

An illustration of a city skyline with a bridge and a bird in flight. The city features various skyscrapers, some under construction with cranes. A large bridge spans across the water in the background. In the foreground, there is a body of water with two small boats. The sky is filled with many small birds and one large bird in flight. The overall style is a mix of watercolor and line art.

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REPORT

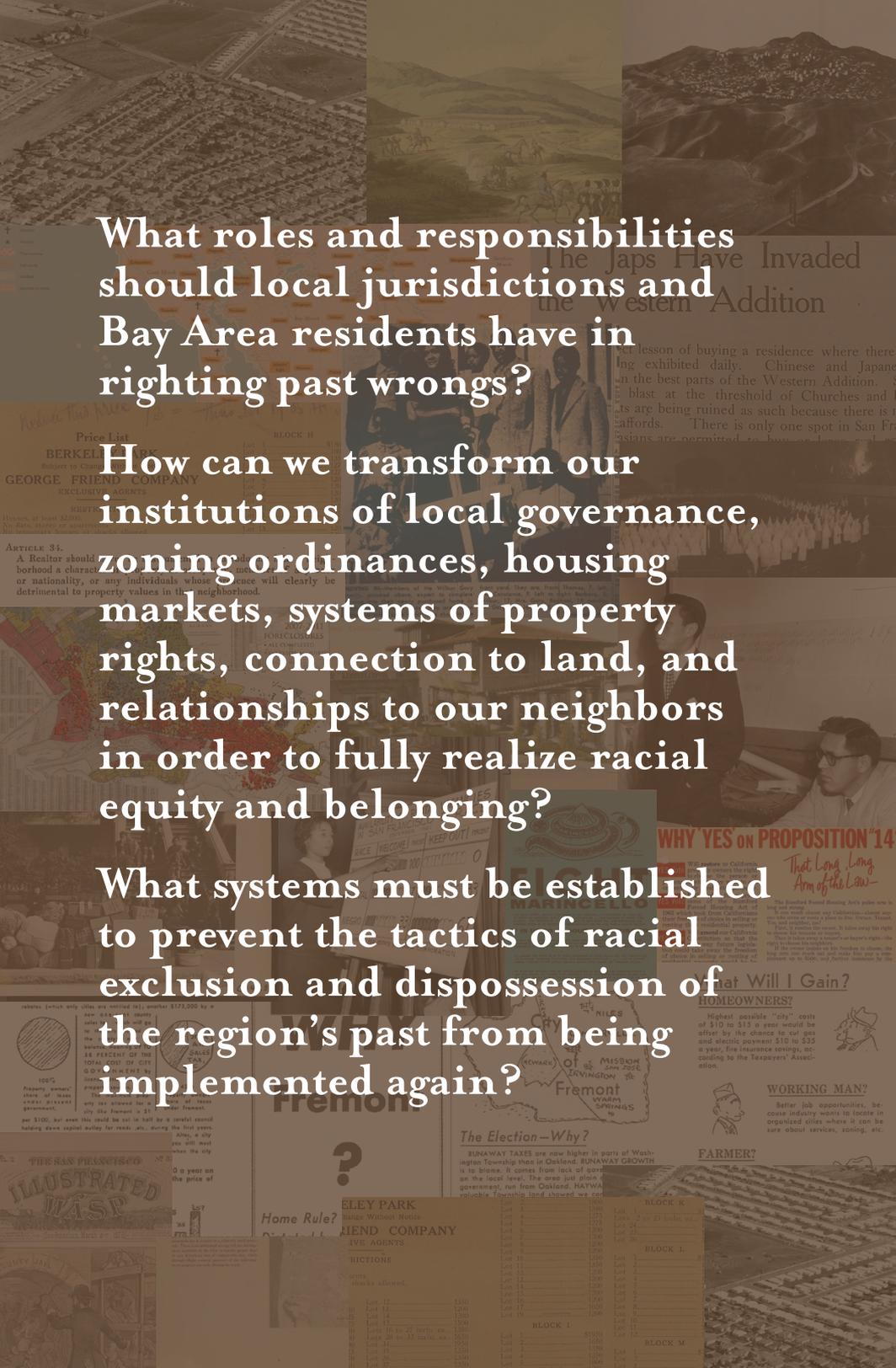
roots, race, & place

*A History of Racially Exclusionary
Housing in the San Francisco Bay Area*

What roles and responsibilities should local jurisdictions and Bay Area residents have in righting past wrongs?

How can we transform our institutions of local governance, zoning ordinances, housing markets, systems of property rights, connection to land, and relationships to our neighbors in order to fully realize racial equity and belonging?

What systems must be established to prevent the tactics of racial exclusion and dispossession of the region's past from being implemented again?



roots, race, & place

*A History of Racially
Exclusionary Housing in the
San Francisco Bay Area*

by Eli Moore, Nicole Montojo, and Nicole Mauri

This report is published by the Haas Institute for a Fair and Inclusive Society at UC Berkeley.

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ON THE COVER "The View from Ohlone/Mission Bay: 1776-2016," by Fernando Marti (see justseeds.org/artist/fernandomarti/). Originally created for the publication *Frames, Life, and Liberation* (see otheringandbelonging.org), this image was also used as a fundraiser for the Sogorea Te' Land Trust, an urban Indigenous women-led organization that facilitates the return of Chochenyo and Karkin Ohlone lands in the Bay Area to Indigenous stewardship (see sogoreate-landtrust.com/).

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INTRODUCTION

IN 1952, SING AND GRACE SHENG, a Chinese American couple living in San Francisco's Chinatown district, decided to move out of the crowded apartment they shared with their extended family and find a place of their own. Since Mr. Sheng worked as a mechanic for Pan American Airways at the San Francisco airport, they looked for a home near his work in San Mateo County. They found a house in Southwood, a subdivision of South San Francisco, and signed a purchase agreement for \$12,300. When white neighbors learned that a Chinese American family planned to move to Southwood, they protested the purchase. The South San Francisco city manager, Emmons McClung, also a Southwood homeowner, orchestrated a community meeting in which Mr. Sheng was confronted by 75 white homeowners opposed to his family moving into their neighborhood. They conveyed to Mr. Sheng that they had "no personal animosity toward him," but feared that their property values would decrease if the neighborhood lost its status as "restricted"—or, for whites only.

The Southwood subdivision's builder, American Homes Development Company, had stoked their fear, sending a letter to homeowners that urged them to protect their private property rights and the original restrictive covenants, despite the 1948 US Supreme Court decision that ruled them legally unenforceable. The company also reportedly attempted to intimidate the prior owner of the residence, J. H. Denson, who made the sale to the Shengs. Denson stated in an interview that the company called him and explained that "the whole neighborhood could bring suit" against him and that his business could be "blackballed." Mr. Sheng responded by proposing a neighborhood vote on his purchase and promised he would not move in if the community voted against it. The city paid for and printed ballots to vote on the Shengs' purchase. Southwood voted to exclude the Shengs, 174-28.¹

THE GENTRIFICATION and displacement happening in the San Francisco Bay Area today may seem far removed from the blatant racial discrimination that the Shengs faced in the 1950s, but these stories are deeply connected. While the booming tech sector, globalized finance, and other forces shaping housing in the region are new, racial exclusion in housing is not. The region's past and present are both stories of a system of racial capitalism, in which race and racism are fundamental to the creation of profit and accumulation of wealth.



Sing Sheng (left) addresses the crowd of Southwood residents after City Manager Emmons McClung (right) records the results of the vote. The board displays the final tally; 174 out of 202 residents objected to the Sheng family moving into Southwood. Courtesy of San Mateo County Historical Association Collection (SMCHA 2017.54).

The rampant displacement seen today in the San Francisco Bay Area is built upon a history of exclusion and dispossession, centered on race, and driven by the logic of capitalism. This history established massive inequities in who owned land, who had access to financing, and who held political power, all of which determined—and still remain at the root of deciding—who can call the Bay Area home. While systems of exclusion have evolved between eras, research indicates that “it was in the early part of the twentieth century that the foundation for continuing inequality in the twenty-first century was laid. By building inequality into the physical landscape, cities added ‘unprecedented durability and rigidity to previously fragile and fluid [social] arrangements.’”²

The lasting impact of these historic processes is clearly evident in the Bay Area, where racial residential segregation levels have persisted and, by some measures, even worsened since the 1970s.³ People of color in the region today still have far less wealth, less access to resources like high-quality schools and job centers, and lower rates of homeownership than white residents.⁴

Individuals and communities have resisted racial exclusion in housing through organizing, legal challenges, individual acts, and other means.

Organizations with deep roots in Bay Area communities led efforts to shift public opinion, call out injustices, and fight for fair and affordable housing, locally and nationally, while also defending individual families facing racial violence in their own neighborhoods. As part of the national civil rights movement, many Bay Area racial justice advocates contributed to the legal victories that overturned some exclusionary tactics. Yet despite the progress won by these movements, and the formation of many civic action and social justice groups pushing for racial inclusion and equity in the years since, the region has failed to undo racial inequities entrenched in earlier eras and is now perpetuating new ones.

Where do we go from here? To begin to answer this, and to grasp what it will take to undo racial inequality in housing, we must first understand how it was established and perpetuated. While our efforts to build a more equitable future naturally orient us toward the “new”—new policy solutions, technological innovations, new development—we cannot move forward without confronting the past. In tracing the roots of the region’s racial exclusion in housing, we find that racism reinvents itself, proving to be dynamic, generative, and fluid, yet also remarkably durable and entrenched. This report documents the multifaceted tactics for racial exclusion and dispossession in housing that changed over time and were carried out by various public institutions, business interests, and networks. Understanding the history of how these tactics functioned is essential to dismantling their legacies in the future.

