional elections and warned against “recklessly abandoning the methods of basic growth and social change that have already brought the Negro so far on the road to full freedom and equality.” The “arbitrary use of the blunt instruments of force and compulsory decree” would not work, he predicted, and neither “violence” nor “whiplash tactics” could open the door of opportunity. He offered instead, he said, not the “counsel of inaction,” but merely a “more orderly approach” (Cole 1954e, 1954g, 1956c).

As for implementing the new housing act, Horne had warned Cole that it contained “elements of both promise and threat” that had become “imminent realities to be squarely faced or disastrously fumbled.” Recent events called for “basic revision” of “outmoded” policies and practices, Horne advised, before the “piecemeal” development of the past was replaced by the more “comprehensive attack” now possible. Still searching, he recommended formation of a task force to develop

²² “These policies were arrived at only after the most careful consideration of all the various viewpoints and interests bearing on this grave problem as well as the historical realities which surround it,” Cole told Senator Bush (1956d).

a “sound racial relations” program for urban renewal. However, it quickly became apparent that the administrator would have none of it as he fell back on a pre-*Brown* standard of race relations that offered little more than a codification of Foley’s procedures as guiding principles (Horne 1954e).

The new Urban Renewal Administration (URA)—DSCUR’s successor under the Housing Act of 1954—focused on the problem of living space and promised to supply compensatory “suitable housing” to minorities displaced by developments from which they would be excluded. “There must also be,” Cole wrote in a direct borrowing of Foley’s language, “consultation with representative leadership of the minority group.” Cole’s request that LPAs certify their adherence to this process in writing—through LPA Letter No. 16—represented an innovation that seemed to protect minority refugees from projects where “the reuse of the area is to be non-residential or housing unavailable to such families.”

With regard to public housing, Cole resurrected the call for the “equitable provision” of such accommodations “for eligible families of all races.” Here, too, he offered a slight refinement based on the agency’s past experience. In proclaiming what may be called the “Birmingham principle,” the administrator declared that “additional public housing for white families will not be assisted in communities which are found to be neglecting the needs of their racial minorities.” Although the value of such a rule at the very moment that urban renewal largely transformed the family public housing program into a minority relocation service may be questioned, it is perhaps even more curious that Cole assumed that denying benefits to poor whites somehow compensated “neglected” blacks. This was “equity” with a vengeance (Cole 1956a, 1956b, 1957b).

Committed to pre-*Brown* racial strategies, Cole’s eager reduction of the RRS silenced the increasingly aggressive opposition voice within his agency. Cole tried yet again to convince African Americans that his actions would serve their interests. The “Eisenhower Administration no longer considers that the responsibility for minorities is simply that of the race relations staff, while the rest of the Government concentrates on other matters,” he told the National Urban League. “It is a responsibility of every official.” But by making it everyone’s responsibility, he made it no one’s concern—as HHFA and URA actions soon demonstrated (Cole 1954e).

At the end of the 1950s, the URA had only one race relations officer in its central office and none at all in any of its regional branches. The regional administrators “occasionally borrowed” the services of such specialists from the FHA or PHA, but generally tolerated them only for “trouble-shooting” or “Negro jobs.” Separated from the renewal pro-

cess in January 1955 when DSCUR was reconstituted as the URA, the RRS believed its severance to be a temporary one. But by the fall of that year, Director Ray complained to Cole:

To continue any longer the extended absence of racial relations services from the expanded and growing programs of broad-gauged urban renewal activities that so predominantly involve Negroes...can only serve to place the Agency in an increasingly tenuous and not easily defensible position—indeed, render the Agency increasingly liable to charges of neglecting the needs of minorities. (Ray 1959)

With Frank Horne now gone, the RRS staff removed from the URA's regional offices, and Ray's ineffectual in-house protests ignored, no one held urban renewal's "tail" (Racial Relations Committee 1955a, 1955b, 1955c; Steiner 1959).

On the eve of the 1960s, George Nesbitt's graphic description of the futile efforts to apply LPA Letter No. 16 revealed an inability to invoke even a pre-*Brown* measure of racial equity. The letter, according to Nesbitt, was the "only administrative device available" to enforce President Eisenhower's decree that the slum clearance program would not be misused. But, he informed Urban Renewal Commissioner David M. Walker, the lack of race relations personnel, as well as the agency's failure to issue instructions, definitions, or process directives in a timely fashion, precluded the establishment of an adequate evaluation procedure. Nor, Nesbitt added with special reference to the South, had the mandated consultations with representative minority leadership materialized. Committees went unappointed, meetings were never held (or held too late in the planning process to make a difference) and the use of "rubber stamp" negotiating teams (sometimes including LPA employees) meant that compliance with the "no substantial [minority] objection" requirement could only be asserted, not documented. Finally, Nesbitt concluded, "as it is written and we have administered it, LPA Letter 16 has not forestalled 'Negro clearance' undertakings, as the White House appears to have desired" (1959).

