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BOOK REVIEW ESSAY

CRIMES WITHOUT PUNISHMENT: WHITE NEIGHBORS' RESISTANCE TO BLACK ENTRY

LEONARD S. RUBINOWITZ* AND IMANI PERRY**

STEPHEN GRANT MEYER, AS LONG AS THEY DON'T
MOVE NEXT DOOR: SEGREGATION AND RACIAL
CONFLICT IN AMERICAN NEIGHBORHOODS (ROWMAN
& LITTLEFIELD, 2000) 343 PP.

Dr. Stephen Meyer has chronicled the history of white resistance to housing integration during the first two-thirds of the twentieth century. From the author's perspective, the book is about housing discrimination and segregation—a conflict over residential space that is contested along racial lines between Blacks and whites. It is a story of Blacks seeking to gain access to, and occupy, housing in neighborhoods whites considered to be theirs, and whites' efforts to thwart, prevent, and deter those efforts and to exclude and expel Blacks from those neighborhoods. Meyer discusses discriminatory public and private institutional policies and practices; but his main focus is on “grass roots” racist resistance—individuals acting separately or in groups (sometimes very large ones) to exclude or expel Blacks

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from “their” neighborhood.¹ He argues that this resistance was persistent and pervasive throughout the period he examines—the first two-thirds of the twentieth century—and in all regions of the country. In fact, during much of that time, racial conflict and violence over housing were more common in the North than in the South.²

While he discusses the numerous barriers to Black entry, the most significant contribution to our understanding of this history is his focus on post-entry expulsion tactics by whites, reflecting a widespread unwillingness of whites to have African-Americans living in their midst. He focuses on deep-seated racial prejudice more than the role of racially discriminatory government and institutional policies and practices.³ This racism was reflected in the intimidation and violence used by whites who “refuse to accept Blacks as neighbors.”⁴

Meyer collects an eclectic and extensive body of data—accounts, statistics, and anecdote—from a wide variety of places that cover an extended period of time.⁵ In the aggregate, this data presents a persistent and pervasive pattern—a dramatic chapter in the story of America’s racial dilemma. In so doing, he seeks to provide a corrective to previous accounts:

¹ While Meyer emphasizes private actions designed to expel Blacks, he also devotes substantial time and attention to public and private policies and practices designed to deny access in the first place. This essay will not address the latter aspect of the book, except to the extent that criminal activity may be involved, such as public officials or the police conspiring with private citizens to drive out a Black family.

Because of its focus on crime, this essay will not treat two other important issues related to Blacks moving into white areas—the situations where some or all whites accepted, supported, or protected Black neighbors (or at least did not commit crimes of resistance) and the movement by many whites out of such neighborhoods as Black entered—the phenomenon often referred to as “white flight”.

² See STEPHEN GRANT MEYER, *AS LONG AS THEY DON’T MOVE NEXT DOOR: SEGREGATION AND RACIAL CONFLICT IN AMERICAN NEIGHBORHOODS* 5 (2000).

³ See *id.* at viii. Meyer argues that Charles Abrams understated the role of private prejudice in his classic 1950s book *Forbidden Neighbors*. See CHARLES ABRAMS, *FORBIDDEN NEIGHBORS: A STUDY OF PREJUDICE IN HOUSING* (1955). Other reviewers have demonstrated persuasively that Meyer’s criticism of Abrams is unsound. See Jonathan Entin, *Book Review*, 33 *URB. LAW.* 189-207 (2001); A. Scott Henderson, *Race Matters: The Folks Next Door*, 29 *REVIEWS IN AMERICAN HISTORY* 119-25 (2001).

⁴ See MEYER, *supra* note 2, at 1.

⁵ The quality and quantity of data is quite variable, depending on Meyer’s access to contemporaneous accounts and secondary sources—ranging from in-depth to very partial, including simply the number of house bombings in a city in a specified time period.

[M]ost observers have tended to misjudge the extent, character, and significance of the resistance perpetrated against African American immigrants. They have focused on the largest housing conflicts—riots in Chicago in 1919 and 1966, Detroit in 1942, and Cicero, Illinois, in 1951. . . . [Some] observers . . . have claimed that violence occurred only during the initial penetration of a neighborhood, that it happened once and then subsided, and that it “crested during the 1920s,” recurring only sporadically thereafter. . . . Resistance against African Americans moving into white districts occurred more commonly as thousands of small acts of terrorism. And this study [which focuses on the first two-thirds of the century] shows that, rather than cresting in the 1920s, resistance persisted throughout the century, the most vicious and extensive violence occurring in the North during the two decades following World War II.⁶

From a different perspective, the book contains an account of widespread criminal conduct, most frequently crimes of violence causing great physical, financial, and psychological harm. These are interracial crimes with white criminals and Black victims.⁷ Although he does not characterize it as such, Meyer has written about extensive and very serious criminal activity and the failure, by and large, of the criminal justice system to arrest, prosecute, convict, and punish the perpetrators of these race-based crimes.

As re-conceptualized here, Meyer’s work stands at the intersection of two large historic themes in American race relations—white violence against Black people and their property and the manifestations of racism integrated into the criminal justice system. The existence and treatment of housing-related crimes reflect deeply embedded individual and institutional racism—from the perpetrators’ motivations to their “justifications” premised on assumptions of racial inferiority; from the victims’ initial racial indignities to their long-term injuries; and from the co-conspiratorial or passive response of the police to the rare and minor punishment meted out by the criminal justice system.

⁶ See MEYER, *supra* note 2, at 6.

⁷ They are also manifestations of the use of whites’ private power against Blacks in non-subtle ways, including violence and intimidation.

Housing-related crimes constitute a relatively unexamined sub-category of the historically common racist practices that we now refer to as hate crimes.⁸ Consequently, Meyer's book makes more visible the history of one of the least visible aspects of racial violence and racial discrimination in the criminal justice system. Meyer's book, in combination with other research on housing, race, and violence, shows that the whole historical story of crime, law enforcement, and the criminal justice system in the housing area is infused with racist attitudes, assumptions and actions—a pattern that has been persistent over many decades and pervasive across regions.

As an account of criminal behavior, the book tells of crimes, the perpetrators and their efforts at “justification,” as well as the victims and the harms to them and to the society. It also provides glimpses of what appears to be a failed criminal justice system, with a seemingly frequent lack of police protection for Black entrants and the general absence of arrests, prosecution, and punishment of the wrongdoers.

⁸ HERBERT SHAPIRO, *WHITE VIOLENCE AND BLACK RESPONSE* 374-77 (1988). Though this is a very extensive and detailed treatment of that subject, it pays relatively little attention to housing-related violence, emphasizing instead lynchings and police brutality as well as Blacks' physical, organizational and political response to those forms of violence. (However, he does discuss post-World War II housing-related violence in Chicago).

Similarly, the major books on race and the criminal justice system devote their attention to other aspects of the system than arrest and prosecution for housing-related racial crimes. See generally DAVID COLE, *NO EQUAL JUSTICE: RACE AND CLASS IN THE AMERICAN CRIMINAL JUSTICE SYSTEM* (1999) (analyzing the ways in which racial discrimination pervades the criminal justice system and the social costs of this double standard and recommending remedies for the problem); RANDALL KENNEDY, *RACE, CRIME, AND THE LAW* (1998) (examining the race question in the criminal law context, focusing especially on procedural questions such as jury selection and punishment issues such as the death penalty and sentencing for drug-related offenses).

Since Meyer did not set out to write about crime and punishment, he did not look systematically at the role of the police, the prosecution, and the courts in response to the crimes he recounts. As a result, there is a great deal of missing data about the nature and extent of the crimes and especially about the response of the criminal justice system. Thus, any conclusions about police, prosecution, and punishment must be very tentative.

This dearth of literature also points to the need for additional research on the criminal justice aspects of the period Meyer addressed, in addition to the need to bring the story up to the current time, as discussed *infra* pp. 396-414. In addition to the need for a more in-depth description of the response of law enforcement officials and the criminal justice system to these crimes, further research could profitably analyze the causes and consequences of those responses.

This Essay recasts Meyer's account as a story about crime and punishment—or lack thereof. It begins by identifying the kinds of information that would serve to provide a comprehensive picture of these kinds of crimes during the period Meyer examines—recognizing that his account falls far short of such a complete assessment. It continues with an examination of the crimes that Meyer and others have identified—their location (across regions of the country, locations within metropolitan areas); the time periods (continuity and change over the first two-thirds of the twentieth century); the timing of the crimes relative to move-ins (immediate, escalation and de-escalation over time); and the nature of the offenses (various crimes against persons and property crimes). It then turns to the perpetrators, including individuals, white supremacist organizations, and ad hoc groups, ranging from mobs of hundreds of thousands to single offenders, and their identity, to the extent it is known—by class, gender, age—including men, women, and children.⁹

Following the discussion of perpetrators is an examination of what they and their advocates offered as rhetorical (if not legal) “justifications” for these acts, including “self-defense,” defense of property, “necessity” (public health and military metaphors), and “deputization” for “norm enforcement” purposes.

A consideration of the victims reveals characteristics of both the property and the persons affected. Frequently, the attacks were aimed at Black owners of single-family homes. Middle-class status based on education and income offered no protection against racial crimes. (“In spatial relations, race matters more than economic class.”)¹⁰ Even wealthy Black celebrities have been victims of these racist crimes. An assessment of the impacts of the crimes on the victims reveals very serious physical (injury and death), financial (property damage, cancellation of insurance, medical expenses, etc.), and psychological (emotional trauma, chilling effect on other moves) harms or injuries. An examination of the action and inaction of the criminal justice system—including local and state police, prosecutors, and

⁹ See MEYER, *supra* note 2, at 9.

¹⁰ See *id.* at 11.

elected officials, as well as federal officials—shows a pattern of little law enforcement and even less punishment in these cases.¹¹

This Essay also suggests that the housing-related crimes that Meyer describes as continuing into the 1960s persisted through the rest of the century and beyond, and it argues that additional systematic research is needed to identify the nature and extent of this continuing problem. The concluding section includes some anecdotal data about the continuing nature of racial resistance and identifies research that would help in constructing a more complete account of the post-1960s patterns of crime and punishment.

I. CRIME DATA: IDEAL AND ACTUAL

A comprehensive picture of racially motivated housing-related crimes during the period Meyer examines—up until the passage of the Federal Fair Housing Act in 1968—would identify the extent to which criminal activity characterized whites' response to Blacks moving into predominantly white neighborhoods and communities.¹² It would show the frequency of such offences—the crimes rates—as well as the probability of criminal resistance to integrationist moves. It would also capture the efforts of law enforcement officials to prevent these crimes and their response, along with that of the criminal justice system, to these crimes.

Ideally, such an analysis would include all such offenses in the period.¹³ For each instance, the discussion would spell out

¹¹ While Meyer does not look at Blacks' responses to white resistance in any depth, it is clear that Blacks were not passive in the face of these crimes and the law enforcement failures. Some individuals engaged in self-help tactics, while organizations such as the NAACP advocated for broader remedies such as fair housing legislation.

¹² This essay follows Meyer's approach of focusing exclusively on white on Black crime and thus does not treat other race-based housing-related crimes, such as those that whites committed against Asian-Americans during World War II. The issues of segregation and violence have affected other groups as well in a plethora of ways, and they also merit close examination.

¹³ This essay focuses on housing-related crimes; but it is important to recognize that Blacks moving into white areas were victimized in other parts of these predominantly white neighborhoods and communities. Given the level of hostility and animosity reflected in many home-based encounters, it is likely that other crimes occurred elsewhere in the neighborhood or larger community in many instances. Assaults, damages to cars, and other crimes of person and property away from their home probably beset the families described in the book, as well as other Black mov-

the facts in sufficient detail to make it possible to identify the offenses involved in individual incidents or multiple victimizations. It would identify the numbers, identities, and characteristics of perpetrators—including their gender and age—along with their organizational affiliations, if any. Similarly, it would describe the victims, including their family composition and economic and social circumstances, as well as the nature and extent of the physical, financial, and psychological injuries they suffered.

Such a portrait of crimes and punishment would also include police initiatives at prevention of these crimes and their efforts to investigate and apprehend and arrest the perpetrators, as well as the record of arrests and initial charges against alleged perpetrators. In cases of arrests, the examination would follow cases through the criminal justice system, including the charges prosecutors filed, if any, and the number and nature of plea bargains. For cases going to trial, the analysis would include the defenses raised by defendants, as well as the disposition of the case, including the determinations by judges and juries and the punishments assessed upon conviction.

Any actual research project would inevitably fall short of this exhaustive account of crime and punishment. Meyer's analysis falls well short in a number of ways and for a number of reasons—many of which are either beyond his control or beyond the scope of his study.

In cataloguing whites' resistance to Black entrants through the late 1960s, Meyer chronicles more integration-related

ers. For example, the extended Trumbull Park public housing episode discussed *supra*, whites victimized Black residents on the nearby streets and in the neighborhood stores, parks, and churches, as well as in and around their homes. As a result, this analysis almost certainly substantially understates the amount of victimization families encountered. If their homes did not serve as a refuge from racist attacks, it is likely that many of them faced similar treatment in other parts of their neighborhood or community. A white woman threatened violence in a store, but did not carry out the threat, perhaps because it was a public setting, and she could not be anonymous. *See* MEYER, *supra* note 2, at 120. Meyer also referred briefly to the schools as a setting for racial encounters. *See id.* at 128. A Black Chicago family that moved to a predominantly white suburb reported that white teenagers tried to force her off the road as she was driving in her community. *See* LEONARD S. RUBINOWITZ ET AL., *CROSSING THE CLASS AND COLOR LINES: FROM PUBLIC HOUSING TO WHITE SUBURBIA* 96 (2000). For crimes against Black students in the predominantly white Little Rock Central High School in the late 1950s, see MELBA PATTILLO BEALS, *WARRIORS DON'T CRY* (1994).

crimes in more places and over a longer period of time than anyone else, but he does not claim that he has uncovered all such incidents during that time.¹⁴ In fact, many incidents did not find their way into his discussion.¹⁵ For example, while Meyer argues that the problem persisted at least through the late 1960s, he does not include accounts of specific incidents during that decade. However, other sources fill that gap and support his claim of continuing attacks on Black entrants.¹⁶ (See Appendix B for a listing of additional housing-related crimes from the late nineteenth century through the 1960s compiled from other sources).

In many cases, it is impossible to tell whether the offense that Meyer identifies was part of a series of crimes perpetrated against a particular family. For example, he sometimes refers to a bombing or a series of bombings in a community, without elaboration.¹⁷ In some of these cases, the bombings were probably the culmination of a series of crimes—perhaps an escalating campaign to eject a family—including cross burnings, window breaking, or threatening telephone calls. However, the sources that report the bombings may not pick up those earlier offenses.¹⁸

¹⁴ Meyer has put together an eclectic collection of data that is both extensive and uneven. He uses a wide variety of published and unpublished sources, including organization's archives, media accounts, and secondary sources, and the accounts vary widely in their level of detail—from the specifics of a particular bombing to simply identifying the numbers of bombings in particular places during specific time periods. Perhaps because he covers the whole country and an extended time period, the study is neither exhaustive nor systematic. Since the book grew out of a doctoral dissertation, the resources available were presumably limited, thus constraining Meyer's ability to identify incidents throughout the country during such an extended period. Consequently, it is impossible to extrapolate from his accounts to the entire picture. As Appendix B shows, there were many such crimes that Meyer did not examine; but the appendix does not purport to complete the story, either. Even without a complete accounting, the crimes discussed in the book and in this essay demonstrate a deep problem of a social context in which so many of these crimes have occurred and apprehension, prosecution, conviction, and punishment have rarely followed.

¹⁵ The discussion of such incidents will indicate when the source is other than Meyer's book.

¹⁶ The discussion of such incidents will indicate when the source is other than Meyer's book.

¹⁷ See MEYER, *supra* note 2, at 20, 30, 100, 112.

¹⁸ In order to extrapolate from information about bombings to estimates of other associated crimes, it would be necessary to do in-depth research on individual inci-

At the same time, an even more exhaustive inventory than Meyer's would inevitably miss incidents that were not reported to the police or the media and were not picked up by some other researcher.¹⁹ Underreporting is a chronic problem in determining crime rates.²⁰ That problem is exacerbated in this case. There are good reasons to suspect that many Black victims of housing-related crimes did not report them to the police or make them public in any way.²¹ Blacks may have feared retaliation and even escalation if they complained to the police or the media. Moreover, many Blacks did not trust the police or the media, almost all of whom were white, especially when they believed that the police and the media would side with the white racists.²² Many Blacks shared a perception that, at best, the criminal justice system was ineffective in apprehending and prosecuting offenders in these cases.²³

dents or determine the extent to which patterns of escalation characterized white resistance.

¹⁹ While urban newspapers are an important source for tracking these encounters, some incidents probably occurred in suburbs, small towns, and rural areas that were not fully covered by metropolitan media. Moreover, no single researcher could examine all of those newspapers for the country over the extended period that Meyer examines.

²⁰ Perhaps the most significant limitation of crime statistics is that they reflect only crimes reported to the police. Victimization surveys, which focus on victims and their experience with crime, may include crimes that are both reported and unreported to police.

²¹ Meyer notes that in the 1950s, the NAACP claimed that there was substantial underreporting of housing-related racial violence in Detroit. See MEYER, *supra* note 2, at 122.

Contacting the police could become costly and time-consuming, including lost time from work and long waiting times. Reporting the crime also required the victim to re-experience feelings of pain and vulnerability. With the belief that little could be accomplished, many victims sought to avoid further victimization by the authorities and the criminal justice system. See Robert F. Kidd and Ellen F. Chayet, *Why Do Victims Fail to Report? The Psychology of Criminal Victimization*, 40, no. 1 JOURNAL OF SOCIAL ISSUES 39, 42-48 (1984).

It is also possible, of course, that there was some over-reporting—reports of incidents that did not occur or exaggerated versions of what did occur. However, it is likely that under-reporting far exceeded over-reporting of these kinds of crimes.

²² Police departments may wrongly "unfound" a reported crime (determine a crime to be "false or baseless") and fail to press charges for a variety of administrative or political reasons. See WESLEY G. SKOGAN & MICHAEL G. MAXFIELD, *COPING WITH CRIME: INDIVIDUAL AND NEIGHBORHOOD REACTIONS* 28-29 (1981).

²³ *Id.*

In many cases, there is little or no information on the perpetrators. This gap is in large part a reflection of the failure of the police to identify and arrest alleged perpetrators. In other cases, it is a result of the sketchy information available in sources on which Meyer relied.²⁴

In addition, much of the crime and punishment picture is beyond the scope of Meyer's inquiry. Again, the reactions of the police and the criminal justice system are not central to his argument about the persistence and pervasiveness of privately initiated housing discrimination. He did not set out to catalogue crimes and evaluate the performance of law enforcement officials and the criminal justice system in this area. Consequently, his references to those aspects of the story are not systematic, and they often lack depth and detail.²⁵

Moreover, in order to follow any of these accounts through the criminal justice system, it would be necessary to identify them as race-related crimes. Before the relatively recent advent of "hate crimes," police and prosecutors' records would simply identify traditional offense categories rather than categorize the crimes as instances of whites' resistance to Blacks moving into the neighborhood.

So while the information available in Meyer's book and elsewhere falls far short of the ideal comprehensive picture, the available information tells a story of widespread and serious crimes committed in many places over many decades, apparently with little apprehension and punishment of the perpetrators. The following discussion of crime and punishment is based primarily on Meyer's accounts; but it also incorporates accounts from other sources to supplement the picture that he provides. It begins with the housing-related crimes that whites perpetrated against Black entrants, considers the perpetrators and their victims, follows the process through the response of law enforcement officials and through the justice system, and concludes with the punishment of those found guilty of these crimes.

²⁴ See MEYER, *supra* note 2, at 122.

²⁵ See *id.* at 33, 57, 76, 77.

II. THE CRIMES

While Meyer acknowledges that whites sometimes welcomed Blacks into “their” neighborhoods—with or without open arms—he focuses on those occasions where whites chose to resist Black entry in an attempt to make them so unwelcome that they would leave.²⁶ Accounts dating back to the late nineteenth century show that Blacks moving into predominantly white areas faced a substantial risk of encountering racial hostility and becoming victims of crimes to their person or property. While the available data do not permit a precise estimate of the number of various categories of housing-related crimes, major and minor offenses undoubtedly number in the thousands.²⁷ Moreover, the number might have been far larger if the crimes themselves had not deterred many Black families from moving into predominantly white areas where they risked becoming victims of racist attacks.²⁸ Whites’ actions in opposition to Black residents ranged from clearly criminal actions, such as bombings, arson, cross burnings, and vandalism, to those protected by the First Amendment, such as offers to buy the home and the use of racial epithets. Moreover, many acts recounted in Meyer’s book and elsewhere may or may not have constituted crimes, depending on the particular state criminal code and the specific facts, which were often sketchy and incomplete.

While the wide variety of criminal activities in which whites engaged would constitute “hate crimes” under much current legislation, state laws criminalized these acts against persons and property long before the concept of “hate crimes” emerged.

²⁶ Meyer acknowledges that some Blacks were well received, noting the examples of the “races cohabiting harmoniously” in Trends in Housing, the newsletter of the National Committee against Discrimination in Housing. MEYER, *supra* note 2, at 140. While he claims that in most instances in the period he studied whites have reacted unfavorably to Blacks moving in, he does not set out to explore that whole record in a systematic way. See *id.* at 11. Even if he had wanted to examine the overall patterns and practices, that would have been feasible only through an in-depth study of a local situation. See generally L.K. NORTHWOOD & ERNEST A.T. BARTH, URBAN DESEGREGATION: NEGRO PIONEERS AND THEIR WHITE NEIGHBORS (1965) (study of a small number of Black families that moved into predominantly white Seattle neighborhoods in the early 1960s).

²⁷ See Appendices A, B, and C for an indication of the magnitude of these offenses.

²⁸ See discussion *infra* p. 386, of the chilling effect of these crimes on Blacks’ mobility.

Emphasizing the criminal nature of these accounts underlines their gravity—the intentionality of the perpetrators, the volitional nature of their acts, and the seriousness of the harms they caused.

A. LOCATION: THE SITES OF THE CRIMES

There are three locational aspects of these crimes—regional, metropolitan, and home-based. First, one of Meyer's central themes is that the pattern cut across regions. The crimes were not limited to the South, and, in fact, they occurred more frequently in the North and West. Second, most were in central cities of metropolitan areas rather than suburbs or rural areas. Finally, the particular crimes examined took place in or around Black families' homes.

1. *The Regional Locus of Housing-Related Crimes*

Meyer devotes the majority of his attention to the North, where many of the worst attacks took place.²⁹ White southerners were used to having Blacks living in close proximity, dating back to slavery, and they did not find the presence of Blacks nearby threatening to their dominance and supremacy.³⁰ In the North, intense discrimination and segregation dating from the late nineteenth and early twentieth centuries, when large numbers of Blacks migrated to northern cities, made any breach of that pattern threatening to whites.³¹ In Chicago and other northern cities, the block-by-block racial transition or resegregation process at mid-century also contributed to strong reactions by whites to the arrival of the first Black families in the neighborhood.³² Thus, the saying—"The South doesn't care how close a Negro gets just so he doesn't get too high; the North doesn't care how high he gets just so he doesn't get too close."³³

²⁹ See MEYER, *supra* note 2, at 5.

³⁰ See *id.* at 5, 98.

³¹ See *id.* at 30, 32, 46, 47.

³² See *id.* at 117, 122, 126.

³³ See *id.* at 13 (quoting a folk axiom in PHILIP A. JOHNSON, *CALL ME NEIGHBOR, CALL ME FRIEND: THE CASE HISTORY OF THE INTEGRATION OF A NEIGHBORHOOD ON CHICAGO'S SOUTH SIDE 17* (1965)).