To grasp what it will take to undo racial inequality in housing, we must first understand how it was established and perpetuated.

Local Expressions of Broader Systems

Housing inequality and race before 1968 are often talked about in terms of racial residential segregation, with segregation understood as simply a separation of people of different racial groups. But this definition falls short of describing the actual effects of segregation or the actors, interests, and systems behind it. Segregation extracts wealth and creates barriers that exclude people of color from various resources. It functions to hoard these resources among the groups that are included and restrict the access of the excluded groups. Segregation meant that African Americans, Asian Americans, Latinx people, Native Americans, and other people of color were excluded from access to economic and educational opportunities, public investment, and other resources essential for build-

ing wealth, owning land, and attaining equitable economic power. Combined with forces such as overpolicing and fiscal austerity more broadly, it meant that historically segregated neighborhoods that confined people of color were undervalued, and their residents, who tended to be either low-income renters or highly indebted homeowners, were more likely to face unstable housing conditions.

Segregation is simultaneously a cause of racial inequity and an effect of broader racialized systems of dispossession, including predatory investment (such as urban renewal) and disinvestment (such as white flight) that allowed for capital accumulation for some through the extraction of wealth from others. Financial benefits of racial residential segregation accrued not only to white residents with concentrated resources in their neighborhoods, but to the local real estate developers, agents, and investors who employed lucrative strategies such as blockbusting, racially restrictive subdivisions, demolition and redevelopment, and expropriation of land. Historian Destin Jenkins describes segregation as “the domestic expression of the racial capitalism of the 20th century,” with “government as the vehicle and capitalism in the driver’s seat.”⁵ The exclusion of the Sheng family from South San Francisco is just one example of how this dynamic played out over the course of the region’s history. Along with the other cases detailed in this report, it illustrates how a multitude of actors successfully merged public and private capacities using a racial logic of difference not only to justify, but to actually drive the accumulation of capital through real estate by those in power. Within the system that these tactics upheld, boundaries between “public” and “private” must therefore be reconsidered. The “private” is more than individual choice, belief, and action, as Jenkins points out,⁶ while the “public,” often acts in the private interest of select property owners.

Local Actors and Tactics

Much has been written about the federal government’s role in the New Deal Era of identifying majority-white areas as sound and profitable real estate investments and heavily subsidizing them through the Federal Housing Administration (FHA) while simultaneously depriving majority-Black neighborhoods of similar assistance through a practice known as redlining.⁷ The mortgage industry writ large has been responsible for perpetuating that discrimination in underwriting loans on a disparate basis favoring white people.⁸ While racialized housing inequality in the Bay Area is part of this national dialectic, it is not solely a function of factors outside of local control. In fact, many of the tactics of exclusion and dispossession were deeply localized in practice, driven by local actors such as homeowners’ associations and neighborhood groups, real estate

agents and developers operating within the regional housing market, and institutions, such as local governments and public agencies, which collectively shape local policies and markets. This report examines the history of how these local tactics of exclusion and dispossession worked to establish and uphold a racial hierarchy in Bay Area housing prior to the establishment of the California Fair Housing Act in 1966 and the federal Fair Housing Act in 1968.⁹ By prohibiting discrimination in the sale, rental, and financing of housing, these acts changed the legal terrain within which exclusionary tactics operated, thus requiring them to take new forms. But by this point, racially inequitable systems had already rooted exclusion in place.

In this report, we do not aim to expose a definite causal relationship between the tactics we describe and socioeconomic outcomes, nor indict certain jurisdictions over others. Racial residential exclusion operated systemically and regionally, even while local actors have made land use and housing decisions independently. We also recognize that this research does not cover the region's more recent history or all the significant tactics or events related to the topic. For instance, we did not find local evidence of contract selling,¹⁰ an exploitative housing arrangement common in some African American communities in other regions. With these limits, the purpose of this report is to highlight policies and actions that historically perpetuated racial inequality in housing in order to further a conversation about how to achieve more inclusive and equitable communities.

Segregation extracts wealth and creates barriers that exclude people of color from various resources. It functions to hoard these resources among the groups that are included and restrict access to the excluded groups.

TIMELINE OF RACIALLY EXCLUSIONARY POLICIES AND PRACTICES IN THE BAY AREA

1850

1860

1870

1880

1890

1900

1910

pre-1850 to post-1970

State Violence and Dispossession

Statutes enacted by Spanish, Mexican, and US (local, state and federal) governments resulting in dispossession of land and exclusion from the right to property, and enforcement of these laws through police violence.

pre-1850 to post-1970

Extrajudicial and Militia Violence

Acts of violence against individuals (e.g. assault, murder) and/or their homes (e.g. arson, vandalism) to force or keep specific racial groups out.

1880-1966

Racially Restrictive Covenants and Homeowner Association Bylaws

Deed restrictions prohibiting the sale or lease of homes to specific racial groups; bylaws restricting HOA membership by race.

1870 to post-1970

Implicitly Racial Zoning

Local land use regulations that are race-neutral on paper but have a racially exclusionary effect.

1890-1917

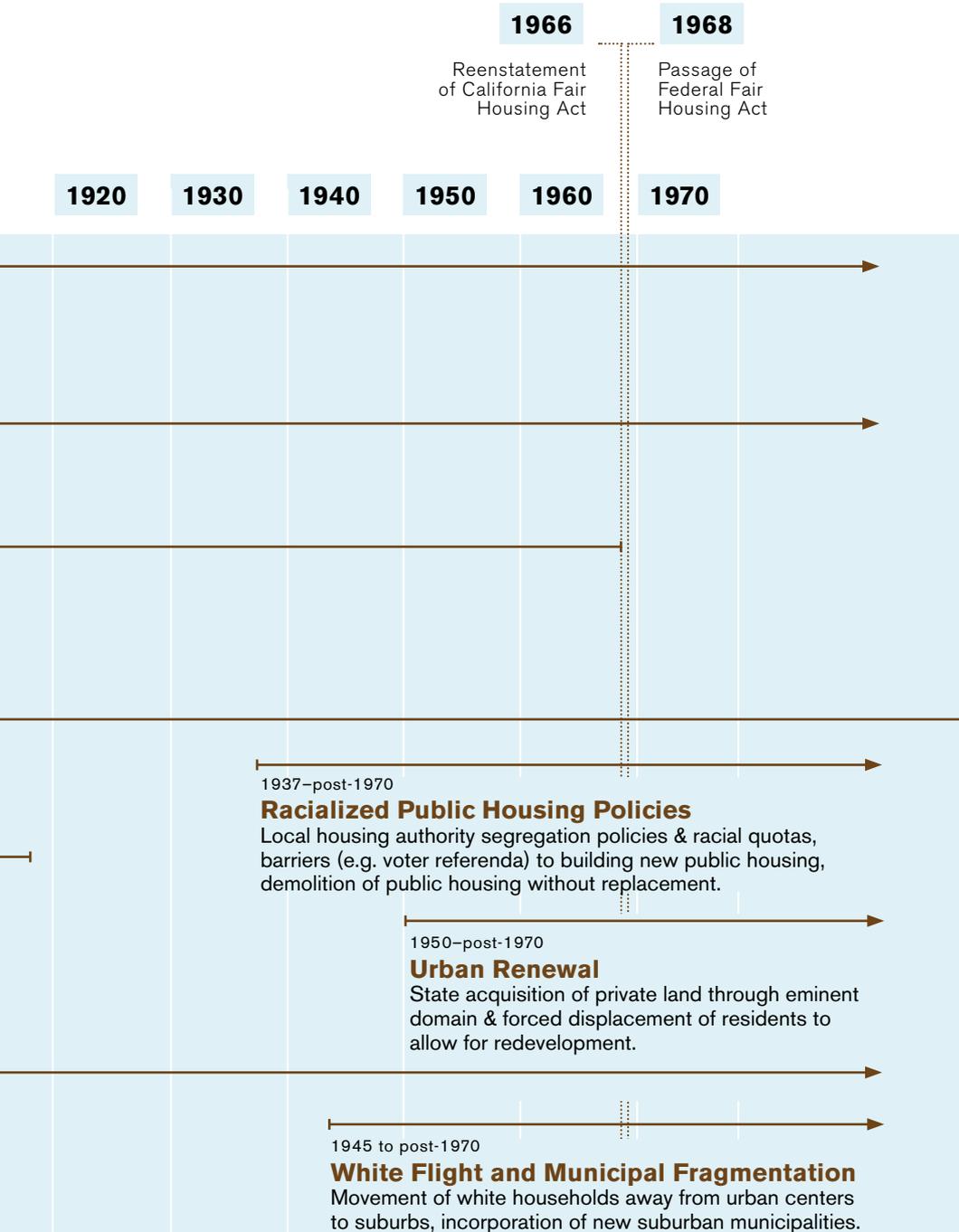
Explicitly Racial Zoning

Land use regulations that explicitly exclude certain racial groups.

late 1800s-post 1970

Racial Steering & Blockbusting

A realtor practice of steering homebuyers away or toward certain neighborhoods depending on the race of the buyer



KEY FINDINGS

Racial residential segregation in the Bay Area is not natural or simply a matter of individual preferences and actions. Today's patterns are partially the result of a wide range of coordinated tactics used to perpetuate racial exclusion prior to the enactment of state and federal fair housing legislation. These exclusionary tactics can be distilled into the following types: state violence and dispossession, extrajudicial violence, exclusionary zoning, racially restrictive covenants and homeowner association bylaws, racialized public housing, urban renewal, racial steering and blockbusting, and municipal fragmentation and white flight.