Nesbitt's tale of bureaucratic laxity and disarray indicates the extent to which the brakes had come off the urban revitalization process by the mid- to late 1950s. Indeed, Administrator Cole made it a point to compare the rapid strides taken in providing minority housing in the Eisenhower years with the more plodding steps taken under Harry S Truman. "I think it easily demonstrable that, in contrast to the previous Administration, our efforts to stimulate provision of adequate housing to these groups have been continuous rather than sporadic; aggressive rather than hesitant; and intensive rather than diffuse," he wrote. In fact, Cole's characterization accurately reflected the respective paces of urban redevelopment and its successor, urban renewal. Three years after the passage of the Housing Act of 1949, perhaps a

half-dozen slum clearance projects had actually started operations; only another 47 had been approved for final planning. Five years after the 1954 act, however, 877 towns had adopted “workable plans” and, according to the U.S. Commission on Civil Rights, some 645 projects were being carried out in 386 localities. As the commission noted, “Once approval has been given, localities are for the most part left to execute the program with very little supervision” (Cole 1957a; Keith 1952; U.S. Commission on Civil Rights 1959).

The provision of more and, presumably, better (at least in the short term) minority housing on a segregated basis with federal assistance subsequently became a hallmark of the 1950s. There is little doubt that the trend in renewal-linked public housing followed predictable lines. By 1957, nearly 9 of every 10 displaced families moving into such low-rent units were nonwhite, and the projects themselves were overwhelmingly situated in inner-city neighborhoods. At the same time, according to the commission, the FHA-assisted private housing program failed to produce “the large quantities of low-cost housing required for displaced persons.” Racial restrictions on potential sites remained a primary obstacle. The commission inescapably concluded that urban renewal reinforced and, on occasion, established “for the first time strict patterns of residential segregation.” It found, in 1959, no “safeguards” against the use of the program in such a manner (U.S. Commission on Civil Rights 1959).

Before his forced departure, Horne had predicted that

administrative errors or misjudgments which allow local communities to indulge in racial conditioning of local programs will... bring down upon the head of the Administrator and HHFA criticisms, tensions, and litigation. It is certain these consequences will inevitably follow an urban renewal program that imbeds [sic] in concrete and stone the racial restrictions which the U.S. Supreme Court and public policy do now proclaim disruptive and outmoded. (Horne 1954e)

Perhaps the most powerful indictment alleged that Cole’s racial policies were “conceived to counteract the effect of the United States Supreme Court’s decision calling for public school integration.” The accusation brought by Horne’s discharged assistant, Corienne Morrow, gained the support of the NCADH’s Frances Levenson. By 1959, Levenson reported that numerous southern communities were using urban renewal to foster school segregation “by moving minority families out of presently integrated neighborhoods.” Federal weakness and deference to localism, she concluded, “permitted these outrageous schemes to receive approval and support.” These criticisms were more than the jaundiced perception of external critics; HHFA’s Nesbitt could not deny the accumulation of projects that, at the very least, appeared “motivated by the desire to effect ‘Negro clearance’ and frustration of

desegregation in education in the one stroke...with Federal aid” (Levenson 1956, 1959; NCADH 1956; Nesbitt 1959). Passed into law within weeks of the Supreme Court’s historic judgment in *Brown*, the Housing Act of 1954 became entangled in unforeseen ways with the heightened racial sensibilities of the budding civil rights revolution.

Conclusion

Thirty years separated the election of Franklin Delano Roosevelt as president and John F. Kennedy’s executive order that moved the government—however tentatively—toward a policy of nondiscrimination in federally assisted housing. From the New Deal to the New Frontier, state involvement in slum clearance, urban renewal, public housing, and mortgage insurance grew in the context of officially sanctioned segregation. Even given an articulated concern for “equity,” the PWA’s initiatives of the 1930s fit easily within that framework. The great deference shown local authorities in the Housing Act of 1937 reinforced it, and the creation of the RRS did not at first threaten it. The service’s African-American agents, though, could not be easily contained. First, Robert C. Weaver and then, especially, Horne tested the elasticity of the notion of equity. Going beyond demands for mere access to benefits, or even a fair share of government assistance, they moved with great energy and relentless determination to undermine (as early as the late 1930s) state-supported segregation. They and the RRS served as in-house critics for the HHFA and its constituents, placed racial considerations at the forefront of institutional deliberations, and acted as guardians of minority interests.