Chicago is perhaps the outstanding example of a place where racial crimes occurred around housing conflicts over an extended period of time.³⁴ These crimes became the norm in Chicago the way other forms of racial violence, such as lynchings and church bombings, became commonplace in the South. From the threatened violence of the late nineteenth century by white south side neighbors, to the bloody race riot of 1919, to the public housing violence of the 1940s and 1950s, to the violent resistance to the open housing marches led by Martin Luther King and local civil rights activists in 1966, Dr. King's comment that southern racists could learn something about racism from Chicago whites fit all too well.³⁵ Thus, the Chicago Freedom Movement, as it was called, was one of many occasions for anti-integration white Chicagoans to act out with extremely violent actions.³⁶

Similarly, Detroit witnessed a continuous stream of housing-related racial crimes between World War II and the 1960s.³⁷ There were over two hundred incidents against Blacks moving into predominantly white neighborhoods, many of which involved window breaking, arson, vandalism, and physical attacks.³⁸ The problem peaked in the mid-1950s, when the city's economy faced critical problems, and accelerated again in the early 1960s.³⁹ Over the decades, this widespread racial resistance involved thousands of whites, many of whom committed

³⁴ For another example of sustained patterns of housing-related racial crimes, see KEVIN MICHAEL KRUSE, *WHITE FLIGHT: RESISTANCE TO DESEGREGATION OF NEIGHBORHOODS, SCHOOLS AND BUSINESSES IN ATLANTA 1-201* (unpublished Ph.D. dissertation, Cornell University 2000) (on file with authors).

³⁵ See ALAN B. ANDERSON & GEORGE W. PICKERING, *CONFRONTING THE COLOR LINE: THE BROKEN PROMISE OF THE CIVIL RIGHTS MOVEMENT IN CHICAGO* 223-36 (1986); JAMES R. RALPH, *NORTHERN PROTEST: MARTIN LUTHER KING, JR., CHICAGO, AND THE CIVIL RIGHTS MOVEMENT* 120-133 (1993); WILLIAM TUTTLE, *RACE RIOT* 161 (1985); ARNOLD HIRSCH, *MAKING THE SECOND GHETTO: RACE AND HOUSING IN CHICAGO, 1940-1960* 40-67 (1983).

³⁶ See MEYER, *supra* note 2, at 183-88.

³⁷ See THOMAS J. SUGRUE, *THE ORIGINS OF THE URBAN CRISIS: RACE AND INEQUALITY IN POSTWAR DETROIT* 233 (1996).

³⁸ *Id.*

³⁹ *Id.*

crimes against hundreds of Black victims who were among the first families to cross the residential color line.⁴⁰

2. *Intra-Metropolitan Differences*

At the local level, most of the crime reports came from central cities.⁴¹ To the extent that these accounts reflect real differences in central city and suburban experiences, there may be several possible explanations. First, for much of the first half of the century, the majority of the metropolitan population resided in central cities, and most of the contested, racialized space was located there as well.⁴²

Moreover, as suburban growth skyrocketed after World War II, Blacks were largely excluded from this exodus. Many legal and practical barriers kept most Blacks from moving to the suburbs in the first place.⁴³ For example, FHA mortgage insurance helped to fuel the suburban migration; but FHA policies and practices denied Blacks seeking to move to predominantly white suburbs access to mortgage insurance.⁴⁴ Since very few Black families had the opportunity to move to the suburbs in the aftermath of the war, there were few occasions for white suburbanites to engage in the kinds of resistance that Meyer chronicles.

It is also possible, of course, that white suburbanites were not as hostile as their city counterparts to Blacks' arrival and presence in their midst.⁴⁵ The threat of additional Black entry—what whites often referred to as an “invasion”—may not have seemed as great because of the distance from Black enclaves or

⁴⁰ *Id.*

⁴¹ The apparent concentration of these crimes in central cities may be a function of different incidences of housing-related crimes or simply differences in the availability of data about cities and suburbs. See discussion *supra* pp. 343-344.

⁴² See generally KENNETH T. JACKSON, *CRABGRASS FRONTIER* (1985) (examining what the author argues is the uniquely American pattern of suburban development).

⁴³ See generally LEONARD S. RUBINOWITZ, *LOW-INCOME HOUSING: SUBURBAN STRATEGIES* (1974) (discussing the barriers to Black and low-income entry into the suburbs and strategies for overcoming them).

⁴⁴ See Leonard Rubinowitz & Elizabeth Trosman, *Affirmative Action and the American Dream: Implementing Fair Housing Policies in Federal Homeownership Programs*, 74 NW. U. L. REV. 491, 510-21 (1979).

⁴⁵ See RUBINOWITZ ET AL., *supra* note 13, at 63.

the high cost of housing in the local market.⁴⁶ Therefore, white suburbanites may have worried less about potentially being “overrun” by Blacks.

Moreover, policy and practical considerations may have led suburbanites to use legal means in an effort to expel Blacks. Concerns about their community’s reputation with subsequent effects on property values may have led some whites to choose non-violent strategies to retain racial homogeneity.

At the same time, the accounts include a number of suburban criminal incidents.⁴⁷ The suburban accounts usually came from older, inner-ring suburbs occupied by working class and middle class whites who felt threatened by Blacks’ entrance, in part because of the suburb’s proximity to a predominantly Black city neighborhood. Those suburbs include Cicero and Oak Park, Illinois (both of which adjoin Chicago); Dearborn, Michigan (next to Detroit); Compton, California (adjacent to Los Angeles); Shively, Kentucky (outside Louisville); and Levittown, Pennsylvania (near Philadelphia).⁴⁸

3. *The Home as the Crime Site*

As a final spatial aspect of these crimes, the home itself served as the site for almost all of Meyer’s accounts.⁴⁹ While one view about Black life in America locates the home as the one refuge from racial mistreatment (the one area Black families can control), Meyer put the lie to that theory, at least for Blacks moving into predominantly white areas.⁵⁰ Their homes did not

⁴⁶ See *id.* at 63.

⁴⁷ Meyer suggests that these crimes might have declined as many whites chose “flight” over “fight” with the post-war suburbanization of whites. MEYER, *supra* note 2, at 115. Sugrue suggests that it was more difficult for Detroit’s Blacks to move to the suburbs than to predominantly white city neighborhoods; but when they did so in the post-War period, they faced resistance similar to what they encountered in the city. See Sugrue, *supra* note 37, at 266.

⁴⁸ See *id.* at 118 (Cicero and Oak Park); *id.* at 122 (Dearborn); *id.* at 127 (Compton); *id.* at 137-38 (Shively); *id.* at 147-48 (Levittown). The one positive suburban move-in experience Meyer recounts is about Milpitas, California. See *id.* at 140-41.

⁴⁹ Black entrants were subject to race-based victimization throughout the predominantly white neighborhoods and communities, including schools, stores, the streets, places of employment, and religious institutions. For an account of resistance in schools and businesses, see KRUSE, *supra* note 34.

⁵⁰ Meyer quotes JOHN R. FEAGIN & MELVIN P. SIKES, *LIVING WITH RACISM: THE BLACK MIDDLE CLASS EXPERIENCE* 224 (1994) about home as refuge. Meyer, *supra* note 2, at

shelter them from the threat or reality of attacks on their person or their property.

It is quite understandable that the home did not function as a refuge in this context. The clear and explicit goal of whites who engaged in criminal behavior against Black residents was to drive them out of the neighborhood. The perpetrators understood well that attacking what would otherwise be a refuge from racism could be the most effective expulsion strategy.

B. THE TIME DIMENSION: CONTINUITY AND CHANGE OVER TIME

Even before Meyer's first account—the 1910 stoning of a Black family's Baltimore home—whites engaged in criminal activity to expel Blacks from “their neighborhood.” As early as 1897, white property owners in Chicago's south side Woodlawn neighborhood “declared war” on their Black neighbors.⁵¹ All of the Black families moved out because of the threat of violence against them.⁵² A dozen years later, whites in the adjacent neighborhood of Hyde Park vandalized Blacks' homes to let them know that they were not welcome in the area.⁵³

Nor was violent neighborhood racial resistance confined to the early part of the twentieth century. Changes were incremental, and there was much continuity along with the changes through the first two-thirds of the century.⁵⁴

Progress was not linear, but instead reflected an ebb and flow in the intensity of hostile receptions, depending on whites' circumstances.⁵⁵ For example, during the Great Depression, many whites used Blacks as scapegoats for their problems, which added to the likelihood of victimization for Black entrants.⁵⁶ In

3. This is not to suggest that Black entrants were not victims of race-based crimes in the larger neighborhood or community. Meyer's focus on the home precludes an assessment of that aspect of their experience. For a discussion of non-housing related victimization of Black entrants, see RUBINOWITZ ET AL., *supra* note 13, at 96-99 (efforts by white drivers to push Blacks' cars off the road, assaults, and threats of violence).

⁵¹ TUTTLE, *supra* note 35, at 261.

⁵² *Id.*

⁵³ See ALLAN SPEAR, *BLACK CHICAGO, THE MAKING OF A NEGRO GHETTO, 1890-1920* 22 (1969).

⁵⁴ See Meyer, *supra* note 2, at 6.

⁵⁵ See *id.* at 35 (discussing Chicago as an example).

⁵⁶ See *id.* at 62, 78-97.

the post-World War II years, housing-related crimes spiked again.⁵⁷ The second Great Migration saw several million Blacks move from the South to northern cities.⁵⁸ At the same time, urban renewal and highway projects in those cities displaced large numbers of Blacks who sought relocation housing wherever they could find it.⁵⁹ Moreover, the rise in income during the war increased Black mobility and led some African-American families to seek housing outside traditional inner city areas.⁶⁰ Once again, whites responded with increased resistance to Black entry.

While Meyer argues that white resistance persisted through the late 1960s, the last of the incidents he describes took place a decade earlier.⁶¹ However, other sources identify numerous crimes of resistance that support his claim of persistent racism. One of the most dramatic episodes took place in Chicago, in Mayor Richard J. Daley's neighborhood of Bridgeport in 1964.⁶² A civil rights worker tried to integrate Daley's street to test the

⁵⁷ See *id.* at 78, 80, 89.

⁵⁸ See *id.* at 79, 80. See generally NICHOLAS LEMANN, *THE PROMISED LAND: THE GREAT BLACK MIGRATION AND HOW IT CHANGED AMERICA* (1991) (chronicling the Great Migration through the story of a family moving between Mississippi and Chicago).

⁵⁹ See *id.* at 55, 88, 90, 103. See generally MARTIN ANDERSON, *THE FEDERAL BULLDOZER* (1967) (criticizing the federal urban renewal program because of its displacement effects, among other grounds).

⁶⁰ See *id.* at 79, 85, 88.

⁶¹ For other sources that can shed light on white responses in the 1960s, see generally W. SCOTT FORD, *INTER-RACIAL PUBLIC HOUSING IN BORDER CITY* (1972); CAROLE GOODWIN, *THE OAK PARK STORY: COMMUNITY CONTROL OF RACIAL CHANGE* (1979); W. DENNIS KEATING, *THE SUBURBAN RACIAL DILEMMA: HOUSING AND NEIGHBORHOODS* (1994); DAVID KIRP ET AL., *OUR TOWN: RACE, HOUSING, AND THE SOUL OF SUBURBIA* (1995); RUSS RYMER, *AMERICAN BEACH* (2000).

In addition to the move-in related crimes, there were "housing movement-related" crimes. The most dramatic examples are the white response to open housing demonstrations in Chicago in the summer of 1966. As the demonstrators in the Chicago Freedom Movement marched into white neighborhoods, counter-demonstrators threw rocks at them, including one that hit King in the head. Whites also rolled Blacks' cars into the lagoon near where they had parked them. See ALAN B. ANDERSON, *CONFRONTING THE COLOR LINE* 223-25 (1986), for an example of mob violence in response to housing in marches.

Violence also greeted open housing demonstrators marching into the south side of Milwaukee in 1967. Father James Groppi, a Catholic priest, led these demonstrations. Summarize the crimes committed against them and anything about arrests and prosecutions. See MEYER, *supra* note 2, at 189-96.

⁶² See MIKE ROYKO, *BOSS: RICHARD J. DALEY OF CHICAGO* 129-32 (1971). This account is based on Royko's recounting of the incident.

mayor's assertion that Chicago was not segregated. He bought a house containing three apartments, with the intention of renting one of the three apartments to Blacks. Two Black college students moved in on a Friday, and over the weekend a white mob chanted hate messages and threw rocks and bottles at the apartment.⁶³ Shortly thereafter, the police entered the apartment and removed the students' belongings while they were at school. The neighbors entered and smeared the walls with excrement. When the Black students returned from school, they were taken to the police station and told that they had been evicted and no longer lived in Bridgeport.

In another neighborhood on Chicago's south side, there were cross burnings when Blacks started moving into a white enclave in the 1960s.⁶⁴ Also in the 1960s, there was an episode in the virtually all-white working class Detroit suburb of Warren. Many Blacks worked in the auto plant there, but very few Blacks lived in this community of 180,000 people. Blacks referred to Warren as a "sundown community," because they knew that they were supposed to get out of town by sundown. When an interracial couple moved into Warren, an angry mob of whites threatened them.⁶⁵ The local police could not, or would not, control the mob, so Michigan Governor George Romney called on the National Guard to control the situation.

As will be discussed later, the 1960s also witnessed a break-in and vandalism of the home of professional basketball star Bill Russell in a predominantly white Boston suburb.⁶⁶ And in Boston itself, efforts in 1962 by the Boston Housing Authority (BHA) to integrate its developments by moving Black families

⁶³ *See id.* at 131. Three Black couples had each agreed to move in but out of fear of this notoriously unwelcome neighborhood decided not to do so. *See id.* at 130.

⁶⁴ *See* LOUIS ROSEN, *THE SOUTH SIDE: THE RACIAL TRANSFORMATION OF AN AMERICAN NEIGHBORHOOD* 58-60 (1998). Rosen does not indicate whether there were any arrests or prosecutions. Other than the cross burnings, Rosen suggests that there was little violence. Some participants claimed that this was because it was a heavily Jewish neighborhood, and Jews were unlikely to resort to violence. *See id.* at 93-94. At the same time, whites made clear in various ways that Blacks were not welcome in the neighborhood, and many middle class families moved away. *See id.* at 13-14, 47, 78-80, 99-100, 123.

⁶⁵ This account is also based on the experience of the first author as an official of the U.S. Department of Housing and Urban Development.

⁶⁶ *See infra* note 204 and accompanying text.

into public housing in south Boston led to violent resistance by neighborhood residents. When the BHA rented an apartment to a lone elderly Black woman, her apartment was stoned on two successive nights even before she finished moving in, resulting in twenty-four broken windowpanes.⁶⁷ Boston's public housing served as the scene of large numbers of racist housing-related crimes in the 1960s.⁶⁸ In 1965, a fifteen-year period of racial resistance began in Boston's public housing program as the agency attempted to integrate mostly white-occupied public housing in white neighborhoods.⁶⁹ In the first two years of this effort, Black in-movers reported a wide variety of incidents, including crimes to the person—assaults and death threats—as well as attacks on property—damaged cars, ignited papers thrust under apartment doors, fecal material at their doorway, racial epithets on their doors, and rocks, bricks, bottles, and other debris thrown through their windows. In the summer of 1968, a new upsurge of violence included the throwing of Molotov cocktails, arson, and shootings.⁷⁰

This violent resistance continued into the 1970s, culminating in the homicide of a young Black man by two white youths.⁷¹ In 1973, two nineteen-year-old white public housing residents attacked and killed George Pratt, a seventeen-year-old high school junior and former resident.⁷² The two ex-marines began by throwing bottles at him and ended by gunning him down from the roof of the building, with a rifle shot to the forehead. While most witnesses refused to testify against their friends, one

⁶⁷ See LAWRENCE VALE, FROM THE PURITANS TO THE PROJECTS: PUBLIC HOUSING AND PUBLIC NEIGHBORHOODS 303 (2000) [hereinafter VALE, FROM THE PURITANS TO THE PROJECTS].

⁶⁸ Since Meyer has no accounts from the 1960s, he does not discuss the public housing situation in Boston. The racial resistance that struck there in the 1960s continued into the 1970s and flared up again in the 1990s. See discussion *infra* pp. 407-08.

⁶⁹ See generally LAWRENCE J. VALE, SALVAGING PUBLIC HOUSING: A HALF-CENTURY OF STRUGGLES IN THREE PUBLIC NEIGHBORHOODS (forthcoming 2002) [hereinafter VALE, SALVAGING PUBLIC HOUSING] (examining the efforts to revitalize three public housing developments in Boston) (on file with authors).

⁷⁰ See *id.* at Chapter 2.

⁷¹ *Id.*

⁷² *Id.*

fourteen-year-old ultimately testified, and an all white jury convicted the two perpetrators of manslaughter (not murder).⁷³

C. TIMING OF CRIMES: THE COURSE AND DURATION OF RESISTANCE

For individual families, the time dimension focuses on when criminal resistance began relative to a Black family moving in and what happened over time—whether the resistance increased, decreased, or stayed at the same level of intensity. Criminal activity sometimes occurred as an immediate response to a move-in, apparently out of impatience, anger, or perhaps a lack of confidence that other strategies would lead to the family's departure or punish them sufficiently for their moving in. Initial resistance sometimes declined when it became clear that the Black family intended to remain in their home.

In other cases, crimes constituted a strategic escalation after legal and other extra-legal methods failed to expel a family.⁷⁴ The crimes sometimes increased in seriousness over time.⁷⁵ This "last resort" crime may have followed a series of unsuccessful removal strategies, such as neighbors trying to persuade the family to leave or offering to buy the house (sometimes even offering to pay a premium or moving expenses), police or elected officials requesting the family's departure, or private citizens using threatening phone calls or letters (which may have warranted criminal liability). Black families' non-responsiveness to the first round of efforts to expel them, such as failing to accept offers that were "generous" or "more than reasonable," presumably became part of whites' rationale for turning to illegal approaches.

A Black family's move into a white Louisville suburb in 1954 exemplified the escalation pattern.⁷⁶ Characterizing the mount-

⁷³ *Id.*

⁷⁴ See Meyer, *supra* note 2, at 59.

⁷⁵ See *id.* at 33, 34, 77, 118-19.

⁷⁶ See DAVID DELANEY, RACE, PLACE, AND THE LAW: 1836-1948 109 (1998). The Louisville experience is particularly illuminating because it was in a border state. It had the most notable racial zoning ordinance, which was struck down by the Supreme Court in 1917 in *Buchanan v. Warley*, 245 U.S. 60 (1917), and it experienced an absence of open racial friction as long as Blacks "accepted their place." See ANNE

ing resistance as "escalation" arguably makes appropriate use of the war metaphor.⁷⁷ The ongoing efforts over a period of months to expel the Black "invader" began with the burning of a cross on the vacant lot next door to the house and continued with a rock thrown through the front picture window (with a piece of paper wrapped around it with "NIGGER GET OUT" written on it) and another cross burning, followed by about ten rifle shots fired into the house in the middle of the night, and culminating in the bombing of their house.⁷⁸

D. THE OFFENSES

The offenses included crimes against persons and property crimes. (Appendix A provides a listing of the crimes that Meyer describes, including their location and time.) Moreover, many of the property crimes, such as bombings, arson, and gunshots fired through windows, exhibited at least recklessness with respect to harm to residents of the home and may have been knowing or purposeful relative to that harm.⁷⁹

The acts implicating criminal liability include telephone and mail threats, cross burnings, brick throwing, fire settings, bombings, beatings, throwing people out of their home, shootings, other mob actions, failures to protect entrants, and other actions that were part of the campaigns against integration. The offenses included, among others, assault, aggravated assault, reckless endangerment, terroristic threats, kidnapping, criminal coercion, arson, reckless burning or exploding, causing or risking catastrophe, criminal mischief, resisting arrest, official oppression, riot, failure to disperse, disorderly conduct, and harassment.⁸⁰

BRADEN, *THE WALL BETWEEN* (1999). *The Wall Between* illustrates what happened when a Black family "forgot its place."

⁷⁷ See MEYER, *supra* note 2, at 137-38. For a detailed account of this experience, see BRADEN, *supra* note 76.

⁷⁸ The Louisville experience provides a basis for speculating that in some other bombings, less serious criminal offenses preceded the bombing. Since Meyer did not focus on crimes, his account provides little data to support this speculation. See Meyer, *supra* note 2, at 62, 66, 67, 138.

⁷⁹ In Detroit, most of the crimes were property crimes; only a few involved attacks on Black entrants themselves. See SUGRUE, *supra* note 37, at 254, 358 n.68.

⁸⁰ While most of the crimes Meyer recounts occurred before 1962 when the Model Penal Code was published, MPC categories provide a convenient and uniform de-

The offenses included inchoate crimes, as well. Attempts included arsons that failed and bombs that did not explode.⁸¹ Also, with mobs and white supremacists playing a prominent role in this criminal activity, conspiracies abounded. The communal effort to expel the Wilsons from their Detroit home in 1955 is one of many cases in point.⁸² A broad cross section of neighbors—parents, children of various ages, and elderly people—planned and agreed on an assignment of roles designed to achieve their criminal purposes.⁸³

III. THE PERPETRATORS⁸⁴

Racism was so deeply embedded that ordinary citizens who viewed themselves as law-abiding and peaceful were prepared to engage in violence and other criminal activity to expel Black families from their communities.⁸⁵ They could do so knowing that they probably would not be pursued or apprehended by the police, or prosecuted, convicted, or punished.

Meyer uses the term “neighbor” to apply to those who were not part of the white supremacy movement, but who became active in resisting the entry of a Black family into “their” neighborhood.⁸⁶ These were ad hoc “grass roots” efforts of residents acting individually or coming together in response to a perceived common threat.

scription of offenses. MODEL PENAL CODE §§ 211.1, 211.2, 211.3, 212.1, 212.5, 220.1, 220.3, 242.2, 243.1, 250.2, 250.3, 5.03 (1985).

⁸¹ In Chicago, there were eleven incidents of attempted arson between 1949 and 1951. MEYER, *supra* note 2, at 118. In 1940, vandals attempted to bomb a Black family's home. *Id.* at 59. In 1947, someone hurled a pipe bomb through the window of a Black family's home in a white Atlanta neighborhood, but it failed to explode. *Id.* at 102.

⁸² See SUGRUE, *supra* note 37, at 231-33.

⁸³ See *id.* at 249-50.

⁸⁴ Meyer discounts but does not totally reject the periodic claims by white officials that the real, behind-the-scenes perpetrators were Communists trying to foment tension between the races as part of a scheme to overthrow the government. See MEYER, *supra* note 2, at 137-38.

⁸⁵ See SUGRUE, *supra* note 37, at 211, 233-34, 249-50. The even more dramatic example of this phenomenon is the mobs that lynched Blacks in the South and the crowds that attended these lynchings. Parents often brought young children to watch these public spectacles.

⁸⁶ See MEYER, *supra* note 2, at 36, 59, 108.

Housing-related crimes had two faces. The public, visible, and open face consisted of mobs that used threats, intimidation, and overt violence in an attempt to drive out Black families. The private, invisible, and anonymous face avoided direct, face-to-face confrontation with those families. It was composed of threatening phone callers that used the anonymity of that medium to hide their identity and cross-burners and bombers that used the cover of darkness or disguise to carry out their destructive purposes.⁸⁷

A. VISIBLE PERPETRATORS: MOBS, WOMEN, AND CHILDREN

1. Mobs

Meyer cites numerous accounts of "mobs" forming in response to the movement of a Black family into their neighborhood or community.⁸⁸ These "mobs" ranged from 50 to 10,000 people, with most numbering between 200 and 2000. Labeling the gathering a mob connotes its threatening and dangerous nature as well as its size. However, not all of the mobs' hostile actions constituted crimes. It requires a closer look to determine the extent to which crimes were involved when mobs arrived on the scene.

In many cases, the formation of mobs in response to the arrival of Black families did lead to criminal activity. Participants' willingness to engage in criminal activity in pursuit of their objectives suggests the depth of racism in the local white culture.

⁸⁷ See SUGRUE, *supra* note 37, at 253, on the cover of darkness. This emphasis on private actors as perpetrators is consistent with Meyer's general theme that the story of racism in the housing market is not just about government policies and practices and institutions like real estate brokers. His account emphasizes the role of private citizens, including white supremacist organizations and ad hoc "organizations of neighbors" coming together for the sole purpose of driving Black families from their homes. See MEYER, *supra* note 2, at 1, 33, 76, 124. His point about white citizens' attitudes and actions comes out most clearly when Blacks overcame the constraints to moving into white areas and confronted the resistance of their white neighbors and others. It appears that institutional barriers played a larger role in preventing those moves in the first place than in the after-the-fact resistance.

⁸⁸ Various of these "mobs" fit one or the other of the following definitions: "a disorderly or riotous crowd of people" or "a crowd bent on or engaged in lawless violence." Only those engaged in criminal activity are relevant here. See THE RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE 1234 (2d ed. 1987).

The mobs reflected local support for both the ends of expulsion and the means of illegal group action to expel the “intruders.”