Exclusionary practices have persisted and evolved as the legal terrain has shifted, finding new approaches when court challenges have invalidated previous tactics. The historical trajectory has been that as overtly racial measures became illegal, ones that have an implicit exclusionary effect have become more common. Yet there are early examples of "colorblind" policies that had racialized effects, such as San Francisco's ordinance to prohibit laundries in white neighborhoods in the 1880s. Over 150 Chinese owners were prosecuted for violating the ordinance, while the city did not enforce the law against non-Chinese owners.¹¹ We find that across eras, multiple tactics overlapped to simultaneously advance racial exclusion. Rather than a chronological succession of one tactic after another, some endured over multiple eras, and the overlap of multiple tactics contributed to their effectiveness. The timeline in this section shows when different tactics were employed and how they operated concurrently within time periods.

Violence and threats of violence are the longest-standing tactic used to enforce racial boundaries and dispossess people of housing and land. The initial colonization of the Bay Area was carried out through Spanish military expeditions and Catholic missions that used violence to coerce thousands of Native Americans to leave their homes and land. Later waves of violence against Native Americans were carried out by militias during the gold rush era and sanctioned by the State of California.¹² Mob violence and arson were used to remove Chinese Americans from their Bay Area neighborhoods in the late 1880s.¹³ Anti-Black violence and threats were carried out by homeowners,¹⁴ the police,¹⁵ and the Ku Klux Klan¹⁶ with impunity as courts and prosecutors looked the other way.

Other exclusionary tactics were more subtle and not expressed in overtly racial terms. A set of social values and expectations, not always consciously tied to race in the minds of most residents, were instrumental in rationalizing practices bent on creating racialized spaces.¹⁷ These included low-density development patterns, consumer preferences for suburban neighborhoods and low tax rates, and a belief that neighborhoods without apartments, low-income residents, or people of color would successfully maintain high property values and/or appreciate the most over time.

Local laws that perpetuated racial exclusion were often the result of coordinated mobilization by actors within both the public and private sectors, which blurred the lines between public and private action. Throughout the region's history, the interests of white property owners, government officials, and developers aligned over the protection of property values and accumulation of wealth based on racial exclusion. In many cases, their interests were one and the same. The South San Francisco city manager who facilitated the public vote against the Shengs was a Southwood homeowner himself. Founding board members of the public housing authorities in Richmond and Oakland previously held leadership positions in state and local apartment owner associations.¹⁸ The chair of the Berkeley Civic Art Commission who spearheaded the creation of the city's original zoning ordinance in 1916 was also the president of northern California's largest real estate brokerage and development corporation, which built numerous racially restricted subdivisions in Berkeley and San Francisco.¹⁹

Many exclusionary housing policies now common across the United States originated in the Bay Area. San Francisco was among the first to use zoning to exclude specific racial groups with policies that were used to both explicitly (the 1890 Bingham Ordinance²⁰) and implicitly (the 1870 Cubic Air Ordinance²¹ and 1880 Laundry Ordinance²²) criminalize the city's Chinese population. Berkeley's 1916 comprehensive zoning ordinance that established exclusive single-family residential zones, celebrated by *California Real Estate* magazine for its "protection against invasion of Negroes and Asiatics,"²³ pushed the limits of local zoning authority and became a standard in cities throughout the United States.²⁴ In Oakland, after local developers, real estate agents, and landlords defeated a major public housing plan, their organization spearheaded the statewide ballot proposition that would establish Article 34 in the California Constitution, creating a major barrier to public and affordable housing across the state for decades thereafter.²⁵

THE ORIGINS OF EXCLUSION: STATE VIOLENCE AND DISPOSSESSION

RACIAL EXCLUSION IN HOUSING is a systemic process fundamentally tied to the control of land and the power to decide who is able to call a place home. The earliest forms of racial exclusion in the Bay Area were the violent dispossession of Native Americans' land and concentration of ownership of land by Spanish, Mexican, and early US settlers and governments. Prior to the arrival of the Spanish soldiers and missionaries in 1769, an estimated 15,000 Native people lived in the Bay Area, comprising several tribes and dozens of communities.²⁶ People had been living in the Bay Area up to or exceeding 10,000 years.²⁷ Historian Benjamin Madley describes early California as "a thriving, staggeringly diverse place," with "dense webs of local and regional cultural exchange."²⁸ Indigenous groups including the Ohlone (Costanoan), Coast Miwok, Wappo, Patwin, and Pomo inhabited the land that is now the nine-county Bay Area.²⁹

Under the Spanish, Mexican, and US governments, the forced dispossession of land from Native peoples followed a logic of economic profit and racial hierarchy that became institutionalized through law, establishing a thread of racial capitalism, which carries through to the more contemporary forms of racial exclusion in housing detailed later in this report. For Spain, the establishment of 21 missions across California, including five in the Bay Area,³⁰ was not just a "spiritual conquest" of Native Americans misunderstood as "gente sin razon" (people without reason). It was a strategic maneuver to preempt expansion by other colonizers and establish a protective buffer zone for its valuable silver mines in northern Mexico.³¹ The missions held Native people in forced labor and operated in concert with the Spanish military, which carried out violent attacks on Native communities.³²

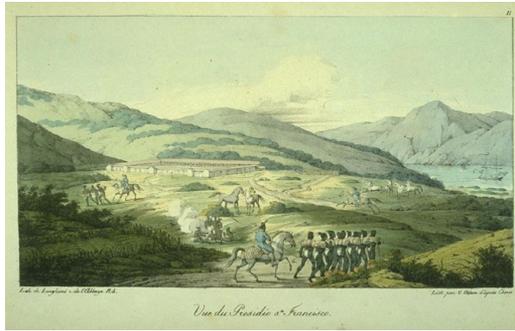
Legislating the Right to Property

This early history marks the creation of legal structures to uphold racial exclusion in California. Native Americans were forced into becoming legal wards of Spanish missionaries, under the physical control of the Spanish and unable to leave the mission without permission.³³ This system, which was enforced by physical violence, made California Indians into second-class legal subjects and became the precedent for the two-tiered legal system later created by Mexican and US authorities.³⁴ It also ex-

pelled inhabitants from the land, which was later sold or given to soldiers or other chosen beneficiaries.

The California Constitutional Convention laid the foundation for exclusion and dispossession under US law when delegates denied California Indians the right to vote.³⁵ Following this decision and through a series of new laws, Madley explains, “legislators slowly denied California Indians membership in the body politic until they became landless noncitizens, with few legal rights and almost no legal control over their own bodies.”³⁶

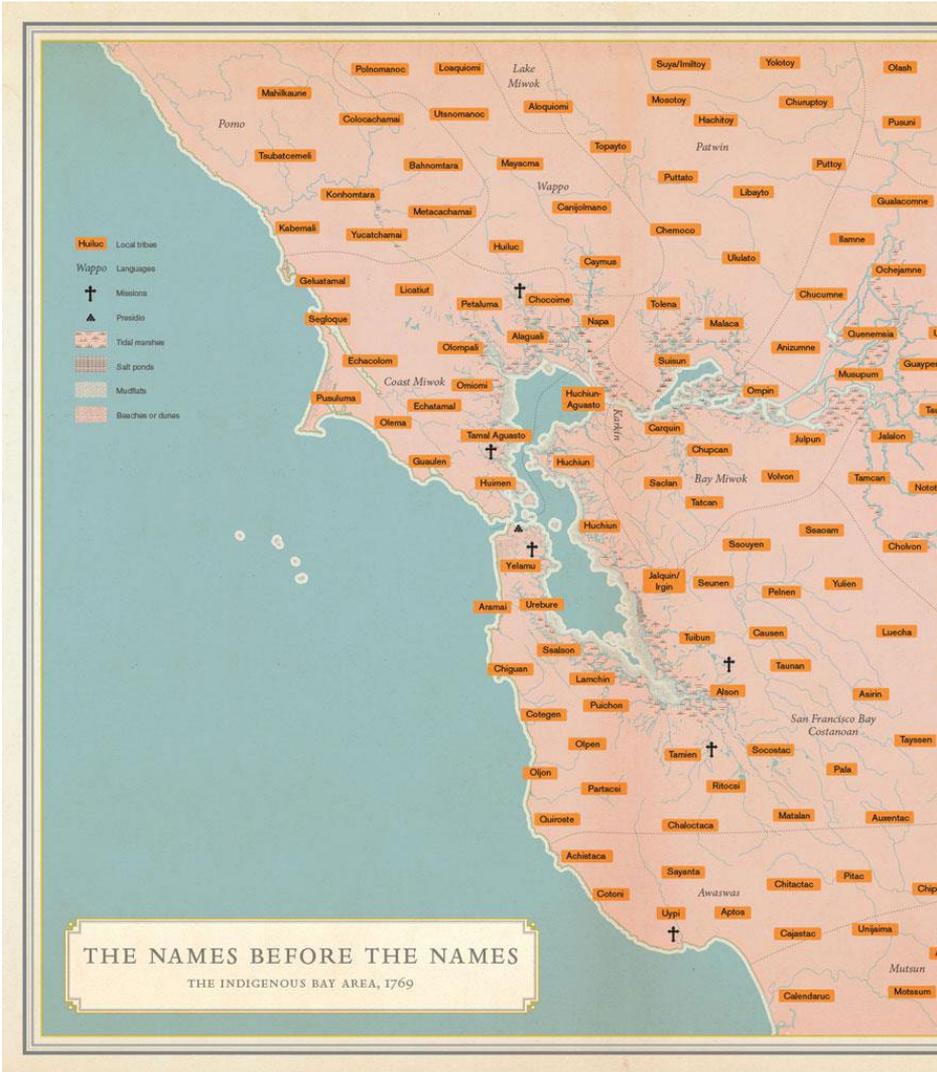
In the 1850s, under threat of violence, at least 119 California tribes signed treaties with US Special Commissioners in which they surrendered the vast majority of their land.³⁷ In return, the Commissioners promised to provide for basic needs, protection and education, as well as designate land for 19 reservations. However, the US Senate rejected the treaties, and instead later authorized just



