

Reflections ON
GAUTREAU
AT FIFTY



Photo by Associated Press

BPI

Business and
Professional People for
the Public Interest

For a Just Society

Reflections ON GAUTREAU AT FIFTY

By Alexander Polikoff

In August 2016 the *Gautreaux* litigation against the Chicago Housing Authority reached age fifty, a milestone. The long-running, still ongoing case, which established that both the federal government and the CHA were guilty of racial discrimination in Chicago public housing, reflects decades of commitment by BPI. Why devote so much time and energy to a single lawsuit? What has it all meant? What lies in the *Gautreaux* future? The 50th anniversary of the filing of the case on August 9, 1966, offers an occasion for some reflection on these questions.

The “legacy” of *Gautreaux* has been described as advancing a mixed-income housing strategy for combatting the scourge of racially concentrated poverty that afflicts so many of the nation’s urban centers, visiting dreadful consequences upon both residents and the larger society. *Gautreaux* has sought to foster the mixed-income approach in three ways.

The first was low-density scattered site public housing. However, on a scale of one to ten the original *Gautreaux* scattered site program scored no more than a two or three. Years of contentious effort generated only about 2,000 scattered site dwellings that didn’t come close to

satisfying the right of over thirty thousand *Gautreaux* families to a desegregated housing opportunity, or make much progress in

desegregating Chicago’s public housing system. Today, new tools offer an opportunity to improve on this history but progress remains frustratingly slow.

The second *Gautreaux* approach has been to support the Chicago Housing Authority’s plan to replace giant high-rise developments with mixed-income communities that include but aren’t dominated by public housing. (*Gautreaux* support is essential because without further *Gautreaux* court orders replacement public housing cannot generally be built in neighborhoods that are still racially segregated.) This approach has been more successful than scattered sites. Public housing families now live in some 3,200 apartments (with more to come) in the same buildings and neighborhoods as families of higher income—and in incomparably

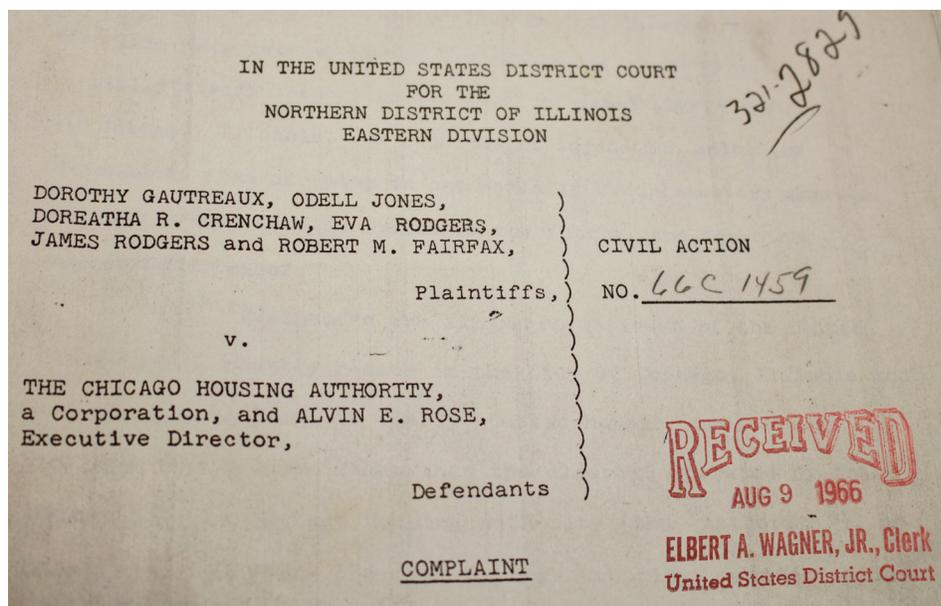


Dorothy Gautreaux, Housing Activist, Altgeld Gardens Resident, and Lead Plaintiff

improved environments. Benefits accrue both to resident families and to the larger Chicago community.