Meyer’s accounts of mobs support his themes that resistance was widespread geographically and persisted over the decades. In fact, most of the “mob scenes” that Meyer describes took place in the North and West—in Detroit; Chicago and Cicero (Illinois); Levittown (Pennsylvania); and Los Angeles.⁸⁹ The southern mob actions took place in Miami and Dallas.⁹⁰ The accounts of mobs spanned the period from the 1920s through the 1950s.⁹¹

While white supremacist organizations played an important role, the size of the “mobs” suggests that many ordinary, generally law-abiding, “mainstream” citizens engaged in racial resistance, much of which constituted criminal behavior. In 1925, a mob of about five thousand white people threatened to burn down the home of a Black family that had moved into a white Detroit neighborhood.⁹² Later that year, and a few blocks away, whites hurled bricks through the windows of a Black family’s home and ripped tiles from the roof.⁹³ Two decades later, when the Chicago Housing Authority began to move Black families into a white-occupied public housing development in a white neighborhood, a mob smashed windows and tipped over cars.⁹⁴

There was also some evidence of ethnic solidarity at work—immigrants and ethnic groups felt particularly threatened by the arrival of Blacks and reacted accordingly. The strong response of the heavily Polish south side of Milwaukee to the Father Groppi-led open housing demonstrations in 1967 illustrates this ethnic solidarity.⁹⁵ Similarly, ethnic neighborhoods like Marquette Park on Chicago’s southwest side assaulted open housing marchers and damaged their cars in 1966.⁹⁶

⁸⁹ See MEYER, *supra* note 2, at 36-38, 69-70, 92, 122 (Detroit); *id.* at 117-18 (Chicago); *id.* at 119 (Cicero); *id.* at 148 (Levittown).

⁹⁰ See *id.* at 59 (Dallas); *id.* at 124 (Miami).

⁹¹ See *id.* at 36, 128.

⁹² See *id.* at 37.

⁹³ See *id.* at 37.

⁹⁴ See *id.* at 90.

⁹⁵ See *id.* at 191.

⁹⁶ See *id.* at 185.

In class terms, there were both middle-class and low-income mobs, apparently with little mixing of the two groups.⁹⁷ Many of the neighbors and their allies were middle-class homeowners, members of the mainstream.⁹⁸ Many of these accounts come from otherwise quiet and peaceful middle-class neighborhoods, where the neighbors themselves appeared to be leaders of what they considered to be legitimate resistance to a perceived threat.

In other cases, public housing officials assigned Black families to previously all-white public housing developments. White public housing residents were among the most violent resisters. The Chicago experience is an extreme example of this phenomenon, in part because it was one of the few public housing agencies that tried to integrate any of its developments during the first decades of the public housing program. Once again, previously law-abiding residents turned to crime to try to expel Black residents.⁹⁹

For the mob members, there was strength in numbers. Moreover, while the mobs were visible and very public, individual participants were generally protected by their anonymity as part of a large group. For the victims and potential victims, those numbers signified great danger. Their visible presence and the internal dynamic that could feed on itself increased the chances of their actions escalating into the commission of crimes.

2. Women

While men dominated the resistance efforts, women also played an important role. Much of women's activity demonstrating their opposition to integration was protected under the First Amendment, but some of their actions crossed over into criminality.¹⁰⁰

Meyer often notes the active and visible participation of women in mobs and other activities threatening Black residents

⁹⁷ Sugrue notes that Detroit's perpetrators tended to be working class whites, whose status was particularly precarious. See SUGRUE, *supra* note 37, at 235, 241, 244-45.

⁹⁸ See MEYER, *supra* note 2, at 132.

⁹⁹ See *id.* at 90.

¹⁰⁰ See *id.* at 59.

and their homes.¹⁰¹ Women were frequently in the forefront of the resistance.¹⁰² The presence of large numbers of women in the mobs suggested the breadth and depth of whites' opposition to having Black neighbors and served as a reminder that the attacks were not just the work of a few racist extremists.

While many women engaged in what may have been lawful picketing and demonstrating outside of Black families' homes, it appears that women also engaged in criminal activities.¹⁰³ In 1940, women in Dallas stoned the house of a Black family,

¹⁰¹ It is not clear whether women were involved in bombings, cross burnings, and other surreptitious crimes, since police rarely identified suspects in these cases. Meyer does not have any reports of women claiming credit for bombings, as occurred when a woman claimed credit for bombing Dr. Martin Luther King's house in Montgomery, Alabama in 1956, during the bus boycott there. *DAYBREAK OF FREEDOM: THE MONTGOMERY BUS BOYCOTT 135* (Stewart Burns ed., 1997).

Also, it is not clear whether any women were arrested, prosecuted, or punished if they were apprehended, tried, and convicted, or whether there were indications of the "chivalry" of the day that might have led to men being treated more harshly as perpetrators than women. Thus, it is impossible to know how extensive women's housing-related criminal activities were during this period.

Moreover, the book's cover underlines the fact of women's participation with a photograph of a white woman demonstrating and holding a sign that said "keep this neighborhood white."

¹⁰² While Meyer says little about why women's presence seems noteworthy, his implicit implication is that this was surprising and that he expected the resistance to be "men's work." Moreover, violence and threats were the domain of men, and wives would not be likely to resort to force even if they shared their husbands' objectives. Women's actions thus run counter to stereotypes of gender traits and behavior patterns—the contrasts between men as aggressive and inclined towards violence and criminal behavior and women as passive, non-violent, and law abiding. Thus, singling out women's activities may reflect stereotyped expectations about women's role in society and idealized notions about women's character.

It is not always clear whether Meyer's references to women involve criminal activity, as opposed to legally protected speech such as holding up a sign on the sidewalk. Since criminal liability is not his focus, he does not address this question with respect to women specifically.

¹⁰³ Massive white opposition arose in 1942 to Black entrance to Sojourner Truth Homes, a new Detroit public housing development. See MEYER, *supra* note 2, at 69-71. While 1,000 whites kept a vigil near the entrance to the development, "thirty women carrying American flags and placards declaring 'We Want White Neighbors' picketed the project's administration building." See *id.* at 69-70. That was after a mob of 700 armed men and women had blocked the entrance to prevent the entry of Black families that were scheduled to move in to the complex. *Id.*

In 1951, 100 housewives picketed and heckled a Black family moving into an apartment building in Cicero, Illinois, a suburb of Chicago. By the next day, the demonstrators had turned into a mob estimated at 4,000 people, which firebombed and gutted the apartment building. See *id.* at 118-19.

breaking windows.¹⁰⁴ Later in that decade, Detroit women made hundreds of phone calls threatening personal harm and property damage because of Black families' entry into a white neighborhood.¹⁰⁵ Similarly, when a Black family moved into a white Louisville suburb in 1954, women made threatening telephone calls, declaring that there would be "consequences" if the Black family did not move out of the community.¹⁰⁶ In that same year, a white woman threatened to throw a bottle of ammonia in the face of a Black woman who had moved into the white-occupied Trumbull Park public housing development in Chicago.¹⁰⁷

Several interrelated factors may explain why women participated actively in the resistance to Black entry.¹⁰⁸ Perhaps the most obvious explanation for women's active participation grows out of the idea of "separate spheres" that continued to dominate their role as "housewives" during the first half of the twentieth century.¹⁰⁹ Women's place was considered to be in the home, taking care of their husbands and children, while men were to occupy the "public sphere" of the world of work and the political arena. The separate spheres regime had both familial and spatial dimensions. It gave women the responsibility of protecting the safety and security of their children, themselves, and of their home against external threats while their husbands were off at work. The spatial boundaries of women's responsibilities extended beyond the home itself, encompassing the neighborhood as well.¹¹⁰ Women patrolled the border between

¹⁰⁴ See *id.* at 59.

¹⁰⁵ See *id.* at 91; see also SUGRUE, *supra* note 37, at 248.

¹⁰⁶ See BRADEN, *supra* note 76, at 63.

¹⁰⁷ See MEYER, *supra* note 2, at 120.

¹⁰⁸ See MEYER, *supra* note 2, at 120. Meyer notes women's fears about neighborhood deterioration with Black entry, but says little else about the causes and consequences of women's participation. See SUGRUE, *supra* note 37, at 250-52.

¹⁰⁹ The term "housewife" is rarely used any more, largely because it implies rigid gender roles and the lack of choice for women to self-identify as "homemaker," participant in the labor force, or both. See *id.* at 119.

¹¹⁰ This is part of a larger story of women trying to protect their neighborhoods against external threats. For an example of a woman leading the opposition to an urban renewal project in her neighborhood, see the discussion of Florence Scala's efforts to protect her Chicago neighborhood from the wrecker's ball. See ADAM COHEN & ELIZABETH TAYLOR, AMERICAN PHAROAH: MAYOR RICHARD J. DALEY HIS BATTLE FOR CHICAGO AND THE NATION 224-33 (2000).

the public and private spheres as they joined in the resistance to Black entry.

Women's historic role emphasized protecting the safety and security of their children against any threats to their well-being. Excluding Blacks from the neighborhood was a way of keeping their children away from bad influences—namely Black children—both in the neighborhood and at school. Perhaps most importantly, white women's job was to protect their children against the possibility of interracial sex—including the rape of their daughters—and marriage.¹¹¹

The spatial aspect of the “private sphere” meant that women served as neighborhood protectors and representatives of their family in the neighborhood, on guard against threats to the neighborhood's social stability, property values, living standards, and aesthetics. White women perceived themselves as protecting their place by trying to keep Black families “in their place”—both physically in their own neighborhoods and in terms of their status.¹¹² White women were the guardians of the “home front,” and part of that responsibility was to serve as gatekeeper to keep “undesirables” from entering or staying in the neighborhood.

These responsibilities may have been particularly pressing during the day during the workweek, when their husbands were away at work. Relatively few white women were in the work force during this period, except during wartime.¹¹³ Women sometimes had the “day shift” for the efforts to expel Black

¹¹¹ See MEYER, *supra* note 2, at 100. The fears motivating white mothers grew out of the dominant stereotypes of Black boys and men as sexual predators and Black girls and women as sexual seducers. Ironically, except for the fear of rape, white women's fears incorporated an implicit assumption that their children were not as racist as they were and would succumb to the temptations across racial lines in spite of (or because of) their parents' admonitions to the contrary. Presumably their fears also grew out of myths about Blacks' eagerness to engage in sexual relationships across the color line despite their own parents' wishes and the serious social and other consequences of violating that taboo.

Women may also have been proactive as a prophylactic “self-defense” measure. In light of the stereotype that Black men constitute a sexual threat to white women, some white women might have viewed their efforts as a way of protecting themselves from potential assaults or rapes from the husbands or teenage sons in the entering families.

¹¹² See *id.* at 120; see also SUGRUE, *supra* note 37, at 250-51.

¹¹³ See SUGRUE, *supra* note 37, at 251.

families—some of which included criminal activity. However, women were “on call” twenty-four hours a day, seven days a week. As Meyer suggests, women joined forces with men as part of mobs seeking to expel Black families from their neighborhoods.¹¹⁴

For African-American families, the knowledge that women served in the resistance forces meant that the threats to themselves and their homes were ever-present. There was not necessarily any respite during the day when men were away at work. In addition, there was no identifiable group of non-threatening people in the area. Given the pervasive stereotypes of the day, women would be the ones expected to have empathy for outsiders and welcome them to the neighborhood. Meyer’s accounts demonstrate that the newcomers could not count on white women even as passive observers, much less allies. Instead, they were potential perpetrators, along with their husbands and children.

Moreover, women’s participation increased the likelihood that their children would commit crimes of resistance and that the attitudes reflected in these actions would endure across generations.¹¹⁵ By resisting Blacks’ entry, women taught their children to be racist and proactive on behalf of their racism—to believe in racial subordination and to stand up for what they believed in—to protect their family, their neighborhood, and their community against external threats in the form of African-American neighbors.¹¹⁶

Finally, women’s participation may have “normalized” resistance in both a descriptive and normative sense. Given the

¹¹⁴ Women’s participation could also have served as protection for their husbands. Their presence may have reduced the likelihood of arrests, by symbolically reducing the seriousness of the criminal offenses. Gender stereotypes might also have reduced the likelihood of women being arrested. Traditional notions of chivalry suggested that arrest would be an inappropriate response. Moreover, arresting women risked adding to the tensions in the situation and escalating the level of violence.

If there were arrests, women might have been able to protect their breadwinners from being arrested, with the attendant risks of loss of jobs and income. None of this seemed to matter, practically, because there seemed to be so few arrests; but women’s activism may have served in part as an “insurance policy” for their spouses.

¹¹⁵ See SUGRUE, *supra* note 37, at 254.

¹¹⁶ In the process, they also taught their children disrespect for the law, since lawlessness was justifiable in the service of racist objectives.

stereotypes about women as passive and peaceful, their involvement suggested that even criminal activity was ordinary behavior in response to extraordinary provocation. Given the stereotypes of women as law-abiding citizens, their participation could have tended to legitimate the means of resistance, at least in the eyes of other whites.

3. Youth

Youth, especially teenagers, also participated in the racial resistance. Children saw their parents planning and carrying out criminal acts to force Blacks out of the neighborhood, so it is not surprising that there is "child labor" reported in some of these accounts. Some white parents taught their children to be active racists, including committing crimes as a means of driving Black intruders out of their communities. Young people, including teenage former public housing residents, appear to have carried out many of the attacks against Blacks integrating Boston public housing developments.¹¹⁷

In Detroit, young people were an integral part of the massive effort to resist Black movement into white neighborhoods.¹¹⁸ While their activities were closely linked to those of adults, groups of teenagers also carried out their own attacks. Young people often vandalized Black homes, including breaking windows, throwing stones, dumping garbage on the porch of a Black neighbor, and throwing signs saying "Beat It Nigger" on the porch of a Black family.¹¹⁹ Unlike most of their adult counterparts, teenagers also committed physical assaults, including throwing a firecracker at a Black woman.¹²⁰ Adults, in turn, protected these young criminals from the police through a code of silence.¹²¹ White parents accepted these otherwise delinquent acts as appropriate expressions of community concerns.

Some women even praised their children publicly for participating in these kinds of attacks. In Cicero, Illinois (a Chi-

¹¹⁷ See VALE, FROM THE PURITANS TO THE PROJECTS, *supra* note 67, ch. 2.

¹¹⁸ See SUGRUE, *supra* note 37, at 254-55 (discussing the rationales for youth participation, the roles they played, and the police response to them).

¹¹⁹ See *id.* at 254.

¹²⁰ *Id.*

¹²¹ See *id.* at 255.

cago suburb), one hundred white women picketed the home of a Black family that moved into the neighborhood in 1951.¹²² One woman reportedly proudly announced, "that's my boy," as he threw a rock through the family's window.¹²³ The police dismissed such acts as "boyish pranks."¹²⁴ In doing so, they devalued the Black victims of crimes.¹²⁵ This denial of the existence of a crime reinforced the stereotype of Blacks as criminals rather than victims of crime.

B. INVISIBLE, ANONYMOUS PERPETRATORS

Men, women, and children in mobs were often identifiable (even if the police did not try to identify them). Even so, a degree of anonymity resulted from the size of the mobs and individuals' ability to meld into the crowd. A mob of five thousand whites threatened to burn down the home of a Black Detroit family in 1925,¹²⁶ while a similarly sized mob sought to keep a Black family out of a white area public housing development in Chicago in 1947.¹²⁷ Four years later, the mob that attacked a Black family moving into the Chicago suburb of Cicero was estimated at four thousand people.¹²⁸

Other perpetrators went to greater lengths in seeking anonymity, primarily by using the telephone or the mail, by carrying out attacks while the family was away during the day, by operating at night under the cover of darkness, or by disappearing quickly—driving by, attacking, and departing before being identified.¹²⁹

¹²² See MEYER, *supra* note 2, at 118.

¹²³ When whites used force to exclude the family, a "mob of teenagers stormed the apartment and tossed furniture out of the third-story window to a cheering crowd below." See *id.* at 118.

¹²⁴ See *id.* at 112, 117.

¹²⁵ See generally Stephen Carter, *When Victims Happen to be Black*, 97 YALE L.J. 420 n.3 (1988) (examining the role that race plays in defining victimhood, focusing especially on the case of Bernhard Goetz, a white man who shot four Black youths who were "hassling him for money" on a New York subway in 1987).

¹²⁶ See MEYER, *supra* note 2, at 37.

¹²⁷ See *id.* at 90.

¹²⁸ See *id.* at 119.

¹²⁹ For example, two Black families moving into white Brooklyn neighborhoods in the 1920s received notes telling them that family members would be killed if they did not move out of the neighborhood. See *id.* at 33. In 1953, a Black resident of the Los

C. WHITE SUPREMACISTS

While white supremacist organizations did not dominate these crimes, they did play an important role.¹³⁰ The Ku Klux Klan was most active, resisting Black families' moves around the country, over many decades.¹³¹ The organization engaged in a variety of criminal activities in their expulsion efforts, including sending threatening letters, burning crosses, and carrying out bombings.¹³² Cross burnings, probably the most common KKK tactic, hit places as far apart as Detroit, Atlanta, Los Angeles, Nashville, Miami, and Louisville.¹³³

Other white supremacist organizations that used criminal means to achieve their housing-related objectives included the Columbians, whose members bombed a Black-owned home in Atlanta in 1946,¹³⁴ and the White Circle League, whose adherents threw bricks, fired pistol shots in the night, and propelled aerial bombs at a Black family's public housing apartment in a white Chicago development in 1953.¹³⁵ Their housing-related attacks were part of a larger ongoing racist strategy involving a range of criminal activity.¹³⁶

Moreover, those organizations and "ordinary" citizens sometimes came together. The fears of neighbors provided fertile ground in which white supremacist organizations could operate, especially when the police and prosecutors actively participated in or passively observed the attacks. White supremacist organi-

Angeles suburb of Compton came home one evening to discover that vandals had flooded his house by putting the hose through the mail slot and turning on the water. *See id.* at 128. In 1948, someone burned the word "Nigger" at night in the front lawn of singer Nat King Cole's Los Angeles home. *See id.* at 96.

¹³⁰ *See id.* at 89, 120.

¹³¹ *See id.* at 36, 57, 70, 76, 102, 112, 138, 148, 219.

¹³² *See id.* at 102 (threatening letter—Atlanta, 1947—apparent Klan bombings); *id.* at 34 (bombing—Staten Island, NY, 1924).

¹³³ *See id.* at 37 (Detroit, 1925); *id.* at 57 (Atlanta, 1937); *id.* at 76 (Los Angeles, 1941); *id.* at 112 (Nashville, 1949); *id.* at 124 (Miami, 1945); *id.* at 128 (Compton, California, 1953); *id.* at 138 (Louisville, Kentucky, 1954).

¹³⁴ *See id.* at 101. The Columbians became active in 1946 in Atlanta as the first neo-Nazi organization in the United States after World War II. The organization engaged in extensive verbal attacks and criminal activities against Blacks, especially Black families moving into predominantly white Atlanta neighborhoods. *See KRUSE, supra* note 34, at 19-36.

¹³⁵ *See MEYER, supra* note 2, at 120.

¹³⁶ *Id.*

zations provoked or joined with "ad hoc" organizations and individuals because of their shared racism and desire to expel a Black family from their midst. For example, in 1937, neighborhood residents and the KKK, using a cross-burning among other tactics, worked together to drive a Black family out of their home in an all white Atlanta neighborhood.¹³⁷

IV. "JUSTIFICATIONS" AND RATIONALES

Even though there were apparently few prosecutions for these crimes, the rhetoric of "justification" was commonplace. While the perpetrators were individuals and groups, the justifications that they offered were structural, rather than being based on the perpetrators' individual circumstances. The claims took the form of traditional justifications that served as defenses to criminal liability, but they did not plausibly fit into those categories substantively.¹³⁸ They were pseudo defenses that had the structure of defenses, but they had persuasive force only with the acceptance of the underlying racist assumptions implicit in the claims. Those assumptions included the belief that the natural order of things had to be preserved, that race is a natural phenomenon rather than being socially constructed, and that whites, as the superior race, had an obligation to subordinate the inferior race. That responsibility included maintaining the racial purity of "their" neighborhoods.¹³⁹

Permitting Blacks to live among whites was equated with "social equality," which the Supreme Court in the *Plessy* case

¹³⁷ Neighborhood property owners and Klansmen also joined forces to keep a Miami neighborhood white in 1945. *Id.* at 57, 124.

¹³⁸ See MODEL PENAL CODE § 3.04 (1985) (use of force in self-protection); *id.* § 3.05 (use of force for the protection of others); *id.* § 3.06 (use of force for the protection of property); SANFORD H. KADISH & STEPHEN J. SCHULHOFER, CRIMINAL LAW AND ITS PROCESSES: CASES AND MATERIALS 1145 (1995) ("conduct that would otherwise constitute an offense"); see also MODEL PENAL CODE commentaries § 3.02; KADISH & SCHULHOFER, *supra*, at 867; KADISH & SCHULHOFER, *supra*, at 872 (self-help is permitted in limited situations).

¹³⁹ Thomas Sgrue quotes Black journalist Henry Lee Moon as saying in 1946, "The white population . . . has come to believe that it has a vested, exclusive, and permanent 'right' to certain districts." SUGRUE, *supra* note 37, at 209. The active involvement of women in the resistance may have reinforced these claims, since women were thought to symbolize the core values of family and community.

thought was not to be.¹⁴⁰ In upholding the constitutionality of the Louisiana railroad segregation statute, the Court concluded that the claim about riding railroad trains on a desegregated basis was an argument for “social equality” and that the Equal Protection clause of the Fourteenth Amendment was not addressed to social equality.¹⁴¹ Even Justice Harlan, the lone dissenter in the case, suggested that social equality between the races would not exist even with desegregation of trains.¹⁴²

Since there were few people tried for these crimes, these “justifications” were usually addressed to the court of public opinion rather than a judicial forum. The relevant public was local whites.¹⁴³ Far from seeing themselves as criminals, whites viewed their activities as, at the very least, justified, and, often, as socially responsible actions to be praised, admired, and respected because of the courage they demonstrated on behalf of a worthwhile and important cause. There seemed to be two rhetorical strands. One consisted of cruel caricatures of traditional justification defenses, including self-defense, defense of others, and defense of property. The other embodied perverse parodies of law enforcement rationales, which might be characterized as “self-deputized norm enforcement.” Neither approach constituted a plausible legal argument; but both often seemed persuasive to much of the white community.¹⁴⁴

The arguments that mimicked conventional claims about defense of the person generally combined self-defense and defense of others into an argument that might be characterized as “selves defense,” or defense of all the white people in the neighborhood or community.¹⁴⁵ In some cases, the claim extended to the entire country—a defense of the country against

¹⁴⁰ *Plessy v. Ferguson*, 163 U.S. 537 (1896).

¹⁴¹ *See id.* at 544.

¹⁴² *See id.* at 552; *see also* MEYER, *supra* note 2, at 72.

¹⁴³ There is little information about the extent to which these justification defenses were used in trials. There were probably very few trials for these crimes, since arrests and prosecutions seemed rare.

¹⁴⁴ *See id.* at 132.

¹⁴⁵ *See id.* at 110. In Atlanta in the 1950s and 1960s, the term “community integrity” served as a way of delineating white neighborhoods that were to be protected from Blacks because of their “strong sense of past community and a present unity of purpose.” *See* KRUSE, *supra* note 34, at 129.

the communist conspiracy which was trying to foment racial strife by orchestrating these moves. Perpetrators often mixed in arguments about property, as well, with the twist that their actions were in defense of “property values” rather than property itself.

These defenses relied on stereotyping and stigmatizing Blacks through the use of metaphors that implied that they posed serious dangers that justified defensive actions—including force—that would otherwise lead to criminal liability. The most commonly used metaphors involved dangers to public health, the threat of war, and disasters—with the latter two having implications for both persons and property. Each of these “justified” aggressive actions to combat the threats presented. Moreover, the threats were “imminent,” as the justifications often required. The danger began with the families’ arrival. It was immediate and extreme. Any delay in responding with necessary force risked “destruction” of the neighborhood.