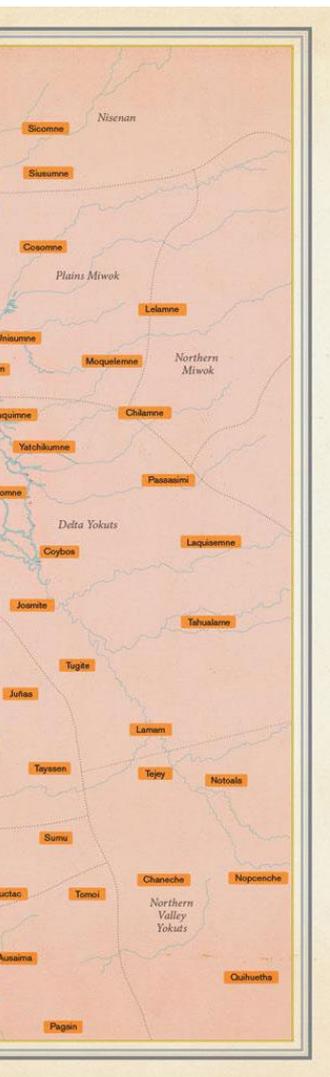
*Louis Choris's "Vue du Presidio" (ca. 1815) depicts the early San Francisco coast with Spanish soldiers dominating the Ohlone people. Courtesy of The Bancroft Library, University of California, Berkeley.*⁴²

five military reservations that comprised less than one-sixtieth of the acreage negotiated in the treaties, and provided no protection or any of the other promises made, leaving California's Native populations extremely vulnerable to acts of violence by vigilantes and militias.³⁸ Madley states, “Indians became, for many Anglo-Americans, nonhumans. This legal exclusion of California Indians from California society was a crucial enabler of mass murder.”³⁹ Under US rule, California's Native American population fell by nearly 90 percent, from 150,000 in 1846 to 16,277 in 1880.⁴⁰ In the Bay Area, the Ohlone population plummeted to 2,000 by 1830, just 13 percent of the population 60 years prior. Today, people identifying as Native American or American Indian alone in the US Census living in the Bay Area number around 40,500.⁴¹

After the US annexation of California through the Treaty of Guadalupe Hidalgo in 1848, the US government adopted the California Land Act of 1851, which governed the transition in property rights and created a commission that would investigate and determine the validity of all land



*The Indigenous Bay Area, 1769. Map taken from *Infinite City: A San Francisco Atlas* by Rebecca Solnit. Cartography: Ben Pease. Used with permission from University of California Press. © 2010 by The Regents of the University of California.*



titles from the Spanish and Mexican eras.⁴³ Although the US pledged to protect the property rights of existing Mexican and indigenous landowners, incomplete records of ownership and imprecise surveys prevented many from successfully defending their property rights. As white Americans migrated to California during the gold rush era and began squatting on contested land, many former landowners were dispossessed.⁴⁴ Historians Robert Heizer and Alan Almquist recount that by 1856, “most of the great Mexican estates in the northern half of California had been preempted by squatters or sold off by their owners to pay for the legal fees incurred in trying to have the titles validated.”⁴⁵

Also starting in this era, state and federal laws targeted Asian populations through the restriction of immigration (including the federal Chinese Exclusion Act of 1882 and Immigration Act of 1924) and immigrants’ rights to property. California adopted alien land laws in 1913 and 1920 with the purpose of driving Japanese farmers out of California agriculture and undermining the economic foundation of Japanese immigrant society.⁴⁶ The 1913 law prohibited “aliens ineligible to citizenship,” which included all Asian immigrants, from purchasing agricultural land, restricted their leases to three years, and prohibited the sale or inheritance of land by one alien ineligible for citizenship to another.⁴⁷ Japanese immigrant farmers were initially able to circumvent the law by purchasing land in the names of their US-born children or land companies until 1920, when California voters approved a more stringent law proposed by

the legislature that prohibited aliens ineligible for citizenship from leasing agricultural land altogether, buying and selling stock in land companies that owned or leased agricultural land, and appointing themselves as guardians of minors who held land in their names.⁴⁸ The 1920 Alien Land Law was later amended to also fully prohibit the usage, cultivation, and occupancy of agricultural land for beneficial purposes to restrict Japanese American farmers from engaging in contract cropping agreements with landowners.⁴⁹

Before the alien land laws were struck down, forced internment of people of Japanese descent during World War II resulted in a massive loss of property and community in the Bay Area. Over the span of a few months, Japanese Americans were rounded up by US soldiers and local police, assisted by local officials and business leaders.⁵⁰ In May 1942, the *San Francisco Chronicle* reported:

For the first time in 81 years, not a single Japanese is walking the streets of San Francisco. The last group, 274 of them, were moved yesterday to the Tanforan assembly center. Only a scant half dozen are left, all seriously ill in San Francisco hospitals. Last night Japanese town was empty. Its stores were vacant, its windows plastered with "To Lease" signs.⁵¹

All were required to sell or give away their belongings, and just weeks of notice provided insufficient time to get a fair price for farms, businesses, and homes. The economic loss has been estimated at \$1–\$3 billion nationally (not adjusted for inflation).⁵²

During World War II, Californians aggressively sought to enforce the alien land laws to prevent interned Japanese Americans from returning.⁵³ The laws remained in place until 1952, when they were overturned by a series of court cases (*Oyama v. California*, *Fujii v. California*, and *Masaoka v. California*) and furthermore made obsolete by the Immigration Act of 1952, which declared Japanese immigrants eligible for citizenship.⁵⁴ They were officially repealed by a ballot proposition in 1956.⁵⁵

Enforcing Exclusion

Local law enforcement officials played a key role in maintaining racial exclusion, as exemplified by police participation in rounding up Japanese Americans to be sent to internment camps in 1942. Racial exclusion occurred not only through the enforcement of exclusionary policies, but also through disparate enforcement that targeted people of color while maintaining impunity for white individuals, refusal to protect people of color from violence, and the direct use of violence to enforce the spatial boundaries of racial residential segregation. During and after World War II, local officials attributed rising crime and disorder, and particularly violent crime, to the growing population of migrant Black southerners.⁵⁷ A 1943 *Oakland Observer* article captured the popular sentiment:

It is very possible that the trouble comes from immigrant Negroes from the South, who are held well under control in the South but, coming North, have found themselves thrilled with a new "freedom."⁵⁸



Japanese Americans who were forced to evacuate their homes in San Francisco wait outside the Wartime Civil Control Administration Station on Bush Street, taking only what they can carry to the internment camps. By Dorothea Lange, April 29, 1942. Courtesy of the Bancroft Library, University of California, Berkeley.⁵⁶

Richmond officials took this explanation further, stating that in discovering the limits of this new freedom, the Black migrant “encounters many disappointments and frustrations, to which he may have an aggressive reaction.”⁵⁹ This racialized rhetoric around crime waves and migrant immorality fueled local law-and-order campaigns throughout the 1940s.

Campaigns of discriminatory policing served as a systematic form of racial control, according to historian Marilyn Johnson. Police regularly harassed Black men congregating in public spaces, threatening their arrest if they refused to disperse, and also arrested hundreds of people of color each year for mere “suspicion,” commonly when they were found in white neighborhoods.⁶⁰ These arrests functioned to enforce the “unwritten rules and unmarked boundaries” of racial segregation.⁶¹

In response to mass arrests and police violence, the Oakland branch of the Civil Rights Congress sued the City of Oakland on behalf of several West Oakland residents. Advocates from the Bay Area Conference on Negro Rights stated that “legal lynchings in the form of frame-ups are multiplying,” and that “abuses of the civil rights of Negroes have reached a new level.”⁶² In the 1960s, the Black Panther Party called for an end to

police violence and led a movement of “defending our black community from racist police oppression and brutality.”⁶³ Historian Robert Self explains that the Oakland police department “responded to the Panthers with nothing short of guerrilla warfare—no less than three Black men were killed by Oakland police in the spring of 1968 alone.”⁶⁴

While the extent of discriminatory law enforcement and police brutality throughout the Bay Area’s history is not fully documented, Black residents in other parts of the region reported patterns of discriminatory policing similar to that of Oakland. For example, in 1943 the *Citizen* newspaper reported improper conduct and police brutality by the Marin City Police Department and specifically four county deputy sheriffs paid by the Marin Housing Authority⁶⁵ for using “gestapo-like tactics against Black workers and youth.”⁶⁶

Beyond exerting control on public spaces, local law enforcement officials also policed segregation of private spaces. Historian Richard Rothstein describes one such instance in 1958, when Alfred Simmons, an African American teacher, rented a house in the Elmwood neighborhood of Berkeley from a white man, Gerald Cohn. Cohn had purchased the house with a mortgage insured by the FHA. Berkeley’s chief of police called upon the FBI to find out how Simmons managed to move into the all-white neighborhood. The FBI failed to prove that Cohn had always intended to rent the house to an African American instead of occupying it himself, but this still prompted the FHA to blacklist Cohn from ever obtaining another FHA-insured mortgage.⁶⁷

Local police also perpetuated segregation by failing to protect people of color from violence, which had the effect of sanctioning it. Sociologist Chris Rhomberg notes that Piedmont police refused to provide protection for Sidney Dearing, the only Black homeowner in the city in 1926, and “when Dearing chose not to move, the city began condemnation proceedings against his property in order to force him out.”⁶⁸ E. A. Daly, a Black newspaper publisher and real estate agent in Oakland recalled another case:

