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NORTH CAROLINA LAW REVIEW

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Volume 71 | Number 5

Article 17

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6-1-1993

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## Recommended Citation

Judith W. Wegner, *Do We Have the Will to Change*, 71 N.C. L. REV. 1779 (1993).

Available at: <http://scholarship.law.unc.edu/nclr/vol71/iss5/17>

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# DO WE HAVE THE WILL TO CHANGE?

JUDITH W. WEGNER\*

On February 12-13, 1993, the symposium issue contributors, other noted scholars, and policymakers gathered in Chapel Hill, North Carolina, for a colloquium on "Race, Poverty, and the American City: The *Kerner Commission Report* in Retrospect."<sup>1</sup> Conference participants sought to refine our common understanding about the current status of poor and minority populations living in America's cities, and to outline a meaningful agenda, including core recommendations for a national urban policy and identification of related research needs. The colloquium was sponsored by the University of North Carolina Department of City and Regional Planning and the Charles M. and Shirley F. Weiss Fund for Urban Livability.<sup>2</sup>

Conference discussions centered on four major topics: the continued viability of the Kerner Commission's "integration" and "enrichment" strategies; the strategies that developed to provide jobs, boost incomes, and protect families and children; the need for, and characteristics of, a national urban policy; and the political feasibility of a national urban policy that addresses racial and ethnic needs. This Essay summarizes the colloquium's principal findings and recommendations.<sup>3</sup>

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1. Colloquium presenters included John Charles Boger, UNC School of Law; Nancy Fishman, Northwestern University; John Calmore, Loyola University; George Galster, The Urban Institute; Roberto Fernandez, Northwestern University; William Taylor, Washington attorney; Michael Stegman, UNC Department of City and Regional Planning; The Honorable Eva Clayton, U.S. House of Representatives; Peter Dreier, Occidental College; Susan Feinstein, Rutgers University; Chester Hartman, Poverty and Race Research Action Council; Karen Hill, Fair Housing Implementation Office, City of Yonkers, N.Y.; Dennis Rash, President, NationsBank Community Development Program; Dean Emeritus John Turner, UNC School of Social Work; James Johnson, UNC Department of Geography; Paul Leonard, Center on Budget and Policy Priorities; Peter Salsich, St. Louis University; David Stoesz, San Diego State; Sidney Watson, Mercer University; Walter C. Farrell, University of Wisconsin at Milwaukee; Ann Markusen, Rutgers University; Sister Consuelo Tovar, Texas Industrial Areas Foundation Network; Chuck Stone, UNC School of Journalism and Mass Communications; Moses Carey, Chair of the Orange County, N.C. Board of Commissioners; The Honorable David Price, U.S. House of Representatives.

2. The sponsorship of this colloquium was a particularly fitting first project for the Fund for Urban Livability, in light of the lifework of the Fund's donors. Charles M. Weiss is emeritus professor of environmental engineering, UNC School of Public Health. Shirley M. Weiss, a noted scholar who has studied new communities and city centers, is emeritus professor of city and regional planning, UNC Department of City and Regional Planning.

3. The observations offered here are based largely upon comments offered by colloquium

1. *One core finding of the Kerner Commission—that the nation's cities have been reshaped by an influx of urban African Americans<sup>4</sup> and an exodus of whites and jobs to the suburbs—has proved true, but tells less than the complete story.* The Kerner Commission's model has proved most accurate in describing large cities in the North and Midwest. Cities in other parts of the country, and smaller cities generally, have not developed the same level of hyper-segregation envisioned by the *Kerner Report*. Cities are generally more complex, with multiple metropolises rather than monolithic job centers. Cities exhibit a range of suburbs, including inner ring suburbs that may be predominantly minority in population. An out-migration of African Americans to some suburban and other rural locales has occurred, along with in-migration of other ethnic minorities. Employment and economic development patterns have also proved more complex. While minority populations remain concentrated in cities, there has been an exodus of job opportunities to the suburbs. Although this has caused a spatial mismatch, more complicated patterns of events may have contributed to employment problems in the minority community. These problems include a skill mismatch, resulting from inadequate employment training, poor education, and "soft" skills, and a wealth mismatch, with disparities in financial base resulting in broadening inequality in educational opportunities. Further employment problems result from economic restructuring, which has caused a reduction in high-paid manufacturing jobs, the creation of low-paid service jobs, and an increased reliance on advanced technology. Entrenched patterns of housing and employment discrimination also contribute to this dilemma.