A. “SELVES DEFENSE”

White perpetrators often deemed their acts justified because of the threats that Black families presented. This attempted analogy to the justifications of self-defense and defense of others was built on a structure of assumptions about the relationship between race and place. The argument was that Blacks represented a threat to the neighborhood or community—reflecting an implicit claim of “ownership” of their neighborhood. There was a communitarian thrust to the argument, albeit an exclusionary community that the members deemed was legitimate and viable *because* of its racially exclusionary character. When they spoke of preserving their community, they meant protecting it against the taint of the presence of Black people. They also regarded themselves as acting in an implicitly representative capacity, self-appointed to attack on behalf of that community. It was a self-righteous rhetoric that attempted to justify otherwise criminal actions as being a matter of community self-defense.¹⁴⁶

¹⁴⁶ This was a rhetorical “defense” that has no basis in any generally recognized criminal law justification.

The justifications of resistance also grew out of the rhetoric whites used to describe Blacks' arrival. In south Boston, white public housing residents characterized the assignment of Blacks to developments there as "forced housing."¹⁴⁷ What they meant was that they did not have any choice about who moved into their neighborhood. So they deemed themselves entitled to respond to "force" with force, a traditional justification defense.¹⁴⁸

Anti-integration organizations used metaphors to convey the nature, extent, and severity of the threat. Baltimore's "Committee of Decent White Citizens Against Negro Invasion" used military metaphors to cast African-Americans as hostile foreign intruders who had to be defended against with the tools of war.¹⁴⁹ Black arrival was an "invasion"—the declaration of a "race war."¹⁵⁰ From that perspective, the first Black family constituted an advance war party trying to establish a beachhead that would enable other invaders to follow.¹⁵¹ Once having defined the newcomers as aggressors, defending against them and

¹⁴⁷ See MICHAEL PATRICK McDONALD, *ALL SOULS: A FAMILY STORY FROM SOUTHWEST* (1999). The "force" existed regardless of Blacks' family structure. Whites viewed Black single-parent families with no father present as posing a threat to the morality and social stability of the neighborhood, while two-parent families posed a psychological and physical threat—especially to white women—because of the presence of Black men.

¹⁴⁸ The majority in the *Plessy* case gave voice to a variant of this claim. In a strangely paradoxical statement, the Court said that the law could not "enforce commingling of the two races." It was as if the absence of a mandatory segregation law would "force" the races to commingle. As in south Boston, almost a century later, what the Court must have been talking about was that without such a law, whites might be "forced" to tolerate the presence of Blacks, some of whom might choose to sit near them on trains. The law protected whites against that "force." *Plessy v. Ferguson*, 163 U.S. 537, 551-52 (1896). Without such protective laws post-*Buchanan v. Warley*, which struck down a racial zoning ordinance, whites argued that they were justified in using force to protect themselves against the "force" of Blacks moving into their neighborhoods. *Buchanan v. Warley*, 245 U.S. 60, 61 (1917).

¹⁴⁹ MEYER, *supra* note 2, at 19-20.

¹⁵⁰ *Id.* at 6, 110.

¹⁵¹ Some sociologists used this metaphor in describing neighborhood change generally—"invasion and succession." Calvin P. Bradford & Leonard S. Rubinowitz, *The Urban-Suburban Investment-Disinvestment Process: Consequences for Older Neighborhoods*, *ANNALS AM. ACAD. POL. & SOC. SCI.*, November 1975, at 77. An Atlanta lawsuit by whites against real estate brokers selling homes to Blacks carried out the military metaphor by alleging that the defendants were trying to sell Blacks "strategically located properties" to bring about "an encirclement of the city public park for white persons . . . and the city public school for white children . . ." See KRUSE, *supra* note 34, at 101.

sending them into retreat seemed to be the order of the day—a natural and appropriate response to a threat to the community's very survival.¹⁵²

In postwar Detroit, whites determined to defend their turf against Black “invasions” and “penetrations.”¹⁵³ Since force was an appropriate means to repel the invaders, they came to view their neighborhoods as “battlegrounds,” and they plotted strategies of resistance to protect their territory.¹⁵⁴ They viewed themselves as engaged in the moral equivalent of war, and they seemed to have no doubt that it was a “just war.”

In another rhetorical ploy, the disease metaphor served as an explanation for the need to expel the source of the disease.¹⁵⁵ Comparing Blacks' entry with a plague—the “Black plague”—suggested the need for a public health response in order to protect the health and well-being of the community—in this case the white community—against the spread of an epidemic.¹⁵⁶ Presumably, the “disease” was spread by social contact, and it was chronic and incurable. It could also have been spread by sexual contact and passed on through the genes to the next generation. The only chance to avoid the spread of the disease was to root it out immediately, isolating the carrier from potential (white) victims. Quarantine served as a traditional public health emergency measure to prevent a threatened epidemic. Sending Black families back to their own neighborhoods provided an effective quarantine, since they would be among people who already had the “disease” of Blackness and could not

¹⁵² In 1946, the leader of a white citizens' committee on Chicago's south side characterized their effort as “we're fighting in the front lines here in Kenwood.” As a result, he publicly applauded the bombing of a house in the neighborhood. MEYER, *supra* note 2, at 89.

¹⁵³ SUGRUE, *supra* note 37, at 246.

¹⁵⁴ *Id.*

¹⁵⁵ In a variation on the disease theme, white residents of a Chicago neighborhood slated to receive public housing sued in the 1970s to block the housing because they argued that poor Black people constituted an environmental threat—a form of pollution that would threaten the neighborhood with crime and deterioration. The federal court dismissed the case. *Nucleus of Chicago Homeowners Assn v. Lynn*, 372 F. Supp. 147 (ND Ill 1973), *aff'd*, 524 F.2d 225 (7th Cir. 1975), *cert denied*, 424 U.S. 967 (1967). The idea of “reasonable racism” also plays in here. See Jody D. Armour, *Race Ipsa Loquitur: Of Reasonable Racists, Intelligent Bayesians, and Involuntary Negrophobes*, 46 STAN. L. REV. 781, 787-88, 790, 792, 794-95 (1994).

¹⁵⁶ MEYER, *supra* note 2, at 116.

spread it to others. This metaphor treats the people themselves as the disease, a form of dehumanization akin to a virus.

The arrival of Blacks also elicited disaster metaphors. Communities were certainly entitled to take extreme defensive measures against the lava of a volcano erupting,¹⁵⁷ a “creeping fire,”¹⁵⁸ or a “moving wave.”¹⁵⁹

Whites also used hyperbolic statements to describe the damage done to “their” community with the arrival of Black residents, especially with the threat of racial turnover: “our neighborhood was finished,”¹⁶⁰ the neighborhood was “destroyed,”¹⁶¹ or “our community vanished.”¹⁶² In fact, it was white people who had vanished. The neighborhood had only changed. Buildings and people were still there.

At bottom, loss of status may have constituted the harm if Blacks moved in.¹⁶³ The logic required a whole series of racist assumptions: Blacks are inferior and of lower status; whites’ status is affected by the status of their neighbors; Blacks’ presence as neighbors lowers whites’ status (“reflected ignominy,” the flip side of reflected glory); whites’ status is determined by how other whites perceive them; and race trumps any other characteristics or accomplishments, so all Blacks—regardless of their level of education, wealth, or achievement—reduce whites’ status. Residence in a safe and stable all white community, particularly for many first and second generation Americans, was a principal badge of their social achievement, of their much coveted middle-class status.¹⁶⁴

¹⁵⁷ *Id.* at 125.

¹⁵⁸ *Id.* at 128.

¹⁵⁹ *Id.* at 75. In 1960, a concerned white homeowner complained, “Now a vast flood of Negroes are coming East ward & threaten to swamp the area.” See KRUSE, *supra* note 34, at 168.

¹⁶⁰ *Id.* at 115.

¹⁶¹ *Id.* at 173.

¹⁶² *Id.* at 181.

¹⁶³ See SUGRUE, *supra* note 37, at 213.

¹⁶⁴ In places like Cleveland, Cincinnati, and Detroit, the leadership of the white resistance consisted of homeowners with a tenuous hold on middle-class status. Their insecurities led them to fear any association with lower status, such as Blacks. See SUGRUE, *supra* note 37, at 241.

A 1948 campaign statement by the mayor of the Detroit suburb of Dearborn exemplifies these racist assumptions. He argued that whites don't have to "live with niggers" because this is a "free country."¹⁶⁵ Thus, white citizens have the right to choose where to live and with whom to associate—not Blacks.¹⁶⁶

One of the most serious threats to whites' status was miscegenation, which many whites viewed as a particular risk associated with residential integration.¹⁶⁷ Whites' fears ranged from the "beast-rapist" myth¹⁶⁸ to the fear of "amalgamation."¹⁶⁹ Until 1967, when the Supreme Court decided *Loving v. Virginia*, criminalizing miscegenation was not only considered constitutional, it was also widespread.¹⁷⁰

B. DEFENSE OF PROPERTY

The argument about defense of property encompassed both a concern about the depreciation of property values and the threat to the use and enjoyment of "their" property.¹⁷¹ There

¹⁶⁵ MEYER, *supra* note 2, at 90.

¹⁶⁶ The mayor might also have agreed with the majority in *Plessy v. Ferguson* that Blacks don't have to live with whites either. Justice Harlan's dissent seems apposite here. While the statute was symmetrical in form, he pointed out that the statute was really about keeping Blacks out of the cars designated for whites, not vice versa.

¹⁶⁷ See SUGRUE, *supra* note 37, at 217.

¹⁶⁸ DELANEY, *supra* note 76, at 129, 144.

¹⁶⁹ *Id.* at 137.

¹⁷⁰ *Loving v. Commonwealth of Virginia*, 388 U.S. 1 (1967). Virginia was one of sixteen states with anti-miscegenation statutes at the time. *Id.* at 5 n.6. Many whites considered Blacks' moving into their neighborhoods "crimes against nature." Worse yet, Blacks' presence could lead to the ultimate crime against nature—miscegenation. As late as the mid-1960s, the Virginia state court judge who convicted the Lovings under the state's anti-miscegenation statute divined God's design as keeping the races at great distances from each other, and certainly not married to each other. Ironically, the judge seemed to view slavery as "unnatural" because it interfered with God's plan to keep the races at great distance from each other:

Almighty God created the races white, Black, yellow, malay, and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix.

Id. at 3. This claim represented an effort to take the moral high ground. Acts designed to expel Blacks that would otherwise constitute crimes became attempts to enforce the moral values of the (white) community against wrongdoers committing heinous offenses against those values and that community.

¹⁷¹ Their claim was not unlike that of gangs that view their "turf" as a space in which they have a sufficient stake that entitles them to use otherwise criminal means

was no claim that the physical property was threatened with theft or damage—the traditional defense of property arguments. Instead, whites argued that the value of their property was threatened because of the presence of a Black family—not to mention the presumed increased likelihood of further decline in property values with additional Black families arriving because of the presence of the initial family.¹⁷² Ironically, Blacks' entry into previously all white neighborhoods often increased property values because they were willing to pay more than whites as a result of the discrimination that limited their locational choices.¹⁷³

This declining property value scenario thus served as a basis for justifying efforts to expel Black families, including initiatives that would otherwise trigger criminal liability.¹⁷⁴ Bombing or setting fire to a Black family's home could be a way of protecting white neighbors' property.¹⁷⁵ The argument built on the metaphor of infestation and fear of a spreading epidemic. As the anti-integration mayor of Dearborn, Michigan said: "[E]very time we hear of a Negro moving in we respond quicker than you do to a fire," using the metaphor of spreading conflagration to describe African-American presence.¹⁷⁶

Even with that far-fetched reasoning, the defense of property has limits. Defense of property may not serve as a defense for the use of lethal force.¹⁷⁷ Some bombings did result in fatali-

to exclude others even though they have no formal claim to ownership. See ALEX KOTLOWITZ, *THERE ARE NO CHILDREN HERE: THE STORY OF TWO BOYS GROWING UP IN THE OTHER AMERICA* 41 (1992).

¹⁷² MEYER, *supra* note 2, at 27; see also SUGRUE, *supra* note 37, at 215.

¹⁷³ This is often referred to as a "color tax" that Black pioneers paid. *Id.* at 11, 37, 77; see also CHARLES ABRAMS, *FORBIDDEN NEIGHBORS: A STUDY OF PREJUDICE ON HOUSING* (1955); Leonard S. Rubinowitz & Elizabeth Trosman, *Affirmative Action and the American Dream: Implementing Fair Housing Policies in Federal Homeownership Programs*, 74 *Nw. U. L. REV.* 491, 511-21 (1979). Black entrants were often more affluent than their white neighbors. See SUGRUE, *supra* note 37, at 216.

¹⁷⁴ Even if a defense of property rationale were applicable, it would be limited by the proportionality requirement of that defense. Consequently, the tactics white racists used would have been unjustified because they were disproportionate to any harm they sought to prevent.

¹⁷⁵ Ironically, such actions could damage a neighborhood's reputation, thus lowering property values throughout the area.

¹⁷⁶ MEYER, *supra* note 2, at 122.

¹⁷⁷ Model Penal Code § 3.06(3)(d) (1962).

ties, for which defense of property could not have served as even a formal defense.

C. NORM ENFORCEMENT

Whites sometimes viewed their actions as imposing a deserved sanction against a gross, blatant violation of social norms by Blacks. Whites claimed that bloodshed and riots were "provoked by Negroes moving into . . . white sections."¹⁷⁸ The social norms of residential racial segregation were at the core of the structure of twentieth century racial subordination. While those norms had been enforced in some cities by law—through racial zoning ordinances that the Supreme Court struck down in 1917—the eventual demise of such legislation did not undermine the underlying social norms.¹⁷⁹ The norms were based in a belief that Providence created racial barriers, and violence was natural to prevent integration.¹⁸⁰

While racial zoning laws were in effect, in places like Baltimore and Louisville, Black movement into white areas was prohibited.¹⁸¹ In some cases, violation of the ordinance resulted in criminal liability.¹⁸² Blacks were arrested and indicted under these ordinances, which subjected them to fines for relocating across the color line.¹⁸³

Segregation became deeply embedded as an accommodation to Black migration from rural areas in the South to southern cities and from the South to the North and West. The theory was that Blacks violated those social norms by their physical presence, their occupancy, by "being there" in white areas. Theirs was a status offense of RWB—residing while Black.¹⁸⁴ The offense was far more serious than DWB—driving

¹⁷⁸ DELANEY, *supra* note 76, at 139.

¹⁷⁹ See *Buchanan v. Warley*, 245 U.S. 60 (1917).

¹⁸⁰ He also cites the use of metaphors about the perceived threat—"invasion," "danger," and "peril." DELANEY, *supra* note 76, at 134-40.

¹⁸¹ See MEYER, *supra* note 2, at 18, 24.

¹⁸² See *id.* at 19, 24, 109.

¹⁸³ DELANEY, *supra* note 76, at 119. The crime might be characterized as "buying while Black," or BWB, in current parlance.

¹⁸⁴ See A.J. Ashworth, *The Doctrine of Provocation*, 35 *CAMB. L.J.* 292, 307-08 (1976) (discussing this kind of situation where the victim is blamed: "he brought it on himself," "she asked for it," or "it served him right").

while Black—which has received recent attention as an aspect of racial profiling.¹⁸⁵ Residing while Black was more pervasive in terms of the alleged resulting harms, and it was a continuing offense with each day of living in the predominantly white neighborhood. Even when it was not an actual crime, it was a blatant violation of entrenched social norms.

Police and public officials sometimes effectively “deputized” white citizens to assist in this enforcement process.¹⁸⁶ By their actions or inaction, they permitted private citizens to patrol the “color line” to keep Blacks from crossing it and moving into white communities. In those circumstances, white citizens viewed themselves as entitled to use force to implement the government’s police powers.

D. DEFENSE OF COUNTRY

During the McCarthy era, whites also sounded patriotic themes in justification of their resistance to Black entry. They characterized the movement of Blacks into their neighborhood as an effort by communists to foment racial tensions, as part of their plan to overthrow the government.¹⁸⁷ Thus, the apparent crimes of resistance really constituted patriotic efforts to protect the country against the communist conspiracy.¹⁸⁸

Meyer may have inadvertently given some credence to this claim. The most prominent example of the “communist conspiracy” strategy was the 1950s Louisville prosecutor’s claim that white and Black communists had conspired to dynamite a Black family’s house to foment racial tension. Anne Braden’s account of this episode in *The Wall Between* details the way officials

¹⁸⁵ See generally, KENNETH MEEKS, *DRIVING WHILE BLACK* (2000) (detailing the places and ways that racial profiling takes place and strategies for resisting it).

¹⁸⁶ DELANEY, *supra* note 76, at 101, 184. In late 1946, the Columbians in Atlanta announced that in order to keep Blacks out of white neighborhoods, they would “arrest” Blacks present in a white part of the city. Violators would be “turned over to the police, beaten with Blackjacks, and locked up for being drunk.” However, the chief of police intervened to stop the Columbians from “assisting” the department, insisting that his officers would keep the peace in the city. See KRUSE, *supra* note 34, at 29–32.

¹⁸⁷ See MEYER, *supra* note 2, at 125, 137, 138; SUGRUE, *supra* note 37, at 226.

¹⁸⁸ MEYER, *supra* note 2, at 137. In Atlanta, the Klan defined fighting communism and white supremacy—especially preventing Black invasions of white neighborhoods—the twin pillars of its program. See KRUSE, *supra* note 34, at 48.

shifted from a focus on white neighbors and their allies as probable perpetrators to suggesting that she and her husband (who were white) bought the house in a white community on behalf of a Black family (the Wades) as part of a communist conspiracy.¹⁸⁹ While Meyer did not reject Braden's claim that these were trumped up racist charges, he did not seem to take it seriously, either.¹⁹⁰ The evidence seems quite clear that the bombing of the Wades' home was the culmination of an extended and escalating campaign of racist attacks conducted by white neighbors and their allies—not a communist plot to foment racial tensions.¹⁹¹

V. THE VICTIMS

Perpetrators targeted a wide variety of victims. These were men, women, and children—celebrities, professionals, members of the working class, and poor families.¹⁹² Their race and their movement into predominantly white areas constituted the basis for victimizing them. The crimes caused serious physical, financial, and psychological injuries.

A. IDENTITY: RACE AND CLASS

Just as education, status, and wealth did not protect Blacks from racial profiling and myriad other racial insults at the dawn of the twenty-first century, those achievements did not protect earlier generations of Blacks from housing-related racial crimes.¹⁹³ Many of the victims were middle- and upper middle-class homeowners residing in neighborhoods of single-family homes. Perpetrators targeted doctors in Detroit, Atlanta, Dallas, Birmingham, and Long Beach;¹⁹⁴ a lawyer in Baltimore;¹⁹⁵

¹⁸⁹ See BRADEN, *supra* note 76, at 140-41, 151-52, 168-82.

¹⁹⁰ Braden's account is necessarily self-serving, since she and her husband bought the house; but Meyer does not provide any explanation for his skepticism about the accuracy of her version of the story. See *id.* at 138.

¹⁹¹ *Id.*

¹⁹² Perpetrators also sometimes targeted whites who sold or rented to Blacks as well as real estate agents that facilitated such transactions.

¹⁹³ ELLIS COSE, *THE RAGE OF A PRIVILEGED CLASS* (1993); FEAGIN & SIKES, *supra* note 50.

¹⁹⁴ MEYER, *supra* note 2, at 37, 38 (Detroit); *id.* at 57 (Atlanta); *id.* at 59 (Dallas); *id.* at 110 (Birmingham); *id.* at 129 (Long Beach).

ministers in Chicago, Atlanta, and Birmingham;¹⁹⁶ business people in Dallas, Louisville, and Tilghman Island, Maryland;¹⁹⁷ teachers in Los Angeles and Richmond;¹⁹⁸ and scientists in Los Angeles and Oak Park, Illinois (the renowned chemist Percy Julian).¹⁹⁹

Nor were celebrities exempt. Race trumped everything else. The renowned singer Nat King Cole and the baseball star Willie Mays were victimized at their homes in Los Angeles and San Francisco, respectively.²⁰⁰ When Nat King Cole's family moved into a white L.A. neighborhood in 1948, they were first offered a buy out. When they declined to sell, neighborhood intimidators burned the words "nigger" and "nigger heaven" on their front lawn.²⁰¹ In 1957, a long campaign of intimidation against a white homeowner who planned to sell a home to Willie and Marguerite Mays almost prevented him from selling to them; but counter-pressures from a civic organization, the media, and the mayor ultimately led him to make the sale.²⁰² Shortly after they moved into the house, someone threw a rock through the front window.²⁰³ In 1965, the professional basketball star Bill Russell experienced an attack on the other coast.²⁰⁴ Criminals broke into his home in the mostly white Boston suburb of Reading, destroyed all his trophies, trashed the house, and left feces in his and his wife's bed.²⁰⁵

¹⁹⁵ *Id.* at 18.

¹⁹⁶ *Id.* at 89 (Chicago); *id.* at 103 (Atlanta); *id.* at 107 (Birmingham).

¹⁹⁷ *Id.* at 61-62 (Dallas); *id.* at 138 (Louisville); *id.*, at 219 (Tilghman Island).

¹⁹⁸ *Id.* at 76, 127 (Los Angeles); *id.* at 112 (Richmond).

¹⁹⁹ *Id.* at 76 (Los Angeles—engineer and teacher); *id.* at 118 (Oak Park).

²⁰⁰ *Id.* at 95 (Nat King Cole); *id.* at 131 (Willie Mays).

²⁰¹ *Id.* at 96.

²⁰² *Id.* at 131.

²⁰³ The realtor who had represented the owner refused to participate in the transaction because he thought that doing so would be devastating to his business. *Id.* at 131.

²⁰⁴ The attack came in Russell's ninth year with the Boston Celtics, when he was an established star who had led his team to eight National Basketball Association championships. When he had arrived in Boston almost a decade earlier, the family had experienced difficulty finding a place to live. His subsequent stardom did not make his home a safe refuge. The source for this background information is Professor Jon Entin, a life-long Boston Celtics fan.

²⁰⁵ Russell's daughter Karen Russell provided a very graphic depiction of this episode:

Successful Black actresses Hattie McDaniel, Louise Beavers, and Ethel Waters were defendants in a 1940s civil suit in which white plaintiffs argued that they had violated a racially restrictive covenant in the Beverly Hills neighborhood in which they lived.²⁰⁶ The actresses won, but the subsequent violence against Blacks moving into predominantly white and relatively wealthy neighborhoods in Los Angeles demonstrated that whether the law was on their side or not, African-Americans were extremely vulnerable residents.²⁰⁷

Low income Blacks relocating in white areas were also victims of racial violence. When local public housing agencies sought to integrate their program by assigning Black families to historically white developments, white residents and their supporters resisted with threats and violence. The Chicago experience epitomizes this phenomenon. In 1946, the Chicago Housing Authority (CHA) adopted a policy of non-discrimination in the assignment of tenants to its developments.²⁰⁸ A white mob smashed windows and tipped over cars when CHA moved Black families into a white-area development.²⁰⁹ The resistance persisted until the families left the development, a month later.²¹⁰ The next year, five thousand whites

One night we came home from a three-day weekend and found we had been robbed. Our house was in shambles and "NIGGA" was spray-painted on the walls. The burglars had poured beer on the pool table and ripped up the felt. They had broken into my father's trophy case and smashed most of the trophies. I was petrified and shocked at the mess; everyone was very upset. The police came, and after a while, they left. It was then that my parents pulled back their bedcovers to discover that the burglars had defecated in their bed.

Karen Russell, *Growing Up With Privilege and Prejudice*, N.Y. TIMES, June 14, 1987, at 23. She also noted the way in which the local police tried to deny the existence of racist crimes: "Every time the Celtics went out on the road, vandals would come and tip over our garbage cans. My father went to the police to complain. The police told him that raccoons were responsible, so he asked where he could apply for a gun permit. The raccoons never came back." *Id.*

²⁰⁶ MEYER, *supra* note 2, at 77.

²⁰⁷ *See id.* at 76.

²⁰⁸ *See* discussion *infra* notes 322-30 and accompanying text describing the Boston Housing Authority experience of the 1990s.

²⁰⁹ MEYER, *supra* note 2, at 90.