There have, however, been downsides. One is compromising the desegregation objective of *Gautreaux*, although because of the scattered site disappointments it made sense (with court approval) to “trade” mixed-income in the short term for the possibility of desegregation in the longer term. Another is the suffering caused by the forced displacement of high-rise residents, which CHA handled badly in the beginning. A third is reducing the supply of public housing; replacing 100 percent public housing with mixed-income typically results in diminishing the total number of public housing units. Finally, it’s been painfully slow; due in part to the recession that began at the end of 2007, the work is still very much in progress.

The third *Gautreaux* approach is housing mobility—using federal housing subsidies (“housing choice vouchers”) coupled with search assistance and counseling to enable *Gautreaux* families to leave Chicago’s segregated, high-poverty neighborhoods and lease privately-owned dwellings in low-poverty white or integrated communities, mostly in the suburbs. Thanks to the *Gautreaux* Supreme Court decision back in 1976, housing mobility was pioneered in the *Gautreaux* case. Based on a settlement agreement with the U.S. Department



The first page of the lawsuit against CHA, filed on August 9, 1966

of Housing and Urban Development reached in the wake of the High Court’s decision, the *Gautreaux* mobility program ran for over 20 years (1976-1998) and enabled some 7,100 families to exit their segregated, high-poverty environs and move to “opportunity areas.” The program ended because the agreement with HUD called for termination when 7,100 families had been served.

“

Not only does the American Dream not exist for vast numbers of African American children, but we have confined those children within segregated, high-poverty, severely distressed neighborhoods.



Teenagers play basketball against the backdrop of a CHA Stateway Gardens building that was demolished in 2007.
Photo by David Schalliol.

Over a period of years teams of Northwestern University sociologists intensively studied the experiences of *Gautreaux* moving families. When finally published, their studies described such startlingly positive outcomes in employment, income, education, even health, that they commanded national attention. (At one of the Northwestern presentations someone in the audience observed, presumably with tongue in cheek, that if moving to opportunity areas could produce *Gautreaux*-like results, policymakers should abandon other forms of social intervention in favor of housing mobility.)

Disappointingly, however, the Northwestern studies did not lead to a new national housing voucher policy but rather to a big bump in

the road. Instead of “going national” with housing mobility, HUD developed a five-city demonstration called Moving to Opportunity to test *Gautreaux* results in a randomized experiment. When, ten years later, the evaluation of MTO showed no income or educational gains for moving families, the conventional wisdom quickly became: “MTO shows that mobility doesn’t work.”

And there—despite court-ordered mobility programs in *Gautreaux*-type lawsuits in Baltimore and Dallas—mobility sat, and remained, largely becalmed. Until last year when economist Raj Chetty (then of Harvard, now of Stanford) and colleagues Nathaniel Hendren and Lawrence F. Katz released a major, longer term

study of MTO families. By showing significant gains in income and college attendance rates for MTO children who had moved before age 13, the Chetty study “overturned” (as the *New York Times* put it) the MTO conventional wisdom.

Suddenly, a little life was breathed back into mobility. HUD formed a mobility team to reconsider mobility possibilities, and it recently proposed to base rents on zip codes instead of entire metropolitan areas, an important step in the direction of sanctioning realistic voucher rents in more expensive opportunity areas. Chetty and his team are planning to work with a number of housing authorities to explore inexpensive ways to increase moves to opportunity areas. An international philanthropic advisory organization, The Bridgespan Group, released a report on “big bets” for philanthropy, one example of a good big bet being—you guessed it—housing mobility.

Why, then, only a “little” life breathed back? Because HUD is still declining to make essential rule changes—such as reimbursing housing authorities for mobility counseling, rewarding them for achieving mobility moves, and more—without which large public housing authorities in big, segregated metropolitan areas won’t engage. Even in the face of what Chetty and his colleagues have shown, without major changes in HUD rules mobility will not “take off.”