2. *A complex, interlinked cycle of racial discrimination and economic disparity continues to keep many African Americans from experiencing equal opportunities in the suburbs, and the effects are likely to impede meaningful residential integration in the immediate future.* Economic, educational, and social disparities have resulted from intractable patterns of segregation. As a result of these disparities, it is difficult for many blacks to afford suburban housing. This absence of African Ameri-

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presenters, essays that appear elsewhere in this issue, and discussions with conference participants. The very nature of the tasks at hand—assimilating themes from diverse essays and presentations and summarizing extensive conversations—has made it impossible for the author to attribute individual ideas to one or more of those in attendance. The reader may assume that the valuable ideas presented here stem from those in attendance as noted *supra* note 1, but that any errors in understanding or explication are the author's own.

4. Editor's Note: The contributors to this symposium have used the terms "African American," "black," and "black American," often interchangeably, in their articles. The *North Carolina Law Review* has elected to defer to its contributors' choices in the absence of any universally accepted racial or ethnic designation.

cans from suburban locales feeds white prejudice, which in turn motivates continuing subtle discrimination. Core resistance to integration in the suburbs runs deep, and is unlikely to be overcome by increased contact between whites and blacks when strong social and economic disincentives also exist, not the least of which is the lowering of status and property values which may be associated with integration. Faced with these impediments, many African Americans reasonably may choose to live in predominantly black areas in which a sense of community exists and a decent life is available.

3. *Significant reform in traditional anti-discrimination strategies will be needed to bring about residential integration.* Some basic tensions, if not disagreements, exist between those who advocate integration and those who believe that primary emphasis should be placed on an enrichment strategy. Many agree that traditional case-by-case litigation of fair housing complaints has proven ineffective to deter widespread housing discrimination against African Americans. A more fruitful way to identify and redress subtle discrimination in the housing area would be to authorize government agencies to use testers to conduct random "audits" to detect discrimination. It may also be crucial to focus on long-term discrimination by programs sponsored by government agencies themselves (such as the Federal Housing Administration (FHA) loan system) and to craft institution-based desegregation remedies. Strategies that do not look to litigation as the means of relief may also be needed, such as the use of subsidies to induce integrated neighborhoods, and an emphasis on fostering integration in new housing developments where one finds less tendency to defend the legitimacy of pre-existing problematic situations.

It will also be important to reexamine fundamental assumptions. "Housing" serves as both shelter and an investment to many people, and it will be necessary to focus upon and remove disincentives to integration that stem from investment-related concerns and policies (e.g., existing tax policies relating to homeowner mortgage interest). Nonetheless, "integration" should not mean "assimilation," and it is important to realize what is assumed to be the norm. The current moment is one in which the impetus for integration has probably waned, in light of the recent economic downturn and the pattern of further subordinating African Americans in hard times. Integration in other contexts (such as desegregation in education) can make a difference if it takes into account the problems posed by heavy concentrations of poverty.