²¹⁰ *Id.*

demonstrated in order to keep Blacks out of another CHA white-area development.²¹¹

Moreover, many Black families moving into white areas suffered repeated victimization. Since perpetrators' goals contemplated expelling families from the community, the first attacks were not necessarily the last ones. If families stayed, they could experience what might be called "serial victimization."²¹² Resistance sometimes escalated—from telephone threats to bombs, for example. The experience of the Wilson family in Detroit in 1955 provides a dramatic case in point.²¹³ When they bought a house in a predominantly white neighborhood, their neighbors "launched a five-month siege."²¹⁴ Right before the Wilsons moved in, "someone broke into the house, turned on all the faucets, blocked the kitchen sink, flooded the basement, and splattered Black paint on the walls and floors. Later that day, after the Wilsons cleaned up the mess and left, vandals broke all the front windows in the house."²¹⁵ When the family moved in, racists greeted them with more rocks thrown through the windows and at the house, and angry, anonymous phone calls.²¹⁶ Over the next two months, the attacks persisted, including eggs, rocks, and bricks thrown at the windows, paint of various colors thrown at the house, snakes put in the basement, and salt poured on the lawn.²¹⁷

While the Wilsons' ordeal was not uncommon, in other instances families' determination to stay in their home led to a decline in resistance over time.²¹⁸ Nevertheless, the risk and real-

²¹¹ *Id.*

²¹² See discussion *supra* pp. 354-55 (the timing of the crimes). There have also been examples of multiple victims in the same area. When Blacks started moving into homes on a white block in Atlanta in the 1920s, whites "just started blowing up, throwing bombs on people's front porches and through the front windows, in their yards." See KRUSE, *supra* note 34, at 6.

²¹³ SUGRUE, *supra* note 37, 232-34.

²¹⁴ *Id.*

²¹⁵ *Id.* In an even more violent series of crimes, in the early 1950s Atlanta whites set fire to a home twice. After the Black owners made costly repairs, racists dynamited the home. See KRUSE, *supra* note 34, at 114.

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ See MEYER, *supra* note 2, at 17-18.

ity of multiple, ongoing victimization added to the toll these crimes took on their victims.²¹⁹

B. IMPACTS

Housing-related racial crimes had physical, financial, and psychological impacts on their victims. Individual families were usually isolated pioneers who bore the full brunt of these crimes, and the harms they suffered were often severe and long lasting. Moreover, indirect injuries affected many other Blacks—those living in the area as well as those contemplating such moves.

1. *Physical Impacts*

The physical impacts of whites' crimes fell on Black individuals as well as their property. In several instances, racial violence resulted in the death of one or more family members. Between 1917 and 1921, fifty-eight bombings occurred in Chicago, resulting in the death of two Blacks and injuries to several people of both races.²²⁰ In 1944, two Black children, ages seven and twelve, died in the firebombing of their home in a white Chicago neighborhood.²²¹ In 1945, whites blew up the home of a Black family that had moved into a white neighborhood in the Los Angeles area, killing the husband and wife and their young children.²²²

Arson and bombings almost always presented the possibility, if not the probability, of serious injury or death for family members and guests. While it is not clear how frequently physical injury occurred, certainly the reign of terror wrought by mobs and anonymous aggression must have created a constant sense of great danger for many African-American entrants.

In terms of property damage, some victims experienced destruction of all or part of their homes and their contents, often from bombs or arson. In 1944, arsonists destroyed the house of

²¹⁹ This might be thought of as the dark side of ongoing interracial relations—the mirror-image of the “contact hypothesis” that asserts that racial attitudes will improve with increasing contacts between people of different races of equal status.

²²⁰ MEYER, *supra* note 2, at 34.

²²¹ *Id.* at 89.

²²² *Id.* at 77.

one Black Chicago family and firebombed another.²²³ The late 1940s witnessed the dynamiting and firebombing of several Black families' homes in Birmingham, Alabama.²²⁴ In 1951, there were eleven house bombings and six "mysterious fires" in a racially contested area of Dallas.²²⁵

Meyer generally emphasizes the fact of the bombings rather than the nature and extent of the damage to the home. Anne Braden's Louisville account of the Wade family's experience makes the picture of destruction more concrete and specific:

The worst of the explosion had been on the side of the house opposite where they [the owner and a friend] were sitting. Apparently, dynamite had been placed in the air vent where the grating was broken out six weeks before when the window was smashed. This was the side where the two bedrooms and bathroom were. These rooms were virtually destroyed. Huge holes were blown in the floor and some of the flooring boards crashed through the ceiling. In the rest of the house, windows were broken and floors were buckled by the impact.²²⁶

Other property damage ranged from flooding to garbage piled on the front lawn.²²⁷ That was in addition to broken windows and other acts of vandalism.

These attacks tapped into the history of Blacks being dispossessed, literally, from property ownership throughout slavery and through legal maneuverings in the agricultural economy and debt peonage.²²⁸ That history made property ownership, generally, and home ownership, specifically, that much more precious for African-Americans. Thus, these property crimes had an even greater impact than would otherwise be the case.

²²³ *Id.* at 89.

²²⁴ *Id.* at 106-07.

²²⁵ *Id.* at 112.

²²⁶ BRADEN, *supra* note 76, at 138. An Atlanta explosion five years earlier "blew out the windows, crumbled the plaster walls, and shot a wooden plank fifty feet down the street, shattering a neighbor's window and covering him with shards of glass." See KRUSE, *supra* note 34, at 67.

²²⁷ Meyer, *supra* note 2, at 125.

²²⁸ See A. LEON HIGGINBOTHAM, JR., SHADES OF FREEDOM: RACIAL POLITICS AND PRESUMPTIONS OF THE AMERICAN LEGAL PROCESS 85-86 (1996).

2. Financial Costs

Financial costs accompanied the property damage. Families had to pay for repairs and household items destroyed that were not covered by insurance because of deductibles or maximum limits on coverage. Other out-of-pocket expenses included the cost of staying someplace else while repairs were made, as well as the costs of additional security measures designed to protect against future crimes, such as installing alarm systems, barring windows, and acquiring, training, and taking care of watchdogs.²²⁹

With the homes that were completely destroyed, there were costs associated with finding a new home, such as search costs, the costs of securing a new mortgage, and moving expenses. Even when the home could have been repaired, the threat of future attacks or the traumatic effect on children or other family members led some Black families to relocate, with the attendant financial costs.²³⁰

Moreover, insurance companies sometimes canceled policies or increased premiums.²³¹ In the extreme case when no insurance company would insure the home because of the risks involved, families that stayed anyway became self-insurers with the very serious financial risks that entailed.

With both total destruction and partial damage, there was also the loss of items with sentimental value or other kinds of personal significance. For example, it is difficult to place a monetary value on professional basketball star Bill Russell's trophies and awards that home invaders destroyed. Thus, along with the strictly financial costs, there were associated emotional and psychological impacts.

²²⁹ Meyer, *supra* note 2, at 107, 128.

²³⁰ *Id.* at 45, 76; *see also* SUGRUE, *supra* note 37, at 255.

²³¹ *Id.* at 33. In *The Wall Between*, Anne Braden describes the problems the Wades faced when the insurance company originally slated to insure their home declined to do so once it became clear that there was a serious risk that the house would be destroyed. BRADEN, *supra* note 76, at 104.

3. Psychological Harms

Moreover, the threats and attacks caused psychological harm to the victims and to other Black families.²³² The victims experienced emotional trauma.²³³ The stress of the constant harassment that the Wilson family experienced in their Detroit neighborhood was so great that their five-year-old son began having “nervous attacks,” waking up in the middle of the night complaining that he felt like snakes were crawling all over him. When a psychologist advised the family that their son might have permanent emotional injuries as a result of the relentless racist attacks, they moved out.²³⁴

The trauma was perhaps even greater for first-time homebuyers like the Wades, who bought a house in a white suburb of Louisville in 1954.²³⁵ They did an extensive search for a home before they asked the Bradens, a white couple, to front for them and buy the house. They moved in with great anticipation, only to have their hopes dashed by threats, harassment, and, ultimately, by the bombing of their house.²³⁶ Moreover, the psychological cost for the Wade family and others encountering such resistance mounted over time. Once the threats started, there was constant fear of violence—so much so in the Wades’ case that friends and supporters volunteered to stand guard at night.²³⁷ The bombing itself produced psychological trauma for the family. It was a “violation” that is far more serious even than the “violation” that people talk about after a home invasion or burglary. The attack cost them their privacy and autonomy and signaled to them that there was no “safe haven,” no place of refuge for them in that community. This kind of attack is likely

²³² Sugrue notes that “homes were symbolic extensions of the self, of the family” and that an attack “was a direct challenge to a family’s privacy and security.” SUGRUE, *supra* note 37, at 254.

²³³ BRADEN, *supra* note 76, at 220.

²³⁴ SUGRUE, *supra* note 37, at 233. Mr. Wilson also had a heart condition, which was aggravated by the stress. The experience and departure of the Wilsons also effectively deterred other Black families from moving into the neighborhood.

²³⁵ See discussion *infra* note 76 and accompanying text.

²³⁶ MEYER, *supra* note 2, at 137-38. For an in-depth account of the Braden-Wade experience, see generally BRADEN, *supra* note 76.

²³⁷ See BRADEN, *supra* note 76, at 116-22.

to have intense short-term effects and lingering, long-term ones, as well.²³⁸

Cross burnings had particularly powerful psychological effects because of their historical symbolism of white supremacists and the extreme threats that they conjure up of the aftermath of cross burning.²³⁹ Similarly, threatening notes signed "KKK" or the use of the KKK initials as part of the vandalism of property heightened the effect on residents because these symbols resurrected images of the long history of violence and intimidation of African-Americans.

At the same time, the psychological impacts were not limited to the immediate victims. Racial attacks also had a chilling effect on other African-American families who might otherwise have chosen to move to that community.²⁴⁰ The very large, highly organized campaign of Detroit's whites to resist Black entry in the postwar period deterred tens of thousands of Blacks from moving into predominantly white neighborhoods for fear of encountering harassment and physical injury.²⁴¹ In such instances, the decision-making process itself was likely to generate substantial stress, and the decision not to move could produce a sense of frustration, fear, and failure, along with relief.

VI. LAW ENFORCEMENT: THE POLICE AND THE CRIMINAL JUSTICE SYSTEM

Since Meyer focuses on the fact of discrimination rather than the official response to it, his accounts of law enforcement

²³⁸ While the account of the Wades' ordeal is through the eyes of Anne Braden rather than the Wades themselves, there are indications of the impact on the Wades' lives. In addition to the loneliness it caused them, it changed the meaning of the house for them. It had become a cause and a symbol, and "had ceased to be a home." See *id.* at 139. The violence that pervaded Black families' experience integrating Boston's public housing in the 1960s took a heavy psychological toll on them. Many reported persistent nervousness and inability to sleep because of the fear of being victimized. See VALE, SALVAGING PUBLIC HOUSING, *supra* note 69, ch. 2.

²³⁹ FEAGIN & SIKES, *supra* note 50, at 21.

²⁴⁰ A family was going to move to the Chicago suburb of Cicero until friends persuaded them that they faced great danger in doing so. RUBINOWITZ ET AL., *supra* note 13, at 57. Cicero's reputation for racial exclusion was based partly on the 1951 fire-bombing of an apartment house when a Black family moved into the building. MEYER, *supra* note 2, at 118-19.

²⁴¹ SUGRUE, *supra* note 37, at 233-34.

are sketchy at best.²⁴² Even so, it seems clear that the system did little to prevent, pursue, prosecute, or punish this kind of inter-racial criminal activity.²⁴³ In fact, these criminal acts were often consistent with the dominant (white) local morality and norms, thus making punishment seem inappropriate to the white power structure. Retribution appeared to be unnecessary since there were no "just deserts" to be had. The part of the community that was wronged did not count, for purposes of community condemnation. Without police initiatives and arrests, there was no chance of punishment. Without punishment, there was no reason to expect either specific or general deterrence, and so the attacks could proceed unimpeded by the imposition and impact of the criminal law.²⁴⁴

²⁴² Most of Meyer's accounts are fragmentary and from a single source. When Meyer says nothing about arrests or prosecutions, it is not clear whether there were no arrests, the source Meyer relies on had no information on the subject, or Meyer simply chose not to discuss it. Any efforts to discern patterns of police response must therefore be very tentative.

²⁴³ This failure is consistent with the failure of the criminal justice system in other racially motivated crimes. Thousands of lynchings went unpunished and undeterred for decades. Perpetrators in notorious crimes such as the murder of civil rights leader Medgar Evers were not successfully prosecuted for many years. The most dramatic examples of nonfeasance were in the South, but as Meyer's accounts suggest, the North was not fundamentally different in its approach to inter-racial crimes. The detailed accounts of other failures of the system provide an additional basis for extrapolating beyond Meyer's sketchy accounts in the housing-related context. HERBERT SHAPIRO, *WHITE VIOLENCE AND BLACK RESPONSE: FROM RECONSTRUCTION TO MONTGOMERY* (1988). As Stephen Carter suggests, victimhood is socially constructed and depends on the social context in which the claim is made. Stephen L. Carter, *When Victims Happen to Be Black*, 97 *YALE L.J.* 420 (1988). The dominant culture in many communities conferred the status of victim on the white residents who lost something because of the threat presented by the unwanted and unexpected presence of Black neighbors. It was race and racism that determined the respective identities of the transgressors and victims. The transgressors were the Black families who moved in, and their victimizing acts were those very moves. Whites' actions in response thus constituted sanctions aimed at punishing and deterring those transgressors and deterring other potential transgressors. If the government failed to intervene to prevent this victimization of whites, they had to protect themselves. That dominant culture also made it difficult to understand the claims of Black families to victim status in these encounters. As long as Blacks were perceived as the offenders by harming the community by their presence, it was the white residents who had the appropriate claim of victimization. Of course, this view ignores the whole context of this country's continuing history of racial oppression. Instead, it perpetuates that history by providing whites with a rhetorical justification for continuing to victimize Blacks.

²⁴⁴ Police exhibited similar behavior in non-housing related racial encounters. MEYER, *supra* note 2, at 44. In *Race Riot*, William Tuttle cites the grand jury investiga-

This apparent lack of enforcement exemplifies the reality of racial disparities in the realm of crime and punishment. Non-enforcement meant letting these and other crimes by whites against Blacks go unpunished, while the response even to allegations of Black-on-white crime was, by contrast, extremely aggressive, leading to trials like that of the Scottsboro boys for alleged rape, or even lynchings.²⁴⁵ Blacks' property, physical and psychological well being, and lives were further depreciated by the failure to investigate, arrest, prosecute, and punish white offenders. The fact that the house was now in Black hands made the criminal justice system view it and its occupants as less valuable than previously, which was reflected in the frequent failure to bring perpetrators to justice.

Moreover, failures to enforce the law facilitated the perpetuation of whites' ability to subordinate Blacks by keeping them "in their place." As the entity with a monopoly on the legitimate use of force, the state effectively delegated that power to private individuals through its inaction.²⁴⁶ Many of these accounts portray the state as condoning or even supporting or aiding the use of private white violence, thus *de facto* decriminalizing it.²⁴⁷

At the top of the law enforcement "funnel," police made few efforts to apprehend and arrest perpetrators. That passivity also allowed perpetrators to remain "unknown"—at least officially, since the conspiracy of silence sometimes included the

tion of the 1919 Chicago riot, saying that "white officers were grossly unfair in making arrests." TUTTLE, *supra* note 35, at 158. He also notes that in the course of the fourteen days of the riot, police arrested Blacks at twice the rate of whites even though Blacks sustained far more injuries. He finds evidence that police were apathetic in aiding Blacks who were victims of racially motivated violence, and that the police appeared to be co-conspirators with those committing the violence. *Id.* at 64.

²⁴⁵ See ALLEN D. GRIMSHAW, *RACIAL VIOLENCE IN THE UNITED STATES* (1969); SHAPIRO, *supra* note 8; see also *Powell v. Alabama*, 287 U.S. 45 (1932); *Norris v. Alabama*, 294 U.S. 587 (1935).

²⁴⁶ DELANEY, *supra* note 76, at 33.

²⁴⁷ MEYER, *supra* note 2, at 107 (bombings were not "truly adequately investigated because the detective division was unconcerned about crimes against Black property"); *id.* at 117 ("Chicago police were present throughout [an attack on an apartment by a mob of 800], but they did nothing to stop it"); *id.* at 126 ("Five carloads of police arrived at the scene [of a mob trying to force a family out], but instead of controlling the demonstrators, one policeman disarmed [the victim], and the rest stood by idly watching").

police and other public officials. Prosecutors prosecuted very few of those arrested, proceeded to few trials, secured still fewer convictions, and the seemingly rare punishment that the courts meted out reflected their view of the trivial nature of these offenses.

Even the more positive examples of the system responding to these crimes leave much to be desired. When the Myers family moved into Levittown, Pennsylvania in 1957, white neighbors gathered to try to drive them out.²⁴⁸ Mobs numbering as many as four hundred people threw stones, smashed windows, and burned a cross on the family's lawn. Police tried to quell the violence and block off the neighborhood; but local police were overwhelmed and state troopers intervened. For more than a week, whites protested outside the house, and police tried to disperse the crowds—unlike local law enforcement officials in many other comparable situations elsewhere. On several nights, police wielded riot clubs and arrested perpetrators. However, when all was said and done, only seven of the perpetrators were indicted. They were convicted of disturbing the peace and other minor offenses—not a model of aggressive law enforcement or effective administration of the criminal justice system.²⁴⁹

A. THE POLICE

Local, state, and federal law enforcement officials responded to these situations in a variety of ways. Some supported white resistance by joining forces with the mob, trying to persuade Black families to move out in order to restore peace after they “caused” the disturbances, failing to show up at the scene when called, or standing idly by as passive observers in the face of a legal duty to act. Others intervened to disperse a mob or stop criminal activity such as rock throwing, often with pro forma or totally ineffective efforts. Still others carried out the traditional police responsibilities of investigating, apprehending

²⁴⁸ MEYER, *supra* note 2, at 148; see DELANEY, *supra* note 76, at 106-07 (discussing police stepping in to prevent violence by whites).

²⁴⁹ MEYER, *supra* note 2, at 147-48.

suspects, and making arrests—usually on minor charges such as disturbing the peace.²⁵⁰

Overall, the reports reflect a sketchy but consistent picture of chronic under-enforcement of the law—inaction and ineffective action, and sometimes even police complicity in housing-related crimes. They show many police officers as sympathetic to, if not openly supportive of, the white perpetrators. Police officers often shared the white community's perspective on the need to remove the "threat," stem the "invasion," and restore peace and order by getting Black families out of their home. In many instances, the police were enforcing deeply embedded social norms—customs that were often more powerful than the law.

In 1941, after a series of bombings greeted Blacks' entry into white Dallas neighborhoods, the police chief doubled the number of officers investigating the incidents; but they questioned few suspects and arrested no one.²⁵¹ In other cities, police told Black residents that they did not have the resources to protect them from mobs, urged them to move out, or stood by while mobs terrorized them.²⁵²

In a number of instances, police intentionally refused to arrest whites that they believed to be perpetrators of these crimes. In 1925, Detroit police arrived but did little as whites threw bricks through the windows and ripped tiles from the roof of the home of a Black family that had moved into a white neighborhood.²⁵³ Thirty years later, Detroit police repeated that non-performance when they were assigned to protect the Wilson

²⁵⁰ Police may have been criminally liable in some of these cases either through their acts or their omissions when they had a duty to act because of their official position and contractual obligations. It is uncertain whether any police officers were prosecuted in any of these cases. In other cases, police officers may have exercised their discretion to disperse the crowd rather than make arrests for minor offenses and risk an escalation of the crowd's hostile actions.

²⁵¹ MEYER, *supra* note 2, at 61-62. The Dallas mayor, city planner, and city manager all participated in efforts to persuade African-Americans not to move into homes they had purchased in white neighborhoods.

²⁵² *See id.* at 37, 117, 126.

²⁵³ *Id.* at 37.

home.²⁵⁴ Many of the continuing attacks on the house took place while police officers sat in their cars nearby.

Similarly, in 1949, Chicago police stood idly by as a crowd of eight hundred whites threw stones, smashed windows, chanted "Burn the Black bastard out," and threw a flaming rag into a building into which a Black couple had just moved.²⁵⁵ The fire almost destroyed the building.

When the Clark family tried to move into an apartment in the all white Chicago suburb of Cicero in 1951, white protestors greeted them.²⁵⁶ When the Cicero police arrived on the scene, they sided with the demonstrators and told the Clarks to get out of Cicero.²⁵⁷ The chief of police forcibly removed the family from the community.²⁵⁸

In the 1960s, Black Boston public housing residents reported that the police were unresponsive to their complaints of racial harassment. Initially, the police referred residents to the public housing managers.²⁵⁹

As the incidents escalated in number and severity, the Housing Authority hired additional police to patrol at night and to investigate reported incidents and apprehend suspects. However, police often turned on their sirens as they arrived at a development in response to an incident. Consequently, few

²⁵⁴ SUGRUE, *supra* note 37, at 232.

²⁵⁵ *Id.* at 117. Also, when the Chicago Housing Authority began after World War II to permit a small number of Black families to move into developments in white communities, violence by whites ensued. According to Elizabeth Wood, the head of CHA at the time, the police disappeared when the violence began. Fred Lazin, Public Housing in Chicago, 1963-1971: Gautreaux vs. Chicago Housing Authority: A Case Study of the Co-optation of a Federal Agency by its Local Constituency 58 (1973) (unpublished Ph.D. dissertation, University of Chicago) (on file with the University of Chicago Library).

²⁵⁶ MEYER, *supra* note 2, at 118; Roy Moseley, Oh, The Times, They Ain't a 'Changin' 3 (1992) (unpublished paper) (on file with authors). In a still more outrageous incident than the Cicero episode, in 1960 the Atlanta police "chastised" whites who bombed a Black family's home for failing to do an adequate job, even though the dynamite tore the siding off the house and blew out part of the foundation. A police officer reportedly said, "Why in the god damn hell did those people waste one stick of dynamite, and why didn't they wait until after 1 A.M.? . . . They should have waited until later and blown the whole god damn house up." See KRUSE, *supra* note 34, at 160.

²⁵⁷ See MEYER, *supra* note 2, at 118.

²⁵⁸ *Id.*

²⁵⁹ See VALE, SALVAGING PUBLIC HOUSING, *supra* note 69.

perpetrators were caught and prosecuted. As a result of this combination of non-responsiveness and deception or ineptness, many Black residents simply did not report incidents to the police—officials who they thought of more as members of the white community in south Boston than as their protectors from racist attacks.²⁶⁰

Police support of white perpetrators even included lying on the witness stand, as in the high profile Sweet case in Detroit.²⁶¹ In 1925, Dr. Ossian Sweet and his wife moved into a home in a white neighborhood. Shortly thereafter, a mob of 2000 whites gathered. Police apparently did little to control the mob. When whites smashed windows with stones and fired shots into the home, Dr. Sweet and several of his guests fired back into the crowd and hit two men, killing one. The public response was hostile to the Black men but not to the mob that threatened them. The mayor and the district attorney's office blamed the Sweets and their friends for inciting the mob that led to this tragedy. The police arrested a dozen Sweet family members and friends and charged them with first-degree murder. Prosecutors alleged that the defendants had fired shots without provocation and the crime was consequently premeditated murder. Police officials' lies to the prosecutors about the incident served as the basis for those allegations. Police witnesses testified that no mob had assembled and that no one had thrown stones or fired shots at the house.²⁶² Clarence Darrow, who represented the defendants, demonstrated that prosecution witnesses were coached to perjure themselves, and he got some witnesses to admit what really happened that night.²⁶³

²⁶⁰ *Id.*

²⁶¹ See MEYER, *supra* note 2, at 39.

²⁶² See *id.* at 41.

²⁶³ *Id.* The first trial ended in a mistrial. Darrow prevailed in a second trial in which Dr. Sweet's brother Henry was the defendant. But the years of imprisonment and intimidation had already taken their toll on the Sweets, and Mrs. Sweet died from the tuberculosis she contracted in prison. *Id.* at 45. The hostility of the police and public officials to their case, including the police perjury, spoke volumes about the extent to which African-Americans were able to experience the full benefits of property holding and to secure justice when victimized by racial crimes. Several years later, Detroit police responded to threats, gunshots, and vandalism aimed at another Black family that moved into a white neighborhood by suggesting that the family move out of the area. *Id.* at 38-45.

These police abuses amounted to a kind of “double victimization” for Black movers. In addition to encountering civilian perpetrators, they were victimized by those who were supposed to protect them from criminals.