With the second Great Migration propelling millions of rural African Americans into cities in all regions and an economic boom that accelerated the trend toward white suburbanization, the postwar era promised a fundamental restructuring of metropolitan America. The Housing Act of 1949 raised hopes but ultimately proved an imperfect instrument and a venue for conflict. Viewing with alarm the proposed fruits of Title I redevelopment and Title III public housing projects in Chicago and Baltimore, the RRS railed against plans for “Negro clearance,” the reinforcement of the ghetto, and the use of federal resources and powers to sanction and, in some instances, impose segregation. Their protests slowed (if they did not stop) developments inimical to African-American interests and occasionally coaxed procedural or—as in Birmingham’s case—some substantive concessions from the struggle. But if Horne and his colleagues served as the collective conscience of the HHFA and held up a mirror to its programs to reveal bias, in the end, they could not dictate or even significantly influence broad policy. And with a national turn toward conservatism in the 1950s, tolerance for these dissenting refugees from the New Deal all but disappeared.

The juxtaposition of the Supreme Court's decision in the school desegregation cases and the passage of a new housing act in the spring and summer of 1954 forced a reexamination of national policy. Urban renewal's sweeping mandate to rehabilitate downtown business districts and "save" threatened neighborhoods had to be carried out in the context of powerful demographic and civil rights currents. The growing minority presence in the urban core, the emergence of largely white suburbs, and the persistent demand for more and better housing in the face of entrenched homeowner resistance to racial change led to an eager official advocacy of a racially dual housing market and separate development. The Eisenhower administration and HHFA Administrator Cole offered to supply a modicum of new African-American housing as long as it facilitated the economic development of the central city and did not challenge existing residential patterns. Family public housing increasingly became a minority relocation program locked in the urban core, while government subsidies brought homeownership and suburban mobility within the reach of the white middle class.²³ In terms of national housing programs, *Brown* brought a renewed commitment not to "separate but equal," but to an admitted, lower standard of "separate and adequate."

The pace of renewal accelerated in the late 1950s and early 1960s, as Cole removed the road blocks (or, more accurately, speed bumps) obstructing development. The replacement of the recalcitrant Frank Horne with the more pliable Joseph R. Ray and the isolation—then evisceration—of the RRS removed an institutionalized African-American voice and an occasionally tenacious bureaucratic opposition. Less willing than his predecessor to grant access or lend credence to RRS complaints, Cole added momentum to the renewal process by mid-decade.

Analytical emphasis on the 1950s focuses attention on the early stages of postwar urban revitalization, a time when precedents were set and patterns established. In terms of public housing, of the 1.3 million units in operation by the 1980s, some 600,000 were built before 1960, nearly three years before Kennedy's executive order took the first small, contested step away from state-sponsored segregation. Nearly 1 million of those units were built before 1970 and the first serious attempts to enforce the civil rights laws of the previous decade. Much of that new construction, consequently, consisted of densely packed high-rise projects that concentrated "problem" families in poverty-impacted core areas. The necessary result of a policy of simultaneous

²³ For the evolution of a two-tiered policy, see Radford (1996). For the democratization of homeownership, suburbanization, and the racialized context for each, see Tobey, Wetherell, and Brigham (1990) and Jackson (1985). For white resistance to racial succession in the postwar period, see Hirsch (1983) and Sugrue (1996). Some 76 percent of black-occupied public housing units and 82 percent of Hispanic-occupied units were located in central cities. See Goering and Coulibly (1991) and Massey and Denton (1993).

clearance and containment, the massive “projects” that gave public housing its now stereotypical image articulated perfectly its new mission and HHFA’s social vision. That the U.S. Department of Housing and Urban Development embarked, in the 1990s, on an eight-year, \$2.5 billion plan to tear down 100,000 subsidized apartments (roughly 10 percent of those built during the construction boom of the 1950s and 1960s) is testimony not simply to errors in judgment, but to the considered failure to adopt a “sound Negro policy” (Goering and Coulibably 1991; “U.S. Getting Public Housing” 1996).

Finally, there is a regional dimension to national housing policy that must not be forgotten. Slum clearance, urban renewal, and the revitalization of obsolete metropolitan centers are perhaps most frequently associated, in the popular mind, with the swath of industrial development that stretched from the Northeast through the Great Lakes and the Midwest. In fact, the most detailed case studies of places like Philadelphia, Detroit, and Chicago have clearly established the pattern of local use of federal aid to preserve and enhance residential segregation in the postwar era.²⁴ But to go no further loses sight of the fact that nearly half of all public housing authorities are located in just 13 southern states and that they account for one-third of all such units. Moreover, by the 1970s, measurable levels of segregation in public housing appeared greater in the South than elsewhere. Indeed, the early attempts at redevelopment in Baltimore and Birmingham under the Housing Act of 1949 clearly indicated that southern municipal authorities understood the potential of the law for imposing a greater degree of segregation than had previously been possible. And regional and national reactions to *Brown* undoubtedly led to using the more expansive Housing Act of 1954 in much the same way. A prime defense against the application of federal authority on behalf of civil rights was thus the extension of federal resources and power in the realm of housing policy. Most important, any future attempt to change course—let alone reverse established residential patterns—would be forced to confront the first postwar generation’s federally assisted construction of segregated redoubts.

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²⁴ In addition to Hirsch (1983) and Sugrue (1996), see Bauman (1987).

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