In 1923 Mr. Burt Powell . . . bought a house on Manila Avenue. We had to protect him for three or four weeks because the white people wanted to kill him because he moved in a white district. So we worked for him to watch over him for a period of twenty-four hours for about three months. After then things kind of quieted down. . . . There was another one on Genoa Street in the 5700 block. They put up a new house there and a Negro moved in. The white people tried to run this colored man out and we had to watch over him for about a month, day and night, to keep the white people from molesting him.⁶⁹

EXTRAJUDICIAL AND MILITIA VIOLENCE

EXTRAJUDICIAL VIOLENCE including arson, assault, and lynching was a longstanding strategy through which racial exclusion, dispossession, and control were exerted. Police, prosecutors, courts, media outlets, and other parties looked the other way as individuals and groups carried out attacks on people of color who attempted to access housing (or in the case of Native Americans, maintain access to their homelands) and other resources. During the California gold rush in the 1850s, private militias organized violent campaigns against Native Americans across the state, resulting in over 100,000 killed, an estimated loss of two-thirds of the Native population.⁷⁰

At times, this type of violence was formally endorsed by government officials, blurring the line between state violence and extrajudicial violence. As historian Roxanne Dunbar-Ortiz recounts, “Although the U.S. Constitution formally instituted ‘militias’ as state-controlled bodies that were subsequently deployed to wage wars against Native Americans, the voluntary militias described in the Second Amendment entitled settlers, as individuals and families, to the right to combat Native Americans on their own.”⁷¹ Madley recounts the massacres of Native Americans in Napa and Sonoma counties in the 1850s, which resulted in zero convictions of the perpetrators. “As Indian killing spread and became increasingly common, California law enforcement officers took little action to protect Indians. This is unsurprising. State legislators had banned Indians from serving as jurors or testifying against whites in criminal cases...and leaders like Governor Burnett supported Indian-hunting ranger militias.”⁷²

In the late-1800s, a wave of anti-Chinese violence occurred across the region, with several Chinese American communities forcibly removed and burned. San Pablo, San Jose, Antioch, and other towns in the Bay Area expelled Chinese American residents in 1886. Around the same time, arsonists set fire to the Chinatown neighborhoods in San Jose and other towns.⁷³ Anti-Chinese violence and movements led by the Workingmen’s Party and Anti-Coolie Association,⁷⁴ which was first established in San Francisco, gave rise to racialized zoning ordinances in the 1870s and 1880s, the California Anti-Coolie Act in 1862, and the federal Chinese Exclusion Act in 1882.⁷⁵

“Sundown towns” were a formal expression of the threat of violence to people of color existing in a town after dusk. From the 1890s to 1960s, thousands of towns across the country had designated themselves



An anti-Chinese riot takes place front of San Francisco City Hall in 1877, where the Main Library now stands. Line drawing by H.A. Rodgers. Courtesy of the California Historical Society.⁷⁶

“white only,” and often had signs announcing that these areas were sundown towns, meaning African Americans, Mexican Americans, Chinese Americans, or other people of color were not allowed in town after the sun went down.⁷⁷ Historian James Loewen keeps records of sundown towns, and lists Antioch, San Jose, and San Leandro as “surely” sundown towns, and considers it “probable” that Burlingame, Lafayette, Palo Alto, Mill Valley, Napa, Piedmont, and Ross were too.⁷⁸ Loewen notes that in the 1940s, some realtors proposed designating the entire San Mateo peninsula a sundown area. An Atherton real estate agent “urged exclusive ‘white occupancy in the region,’” stating that the peninsula was “not a proper place” for “Negroes, Chinese, and other racial minorities.”⁷⁹ *The Pacific Citizen* reported that other members of the realty board “felt the only way to handle the minority problem was to set aside acreage and subdivide it for minority groups with schools, business districts, etc.”⁸⁰ Though the proposal for a sundown area was shelved, threats and violence largely kept people of color from moving in.

Several lynchings in the Bay Area were documented, although information on the full extent is incomplete. Historian Monroe Nathan Work

(1866–1945), who meticulously recorded lynchings across the country as part of his work at the Tuskegee Institute, documented three acts of white supremacist lynching in the Bay Area between 1880 and 1920. These murders were carried out against a Black man in San Jose in 1892, a Mexican man in Los Gatos in 1883, and another Mexican man in Santa Rosa in 1920.⁸¹ Since the publishing of the Tuskegee Institute's archives, multiple scholars have uncovered at least 10 other acts of lynching or white supremacist mob violence in the Bay Area between 1850 and 1920, which were carried out against five Mexican males, one Italian male, three Chilean males, and one Native American male.⁸² Lynching was far more common in the American South, a campaign of racial terror that contributed to the "Great Migration" of African Americans.⁸³ Thousands of African American families migrated to the Bay Area in the 1940s and 1950s, coming from histories and experiences of racial violence in the southern communities they left behind.

For example, in 1943 after federal authorities ordered a shipbuilding corporation in Mobile, Alabama, to integrate and promote Black shipyard workers, a violent white riot against Black workers occurred, lasting several days. This spurred a group of workers to move to the Bay Area shipbuilding city of Richmond.⁸⁴ In addition, as historian Marilyn Johnson explains, many Black migrants left because racial discrimination in the South barred them from economic opportunity. Despite labor shortages, many defense contractors refused to hire Black workers, while others refused to promote them or allow them to enroll in vocational training. "Growing frustration with local conditions, combined with promising reports from West Coast cities, encouraged many southern blacks to emigrate."⁸⁵

In the 1940s, high demand for workers in shipbuilding and other war-related industries drew the largest westward migration of African Americans, with nearly 125,000 settling in the Bay Area.⁸⁶ The vast majority of Black migrants came from the South, with 65 percent from Louisiana, Texas, Oklahoma, and Arkansas.⁸⁷ The Kaiser Shipbuilding Corporation, for instance, had an out-of-state recruitment program that aimed to secure 150 new workers per week for its yards in Richmond.⁸⁸ Military supply centers, railroads, and docks also became major employment centers.⁸⁹ The population growth of Richmond is telling of the growth of the African American population in the region during the time: in 1940 the US Census counted 270 African American residents and by 1950 there were 13,374.⁹⁰ In the Bay Area as a whole, the Black population grew from 20,751 in 1940 to 149,809 in 1950.⁹¹ After the war, approximately 85 percent of Black migrants settled on the West Coast.⁹²

But the newcomers found that they had not fully escaped racial violence by moving to the Bay Area, where white supremacist movements had

taken root long before. The Ku Klux Klan had established a presence in the Bay Area during the 1920s, staging rallies, participating in public parades in their full regalia by the thousands, and carrying out cross burnings in places such as the hills of Richmond. Their freedom to do so was publicly endorsed in 1922 by that city's main newspaper, the *Richmond Independent*.⁹³

During and after World War II, widespread resistance to racial integration was expressed through intimidation and violence against Black families. Johnson explains the rise of anti-Black racism during this period:

By transforming the racial makeup of the Bay Area, the wartime influx of black workers also transformed the racial biases of local white residents. During the war years, blacks replaced Asians as the area's largest racial minority. This shift was due not only to the growth of the black population but also to the removal and subsequent dispersion of Japanese-Americans. With the latter group confined in distant relocation centers and Chinese-Americans now allied in the anti-Japanese campaign, black migrants became the prime target of local bigotry. The antiblack racism that flourished during World War II would intensify in the post-war years, overshadowing the anti-Chinese sentiments that had historically dominated West Coast cities (Johnson, *The Second Gold Rush*, 55).



*In the 1920s, the Oakland Klan chapter had thousands of followers, and in 1925, 8,500 people participated in a Ku Klux Klan cross-burning ceremony inside the Oakland Auditorium (now known as the Kaiser Convention Center). Courtesy of the Bancroft Library, University of California, Berkeley.*⁹⁴

In 1952, Wilbur and Borece Gary and their seven children purchased a house in the Rollingwood subdivision in unincorporated San Pablo.⁹⁵ Rollingwood was built during the war with federal loans, which required racial covenants that prohibited all 700 houses from being sold to African Americans like the Garys.⁹⁶ These covenants were officially invalidated by the 1948 US Supreme Court decision, *Shelley v. Kraemer*, but segregation remained in place until the Gary family moved in. News of the Gary family's purchase prompted the Rollingwood Improvement Association to attempt to negotiate a buyout of the home, which the Garys refused.⁹⁷ Upon moving, they became the target of death threats, violence, and intimidation by white residents. The office of their realtor Neitha Williams, who was also African American, was vandalized. In his open letter to the community, Wilbur Gary documented the placing of a Ku Klux Klan cross on their lawn and the gathering of a 400-person mob that stoned their home and shouted threats:

Sheriff's deputies stood by and observed the rock throwing, they did not make a single arrest, nor did they order the rock throwers to stop. Since that night more rocks have been thrown and threats have been made, but still no arrests have been made and there has been no action by the authorities to put an end to this lawlessness.⁹⁸

Similar cases of violence and intimidation, given impunity from local officials, have been documented in counties throughout the region. In Redwood City, the newly built home of John J. Walker, a Black war veteran, was burned down in 1946 after he received threats and demands to move out.⁹⁹ African Americans who managed to purchase property in Sonoma County had to contend with the real possibility of racially motivated violence and vandalism. In the 1950s, the Santa Rosa weekend home of San Franciscan NAACP leader Jack Beavers was burned. Black and white neighbors alike agreed that the fire was likely a deliberate act "done to the family because of discrimination."¹⁰⁰

Intimidation also affected white individuals who were seen as facilitating integration. When the baseball player Willie Mays moved to San Francisco to play with the Giants in 1957, his family struggled to find an owner willing to sell to them. Mays and his wife Margherite placed a cash offer on a house in the city, prompting many neighbors to vehemently pressure the owner, Walter Gnesdilloff, to refuse the offer. Gnesdilloff's employer stated that Gnesdilloff was "destroying himself and the neighborhood." This opposition led Gnesdilloff to initially reject the offer: "I'm just a union working man... I [would] never get another job if I sold this house to that baseball player. I feel sorry for him, and if the neighbors say it would be okay, I'd do it."¹⁰¹



MOVING IN—Members of the Wilbur Gary family, pictured above, expect to complete moving into their newly purchased home in Rollingwood. Pictured above they are shown around a white cross which was stuck in the front yard. They are, front, Thomas, 7, left, and Constance, 9. Left to right: Barbara, 5; Wilbur, 17; Mrs. Gary, Raphael, 19 months; Mr. Gary, and James, 12.