This picture of police animosity or laxity contrasts with the aggressive law enforcement tactics used when Blacks seemed to threaten white interests, as illustrated by the arrests and jailing of thousands of peaceful Black civil rights demonstrators, primarily in the South but in other parts of the country as well.²⁶⁴ When Father James Groppi led open housing marchers into Milwaukee’s ethnic neighborhoods in 1967, the police arrested the priest and other marchers for violating the mayor’s prohibition on nighttime demonstrations.²⁶⁵ Those arrests and others for trespass, disturbing the peace, and other alleged offenses involved activities that were arguably lawful and, at their worst, did not compare in seriousness to whites’ housing-related offenses that the police often let stand.²⁶⁶

B. PROSECUTORS

At their best, prosecutors vigorously prosecuted alleged perpetrators. Far more often, it seems, they did nothing. At their worst, they engaged in “victim blaming” with prosecutions of the Black victims or their supporters.

Prosecutors sought and obtained some indictments against white perpetrators. In Dallas, after eleven bombings and a half dozen suspicious fires in transitional neighborhoods, a grand jury handed down nearly a dozen indictments in 1951, although it failed to indict the presumed ringleader of the campaign.²⁶⁷ However, none of those brought to trial were convicted.²⁶⁸

Also in 1951, a federal grand jury indicted seven local officials in the Chicago suburb of Cicero for conspiracy after they supported whites’ efforts to expel a Black family from the com-

²⁶⁴ See TAYLOR BRANCH, *PARTING THE WATERS: AMERICA IN THE KING YEARS 1954-1963*; 734-45, 763-88 (1988).

²⁶⁵ MEYER, *supra* note 2, at 192.

²⁶⁶ At the same time, there are some accounts of police stepping in to prevent violence by whites against Black entrants. See DELANEY, *supra* note 76, at 107.

²⁶⁷ MEYER, *supra* note 2, at 112-13.

²⁶⁸ *Id.*

munity.²⁶⁹ The mob's resistance culminated in the firebombing and gutting of the apartment building. Four of the local officials were convicted, but their convictions were reversed on appeal.²⁷⁰

However, prosecutors sometimes took actions reflecting the racial views of their white constituents. Three decades after Detroit's Sweet case, a similarly perverse prosecution occurred. In 1954, the Louisville prosecutor apparently ignored the fact that a white neighbor had all but confessed to bombing a Black family's home along with some white accomplices, turning instead to prosecute the whites that bought the home as surrogates on behalf of the Black family.²⁷¹ The prosecutor alleged that these whites were communists seeking to foment racial conflict, and that they duped the Black family into purchasing the home with the intent of bombing it and throwing suspicion on residents of the white suburb.²⁷² This is a picture of a criminal justice system constrained by culture, custom, and politics, at a time when both racism and McCarthyism held sway.²⁷³

C. THE COURTS

Limited information is available on the role of the courts in the seemingly rare instances where prosecutions took place.²⁷⁴

²⁶⁹ *Id.* at 119.

²⁷⁰ *Id.*

²⁷¹ See BRADEN, *supra* note 76, at 168.

²⁷² This is the version of the events Anne Braden presents in *The Wall Between*. Braden and her husband purchased the house on behalf of the Black family and were later prosecuted on the theory involving the communist conspiracy. In discussing the Louisville episode, Meyer seems quite skeptical of Braden's account, but does not explain why. MEYER, *supra* note 2, at 137-38.

²⁷³ The response mirrored many of the accusations that Martin Luther King was a communist, and the proof was that he was stirring up Blacks, who were otherwise perfectly satisfied with their lot in life and their treatment by whites. See BRADEN, *supra* note 76, at 468-69. As a result, legal norms were not enforced, giving way to more powerful cultural norms of racism and anti-communism. Local elected officials also sometimes reflected the broad white community sentiment. For example, in 1943 the Mayor of Baltimore spoke publicly in support of whites seeking to keep Blacks out of their neighborhood, even if that entailed the use of criminal means to accomplish that purpose. See *id.* at 74.

²⁷⁴ As Stephen Carter suggests, African-Americans "know, in the way that they know their own names, that the criminal justice system is not the same for them as it is for others." Stephen L. Carter, *When Victims Happen to be Black*, 97 YALE L.J. 420, 441 (1988). The very limited punishment imposed in the few cases where there were ar-

One exception is a report (not discussed by Meyer) on arrests, prosecutions, and disposition of the cases involving whites who resisted mightily the entry of a small number of Black families into Chicago's Trumbull Park Homes public housing development in the mid-1950s.²⁷⁵ The violent resistance lasted two years initially, and it ebbed and flowed for a decade. So, the duration, intensity, number, and severity of the crimes make "crime wave" an apt term.²⁷⁶

The attacks began in the summer of 1953 with almost fifty white teenagers throwing rocks, bricks, and other objects at the home of the Howards, the first Black family to enter the development.²⁷⁷ The destruction forced the family to replace their living room window with plywood. The resisters also used aerial "bombs," which propelled a series of charges and exploded with a bright flash and deafening thunder. On the worst nights, perpetrators detonated a hundred of these devices. The harassment continued day and night.

The resistance was so great that twelve hundred police officers accompanied the several Black families that moved into the development a few months later.²⁷⁸ The police presence kept the initial resistance from escalating beyond the anti-integration crowd throwing a barrage of sticks and stones as the convoy entered.²⁷⁹

As more Black families moved in, community residents continued the resistance, including detonating explosives every half hour to remind Blacks of the dangers of continuing to live

rests, prosecutions, and conviction suggests a devaluing of Blacks' personhood, property, privacy, and security.

²⁷⁵ See COMM'N ON HUMAN RELATIONS, CITY OF CHICAGO, THE TRUMBULL PARK HOMES DISTURBANCES: A CHRONOLOGICAL REPORT, AUGUST 4, 1953 TO JUNE 30, 1955 (1955).

²⁷⁶ Historian Arnold Hirsch refers to whites' response as a northern version of "massive resistance," invoking a term that has been used to characterize the response of many southern school districts to the Supreme Court's decision in *Brown v. Board of Education* in the same period. See Arnold Hirsch, *Massive Resistance in the Urban North: Trumbull Park, Chicago, 1953-1966*, J. AM. HIST. 522 (1995).

²⁷⁷ At the time, CHA was attempting to keep the development all-white, but the Howard family slipped through because Betty Howard was very fair skinned and the manager of the development did not realize in accepting her application that she was Black. Later, CHA implemented its non-discrimination policy by intentionally admitting a few Black families to the development. *Id.* at 522.

²⁷⁸ See *id.* at 529.

²⁷⁹ *Id.*

there. Frequently, whites attacked Black residents as they walked the streets in the area, even threatening them with lynching if they took certain routes. Meanwhile, the “bombings” continued on a regular basis, coming ever closer to the homes of Black residents.²⁸⁰

Among the periodic escalations of violence was an eruption in 1957 that resulted in the beating of one African-American on the street and an attack by nearly one hundred whites on a Black resident’s apartment—ransacking the home, breaking furniture, throwing a television and radio into the street, and setting fire to the curtains.²⁸¹

In this years-long ordeal, the police were active in protecting and escorting Black families in their normal daily activities such as shopping and traveling to work and arresting some of the perpetrators of crimes against them (while, once again, many crimes went unreported).²⁸² In the first two years, there were over 150 arrests, mostly on local charges of disorderly conduct and state charges under “riot” and “unlawful assembly” statutes.²⁸³

Prosecutions resulted as well.²⁸⁴ Appendices C and D chart the charges and dispositions. While the violence was intense and prolonged, the charges were relatively minor and the sanctions the court imposed, if any, were almost always small fines. The majority of the three hundred charges filed were local disorderly conduct charges. Another quarter of the charges was for state offenses of “riot” and unlawful assembly. Many of these cases were discharged, while most of the rest of the offenders were ordered to pay small fines. Only one offender received a jail term—ten days in the house of corrections.

²⁸⁰ As Blacks tried to enter into community life, they exposed themselves to additional dangers. Three women who attended a local church encountered a crowd of thirty awaiting them as they left the church. One white woman attacked the Blacks with her umbrella. *Id.* at 538.

²⁸¹ *Id.* at 548.

²⁸² *Id.* at 527-29, 533-38, 46.

²⁸³ See Appendix C.

²⁸⁴ See COMM'N ON HUMAN RELATIONS, *supra* note 275, at 62-63.

VII. BEYOND THE 1960S

Meyer's account ends in 1968, with the passage of the federal Fair Housing Act, which he deems a watershed event. The extent to which there has been continuity and change in the crimes of resistance to Black entry since that time, and why, remain to be examined. There are reasons to hypothesize that housing-related crimes have declined in number and severity over the last several decades. At the same time, there are also good reasons to suspect that these crimes are still very much with us and may have even increased at some points and in some places. The enactment of the Fair Housing Act illustrates this duality of expectations.

A. FACTORS POTENTIALLY AFFECTING HOUSING-RELATED CRIME

1. *The Fair Housing Act*

The Federal Fair Housing Act, enacted as Title VIII of the 1968 Civil Rights Act, prohibits discrimination based on race and other prohibited categories in most public and private housing.²⁸⁵ While the Fair Housing Act emphasized protecting home seekers against discrimination in gaining access to housing, it also prohibited discrimination against people once they occupied their housing. Meyer seems optimistic about its ability to reduce criminal resistance to Black families who have moved into predominantly white areas. He views the statute as reducing violence by shifting most of the action from the streets to the courts.²⁸⁶

There could be several reasons for such expectations, beyond a general belief in the efficacy of law. The statute legitimated the idea of residential racial integration as an American value, thus condemning opposition to it. While the term "integration" does not appear in its text, the most quoted statement from its legislative history is sponsor Senator Walter Mondale's

²⁸⁵ See 42 U.S.C. § 3601-3619, 3631 (1994).

Also in 1968, the Supreme Court, in *Jones v. Mayer*, decided that the 1866 Civil Rights Act prohibits racial discrimination in housing by private parties. *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968).

²⁸⁶ MEYER, *supra* note 2, at 10.

hope that “[t]he rapid, block by block expansion of the ghetto will be slowed and replaced by truly integrated and balanced living patterns.”²⁸⁷ In defining a “right” of people of color to live where they wished, Congress also defined resistance to Blacks’ entry as a denial of residents’ legal rights.

Moreover, the statute put the weight of the federal government behind the ideal of open communities. It was the first of the 1960s’ civil rights statutes to address directly the deeply embedded practices of housing discrimination.²⁸⁸ In addition to defining substantive prohibitions, Congress delegated enforcement of the statute to HUD and the Justice Department, specified procedures, remedies, and sanctions, and provided resources to enforce the new regime. The particulars were subject to criticism from civil rights advocates at the time, and increasing criticism over time; but the establishment of a legal framework that institutionalized the norm of non-discrimination could have in itself reduced white resistance to African-American households making integrationist moves.²⁸⁹

At the same time, there was serious doubt about whether the Fair Housing Act would substantially change the earlier pattern of criminal resistance to Black entry. That would have involved reversing “centuries of cultural practice, to change their [white neighbors’ and others’] attitudes about race, and to accept integration in their neighborhood.”²⁹⁰

Moreover, most of the resistance recounted here had involved violations of local, state, or federal criminal laws. Potential criminal liability, with the accompanying sanctions and punishment, would seem to hold greater prospects for deterrence than the civil proscriptions of the Fair Housing Act. On the other hand, Meyer shows the limited enforcement of those

²⁸⁷ 114 CONG. REC. 3422 (1968) (remarks of Sen. Mondale).

²⁸⁸ Title VI of the 1964 Civil Rights Act prohibited racial discrimination in programs receiving federal assistance, such as the public housing program; but it did not reach the vast bulk of the country’s housing. See 42 U.S.C. § 2000d (1994).

²⁸⁹ Congress amended Title VIII in 1988, broadening its scope and strengthening its enforcement mechanisms. 42 U.S.C. §§ 3601-3620 (1994).

²⁹⁰ MEYER, *supra* note 2, at 211. Fear of white neighbors’ hostility—manifested by criminal behavior or otherwise—helps to explain the fact that many middle-class Blacks consciously choose to live in Black neighborhoods rather than predominantly white ones.

criminal statutes against housing-related perpetrators. Thus, federal regulation could have made a difference, as it had in other civil rights areas where the federal government had stepped in to fill the void in state legislation or enforcement.²⁹¹

2. *Other Factors*

Other forces at work since the 1960s could also have affected whites' attitudes and actions toward African-American neighbors—including the frequency and severity of housing-related racial crimes. There may have been forces operating to reduce, to maintain, or to increase this kind of criminal activity. The urban rebellions of the late 1960s may have fueled whites' fears of Blacks. Many whites continued to fear racial "invasion" because of increased association in many people's minds of Blacks with gangs and crime, especially drug-related offenses and accompanying violence. Racial profiling became a newly labeled phenomenon as a result.²⁹²

A number of factors suggest the possibility of a reduction in these crimes in more recent times, including the effects of the Civil Rights movement, the enactment and enforcement of hate crimes legislation, changing attitudes reflecting increased racial tolerance among whites, increased ability of whites to move to the suburbs, the growth of the Black middle class, an increase in the number of racially integrated neighborhoods, and the practical consequences of resistance on communities' reputations.

Hate crimes legislation gives greater visibility to the problem of race-based crimes, while enhancing the punishment for them. These laws also send a message to the police, the prosecutors, and the courts that these offenses are to be taken seri-

²⁹¹ See GERALD N. ROSENBERG, *THE HOLLOW HOPE: CAN COURTS BRING ABOUT SOCIAL CHANGE?* 94-100 (1991).

²⁹² Backlash against the Civil Rights movement and affirmative action may also play a role. Moreover, even with all of the changes in women's role in the labor market, cultural norms continued to give women primary responsibility for protecting their children from external threats and bad influences. The "Million Mom March" reflected this continuing reality, with its emphasis on the well-being of the children. The question for future research is the extent to which that suggests continuity with the white women who earlier resisted Blacks moving into their neighborhoods in order to protect their children.

ously and pursued actively. The result may be a measure of deterrence of housing-related crimes.

Moreover, surveys suggest that whites' attitudes have changed in the direction of greater racial tolerance since the 1960s.²⁹³ Increased tolerance could lead to decreased resistance to residential integration. That period includes the Vietnam War, and racial progress has often accompanied foreign crises.²⁹⁴

In addition, the last third of the twentieth century witnessed a continuing rapid growth of the suburbs in many metropolitan areas. Whites who objected to the presence of Blacks in their city neighborhoods had the option to "exit," which decreased their incentive to resist ("flight" rather than "fight").²⁹⁵ Moreover, as predominantly white communities developed farther and farther from the inner city, the "threat" posed by Black entry diminished. A generation earlier, Blacks moving into a city neighborhood signaled to whites that many more Blacks would follow unless they resisted mightily. Racial turnover was less likely as a small number of Blacks ventured out to the newly developing outer-ring suburbs.²⁹⁶ Moreover, the Blacks who moved into these relatively affluent communities were usually part of the expanding Black middle class of professionals, business people, and academics whose lifestyles fit in with the local community's culture.²⁹⁷ While common traits and interests did not necessarily protect Black entrants in earlier times, changes in white attitudes might have been reflected most in their response to newcomers of similar or higher status.

The last part of the century also saw an increase in the number of neighborhoods that remained racially integrated

²⁹³ See HOWARD SCHUMAN ET AL., *RACIAL ATTITUDES IN AMERICA: TRENDS AND INTERPRETATIONS* (1997).

²⁹⁴ See PHILIP A. KLINKER & ROGERS M. SMITH, *THE UNSTEADY MARCH: THE RISE AND DECLINE OF RACIAL EQUALITY IN AMERICA* (1999) (arguing that America's history reflects an ebb and flow of progress and retrenchment in civil rights, with progress occurring only under particular and unusual conditions).

²⁹⁵ See ALBERT HIRSCHMAN, *EXIT, VOICE, AND LOYALTY* (1970) (explaining why people leave or stay in declining institutions, and the possibilities for repairing such institutions).

²⁹⁶ Gautreaux families encountered relatively few physical threats or violence in their moves, from 1976 to the late 1990s. RUBINOWITZ ET AL., *supra* note 13, at 94-99.

²⁹⁷ INGRID GOULD ELLEN, *SHARING AMERICA'S NEIGHBORHOODS: THE PROSPECTS FOR STABLE RACIAL INTEGRATION* 76-77 (2000).

over time.²⁹⁸ This stability may have reflected a reduction in the level of racial resistance and attendant criminal activity.²⁹⁹

Pragmatic, market-oriented considerations may also have affected whites' responses to Black entry. Concerns about the effect of violence on the neighborhood's or community's reputation and local property values could lead to reduced violence and threats. Potential perpetrators could conclude that criminal activities aimed at expulsion would be counterproductive in terms of the goals of protecting and enhancing their community.

B. RESEARCH NEEDED

While these factors push in both directions, systematic research is needed to determine the nature and extent of housing-related crimes in the last third of the twentieth century and the early twenty-first century. The goal would be to approach the ideal research methods and results discussed earlier.⁵⁰⁰ Research should uncover and examine accounts and other data from across the country. This kind of coverage would try to provide a comprehensive and exhaustive national picture and facilitate comparisons over time. Local in-depth case studies would complement the broad national picture. Just as historians and sociologists have turned their attention to studies of local civil rights movements, local accounts of housing-based racial resistance would provide a richness and depth of analysis that is not possible in a national survey.⁵⁰¹

²⁹⁸ See *id.* at 12-34.

²⁹⁹ At the same time, these demographic patterns created more opportunities for residential contact between people of different races and therefore more chances for this kind of white-on-Black crime. Still, even if whites initially resisted Black pioneers, crimes against newcomers may have declined over time, thus contributing to the continuing Black presence.

⁵⁰⁰ See *supra* pp. 340-41.

⁵⁰¹ See generally CHARLES PAYNE, *I'VE GOT THE LIGHT OF FREEDOM: THE ORGANIZING TRADITION AND THE MISSISSIPPI FREEDOM STRUGGLE* (1995) (chronicling in great depth the grass roots civil rights movement in Mississippi). Local housing studies could include smaller cities such as follow-up research on Dubuque, Iowa, Valparaiso, Indiana, and Yonkers, New York, as well as large cities and suburbs—especially the predominantly white suburbs developed in the postwar period. See discussion *infra* pp. 409-11. Other localities worthy of study include those where racial or economic interrogation programs have been carried out through litigation or under programs such as HUD's Moving to Opportunity. See generally LEONARD S. RUBINOWITZ ET AL.,

C. HYPOTHESES AND PRELIMINARY DATA

While the balance of forces points towards a possible decline in housing-related crimes since the 1960s, it is clear that efforts at expulsion did not cease with the passage of the Fair Housing Act or because of the other factors discussed above. Several large studies since the 1960s have found that discrimination against Black home-seekers in predominantly white areas continued substantially unabated.³⁰² With so much discrimination in the housing market, it was not likely that housing-related crimes would disappear. In fact, anecdotal data suggest that these crimes persisted through the remainder of the twentieth century and into the twenty-first century. While the frequency and severity of such attacks is uncertain, this sad saga remains part of a more than a century-long pattern of race-based housing-related criminal activity.

The following discussion of housing-related crimes since the 1960s is designed simply to scratch the surface of the data needed to develop a comprehensive picture. It also tries to point toward sources that would need to be tapped for that purpose. The Section provides a glimpse of the crimes and the kinds of data that would fill out the more recent story.

While the housing-related crime patterns for recent decades remain to be determined, even partial, readily available data suggests that many of the recurring themes from the earlier period continued—persistence of these crimes over time with an ebb and flow of periods of turbulence and relative calm, geographical spreading of the offenses, a variety of perpetrators and victims, severe tangible and intangible injuries, and a limited response by the police and the criminal justice system. Societal changes suggest that there may have been progress; but if so, it does not seem to have been linear. There is substantial evidence indicating that racist attitudes, assumptions, and ac-

CROSSING THE CLASS AND COLOR LINES: FROM PUBLIC HOUSING TO WHITE SUBURBIA (2000).

³⁰² See generally DOUGLAS S. MASSEY & NANCY A. DENTON, AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS (1993) (examining the causes and consequences of residential racial discrimination); JOHN YINGER, CLOSED DOORS, OPPORTUNITIES LOST: THE CONTINUING COST OF HOUSING DISCRIMINATION (1995) (discussing the extent and costs of continuing housing discrimination based on race).

tions continued to produce crimes of resistance when Blacks moved into predominantly white neighborhoods.³⁰³

The Southern Poverty Law Center's 1987 report "Move-In' Violence: White Resistance To Neighborhood Integration in the 1980s," documents extensive housing-related violence in the mid-1980s.³⁰⁴ The report examines various aspects of these crimes—their location, timing, and the offenses themselves. It also identifies the perpetrators, the victims, and the impact of the crimes, and provides glimpses into the law enforcement part of the story.

The report emphasizes the national scope of the problem. In what it refers to as a "sample" of serious move-in incidents in just the years 1985 and 1986, the report identifies incidents from virtually every region of the country—the South (Marietta, Georgia; Nashville, Tennessee; Louisville, Kentucky; Amory, Mississippi; DeKalb County, Georgia); the East (Elizabeth, New Jersey; Baltimore, Maryland; Forest Hills, Pennsylvania; Philadelphia, Pennsylvania; Tilghman Island, Maryland; Fairless Hills, Pennsylvania; Newburg, Maryland; Harrisburg, Pennsylvania; Rolla, Maryland; Hamilton Township, New Jersey); New England (Boston, Massachusetts; Sharon, Massachusetts); the Midwest (Toledo, Ohio; Cleveland, Ohio; Sandusky, Ohio; Chicago, Illinois; Indianapolis, Indiana); the West Coast (San Diego, California); and the Pacific Northwest (Seattle, Washington).³⁰⁵ In fact, a majority of the forty-five known arson and cross burning attempts in that brief period took place in metropolitan areas of the North and Midwest.³⁰⁶ The one known death connected to housing-related crimes in that pe-

³⁰³ The possible increase involves central cities as well as suburbs. The Cleveland Human Relations Commission reported an increase in incidents from 50 to 77 between 1985 and 1986. See THE SOUTHERN POVERTY LAW CENTER, SPECIAL REPORT: "MOVE-IN" VIOLENCE: WHITE RESISTANCE TO NEIGHBORHOOD INTEGRATION IN THE 1980S 11 (1987). Under-reporting continued to be a problem, as a result of victims' fears, denial, or lack of faith in law enforcement. *Id.* at 2, 15.

³⁰⁴ The study was based on newspaper accounts, government reports, and interviews with human relations specialists and police officials. The report used the term "move-in violence" because law enforcement officials and social workers had named it. See *id.* at 2, 1.

³⁰⁵ The listing includes multiple incidents in a number of these communities. *Id.* at Appendix.

³⁰⁶ See *id.* at 3.

riod took place in Cleveland, where a Black woman died in an arson fire of her home.³⁰⁷

The report also noted the frequency of incidents taking place in the suburbs, as Blacks increasingly joined in the suburbanization process that previously had been largely a white exodus from the cities. That is a change from the earlier period when Black people were excluded from the suburbs so effectively that there were relatively few instances of suburban crimes of resistance.³⁰⁸ The change in mobility patterns led the report's authors to speculate that housing-related crimes might actually increase as more Blacks move into previously all-white areas.³⁰⁹

With respect to the timing of incidents, the earlier unpredictability seems to have persisted. Some families were victimized as soon as they moved in. In other cases, fire bombings and arson were last resorts in an escalating process to expel unwanted neighbors.³¹⁰

Like Meyer, the Southern Poverty Law Center found that white supremacists were only a part of the problem.³¹¹ In many places where attacks took place, the KKK and similar organizations were not active. Moreover, in the few instances where arrests were made, the suspects did not seem to be members of racist organizations. More often, individuals and groups from within the community objected so strongly to having Blacks among them that they resorted to violence to exclude them.³¹² This suggests that even in the latter parts of the twentieth century, there remained a broad base of opposition to Black entry in many places. Young people played an important role in expressing that opposition. In a number of instances, young people instigated or played a significant role in the criminal activity.³¹³

³⁰⁷ See *id.* at 3, 10-11.

³⁰⁸ The report cites the head of the Justice Department's Community Relations Service as suggesting that the apparent increase in the number of attacks suggests that the process of neighborhood integration is proceeding, albeit with difficulty. See *id.* at 14.

³⁰⁹ See *id.* at 1.

³¹⁰ See *id.* at 5.

³¹¹ See *id.* at 2-3, 6-7, 12-13.

³¹² See *id.* at 3.

³¹³ See *id.* at 6, 8, 10, 15.