4. *The Kerner Commission Report's underlying assumptions that the nation's economy would continue to thrive and that cities would continue as "engines of growth" have now been called into serious question.*

The *Kerner Commission Report* was written in a time when national possibilities seemed endless, and it was believed that the "War on Poverty" could be won. More sobering assessments of the nation's capacity to respond through increased federal expenditures now predominate, and it remains unclear just how the nation's enormous federal deficit can be contained. As a result, realistic prognostication about the future of America's cities and their impoverished minority populations must rest on different economic assumptions, including conservative projections of economic growth and sharply restricted prospects for funds to provide needed remedies. The Kerner Commission assumed that cities themselves would serve as "engines of growth" capable of generating money as needed. Unfortunately, the globalization of the economy, the increased proportion of jobs which pay poverty wages, the patterns of investment which adversely affect cities (e.g., redlining and military spending), and the skepticism about the capacity of municipal governments to remedy urban ills have at least severed the fuel lines to the engines, and may have damaged permanently their inner workings. Nationwide economic growth, a shift in national priorities, and the reemergence of metropolitan areas as potent economic forces (drawing on their core resources of people, cultural centrality, and attractive investment opportunities) are critical prerequisites to overcoming the current deficit in needed resources.

5. *The face of urban poverty has changed in recent years, rendering solutions ever more difficult.* The worst levels of poverty are increasingly concentrated in ghetto areas, which are linked with a growing incidence of violence and despair. Many poor families live in single-parent, female-headed households. Multiple problems often affect impoverished populations, including joblessness, drug dependency, and illiteracy. Many of these characteristics of urban poverty reflect deliberate policy shifts in recent years. For example, the deregulation of the business environment has led to an exodus of businesses from inner cities to areas bereft of minorities. The privatization of public sector employment has resulted in a reduction in the type of civil service job opportunities more readily available to minorities. The assault on job set-aside programs and cut-backs in the social safety net, including cuts in funding for community organizations, has had similarly adverse effects on minorities in our cities. Moreover, the creation of a criminal justice dragnet exacerbated the unemployability of ethnic males, the destabilization of families, and the feminization of poverty, while the adoption of "get tough" education policies, such as tracking, standardized tests, and retention policies, have contributed to increasing numbers of drop-outs. Any urban strategy,

therefore, must deal with the large and volatile minority male population that is neither in school nor employed.

6. *A re-examination of housing strategies is needed to provide meaningful choice, encourage investment of needed capital, and empower residents.* Housing must remain a central focus, since it affects so many facets of life—access to health care, learning environment, jobs, friendships, and social status. Too little affordable housing is available, low-income families are paying too much of their income for housing, and federal money for housing assistance is far too scarce. Policy differences continue, however, as to whether to place more improved housing in the nation's cities, or to focus on assisting minority populations' relocation to the suburbs.

Notwithstanding these dilemmas, a variety of strategies are worthy of exploration. Credit opportunities must be expanded for homeseekers, although that alone will not suffice since repayment of capital costs and upkeep costs may exceed the income stream of many poor city residents. It is important, therefore, to provide complimentary services, such as consumer counseling, financial management, and educational opportunities, to improve the success of housing programs. The pool of available capital likewise must be enhanced. This goal can be met in a variety of ways: allocation of government funds, creation of public-private partnerships in the aftermath of the savings and loan debacle, creation of joint ventures between entrepreneurs and nonprofit organizations, more broad-based treatment of some forms of housing as a "social good" whose residents enjoy shelter but not investment-related profit, encouragement of individuals' entrepreneurial spirit, and reallocation of existing government subsidies (either by reducing and reallocating benefits associated with home mortgage interest deductions to other forms of housing programs or creating a progressive tax credit mechanism). Another potential source of capital is the "peace dividend" created by the end of the Cold War, provided that the political will exists to earmark these funds and fears of unemployment resulting from reduced defense budgets can be addressed.

7. *Health, education, and welfare policies must also be fundamentally modified to take into account the particular problems of impoverished populations, by empowering those in poverty, by focusing on relevant economic incentives, and by helping to build communities.* Health care reformers have yet to address the unique problems facing the poor and minority populations, which tend to be sicker, more commonly exposed to environmental hazards, more likely to lack funds and insurance, and more likely have restricted access to health care providers. Universal access to health care services will provide only a partial solution to these

problems. Educational reform must concentrate on early childhood intervention through programs such as Head Start. School finance reform is also needed to level the playing field for impoverished inner city students. Welfare reform should focus on empowerment of individuals through implementation of the following: (1) raising the minimum wage above the poverty level; (2) relying more heavily on targeted income tax credits and targeted investment tax credits (e.g., programs geared toward hiring inner city youth and providing needed training); (3) matching unemployed laborers with work that strengthens the sense of community (e.g., renovation of vacant housing); (4) creating individual human development trust accounts; and (5) providing realistic alternatives that link part-time employment with educational opportunities and child care. Equally important are providing training and role models from the nation's universities, corporations and communities, and fostering the growth of community organizations to help individuals form self-help and support coalitions.