The Gary family stands on their front yard at 2821 Brook Way with a white cross, a symbol the Ku Klux Klan used to terrorize them from moving into the Rollingwood subdivision in San Pablo, which historically prohibited the selling of houses to African Americans. Published in the Richmond Independent, 1952.

With intervention from the San Francisco Council for Civic Unity and much public attention due to Mays' fame, Gnesdloff decided to sell. His realtor refused to take part in the transaction, claiming that his business would suffer as a result. Then one week after the Mays family moved into the house, the front window was smashed with a rock. Marghuerite Mays spoke out against the racism they encountered: "Down in Alabama where we come from, you know your place, and that's something, at least. But up here it's all a lot of camouflage. They grin in your face and then deceive you." In response, the *San Francisco Chronicle* called out the hypocrisy of San Franciscans that "blunt the sharp edge of local indignation against citizens of the South who have been exciting little sympathy with their complaints that integration is a vexing problem."¹⁰²

As the region's history of violence shows, extrajudicial violence often drove the adoption of new exclusionary policies, and it even furthered exclusionary tactics like racial covenants after courts ruled them unenforceable, solidifying this strategy as a dominant and enduring means of control and exclusion.

EXCLUSIONARY ZONING

ZONING ENCOMPASSES the set of land use regulations local governments use to separate land into different sections, or zones, with specific rules governing the activities on the land within each zone.¹⁰³ Today's municipal zoning codes often include regulations related to building density and height, property lot sizes, placement of buildings on lots, and the uses of land allowable in particular areas of the jurisdiction.¹⁰⁴ In the United States, they also typically regulate land by separating residential, commercial, and industrial uses from each other, and give residential zones the greatest protections from land uses that may cause nuisances or hazards to residents.¹⁰⁵ Formally, zoning policies are typically justified by public health rationales, but in their design and effect they have often perpetuated racial exclusion. In some respects, Bay Area cities lead the country in creating zoning regulations motivated by racial exclusion.

Explicitly Racial Exclusionary Zoning

Many municipalities in the United States enacted outright racial zoning provisions in the late-nineteenth and early-twentieth centuries in order to separate white and nonwhite residents by law,¹⁰⁶ and San Francisco was among the earliest. It became the first city to attempt to segregate explicitly on the basis of race by passing an ordinance in 1890 that sought to completely exclude Chinese residents from certain areas of the city. Known as the Bingham Ordinance, it would have given those residents 60 days to relocate to areas designated in the law or face a misdemeanor charge and up to six months in jail.¹⁰⁷ However, a federal court quickly invalidated that ordinance.¹⁰⁸

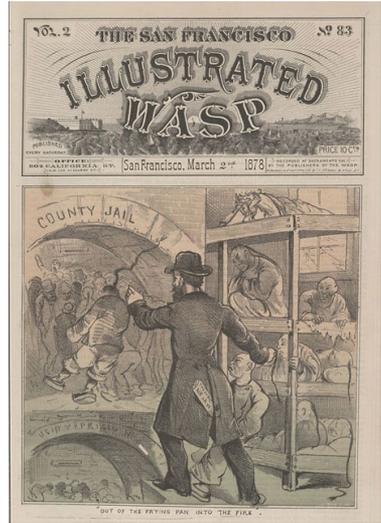
Over the following 27 years, numerous cities across the country adopted racial zoning and mapped and designated racial categories for each residential block. The US Supreme Court ruled explicit racial zoning unconstitutional in 1917,¹⁰⁹ although some localities throughout the United States continued to enforce racial zoning after the court's decision.¹¹⁰ Many segregationists abandoned racial zoning and began advocating for "comprehensive zoning," while others turned to private deed restrictions to ensure continued segregation.¹¹¹

Early Cases of Implicitly Racial Exclusionary Zoning

While establishing zoning districts that explicitly assign certain areas for one particular race or another was outlawed in 1917, other forms of zoning that do not mention race explicitly were widely used to achieve

exclusionary effects based on race. Implicit exclusionary zoning in the Bay Area dates even further back than San Francisco's explicitly racial Bing-ham Ordinance. In 1870, San Francisco established the Cubic Air Ordinance, which required 500 cubic feet of space for every person residing in a lodging house. Amid an era of anti-Chinese sentiment, the leadership of the Anti-Coolie Association brought forward the proposal, which was framed as a public health and safety measure. The ordinance led to the arrest and jailing of thousands of Chinese individuals in San Francisco, whose violations were considered misdemeanors punishable by a fine of up to \$500 and/or up to three months in prison. A Chinese hotel owner successfully challenged the ordinance in the county court, but targeted arrests later continued in 1876 after the state enacted its own cubic air statute.¹¹²

San Francisco also attempted to ban the establishment of laundries in all-white neighborhoods in 1880 by declaring it unlawful "for any person or persons to establish, maintain, or carry on a laundry, within the corporate limits of the city and county of San Francisco, without having first obtained the consent of the board of supervisors, except the same be located in a building constructed either of brick or stone."¹¹⁴ While the ordinance did not explicitly mention race, its intent and impact were discriminatory because the large majority of laundries were operated by Chinese people and constructed of wood, and it gave city officials broad discretion to restrict where such laundries could be located. Environmental sociologist Dor-ceta Taylor notes while over 150 Chinese owners were prosecuted for violating the ordinance, the city did not enforce the law against non-Chinese owners. The US Supreme Court declared the ordinance unconstitutional in 1886 in *Yick Wo v. Hopkins*, ruling that the discriminatory administration of the statute was a violation of the Equal Protection Clause of the Fourteenth Amendment.¹¹⁵



*The March 2, 1878 cover of The San Francisco Illustrated Wasp depicts the jailing of Chinese lodging house residents following the adoption of the Cubic Air Ordinance. Courtesy of the Bancroft Library, University of California, Berkeley.*¹¹³

Comprehensive and Euclidean Zoning

Modern zoning has its roots in Berkeley, and racial exclusion and real estate profits were among the primary reasons for its development. Berkeley's zoning district ordinance was passed in 1916 and created eight types of land use districts, but did not apply them to areas of the city until residents petitioned to have their neighborhood zoned. Some of the issues that motivated residents to zone their neighborhood were explicitly racial:

Early “zoning actions by the City Council in response to property owner petitions included one which required two Japanese laundries, one Chinese laundry, and a six-horse stable to vacate an older apartment area in the center of town, and another that created a restricted residence district in order to prevent a ‘negro dance hall’ from locating ‘on a prominent corner.’”¹¹⁶

The push for local government to set up zoning regulations was largely driven by real estate developers and was in part an effort to institutionalize the restrictions that had been enforced through private deed restrictions.¹¹⁷ The city council appointed Duncan McDuffie, a prominent Berkeley developer and leading proponent of zoning at the time, as chair of the Civic Art Commission, which spearheaded the passage of a zoning ordinance. According to McDuffie, “In Berkeley the value of protective restrictions has been amply demonstrated by their use in private residence tracts. The adoption of a district or zone system by Berkeley will give property outside of restricted sections that protection now enjoyed by a few districts alone and will prevent deterioration and assist in stabilizing values.”¹¹⁸ Several neighborhoods had been developed with five-year private deed restrictions that had expired, so the zoning would allow these restrictions to be renewed and institutionalized. As president of Mason-McDuffie, northern California's largest real estate brokerage and development corporation at the time, which built numerous racially restricted subdivisions in Berkeley and San Francisco, McDuffie's influence reached beyond the City of Berkeley. California realtors celebrated Berkeley's racial exclusion, praising in the *California Real Estate* magazine in 1926 the city's ability “to organize a district of some twenty blocks under the covenant plan as protection against invasion of Negroes and Asiatics.”¹¹⁹

According to planning scholar Sonia Hirt, Berkeley's 1916 ordinance was also likely the first in the country to define a principal “Class I” zone exclusively for single-family houses, thus establishing the national trend that has come to distinguish US zoning.¹²⁰ Leading advocates of zoning in Berkeley stated that “apartment houses are the bane of the owner of

the single family dwelling,” and would “condemn the whole tract...of fine residences.”¹²¹ The same advocates also publicly voiced their explicitly racist motivations: “We [Californians] are ahead of most states [in adopting zoning]...thanks to the persistent proclivity of the heathen Chinese to clean our garments in our midst.”¹²²

In the 1926 case *Euclid v. Ambler*, the Supreme Court ruled that zoning ordinances were generally valid so long as they were not arbitrary and unreasonable and had a “relation to the public health, safety, morals, or general welfare.”¹²³ Furthermore, the ruling upheld and endorsed the concept of the exclusive single-family zone that Berkeley pioneered a decade earlier.¹²⁴ Now constitutional, this type of zoning became the model for the rest of the country. Named after the court case involving the village of Euclid, Ohio, “Euclidean zoning” involves the separation of uses, special zones for single-family homes, setbacks, and height restrictions.