In addition to the hundreds of incidents annually of graffiti and minor vandalism (which could, nevertheless, have severe impacts on their victims), the report identifies a variety of more serious offenses, including burning crosses, vandalizing property (including painting racial slurs and swastikas on the property), making threatening phone calls, setting fire to the family's vehicle, firing shots into the home, firebombing of the home, and setting fire to the home.³¹⁴ Many of these offenses occurred in a number of places, especially cross burnings and fire bombings. Some homes were targeted more than once, especially if the first effort to burn it down did not succeed.³¹⁵

As in the earlier period, victims included middle-class upwardly mobile African-American families. In an episode that is reminiscent of the Wade family's experience in suburban Louisville four decades earlier, the Marshall family was greeted with immediate hostility when they moved into the mostly white Louisville suburb of Sylvania in 1985.³¹⁶ However, in this instance, the racial slurs escalated into a fire bombing that damaged the home the first night that the family was there. A second arson fire destroyed the home two months later.³¹⁷

Once again, Chicago accounts reinforce the evidence of continuing criminal activity. In 1984, an African-American family rented an apartment in a predominantly white outlying Chicago neighborhood.³¹⁸ They were victims of multiple criminal

³¹⁴ The Southern Poverty Law Center collected additional instances of housing-related violence in SOUTHERN POVERTY LAW CENTER, TERROR IN OUR NEIGHBORHOODS: A KLANWATCH REPORT ON HOUSING VIOLENCE IN AMERICA (1990) [hereinafter TERROR IN OUR NEIGHBORHOODS] and SOUTHERN POVERTY LAW CENTER, HATE VIOLENCE AND WHITE SUPREMACY: A DECADE REVIEW 1980-1990 (1989).

³¹⁵ A number of crimes were inchoate ones, such as attempts to firebomb a home that failed. See *id.* at Appendix.

³¹⁶ See TERROR IN OUR NEIGHBORHOODS, *supra* note 314, at 5. For a discussion of the Wades' experience, see *supra* text accompanying notes 76, 235.

³¹⁷ In another episode reminiscent of an earlier era, open housing demonstrators marching into Chicago's predominantly white southwest side in 1986 encountered whites throwing rocks and bottles at them, as had occurred in the summer of 1966. See SOUTHERN POVERTY LAW CENTER, *supra* note 303, at 7.

³¹⁸ The neighborhood is called the Island, which is located on Chicago's border with Cicero, a notoriously racist community historically. See the discussion of the 1951 incident in Cicero, *infra*. See MEYER, *supra* note 2, at 118-19. This account is based largely on the deposition of Spencer Goffer, one of the victims of the attack. DEPOSITION OF SPENCER GOFFER, GOFFER V. CICERO No. 84 C 10024 (N.D.Ill. 1985); see

offenses by a group of perpetrators in a very short span of time. Shortly after they moved into the apartment, someone threw a tire iron through their living room window. The next night, people threw beer bottles, bricks, and other objects through their windows for hours, while shouting racial slurs. The phone had not been installed, so they were unable to call the police. However, a police car from the neighboring community of Cicero stopped at the scene during the attack. When the family saw the police car, they thought that help had arrived and the attack would stop. Instead, the police officer simply spoke to the perpetrators, watched the process for a short time, and drove away. The police took no steps to stop the attack or arrest the perpetrators.

The family escaped through a back alley in the middle of the night, and never returned. They eventually sued the city of Cicero and secured a modest settlement, but there were no criminal prosecutions of the perpetrators or the police growing out of these attacks.³¹⁹

In the Atlanta area, Blacks moving into some predominantly white areas continued to encounter racial attacks at least through the 1980s. In a seven-month span of 1989, there were six publicly reported incidents of racial vandalism in Clayton County: “‘KKK’ was written on some homes, a cross was burned, and others had sayings including ‘Nigger Get’ and ‘Die Tomorrow’ written on their homes or cars.”³²⁰

As in the earlier period, late century victims ranged across the income and social class spectrum. Whites’ violent reactions to public housing integration efforts in the 1990s harkened back to the Chicago and Detroit experiences of the 1940s and 1950s, and the Boston experience of the 1960s and 1970s. Several episodes suggest a degree of continuity of previous themes—the cross-regional locations of the crimes and the vic-

also GREGORY D. SQUIRES ET AL., CHICAGO: RACE, CLASS, AND THE RESPONSE TO URBAN DECLINE 102 (1987).

³¹⁹ This account is also based on conversations with Patricia Franklin, the woman in the family. She was the secretary of the first author at Northwestern Law School for a number of years.

³²⁰ GARY ORFIELD & CAROLE ASHKINAZE, THE CLOSING DOOR: CONSERVATIVE POLICY AND BLACK OPPORTUNITY 77 (1991) (citing the Atlanta Constitution, October 18, 1989).

timization extending to low-income families. In Boston and in the east Texas town of Vidor, opponents engaged in criminal acts to expel Black families from white-occupied developments in white areas. In Yonkers, a suburb of New York City, criminals struck before construction was even complete on public housing to be occupied by African-American families in a white neighborhood.

Chicago's landmark *Gautreaux* public housing desegregation case spawned many progeny around the country.³²¹ For example, in the late 1980s, as a result of an NAACP lawsuit, the Boston Housing Authority attempted to integrate its housing by assigning some Black families to white-occupied developments in predominantly white, working-class south Boston.³²² Residents of "Southie" reacted quickly and angrily to the plan for what they called "forced housing."³²³ One community leader announced on television news that "there's gonna be a blood-bath."³²⁴ The families moved in late at night, surrounded by police escorts in the event of trouble. And the first Black families had around-the-clock police protection.

While the 1990s' resistance did not seem to be as widespread as the sustained harassment and violence of the 1960s and 1970s, these accounts indicate that many white residents resisted integration. In 1992, two-thirds of south Boston's sixty-six reported racial crimes occurred in the public housing developments there.³²⁵ Black and Latino families that moved into public housing in white neighborhoods faced such serious and continuing racist encounters that thirteen families filed suit on behalf of a class of similarly situated public housing residents. They sued the Boston Housing Authority and the City of Boston for failure to protect them from racially motivated violence, harassment, and intimidation.³²⁶ The thirteen named plaintiffs

³²¹ *Gautreaux v. Chicago Housing Authority*, 296 F. Supp. 907 (N.D. Ill. 1969). The initial remedial order is at *Gautreaux v. Chicago Housing Authority*, 304 F. Supp. 736 (N.D. Ill. 1969). RUBINOWITZ ET AL., *supra* note 13, at 174-87.

³²² MCDONALD, *supra* note 147, at 214-16.

³²³ *See id.* at 214.

³²⁴ *Id.*

³²⁵ *See VALE, SALVAGING PUBLIC HOUSING, supra* note 69, ch. 2.

³²⁶ *See Jane Doe v. Boston Housing Authority*, Civil Action 96-12540, Amended Class Action Complaint (filed June 14, 1998).

alleged various forms of harassment, threats, and attacks. They described threats and assaults directed at them and their children (including rocks thrown at them, gunshots fired at them, and an attempted stabbing), vandalism and attacks on their apartments (including bricks and urine thrown and gunshots fired through their windows and a threat to blow up the home), and damage to their cars (including broken windshields and windows, tires slashed, a car set on fire, and another car stolen and crashed).³²⁷ One woman who was nine months pregnant claimed that teenagers trapped her inside her apartment by tying the door shut.³²⁸

Several plaintiffs alleged that the police were unresponsive or inept in dealing with these crimes.³²⁹ Complaints to the police went ignored in some cases. In others, police efforts were ineffective in preventing attacks or arresting suspects.

These crimes caused extensive property damage, as suggested above. In some cases, that also meant out-of-pocket expenses for things like repairing vandalized cars. The crimes also produced serious emotional trauma, as exemplified by the reaction of one African-American resident: "When I moved to South Boston, I didn't know this was going on right here in America. I was so sad. I was so afraid. I hope I never have to live this again."³³⁰

Meanwhile, a federal judge ordered the desegregation of public housing developments in thirty-six counties across east Texas.³³¹ As the first four Black families moved into a previously all white complex in Vidor, they were greeted by threats of violence, some from teenagers wearing sheets.³³² All of those fami-

³²⁷ For further discussion of these claims, see Janet Moore, *Racial Discrimination in Boston Public Housing: A Case Study* (2000) (unpublished manuscript) (on file with authors).

³²⁸ *Id.*

³²⁹ *Id.*

³³⁰ Andrea Estes, *Families: Years in Housing Were Terrifying Nightmare*, THE BOSTON HERALD, July 27, 1999, at 19.

³³¹ *Young v. Pierce*, 628 F. Supp. 1037 (E.D. Tex. 1985).

³³² *Mr. Cisneros Marches on Vidor*, N.Y. TIMES, Sept. 16, 1993, at A14.

lies moved out of Vidor Village quickly after they suffered “un-remitting hostility” from some whites.³³³

Federal marshals and local police accompanied the next group of Blacks, who moved into the development under cover of darkness with a HUD escort as well.³³⁴ Initially, the complex remained under twenty-four hour police guard to protect the new residents from threats or violence.

A civil suit filed in 1994 alleged that two KKK chapters in the area had used a threat to blow up the development as a means of intimidation to prevent its integration.³³⁵ The suit also alleged that a Klan member had offered white children in the development fifty dollars if they would beat up Black children living there.

At the same time, a HUD administrative law judge (ALJ) found, in response to an administrative complaint, that a white woman who resided in Vidor Village had threatened a Black resident with a baseball bat, had spread the word that the KKK intended to burn down the complex and shoot anyone who tried to escape, and had made death threats and other physical threats against Black residents.³³⁶ Based on these findings, the ALJ awarded substantial damages and imposed a civil penalty.

Yonkers, a suburb of New York City, attracted national attention in the 1980s and 1990s as the site of a bitter and prolonged legal, political, and social struggle over desegregation of the city’s public housing program.³³⁷ After years of court battles over building public housing in white neighborhoods, construction of some townhouses began. A bomb damaged one of the first townhouses under construction.³³⁸

Black families that moved in feared additional violence because of whites’ angry opposition to the judge’s orders requiring public housing construction in white neighborhoods. The

³³³ Sam Howe Verhovek, *Under Armed Escort, Blacks Move into White Texas Housing Project*, N.Y. TIMES, Jan. 14, 1994, § 1, at 1.

³³⁴ *Id.*

³³⁵ *Id.*

³³⁶ 1994 WL 391135 (H.U.D.A.L.J.) (July 26, 1994).

³³⁷ See LISA BELKIN, *SHOW ME A HERO* (1999) (an in-depth account of the Yonkers experience).

³³⁸ *Id.* at 3-4, 193-95. Local officials made no arrests.

fear increased as a result of the initial reaction to their arrival—apparent surveillance and stares by whites.³³⁹

Housing-related racial crimes in the 1990s were not limited to the public housing setting. Dubuque, Iowa, a Mississippi River city of about 58,000 with a Black population of only a few hundred, provided a dramatic example of the broader problem. In 1991, the city council adopted a plan designed to attract about twenty Black families annually for a total of about one hundred families by the mid-1990s.³⁴⁰ Part of the impetus for the plan was a desire to make a public statement that Blacks were welcome in the community, in spite of a 1989 incident in which racists burned a Black family's garage, burned a cross there, and painted graffiti that said "KKK lives."³⁴¹

Shortly after the city council adopted the plan, there were a dozen cross burnings and bricks thrown through the windows of Black homes.³⁴² Blacks were also the targets of hate messages and other verbal and physical harassment. Moreover, cross burnings spread to other Iowa cities, such as Des Moines, Waterloo, Jefferson, and Iowa City.³⁴³

As in earlier times, these attacks had powerful psychological impacts. One Black spoke of the cross-burnings as bringing frightening reverberations of his father's time, which caused him to feel "personally violated."³⁴⁴ For Blacks, cross-burnings continued to symbolize exclusion and even death.³⁴⁵

While law enforcement officials apprehended some perpetrators, prosecutors and judges continued to treat the offenses as minor ones. At the state level, judges gave relatively lenient sentences to several cross burners. A year later, the U.S. Justice

³³⁹ *Id.* at 216-19.

³⁴⁰ JOE R. FEAGIN, HERNAN VERA, *WHITE RACISM* 37 (2d ed. 2001).

³⁴¹ *See id.* at 37.

³⁴² *Id.*

³⁴³ *Id.*

³⁴⁴ *Id.* at 37-38.

³⁴⁵ While the perpetrators were few in number, other whites seemed to support their acts. Fellow workers reportedly congratulated and applauded cross burners when they returned from short prison sentences. *Id.* at 44. The Dubuque confrontation also attracted white supremacists from other parts of the country, who came to the city to stir up still greater resistance by describing their opposition as a war against Black encroachment on the "white way of life." *Id.* at 39.

Department began to secure indictments for violations of federal civil rights laws, leading finally to the conviction of six whites for cross burnings.³⁴⁶

D. RESEARCH FEASIBILITY

Useful data on the recent past and the current and future situation would include systematic statistics of the kind described earlier, as well as in-depth accounts of local situations and specific instances of egregious housing-related crimes.³⁴⁷ While some of this data is currently available, major efforts are necessary to gain a greater understanding of the extent to which these kinds of crimes still need to be addressed.

In some ways, it would be easier to do follow-up research than it was for Meyer to do his original work.³⁴⁸ As a result of the public attention given to “hate crimes” in recent decades, there is more extensive data available than previously. The mainstream media—especially newspapers—have devoted more attention to these accounts than in the past.³⁴⁹ Also, law en-

³⁴⁶ See *id.* at 44.

³⁴⁷ For such in-depth local case studies in earlier periods, see generally SUGRUE, *supra* note 37; KRUSE, *supra* note 34. While the experiences in one locality cannot be generalized across the country, local case studies can provide rich description and analysis of the processes in a specific place. They are an invaluable complement to analyses that are broader based geographically.

Local case studies might also focus on housing-related crimes with victims from other racial, ethnic and religious groups, such as Latinos, Arab-Americans, and Muslims—especially in the aftermath of September 11th. See, e.g., Mary Leonard, *Fighting Terror Domestic Impact/Civil Rights; Arab-Americans Feel Sting of Profiling Mich. Community Protests Bias and Even Hate Crimes*, THE BOSTON GLOBE, Oct. 19, 2001, at A20 (discussing anti-Arab-American sentiment and actions in the Detroit suburb of Dearborn, which has a substantial Arab-American population).

Such studies could also consider perpetrators other than whites, including Latinos and other groups resisting entrants of those from different racial, ethnic, or religious backgrounds. See, e.g., Ron Russell and Victor Meija, *City of Fear; Amid a Wave of Hate Crimes Committed by Latinos—including Murder—Blacks are Fleeing the Tiny Community of Hawaiian Gardens*, NEW TIMES L.A., Feb. 12, 1998.

³⁴⁸ There is extensive and quite systematic empirical research on racial discrimination in the housing search in the post-Fair Housing Act era, but there is no comparable research on whites' post-move reactions to Blacks moving into predominantly white neighborhoods and communities.

³⁴⁹ In the past, the Black press covered these incidents far more extensively than white newspapers, which often downplayed racial violence. SUGRUE, *supra* note 37, at 234-35. Black newspapers constitute an invaluable source for further research on the earlier periods as well as more recent times. Moreover, research on many newspapers can be done on-line, thus making a more comprehensive national media search more

forcement agencies at the federal, state, and local level have begun to collect data on hate crimes, some of which may be broken down so that housing-related crimes can be examined.³⁵⁰

In 1991, Congress enacted legislation designed to compile national hate crime statistics, an effort designed to reveal the dimensions of the problem over time.³⁵¹ Collecting this data could assist in developing policies and programmatic initiatives to address the causes and reduce the occurrence of hate crimes.

However, a decade later, critics of this voluntary reporting system said that the national effort to document hate crimes was “in shambles”—plagued by a variety of problems, including the failure of local and state officials to pass along accurate data to the FBI if they submitted any reports at all.³⁵² The controversial nature of these crimes, the lack of training of law enforcement officials in reporting hate crimes, the fear of negative publicity damaging a community’s reputation, the coding of the offenses based on the underlying charge, and the tendency to dismiss many incidents as “childish pranks” all contributed to the under-reporting.³⁵³ In light of these factors and the general distrust of the police by minority group members, victims are often reluctant to report these crimes to the police.

As a result of the confluence of these problems, the published figures vastly understate the prevalence of hate crimes. Moreover, the lack of credible statistics makes it impossible to determine whether these crimes—generally, or housing-related

feasible than in the past. At the same time, many newspapers are not on-line, including Black newspapers that might pay particular attention to such incidents, and highly labor-intensive old-fashioned searches would still be necessary in many cases. See David Garrow, *Hopelessly Hollow History: Revisionist Devaluing of Brown v. Board of Education*, 80 VA. L. REV. 151 (1994) (discussing the difficulty and the importance of doing detailed research in local newspapers).

³⁵⁰ Crime victimization surveys could be useful here. The Bureau of Justice does an annual survey designed to overcome some of the underreporting problem by surveying a large sample of respondents. The victimization survey strategy could be used to sample Blacks and others likely to experience hate crimes to provide baseline data that does not currently exist.

³⁵¹ Hate Crime Statistics Act, Pub. L. No. 101-275, 104 Stat. 140 (1990).

³⁵² See Southern Poverty Law Center, *Discounting Hate*, 104 INTELLIGENCE REPORT 6 (2001).

³⁵³ For example, in Port St. Lucie, Florida, a swastika and other graffiti scrawled on the walls outside a Black woman’s apartment went unreported. *Id.* at 12.

crimes in particular—have gone up or down since the statute's enactment.³⁵⁴

Private non-profit civil rights organizations like the Southern Poverty Law Center and other watchdog and advocacy organizations are also developing information on racially-motivated crime, some of which is housing-related.³⁵⁵

Finally, many African-Americans and other people of color have written memoirs, especially in the last decade. These accounts sometimes include experiences living in predominantly white communities and therefore may serve as a source of information about whites' responses to the Black families' presence.³⁵⁶

However, it is probably still not possible to get anything close to a complete picture of these kinds of crimes and their prosecution. There is no comprehensive national database of such crimes that are reported. Moreover, under-reporting continues to be likely, and there may be some over-reporting as well.³⁵⁷

E. IMPORTANCE OF ADDITIONAL RESEARCH

Just as Meyer has provided an important service in making the individual and institutional racism in this area more visible, research on the more recent period would serve a public education function.³⁵⁸ Especially in an era when many deny the continued existence of racism as anything other than aberrational

³⁵⁴ The authors of a Justice Department-funded report "Improving the Quality and Accuracy of Bias Crime Statistics Nationally" recommended a variety of steps to improve the system, including improving police-community relationships to encourage victims to report, developing formal policies and procedures for reporting and addressing hate crimes, training local law enforcement officials, and improving the FBI reporting process. *Id.* at 15.

³⁵⁵ MEYER, *supra* note 2, at 219.

³⁵⁶ See, generally PATRICIA RAYBON, *MY FIRST WHITE FRIEND: CONFESSIONS ON RACE, LOVE, AND FORGIVENESS* (1996) (recounting personal interracial experiences).

³⁵⁷ In light of the differences in the kinds and amounts of data available for different time periods, it will be difficult to make precise comparisons over time. If there is more extensive data available for the recent past, this may suggest that crime has increased or it may simply be an artifact of better reporting.

³⁵⁸ Note that Feagin, Vera, and Batur make that an explicit purpose in *White Racism*. See generally FEAGIN & SIKES, *supra* note 50.

behavior by extremists, serious follow-up work can facilitate greater awareness of this aspect of race relations.

That research could also provide the basis for developing preventative and remedial strategies to address any problems discovered. These could be community-based initiatives or governmental actions—either legislative or enforcement initiatives aimed at a more precisely defined target.³⁵⁹

EPILOGUE: OF STIGMATIZING RHETORIC AND STARK REALITIES

Another way of making sense of these housing-related crimes is to look at the flip side. What has happened when whites have moved into predominantly Black neighborhoods? Have Blacks reacted and resisted in the ways that whites have done to Blacks when the tables were turned? While there does not seem to be any study of these questions, there also does not seem to be even anecdotal evidence of criminal behavior designed to expel the new neighbors.³⁶⁰ This is in stark contrast both to the experiences of many Blacks entering white areas and to stereotypes about Black criminality.

Whites have moved into predominantly Black areas either through publicly funded redevelopment programs or through gentrification. There does not seem to be a record of criminal activities by Blacks in response to white entry in either instance. One observer has suggested that it would be “unimaginable” that Blacks would bomb the home of a white family moving into “their” neighborhood.³⁶¹

Redevelopment programs have had the law, the resources, and the power of the federal and local governments behind them.³⁶² Whether projects involved massive clearance, as in the 1950s, or partial clearance of an area after that, Blacks were often displaced, redevelopment took place, and whites often

³⁵⁹ See generally DAVID COLE, *NO EQUAL JUSTICE: RACE AND CLASS IN THE AMERICAN CRIMINAL JUSTICE SYSTEM* (1999); RANDALL KENNEDY, *RACE, CRIME AND THE LAW* (1997); Stephen Carter, *When Victims Happen to be Black*, 97 *YALE L.J.* 420 (1988).

³⁶⁰ Of course, there may have been some such incidents that the authors have not discovered; but those would truly be “isolated incidents.”

³⁶¹ Thanks to Natasha Tarpley for this observation.

³⁶² See generally MARTIN ANDERSON, *THE FEDERAL BULLDOZER* (1964) (arguing that the costs of the federal urban renewal program far outweighed its benefits).

moved into the newly redeveloped area. While Blacks often protested against these programs, and sometimes sued in an effort to prevent their displacement, the record does not reveal criminal activity perpetrated against white in-movers or their property.³⁶³

Gentrification is even more closely analogous to the phenomenon Meyer explores—especially in its early stages.³⁶⁴ It has often occurred in Black neighborhoods—especially ones deemed to be attractively located. Often, gentrification has begun with one or a few white families moving into an area. The process reflects disparities in power and resources, with whites having the ability to buy into an “upgrading” neighborhood and change its racial composition. Even with the threat that whites’ appearance represents to the continued presence of Blacks, there is apparently no record of Blacks resisting white entry by crimes against their person or property. Again, Blacks have used legal strategies including protests and litigation to resist the gentrification process, but do not seem to have taken the approach so often used against them when the positions have been reversed.

In referring to Dr. King’s vision for Blacks, Alice Walker suggested what it did *not* involve:

He did not say that one day it will be us chasing prospective buyers out of our prosperous well-kept neighborhoods, or in other ways exhibiting our snobbery and ignorance as all other ethnic groups before us have done; what he said was that we had a right to live anywhere in this country we chose³⁶⁵

³⁶³ See *Garrett v. Hamtramck*, 394 F. Supp. 1151 (E.D. Mich. 1975); *Green Street Assoc. v. Daley*, 373 F.2d 1 (7th Cir. 1967); DERRICK BELL, *RACE, RACISM, AND AMERICAN LAW* 436 (2000); JAMES KUSHNER, *FAIR HOUSING: DISCRIMINATION IN REAL ESTATE, COMMUNITY DEVELOPMENT AND REVITALIZATION* §§ 3.08, 6.01, 6.04, 8.08, 8.13, 8.20, 8.21, 9.05, 9.10 (2d ed. 1995).

³⁶⁴ See generally MICHAEL LANG, *GENTRIFICATION AMID URBAN DECLINE: STRATEGIES FOR AMERICA’S OLDER CITIES* (1982) (examining benefits and costs of gentrification and ways of minimizing the negative effects); JOHN LOGAN & HARVEY MOLOTOCH, *URBAN FORTUNES: THE POLITICAL ECONOMY OF PLACE* 115-16 (1987); *REVITALIZING URBAN NEIGHBORHOODS* 31-32 (W. Dennis Keating et al. eds., 1996).

³⁶⁵ See ALICE WALKER, *Civil Rights Movement: What Good Was It*, in *IN SEARCH OF OUR MOTHERS’ GARDENS: WOMANIST PROSE* 125 (1983).

As is clearly the case historically, and as remains the case, this is not a right that all whites seem bound to respect.³⁶⁶

³⁶⁶ In the infamous *Dred Scott v. Sandford* decision, the Supreme Court said, in describing the status of Blacks, “that they had no rights which the white man was bound to respect” *Dred Scott v. Sanford*, 60 U.S. (19 How.) 393, 407 (1857).