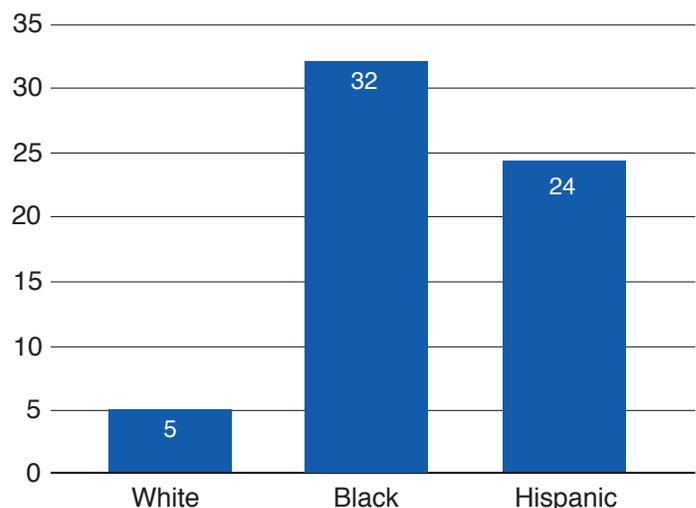
Which would be too bad—in fact, terribly bad. Here’s why. Triggered by police killings of African Americans, the nation is suffering a crisis in race relations the likes of which it has not seen for half a century. However, as *New York Times* columnist Charles Blow points out, bias in our criminal justice system is only one cause of the crisis. A more basic cause is what Blow terms the “systemic structurally racist

policies” that pervade American society. As President Obama said at the July 2016 memorial service for five slain Dallas police officers:

“As a society, we choose to underinvest in decent schools. We allow poverty to fester so that entire neighborhoods offer no prospect for gainful employment. We refuse to fund drug treatment and mental health programs.”

The President’s comments are relevant to housing mobility. In addition to “no prospect for gainful employment,” racially segregated high-poverty neighborhoods produce low performing schools that offer little prospect for decent education. A solid body of research conclusively establishes that children growing up in such neighborhoods and going to such schools face high statistical probabilities not only of low educational attainment but of impaired verbal ability and cognition, of depression, diabetes, and lung disease, of joblessness and incarceration, indeed, of low life expectancy—in plain words, of dying prematurely.

PERCENTAGE OF CHILDREN LIVING IN HIGH-POVERTY NEIGHBORHOODS



Source: Annie E. Casey Foundation 2016 KIDS COUNT Data Book

What is more, these high probabilities are imposed disproportionately upon African American children, not upon white children or—comparably—upon children of other minorities. Black children are surrounded by poverty to a degree that is virtually unknown among white children. They live in high-poverty neighborhoods at over six times the rate of white children; they sit in high-poverty classrooms at over ten times the rate of white students.

In short, not only does the American Dream not exist for vast numbers of African American children, but we have confined those children within segregated, high-poverty, severely distressed neighborhoods where day after day, week after week, month after month, their futures are at high risk of being blighted in what amounts to an ongoing assault upon thousands and thousands of young lives.

This is what noted urban scholar Patrick Sharkey calls the problem of the “ghetto,” a term he defines as an area characterized by racial and economic segregation that lacks the basic resources—institutional, economic and political—that foster healthy development in childhood and economic and social mobility in adulthood.

Moreover, the problem of the ghetto persists *intergenerationally*, for Sharkey has demonstrated convincingly that the effects of growing up in such environments are passed on to succeeding generations. His data show that one quarter of all African American families, compared to just one percent of white families, have lived in the poorest ten percent of all U.S. neighborhoods *in consecutive generations*.

How have white Americans dealt with what Sharkey terms the problem of “the inherited

American ghetto?” Except when “trouble” erupts, white Americans have been largely indifferent. A fellow columnist of Blow’s, Nicholas Kristof, points out that within the last decade almost two-thirds of white Americans said that African Americans were treated fairly by the police. Four out of five said that African American children had the same chance as white children to get a good education. The history of white Americans’ attitudes toward race, Kristof writes, has been one of “self-deception”; we have been “astonishingly oblivious to pervasive inequity.”