The widespread adoption of zoning coincided with an increase in immigration and, for the North and Midwest, migration of African Americans from the southern United States.¹²⁵ Similarly, the Bay Area city of Milpitas, a largely white jurisdiction, used zoning to prevent Black workers from moving to the area after the Ford Motor Company moved its plant there from Richmond after World War II. Charles Abrams reported that when “the labor union attempted to construct housing for Black workers, the city rezoned the site for industrial use... Thereafter came a sudden strengthening of building regulations, followed by a hike of sewer connection costs to a ransom figure.”¹²⁶ As demographic shifts occurred, the rhetoric used by planners in the early-twentieth century to justify the creation of separate residential zones for single-family homes and apartments tells a story of class and racial bias. Intermixing between these residences would “condemn” the single-family homes according to the architects of the Berkeley zoning plan. In this way, “zoning rules, like many of the other moral reforms of the late-nineteenth and early-twentieth centuries, were designed to significantly reduce the likelihood that middle- and upper-class children would come into contact with poor, immigrant, or black culture.”¹²⁷

Berkeley’s zoning scheme and much of the Euclidean zoning that swept the country were early examples of implicitly racist policy design, evidenced in the publicly stated reasons for the policies, and their impact. In her national study of zoning and segregation, Trounstine finds that “cities that were early adopters of zoning ordinances grew to be 10 percent more segregated over the following fifty years than did cities that were not early adopters. The results also illustrate that zoning ordinances doubled the amount of renter segregation. In early adoption cities, property values would also become more unequal by 1970.”¹²⁸



A postcard from ca. 1915 depicts a residence in the Elmwood district of Berkeley. Elmwood Park was the first Berkeley subdivision to be assigned the exclusive single-family residential zoning designation. Duncan McDuffie of the Mason McDuffie Company, which created the neighboring Claremont subdivision, advocated for exclusive single-family zoning in Elmwood out of concern that a lack of public zoning could lead to Claremont becoming surrounded by "incompatible" uses that would affect his subdivision's property values. Courtesy of Berkeley Public Library.

The real estate industry's advocacy for zoning was driven by tightly intertwined interests in generating profit and maintaining racially exclusive areas. Real estate developers, who had often developed large tracts of dozens or hundreds of homes, feared that the allowance of people of color would lower the sale prices of the homes, a concern that white homeowners also voiced. Historian David Freund illuminates the racial underpinnings of zoning:

Zoning's original intent must be understood in the context of early twentieth-century racial politics, when enthusiasm for the new science of land-use economics converged with assumptions about racial, specifically eugenic, science. Most early zoning advocates believed in racial hierarchy, openly embraced racial exclusion, and saw zoning as a way to achieve it. But they formulated strategies and sketched out a language for justifying segregation that focused on practical, supposedly nonideological considerations.¹²⁹

Trounstine states that “as zoning practices spread through the 1920s, emphasis on the enhancement of property values became the dominant argument.”¹³⁰ The real estate industry’s involvement in the emerging field of urban planning nationally resulted in a “decisive (and quite rapid) shift in zoning’s focus, away from the broad concern with ensuring ‘best use.’”¹³¹ Then “almost universally, it was believed that the wrong sorts of people residing, or even working, in an area could negatively impact property values.”¹³² Furthermore, “African American residential mobility was always understood in negative terms, because it forced ever wider readjustments of property values in white neighborhoods.”¹³³ As Robert Self aptly remarks, “Containment is not too strong a word for the industry’s desire to minimize these readjustments.”¹³⁴ This enshrined a “theory of land-use economics [that] treated racial and class differentials, like other supposedly objective land use variables, as calculable.”¹³⁵ The circular logic of this argument would prove self-fulfilling: white people feared the presence of people of color would lower their property values, so when people of color did move in, white people quickly sold, earning a lower price than they would otherwise. This logic also devalued homes owned by people of color, driving down overall neighborhood prices.

Incorporated municipalities also turned to exclusionary land use policies like large minimum lot sizes, growth boundaries, and caps on new units. For example, immediately after Atherton was incorporated in 1923, the town adopted a zoning ordinance imposing a one-acre minimum lot for housing.¹³⁶ In the mid-1950s, more suburbs, typically seeking to prevent annexation, followed suit in adopting stringent land use regulations. Los Altos Hills, incorporating in 1956, enacted a one-acre minimum lot size and precluded multifamily housing in their zoning ordinance.¹³⁷ The 1959 General Plan states the citizens’ intentions were to preserve the town’s “rural-residential” character and avoid “undue burdens” upon the town’s resources with population concentration.¹³⁸

RACIALLY RESTRICTIVE COVENANTS AND HOMEOWNER ASSOCIATION BYLAWS

THROUGHOUT THE LATE-nineteenth and mid-twentieth centuries, white property owners and subdivision developers wrote clauses into their property deeds forbidding the resale and sometimes rental of such property to non-whites, particularly African Americans.¹³⁹ This approach was endorsed by the federal government and the real estate industry at least through the 1940s, and in many cases was required by banks and other lending institutions.¹⁴⁰

Racially restrictive covenants were common across the Bay Area. The first homes in the subdivision of Westlake in Daly City were sold in 1949 and included a racial covenant that covered all properties in the development. The FHA insured the development even though it had stated publicly that the agency would not insure developers who excluded African Americans from their subdivisions.¹⁴³ Similarly, when developers broke ground on the unincorporated community of San Lorenzo in 1944, a covenant excluding all but white residents covered the entirety of the development. The San Lorenzo Village Homes Association enforced these restrictions.¹⁴⁴

Discrimination by agreement continued even after the Supreme Court ruled that racially restrictive covenants were unenforceable in 1948. Civil rights attorney Loren Miller lamented in 1960 that “three decades of unconstitutional judicial enforcement of covenants had frozen them into business practices, public thinking, and public morality.”¹⁴⁵ Furthermore, as historian George Lipsitz details, “people denied the opportunity to buy a home (and thus accumulate assets) because of an illegal restrictive covenant...had to bear the brunt of challenging it themselves. They had to initiate legal action



An aerial view of San Lorenzo Village in 1950, which included nearly 1,500 single-family homes. Construction of the white-only subdivision began in 1944, in anticipation of the postwar increase in housing demand. Courtesy of the Hayward Area Historical Society Archives.

Reduce this price 1/3 = thus Lot 19 05 H will be \$800

Price List		BLOCK H		Lot 30.....
BERKELEY PARK		Lot 1.....	\$1800	Lot 31.....
Subject to Change Without Notice		Lot 2.....	1800	BLOCK
GEORGE FRIEND COMPANY		Lot 3.....	1350	Lot 1.....
EXCLUSIVE AGENTS		Lot 4.....	1275	Lots 2 to 23 incl
RESTRICTIONS		Lot 5.....	1200	Lot 24.....
Houses, at least \$2,000.		Lot 6.....	1200	Lot 25.....
No flats, stores or apartments.		Lot 7.....	1200	Lot 26.....
No temporary houses or shacks allowed.		Lot 8.....	1200	BLOCK
No Asiatics or Africans.		Lot 9.....	1200	Lot 1.....
BLOCK D		Lot 10.....	1350	Lot 2.....
Lot 1.....	\$1350	Lot 11.....	1350	Lot 3.....
Lot 2.....	1125	Lot 12.....	1200	Lot 4.....
Lot 3.....	1125	Lot 13.....	1200	Lot 5.....
Lot 4.....	1050	Lot 14.....	1200	Lot 6.....
Lot 5.....	1200	Lots 16 to 27 inclu. ea.	1350	Lot 7.....
Lot 6.....	1200	Lots 28 to 33 inclu. ea.	1650	Lot 8.....
Lot 7.....	1125	Lot 34.....	1950	Lot 9.....
Lot 8.....	1050	Lot 35.....	1350	Lot 10.....
Lot 9.....	1050	Lot 36.....	1350	Lot 11.....
Lot 10.....	1050	Lot 37.....	1350	Lot 12.....
Lot 11.....	975	BLOCK G		Lot 1.....
Lot 12.....	975	Lot 1.....	\$1650	Lot 2.....
		Lot 2.....	1650	Lot 3.....
		Lot 3.....	1350	Lot 4.....
		Lot 4.....	1350	Lot 5.....
		Lot 5.....	1800	Lots 6 to 10 inclu. ea.
		Lot 6.....	1275	Lot 4.....
		Lot 7.....	1200	Lot 5.....
		Lot 8.....	1200	Lot 6.....
		Lot 9.....	1500	Lot 7.....
		BLOCK I		Lot 8.....
		Lot 1.....	\$1950	Lot 9.....
		Lot 2.....	1650	Lot 10.....
		Lot 3.....	1350	Lot 11.....
		Lot 4.....	1350	Lot 12.....
		Lot 5.....	1800	BLOCK
		Lots 6 to 10 inclu. ea.	1275	Lot 1.....
		Lots 11 to 16 inclu. ea.	1200	Lot 2.....
		Lot 17.....	1500	Lot 3.....
				Lot 4.....
				Lot 5.....
				Lot 6.....

The Price List for the Berkeley Park subdivision in Kensington includes a restriction against "Asiatics or Africans." George Friend Company, ca. 1914. Courtesy of Earth Sciences and Map Library, University of California, Berkeley.¹⁴²

and bear the complete cost and burden of seeking to have the law enforced."¹⁴⁶

In 1960, the Marin County Committee on Racial Discrimination reported that restrictive covenants were still in use, despite their illegality, in order to place social pressure on white families who did not wish to discriminate.¹⁴⁷ According to Alexander Saxton, a retired history professor and a resident of Sausalito at that time, "Back then, Marin County was completely segregated. Housing segregation was strenuously enforced both by local banks and real estate people. White people could find new housing around the county, but Marin City was the only place open to black people. So that's where they stayed."¹⁴⁸

After *Shelley v. Kraemer*, neighborhoods around the country, including in California, continued to bar African Americans and other racial minorities from purchasing property in their neighborhoods by creating community associations in which potential buyers would have to become members before purchasing property in the area. The white homeowners' associations were often created by real estate developers.¹⁴⁹ Because the bylaws of these associations restricted membership to whites only, they functioned to prevent African Americans from buying in those neighborhoods.¹⁵⁰ Associations like these and remaining covenants, along



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 3 Just south in the Chestnut Country Club with its beautiful green tees and driving golf links.
 4 To the west is a beautiful view of the Bay, a fine view Park with its magnificent beaches and million dollar hotel.
 5 Over \$30,000 has already been spent for improvements for the area in 1906. \$100,000 more reserved for the same purpose.
 6 In kind of parks, water, electricity, gas and telephone. Near Rock Ridge Park is to be absolutely first in class by merit.
 7 No other new one ten and building area \$10,000 to \$25,000 to \$50,000 here. No other that you can buy property for \$10,000 or \$15,000 that equals Rock Ridge Park as better.
 8 Try it at all addresses. Try it at Chestnut. Try it at any section of Oakland or Berkeley.
 9 There never in Rock Ridge Park. Let your own judgment be your guide.