APPENDIX A

HOUSING-RELATED CRIMES COMMITTED BY WHITES AGAINST
BLACK ENTRANTS

Source: STEPHEN GRANT MEYER, AS LONG AS THEY DON'T MOVE NEXT DOOR:
SEGREGATION AND RACIAL CONFLICT IN AMERICAN NEIGHBORHOODS
(Rowman & Littlefield, 2000)

c. 1910	BALTIMORE	stoned, chased out of home ³⁶⁷
1910	ST. LOUIS	several incidents of violent resistance, including smashing windows ³⁶⁸
1910-1911	KANSAS CITY	7 bombs ³⁶⁹
c. 1911	EAST HOLLYWOOD	12 residents burst into Blacks' home and ordered them out ³⁷⁰
1913	BALTIMORE	stoned, threatened, bombarded several homes ³⁷¹
c. 1913	LOUISVILLE	stoning house where Black rented rooms ³⁷²
1916	KANSAS CITY	1 bomb ³⁷³
1917	DALLAS	violent resistance to migration ³⁷⁴
	DETROIT	forty blacks forced out of rooming house ³⁷⁵
	CHICAGO	riot, 537 injured, 1000 homeless ³⁷⁶
	CHICAGO	bomb blew away front of Blacks' house ³⁷⁷
1917-1921	CHICAGO	58 bombings, 2 deaths, several injuries ³⁷⁸
1918	PHILADELPHIA	mob, turns to riot, Blacks' homes ransacked ³⁷⁹
1920s	MIAMI	bombs ³⁸⁰
1921	BROOKLYN	death threat mailed to Black entrant ³⁸¹
1921	NEW YORK	death threats in the mail ³⁸²
1922	ATLANTA	school arson and several house bombings ³⁸³

³⁶⁷ See STEPHEN GRANT MEYER, AS LONG AS THEY DON'T MOVE NEXT DOOR: SEGREGATION AND RACIAL CONFLICT IN AMERICAN NEIGHBORHOODS 17 (2000).

³⁶⁸ See *id.* at 21.

³⁶⁹ See *id.* at 20.

³⁷⁰ *Id.*

³⁷¹ See *id.* at 19.

³⁷² See *id.* at 23.

³⁷³ See *id.* at 20.

³⁷⁴ See *id.* at 58.

³⁷⁵ See *id.* at 36.

³⁷⁶ See *id.* at 35.

³⁷⁷ See *id.* at 35.

³⁷⁸ See *id.* at 34.

³⁷⁹ See *id.* at 36.

³⁸⁰ See *id.* at 124.

³⁸¹ See *id.* at 33.

³⁸² See *id.* at 33.

³⁸³ See *id.* at 100.

1924	NEW YORK	death and fire threats, KKK, windows smashed ³⁸⁴
1924	BROOKLYN	death threat from group purporting to be Ku Klux Klan ³⁸⁵
1925	DETROIT	bricks thrown through windows, 1000-2000 person mobs, death threat, bomb threat, smash windows, gunshots ³⁸⁶
1925	DETROIT	mob of 5,000 whites threatened to burn down Black man's home ³⁸⁷
		whites hurled bricks through windows and ripped tiles from roof ³⁸⁸
		1,000 whites threw pieces of coal at house, threatened lynching ³⁸⁹
1927	DETROIT	arsonists set house on fire ³⁹⁰
1928	DETROIT	vandalism, threats, gunshots ³⁹¹
1929	DETROIT	bomb, 9 families left homeless ³⁹²
		bomb destroyed apartment house ³⁹³
1937	ATLANTA	cross burning ³⁹⁴
		threats, attempt to burn house ³⁹⁵
	CHICAGO	rock thrown through window ³⁹⁶
1940	DALLAS	threats of violence; attempt to burn down vacant house owned by Blacks; house stoned; breaking windows; house burned to the ground; attempted bombing; garage bombed; vacant house next to Black entrant's house bombed; bombing threatened; gang of 500 threw rocks; smashing windows and damaging furniture, dishes ³⁹⁷
1940s	DETROIT	scores of incidents, "from the use of warnings and threats to the crimes of malicious destruction of property and arson"; dumping slag on cleared land, preventing construction by Black family; hundreds of threatening phone calls to realtor after selling to Black ³⁹⁸

³⁸⁴ See *id.* at 33.

³⁸⁵ *Id.*

³⁸⁶ See *id.* at 37-38.

³⁸⁷ See *id.* at 37

³⁸⁸ *Id.*

³⁸⁹ See *id.* at 37.

³⁹⁰ See *id.* at 45.

³⁹¹ See *id.* at 45.

³⁹² *Id.*

³⁹³ See *id.* at 45.

³⁹⁴ See *id.* at 57.

³⁹⁵ *Id.*

³⁹⁶ See *id.* at 56.

³⁹⁷ See *id.* at 59.

³⁹⁸ See *id.* at 91.

1940-1941	DALLAS	nearly 20 bombings in 15 months ³⁹⁹
1941	DALLAS	explosion destroyed home, house bombed three times over four months, apartments wrecked by dynamite ⁴⁰⁰
		home dynamited twice, with home and owner's shop destroyed ⁴⁰¹
		windows smashed, intimidation, bombs, 100 demonstrators ⁴⁰²
	LOS ANGELES	5 black families forced from homes, cross burnings; crosses burned on lawns of Blacks' homes; ⁴⁰³
1942	DETROIT	mob of 700, riot over housing, throwing rocks ⁴⁰⁴
	LOS ANGELES	harassment ⁴⁰⁵
1943	DETROIT	integration of emergency housing – leads to riot – many deaths, George Scheremer of Interracial Committee catalogs scores of incidents of retaliation ⁴⁰⁶
1943	LOS ANGELES	home bombed ⁴⁰⁷
1944	ATLANTA	home bombing; (two houses damaged) ⁴⁰⁸
	BIRMINGHAM	more than 20 bombings in decade and half following war ⁴⁰⁹
1944	CHICAGO	house destroyed by arson; four attacks on homes in three months; house firebombed, two children killed; house stench-bombed ⁴¹⁰
1945	CHICAGO	attempted arson, followed by razing of house; several bombings in five month period ⁴¹¹
c. 1945	DETROIT	house stoned by mob of more than 1,000 whites ⁴¹²
1945	LOS ANGELES	threats, burning, death of family (husband, wife, young children) ⁴¹³
1945	MIAMI	cross burning ⁴¹⁴
1946	ATLANTA	next two decades – 30 home bombings ⁴¹⁵

³⁹⁹ See *id.* at 59.

⁴⁰⁰ See *id.* at 61.

⁴⁰¹ See *id.* at 61-62.

⁴⁰² See *id.* at 58-62.

⁴⁰³ See *id.* at 76.

⁴⁰⁴ See *id.* at 69.

⁴⁰⁵ See *id.* at 76.

⁴⁰⁶ See *id.* at 91.

⁴⁰⁷ See *id.* at 76.

⁴⁰⁸ See *id.* at 101.

⁴⁰⁹ See *id.* at 105.

⁴¹⁰ See *id.* at 89.

⁴¹¹ See *id.* at 89.

⁴¹² See *id.* at 92.

⁴¹³ See *id.* at 77.

⁴¹⁴ See *id.* at 124.

		home bombed by Columbians ⁴¹⁶
	CHICAGO	violence in housing projects, race riot, 5000 person demonstration against integration ⁴¹⁷
		Molotov cocktail campaign; 27 bombings ⁴¹⁸
1946	CHICAGO	windows smashed, cars tipped over at public housing development ⁴¹⁹
1947	ATLANTA	series of apparent Klan bombings, two fires, and failed pipe bomb ⁴²⁰
1947	BIRMINGHAM	dynamite destroys home ⁴²¹
1948	ATLANTA	house set on fire by four white youths ⁴²²
		home bombed ⁴²³
1948	BIRMINGHAM	bombing, dynamited house ⁴²⁴
	LOS ANGELES	Nat King Cole has "nigger" burned into lawn ⁴²⁵
1949	BIRMINGHAM	three houses dynamited; bomb threat ⁴²⁶
	CHICAGO	mob violence, 800 demonstrators in front of a home for 3 days – stoned, smashed windows, and set fire ⁴²⁷
	LOS ANGELES	mob threatened ⁴²⁸
1949	RICHMOND	cross burned on lawn, bricks and pellets fired at house, threatening letters (including a bullet) ⁴²⁹
1949-1951	CHICAGO	3 bombings, ten incidents of arson, 11 attempted arsons, 81 other incidents of terrorism or intimidation ⁴³⁰
1950s	BIRMINGHAM	several bombings, ripping off porch, destroying half finished house, destroying home, several bomb threats ⁴³¹
1950-1951	ATLANTA	home bombings ⁴³²
1951	CICERO	destroyed furniture, firebombed apartment building ⁴³³ (Chicago suburb)

⁴¹⁵ See *id.* at 104.

⁴¹⁶ See *id.* at 101.

⁴¹⁷ See *id.* at 90.

⁴¹⁸ See *id.* at 89.

⁴¹⁹ See *id.* at 90.

⁴²⁰ See *id.* at 102.

⁴²¹ See *id.* at 106-07.

⁴²² See *id.* at 103.

⁴²³ *Id.*

⁴²⁴ See *id.* at 107.

⁴²⁵ See *id.* at 95-96.

⁴²⁶ See *id.* at 107.

⁴²⁷ See *id.* at 117.

⁴²⁸ See *id.* at 126.

⁴²⁹ See *id.* at 112.

⁴³⁰ See *id.* at 118.

⁴³¹ See *id.* at 99, 110-11.

⁴³² See *id.* at 104.

1951	DALLAS	eleven bombings, six fires ⁴³⁴
1952	LOS ANGELES	bombing ⁴³⁵
1951	MIAMI	unoccupied 16-unit complex bombed; four other bombings ⁴³⁶
1953	CHICAGO	stones thrown, pistols fired at night, aerial bombs propelled at apartment ⁴³⁷
1953	COMPTON, CA	white man beaten for selling to blacks, black man's home flooded after 3 years, dozens of incidents over housing including 6 bombings ⁴³⁸
1954	ATLANTA	house bombing ⁴³⁹
1954	DETROIT	15 incidents investigated; 19 other incidents (1953-1955) ⁴⁴⁰
1955	DETROIT	two episodes – 2000 demonstrators and several other nights of protests ⁴⁴¹
1956	ATLANTA	home bombings ⁴⁴²
1957	PHILADELPHIA	Levittown terrorizing – taunting, smashing windows, throwing stones (veteran's home), protests against black families for over a week, cross burning ⁴⁴³
1957	SAN FRANCISCO	front window smashed with a rock ⁴⁴⁴
c. 1958-1959	LOS ANGELES AREA	\$10,000 worth of damage to home, more than two dozen cross burnings ⁴⁴⁵

⁴³³ See *id.* at 118-19.

⁴³⁴ See *id.* at 112.

⁴³⁵ See *id.* at 127.

⁴³⁶ See *id.* at 125.

⁴³⁷ See *id.* at 119-120.

⁴³⁸ See *id.* at 128.

⁴³⁹ See *id.* at 104.

⁴⁴⁰ See *id.* at 122.

⁴⁴¹ *Id.*

⁴⁴² See *id.* at 104.

⁴⁴³ See *id.* at 148.

⁴⁴⁴ See *id.* at 131.

⁴⁴⁵ See *id.* at 129.

APPENDIX B

HOUSING-RELATED CRIMES COMMITTED BY WHITES AGAINST BLACK ENTRANTS, THROUGH THE 1960'S

Sources other than: STEPHEN GRANT MEYER, AS LONG AS THEY DON'T MOVE NEXT DOOR

1830s—BOSTON—whites threatened to demolish home of Blacks moving into area ⁴⁴⁶
1897—CHICAGO—property owners “declared war” on Black neighbors ⁴⁴⁷
1911—KANSAS CITY—five incidents of homes dynamited ⁴⁴⁸
1917-1919—CHICAGO—26 bombings of Black homes in white neighborhoods ⁴⁴⁹
1917-1921—CHICAGO—58 homes bombed ⁴⁵⁰
1918—CHICAGO—first Black family in neighborhood bombed twice ⁴⁵¹
1919—CHICAGO—Black family threatened with public flogging and arson ⁴⁵²
1919—CHICAGO—13 bombings in pre-riot 1919 ⁴⁵³
1919—CHICAGO—7 explosions in 6 weeks preceding the riot ⁴⁵⁴
1919—CHICAGO—homes of 9 families vandalized and nearly destroyed ⁴⁵⁵
1919—CHICAGO—home of Dr. Percy Julian bombed and burned twice ⁴⁵⁶
1919—CHICAGO—Blacks in “contested” neighborhoods received threatening letters ⁴⁵⁷
1919-1920—CHICAGO—numerous homes bombed ⁴⁵⁸
1920s—ATLANTA—Klan burned crosses and threatened violence to Black homes ⁴⁵⁹

⁴⁴⁶ SUSAN WELCH ET AL., RACE & PLACE: RACE RELATIONS IN AN AMERICAN CITY (2001), 20.

⁴⁴⁷ WILLIAM TUTTLE, RACE RIOT 161 (1985).

⁴⁴⁸ HERBERT SHAPIRO, WHITE VIOLENCE AND BLACK RESPONSE 143 (1988).

⁴⁴⁹ See *supra* note 447, at 159.

⁴⁵⁰ URBAN POLICY IN TWENTIETH-CENTURY AMERICA 76 (Arnold R. Hirsch & Raymond A. Mohl eds., 1993).

⁴⁵¹ DEMPSEY J. TRAVIS, AN AUTOBIOGRAPHY OF BLACK CHICAGO 15 (1982).

⁴⁵² See *supra* note 451, at 25.

⁴⁵³ See *supra* note 447, at 159.

⁴⁵⁴ *Id.* at 182.

⁴⁵⁵ *Id.* at 54-55.

⁴⁵⁶ ARNOLD R. HIRSCH, MAKING THE SECOND GHETTO: RACE AND HOUSING IN CHICAGO 1940-1960 63 (1998).

⁴⁵⁷ See *supra* note 447, at 61-62.

⁴⁵⁸ See *supra* note 448, at 175.

⁴⁵⁹ KEVIN MICHAEL KRUSE, WHITE FLIGHT: RESISTANCE TO DESEGREGATION OF NEIGHBORHOODS, SCHOOLS, AND BUSINESSES IN ATLANTA, 1946-1966 38 (Ph.D. Dissertation, Cornell University 2000).

1925—DETROIT—mob gathered and stoned a house ⁴⁶⁰
1932-1935—ATLANTA—whites burned houses under construction and bombed new homes ⁴⁶¹
1937—CHICAGO—mobs threw missiles, spat at, cursed, and beat a Black family ⁴⁶²
1942—DETROIT—riot, 40 injured, 220 arrested, 109 held for trial ⁴⁶³
1944-1946—CHICAGO—46 homes assaulted with 3 people killed ⁴⁶⁴
1945-1946—DETROIT—countless woman callers harassed a white owner who sold to Blacks ⁴⁶⁵
1945-1946—DETROIT—porch torn off by truck and cables ⁴⁶⁶
1945-1946—ATLANTA—several violent clashes ⁴⁶⁷
1946—ATLANTA—several incidents of shooting and stoning of homes ⁴⁶⁸
1946—ATLANTA—family bombed by a passing car ⁴⁶⁹
1946—CHICAGO—mob of 1500-3000 battled police and destroyed property ⁴⁷⁰
1946—CHICAGO—mob burned garage and stoned a house ⁴⁷¹
1946—ATLANTA—young Black man blackjacked by a gang of the Columbians ⁴⁷²
1946—ATLANTA—Columbians peppered homes with stones and shots in a transitional neighborhood ⁴⁷³
1946—ATLANTA—Black home at the edge of a white neighborhood was bombed ⁴⁷⁴
1946—ATLANTA—Columbian mob vociferously threatened a Black family moving into its home ⁴⁷⁵
1947—ATLANTA—whites shot a new Black home with a shotgun and threw a brick through the window ⁴⁷⁶

⁴⁶⁰ See *supra* note 448, at 186.

⁴⁶¹ See *supra* note 459, at 6.

⁴⁶² WENDY PLOTKIN, DEEDS OF MISTRUST: RACE, HOUSING, AND RESTRICTIVE COVENANTS IN CHICAGO, 1900-1953 (1999) 177 (unpublished Ph.D. dissertation, University of Illinois at Chicago) (on file with authors).

⁴⁶³ THOMAS J. SUGRUE, THE ORIGINS OF THE URBAN CRISIS: RACE AND INEQUALITY IN POST-WAR DETROIT 74 (1996).

⁴⁶⁴ See *supra* note 451, at 84.

⁴⁶⁵ See *supra* note 463, at 250.

⁴⁶⁶ *Id.* at 253.

⁴⁶⁷ See *supra* note 459, at 17.

⁴⁶⁸ See *supra* note 448, at 374.

⁴⁶⁹ *Id.* at 374.

⁴⁷⁰ *Id.* at 376.

⁴⁷¹ See *supra* note 448, at 377.

⁴⁷² See *supra* note 459, at 30.

⁴⁷³ *Id.* at 31.

⁴⁷⁴ *Id.*

⁴⁷⁵ *Id.* at 32.

1947—CHICAGO—mob up to 5000 beat people and destroyed property ⁴⁷⁷
1947—DETROIT—windows broken and small fires set ⁴⁷⁸
1947—CHICAGO—garage of Black family burned ⁴⁷⁹
1947—ATLANTA—Klan members whipped a Black man and tore the windows from his house ⁴⁸⁰
1947—ATLANTA—white man bombed a Black's house and got into a gunfight with him ⁴⁸¹
1948—DETROIT—threats to burn down new homes for Blacks ⁴⁸²
1948—DETROIT—death threats to real estate agent selling to Blacks ⁴⁸³
1948—CHICAGO—five arson attacks on homes of Blacks, monthly ⁴⁸⁴
1948-1952—DETROIT—demonstrators vandalized new homes, including arson ⁴⁸⁵
1949—CHICAGO—a home burned, cross burned, and windows smashed ⁴⁸⁶
1949—CHICAGO—mob of 10,000 beat passersby ⁴⁸⁷
1949—CHICAGO—mob threw gasoline-soaked rags into a home ⁴⁸⁸
1949—ATLANTA—Black families moving got repeated threatens until one of their homes was bombed ⁴⁸⁹
1950—DETROIT—home stoned, car tires slashed, cross burned ⁴⁹⁰
1951—CICERO—police failed to protect a family from attack ⁴⁹¹
1953—ATLANTA—Black home burned twice and then dynamited ⁴⁹²
1954—CLEVELAND—home of local Black attorney bombed ⁴⁹³

⁴⁷⁶ *Id.* at 7.

⁴⁷⁷ *See supra* note 448, at 376.

⁴⁷⁸ *See supra* note 463, at 242.

⁴⁷⁹ *See supra* note 451, at 76.

⁴⁸⁰ *See supra* note 459, at 50.

⁴⁸¹ *Id.* at 50.

⁴⁸² *See supra* note 463, at 248.

⁴⁸³ *Id.* at 248.

⁴⁸⁴ MONTHLY REPORT OF THE EXECUTIVE DIRECTOR OF THE COMMISSION ON HUMAN RELATIONS 8 (AUGUST 1948).

⁴⁸⁵ *See supra* note 463, at 388.

⁴⁸⁶ *See supra* note 451, at 125.

⁴⁸⁷ *See supra* note 448, at 376.

⁴⁸⁸ *Id.* at 377.

⁴⁸⁹ *See supra* note 459, at 66.

⁴⁹⁰ *See supra* note 463, at 241.

⁴⁹¹ CENTER FOR URBAN AFFAIRS, NORTHWESTERN UNIVERSITY, MEETING ON SUBURBAN DISCRIMINATORY HOUSING PRACTICES 54 (JUNE 26, 1978).

⁴⁹² *See supra* note 459, at 114.

⁴⁹³ W. DENNIS KEATING, THE SUBURBAN RACIAL DILEMMA: HOUSING AND NEIGHBORHOODS 98 (1994).

1955—ATLANTA—dynamite blasted the porch off a new Black home ⁴⁹⁴
1955—DETROIT—1000 person mob stoned a house, injured 2 policemen ⁴⁹⁵
1955—DETROIT—rumors of racially motivated violence in changing neighborhoods ⁴⁹⁶
1956—ATLANTA—home bombed on Baker Avenue ⁴⁹⁷
1956—DETROIT—two-week long siege against a Black family ⁴⁹⁸
1956—ATLANTA—two sticks of dynamite blew up the cellar of a home recently bought by Blacks ⁴⁹⁹
1956—ATLANTA—bomb bounced off a Black home, blowing a hole in the street ⁵⁰⁰
1963—DETROIT—teens led mobs of stone throwers ⁵⁰¹
1957—ATLANTA—whites burned a home while other whites were trying to buy it from its Black owner ⁵⁰²
1960—ATLANTA—Black home next to a white school was dynamited ⁵⁰³
1960—ATLANTA—Black home burned before the owners could move in ⁵⁰⁴
1960—ATLANTA—mob threatened a Black family moving into its home, threw a rock through the window ⁵⁰⁵
1964—CHICAGO—mob vandalized apartment of Black students while they were at school ⁵⁰⁶
1965—DETROIT—teens threw firecrackers at a Black woman and hurled stones and mud at her house ⁵⁰⁷
1965—DETROIT—25 crosses burned throughout the city ⁵⁰⁸
1969—VALPARAISO—repeated death threats over the phone ⁵⁰⁹
1969—VALPARAISO—threatening phone calls and mail every day for a year ⁵¹⁰

⁴⁹⁴ See *supra* note 459, at 164.

⁴⁹⁵ See *supra* note 463, at 240.

⁴⁹⁶ *Id.* at 231.

⁴⁹⁷ See *supra* note 459, at 196.

⁴⁹⁸ See *supra* note 463, at 235.

⁴⁹⁹ *Id.* at 235.

⁵⁰⁰ See *supra* note 459, at 197.

⁵⁰¹ See *supra* note 463, at 254.

⁵⁰² See *supra* note 459, at 155.

⁵⁰³ *Id.* at 159.

⁵⁰⁴ *Id.* at 169.

⁵⁰⁵ *Id.* at 169.

⁵⁰⁶ MIKE ROYKO, BOSS: RICHARD J. DALEY 131 (1971).

⁵⁰⁷ See *supra* note 463, at 254.

⁵⁰⁸ *Id.* at 265.

⁵⁰⁹ JOHN GEHM, BRINGING IT HOME 156 (1984).

⁵¹⁰ See *supra* note 65, at 160.

1969—VALPARAISO—trespasser tried to break in until seen through a window⁵¹¹

⁵¹¹ *See supra* note 65, at 183.

APPENDIX C

**ARRESTS AND CHARGES, INTEGRATION OF TRUMBALL PARK HOMES
PUBLIC HOUSING DEVELOPMENT CHICAGO, 1953-1955**

Source: Chicago Commission on Human Relations, The Trumball Park
Homes Disturbances. A Chronological Report,
August 4, 1953 to June 30, 1955

Charge	Number of Arrests
Disorderly Conduct	164
Resisting a Police Officer	8
Discharging a Firearm	5
Refusal to Obey a Police Officer	1
Traffic Violation	8
Carrying Dangerous Weapons	1
Possession of Fireworks	6
Dumping on Public Way	1
Offensive Bombs in Public Places	1
Depositing Stink Bomb (S)	1
Possession of Stink Bomb (S)	1
Destruction of Property by Explosives (S) *	1
Riot (S)	25
Destruction of Building (S)	2
Assault with a Deadly Weapon (S)	3
Possession of a Deadly Weapon (S)	2
Unlawful Assembly (S)	43
Refusal to Disperse (S)	4
Aggravated Assault and Battery (S)	1
Aggravated Assault (S)	1
Possession of Explosives (S)	1
Conspiracy to Do an Illegal Act (S)	2
Intimidation by Combination (S)	1

Carrying Concealed Firearms (S)	2
Possession of Fireworks (S)	7
Disorderly Conduct (S)	1
Assault and Battery (S)	3
Not Reported	4
Total Number of Arrests	300

(S) indicates state charges. Others are local.

APPENDIX D

DISPOSITION OF CHARGES, INTEGRATION OF TRUMBALL PARK HOMES
PUBLIC HOUSING DEVELOPMENT CHICAGO, 1953-1955

Source: Chicago Commission on Human Relations, The Trumball Park
Homes Disturbances. A Chronological Report,
August 4, 1953 to June 30, 1955

Disposition	Number of Such Dispositions
Fine	139
Costs	109
Incarceration	1 - (ten days House of Corrections)
Supervision	9
Discharged	85
Dismissed for Want of Prosecution	2
Not Reported	16
Other	34