Suppose we try a thought experiment. Suppose that, miraculously, white Americans stopped being oblivious and the nation resolved to take remedial action. What are the possibilities?

“

Some changes in HUD rules and regulations, and some funding by Congress that would be far from budget-busting, could create a national mobility program virtually overnight.

First, we could undo the residential segregation that is one of the root causes of the problem. That would require both overcoming whites’ historic antipathy to sharing their neighborhoods with African Americans, and trimming local governments’ zoning powers. More radical changes in American society are

difficult to imagine. Nevertheless, if imagine them we did, the time frame for implementation would be measured in generations. There is absolutely no possibility that at the required scale these changes could be wrought soon enough to address the deprivations of African American children currently being born and raised in high-poverty neighborhoods.

Second, we could revitalize such neighborhoods and turn them into good places for children to grow up in, safe places with good schools, gainful employment, and all the rest. Against the backdrop of history this change too is difficult to imagine. For fifty years we have put revitalizing programs on the books, and for fifty years the results have been disappointing, either because of underfunding, or design or implementation flaws, or all three. But imagine that here too this nearly inconceivable societal change had taken place, that we had mustered the political will, committed the stupendous amounts of needed funding, and learned from our mistakes how to do it “right.” Here, too, there is absolutely no possibility that at the required scale revitalizing could happen soon enough to remove current and succeeding generations of African American children from harm’s way.

There is a third possibility—a full-employment, living-wage economy that would change the rules of how the market operates to enable the poor to work their way out of poverty. As with boats lifted on a rising tide, such an economy would benefit not only the poor but our hollowed-out middle class as well. But here too, though this third possibility may be a bit less unimaginable than the first two (only a bit!), the time frame for implementation is long. This too is not a “fix” for African American children currently being born and raised in toxic environments.

Which brings us back to housing mobility and the thousands upon thousands of African American children, and *their* children, who face high risks of blighted futures. Mobility is far less unimaginable than the other three solutions. Some changes in HUD rules and regulations, and some funding by Congress that would be far from budget busting, could create a national mobility program virtually overnight. This would be a partial, not complete, solution because housing mobility isn’t for everyone. For understandable reasons, such as leaving relatives, friends and support networks, many families would not choose the mobility option. And many who did would not succeed in the challenging task of finding scarce housing in “opportunity areas.”

But for the families who did succeed in making opportunity moves, housing mobility would provide virtually instantaneous relief compared to the timeframes for ending residential segregation, revitalizing African American ghettos, or becoming a full-employment, living-wage society. A national mobility program *does* promise an immediate road out of harm’s way for thousands upon thousands of African American children who, faced with high statistical probabilities of blighted futures, could instead grow up in dramatically improved life circumstances with dramatically improved life prospects.

Could that become the “legacy” of *Gautreaux*?

Alexander Polikoff, Senior Staff Counsel and Co-Director of BPI’s Public Housing Program, is lead counsel in the *Gautreaux* litigation. Alex filed the *Gautreaux* case as a volunteer ACLU attorney in 1966. BPI has represented the *Gautreaux* plaintiffs since 1970, when Alex joined BPI as executive director.



Business and
Professional People for
the Public Interest

For a Just Society

25 East Washington St., Suite 1515
Chicago, Illinois 60602
312-641-5570
www.bpichicago.org

*Recipient of the MacArthur Award for
Creative and Effective Institutions*

E. Hoy McConnell, II
Executive Director

BPI is a public interest law and policy center that for 47 years has worked to create a just society. BPI strives to resolve compelling issues of social justice and quality of life in the Chicago region by addressing the many challenges of urban poverty, increasing housing and educational opportunity, strengthening communities, and improving Illinois' justice system.

Considered one of Chicago's most tenacious and versatile advocates for the public interest, BPI lawyers and policy experts engage in legal and policy research, advocacy, organizing, litigation, and collaboration with nonprofit, community, governmental, business, and academic organizations to accomplish our mission.