8. *America needs a national policy that integrates both economic and social policy and addresses the particular problems of America's cities, while at the same time not undercutting the potential coalition between rural and urban interests.* Although a national urban policy is vitally needed, key aspects of that policy remain subject to debate. The current political climate suggests that such a policy focus on the possible, that it emphasize the importance of partnerships between the public and private sectors and various levels of government, that it encourage mutual responsibility between government and individual citizens, and that it use moral leadership to combat the evils of racism and promote an enhanced sense of community. Since concerns for early educational development, adequate health care, and the creation of investment incentives are shared by both urban and rural interests, perhaps the phrase "national domestic policy" best addresses this concern.

9. *A national domestic policy can only address racial and ethnic needs by not underestimating the prevalence and persistence of racism and by combining incentives with institutional reform.* One of the most important conclusions reached by the Kerner Commission was its recognition that the white society is implicated in the ghetto. It may have become more difficult for American society to acknowledge the truth of this statement and to sustain a commitment to ending racism and its effects. Attention has shifted recently to other economic-related concerns, and government seems to have reached a stalemate on urban issues, stemming in part from changing patterns of campaign finance and other related factors. A variety of strategies may need to be explored, including reforming the existing bureaucracies that block the pipeline to change. It

is important to re-examine federal and state mandates that tie the hands of local governments which seek to take important initiatives. Furthermore, it may be necessary to encourage lawsuits that target historical lending practices and school finance systems on new grounds, emphasize programs that allow members of minority groups to make their own choices rather than pursuing at all costs the goal of integration, and recognize that incremental change through modest experimentation is especially congruent with American political life.

In sum, the problems foreseen by the Kerner Commission have in large measure come to pass. Many forces have exacerbated these problems—the growing complexity of urban ethnic populations, the interrelation of racial discrimination and economic disadvantage, the country's recent economic downturn, policy shifts placing increased pressures on urban unemployed minority males, the changing face of poverty, and the persistence of racism within our society. Nonetheless, as we continue to strive to overcome the nation's tragic legacy of racial discrimination, poverty, and social injustice, new ideas emerge which can result in meaningful improvements in our policies and laws, if only we have the will.<sup>5</sup>

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5. The author wishes to express special thanks to her colleagues, Jack Boger and Michael Stegman, for their extraordinary efforts in developing this symposium and organizing the February 12-13, 1993 colloquium. Jack Boger, a member of the UNC law faculty, is a continuing inspiration to members of the law faculty and to many others. He has throughout his life assisted the impoverished and people of color in their struggle for justice and a brighter future, and he is now teaching a new generation to share his concerns. Michael Stegman, a friend and colleague from the Department of City and Regional Planning, is a man of amazing talents and profound commitment. It has been a pleasure working with him to foster a deeper, shared understanding between lawyers and planners and between academics and policymakers about the things that matter. All of those at UNC, and all participants in the symposium, wish Mike well as he joins the Clinton Administration as Assistant Secretary for Policy Development and Research in the Department of Housing and Urban Development under the dynamic leadership of Secretary Henry Cisneros. Heartfelt thanks are also due to Jim Johnson, Chuck Stone, John Turner, and Ginger Morgan for their contributions to the planning and presentation of the February 12-13, 1993 colloquium. All of those who participated in the symposium issue and the colloquium wish to extend congratulations to the members of the editorial board and staff of the *North Carolina Law Review*, for their superb work on this important interdisciplinary effort.