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**BOHEMIAN, 1925 Octavia St.
COSMOS, 1534 Sutter St.
OLYMPIC, 1050 Eddy St.
UNION LEAGUE, N. W. cor. Franklin and Sacramento Sts.
UNIVERSITY OF CALIFORNIA, 2235 Washington St.
PRESS CLUB, 2016 Post St.
THE FAMILY CLUB, cor. Sacramento and Franklin Sts.
CONCORDIA, N. E. cor. Pacific Ave. and Fillmore St.
FRANCISCA, 1148 Ellis St., near Gough.
TOWN AND COUNTRY, Franklin St. near Sacramento.**

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**The Japs Have Invaded
the Western Addition**

An object lesson of buying a residence where there are no restrictions is being exhibited daily. Chinese and Japanese are gaining foothold in the best parts of the Western Addition. Saloons are running full blast at the threshold of Churches and homes. Residence districts are being ruined as such because there is no protection the law affords. There is only one spot in San Francisco where only Caucasians are permitted to buy or lease real estate or where they may reside. Only one where stores and saloons and flats cannot be built. That place is Presidio Terrace. There you will obtain protection from the many nuisances that are now making life in many portions of San Francisco unbearable.

Lots average 50 feet front.
Prices average \$120 per front foot
Terms 1-5 cash, balance as long as you want at 5 per cent

BALDWIN & HOWELL
1692 Fillmore Street

Above: Newspaper ads promoting racial covenants and racially exclusionary housing in Oakland and San Francisco. Left: A Laymance Real Estate Company advertisement for Rock Ridge Park in Oakland advertises that "no negroes, no Chinese, no Japanese" can build or lease in Rock Ridge Park. Published in San Francisco Call, October 13, 1906, Courtesy of California Digital Newspaper Collection, Center for Bibliographic Studies and Research, University of California, Riverside. Right: The Baldwin & Howell Real Estate Company markets Presidio Terrace as the "only one spot in San Francisco where only Caucasians are permitted to buy or lease real estate or where they may reside." Published in The Argonaut, September 1, 1906. Courtesy of The Bancroft Library, University of California,

with federal and state governments' refusal to enforce compliance with *Shelley v. Kraemer*, kept many neighborhoods in the Bay Area entirely white through much of the twentieth century. For example, the City of San Leandro, whose population remained almost entirely white for decades after the Supreme Court ruling, maintained its racial exclusivity through homeowners' associations that reportedly kept a "vigilante-like" watch on local real estate agents to ensure that none would show homes to African Americans and that the city government took no action to stop this intimidation.¹⁵¹ While unenforced, racially restrictive regulations remained within homeowner association bylaws in some instances as late as the 1990s and 2000s, such as Lakeside in San Francisco¹⁵² and Cuesta La Honda in San Mateo County.¹⁵³

RACIALIZED PUBLIC HOUSING POLICIES

THE HISTORY OF PUBLIC HOUSING in the Bay Area demonstrates how public and private sector interests, alongside white homeowners, have operated in concert to perpetuate racial exclusion. The largest public housing expansion in the Bay Area occurred during World War II, as thousands migrated to the region for employment opportunities in war industries, resulting in a massive housing shortage and widespread homelessness. In response, the federal government created over 30,000 public housing units in the East Bay, which housed approximately 90,000 war workers and family members, in addition to thousands more units in other defense industry centers including San Francisco, Marin City, and Vallejo.¹⁵⁴ These developments were initially constructed near shipyards and military installations in Richmond, Oakland, and Alameda, and later expanded into adjoining areas connected by public transportation.¹⁵⁵ Since they were constructed as temporary homes exclusively for war workers, public housing effectively segregated the new war worker population into what historian Marilyn Johnson describes as a corridor of “migrant ghettos” next to federal facilities along the East Bay waterfront.¹⁵⁶

Homeowner Opposition to Public Housing

Public housing faced vehement opposition during the war years in cities like Albany and Berkeley, which attempted to block public housing construction by refusing to create housing authorities. When the Federal Public Housing Authority proposed the construction of Codornices Village, a racially integrated 1,900 unit complex (which is now the location of UC Berkeley’s University Village) at the border of Albany and Berkeley, both city councils immediately opposed the project, as did the University of California, which owned a portion of the land targeted for development. Residents launched a petition drive against the proposal, expressing clear, though often coded, racial and class bias. Berkeley residents stated that the development was “not in keeping with a university city,” and the Albany City Council feared it would introduce “an undesirable element,” who would “force the integration of local schools and make Albany ‘like South Berkeley,’” which was a historically Black neighborhood.¹⁵⁷ Codornices Village was ultimately built, but as a concession, the federal government allowed the project to become segregated toward the end of the war on an east-west basis, with Black residents forced to remain on the noisier, more polluted west side that was adjacent to the railroad tracks.¹⁵⁸

Segregated Public Housing

With the exception of Marin City, wartime public housing in the Bay Area was officially segregated.¹⁵⁹ Local housing authorities resolved not to “enforce the commingling of races,” and imposed “neighborhood pattern” policies through the 1950s.¹⁶⁰ These policies gave preference to “families already residing in the area to conform with the social, economic and religious characteristics of the area” and meant that African Americans could only be placed in public housing where other African American families already resided.¹⁶¹ In Richmond, the housing authority director stated that the neighborhood pattern policy was necessary for “keeping social harmony or balance in the whole community.”¹⁶² Segregation in San Francisco’s public housing predated the war. During the early-1940s, the housing authority imposed a whites-only rule for its first three developments, which was designed to keep Chinese American residents out of public housing and confined to Chinatown.¹⁶³

A 1952 federal investigation reported that San Francisco and Oakland were “possibly the only two Pacific Coast cities which continue segregation in their housing projects.”¹⁶⁴ Even after the San Francisco Superior Court ruled in *Banks v. the San Francisco Housing Authority* that the San Francisco Housing Authority’s neighborhood pattern policy was a form of unlawful discrimination in violation of the Fourteenth Amendment to the Constitution as well as state and local laws, San Francisco Housing Authority officials refused to change the policy. An appeals court judge ruled that “neighborhood pattern is an arbitrary method of exclusion, a guarantee of inequality or treatment of eligible persons,” and the US Supreme Court refused to hear an appeal, finally leading to the integration of public housing in San Francisco in 1954.¹⁶⁵

From the point of construction, white and Black public housing was not created equal. The vast majority of new public housing was intended to be temporary, and thus poorly constructed without much concern for design and safety.¹⁶⁶ Many were built on landfill sites near railroads and industrial facilities along the waterfront, exposing residents to environmental and safety hazards.¹⁶⁷ But in some all-white developments built farther inland, the public housing was constructed with sturdier materials and intended to be permanent.¹⁶⁸

Additionally, due to “racial rationing” policies, fewer public housing units were available to Black families, despite the fact that racial discrimination in the private housing market afforded Black migrant families far fewer choices outside of public housing. Private housing options were limited to neighborhoods that were already home to Black residents before the war, and nearly all of the private sector solutions supported by the federal government, such as guaranteed loans for private housing construction

and war guest programs that matched workers with homeowners that had spare rooms or other vacant accommodations, largely excluded non-white migrants.¹⁶⁹

The local housing authorities, which controlled occupancy decisions and managed the public housing properties, used informal quota systems that limited access to Black applicants. The Federal Public Housing Administration encouraged the use of quotas to fairly distribute housing based on need, but as Johnson explains, the quotas reflected the white-Black ratio among war workers, rather than the ratio among public housing applicants, thus not accounting for the disproportionate need among Black migrants whose options outside of public housing were far more constrained.¹⁷⁰ For example, the Richmond Housing Authority set a quota of four white households for every one Black household in 1943, and the inadequate supply of housing for Black families required many to double up or illegally sublet, which, if found by the housing authority, was grounds for eviction.¹⁷¹

The extreme shortage of housing for Black families thus led to overcrowding, and given the poor quality of construction, subsequent deterioration of the segregated public housing units. After the war ended, public housing waiting lists reached record length.¹⁷² As more white families were able to move out of public housing with the support of federal government programs, formerly race-restricted units were made available to Black families. Thousands more migrants arrived in the postwar era, and Black households became the majority of public housing tenants in Berkeley, Oakland, and Richmond. By 1946, more than half of the total Black population in the region lived in temporary war housing.¹⁷³ These residents were essentially trapped, as racial discrimination continued to limit their housing options. Johnson notes that while Bay Area cities permitted over 75,000 residential units from 1949 to 1951, only 600 of these were open to Black homebuyers.¹⁷⁴ She explains that their limited residential mobility restricted access to job opportunities in the postwar economy, especially as industry moved out to the suburbs, “literally freezing some families into unemployment.”¹⁷⁵

Amid changing public housing demographics, regional economic shifts, and intermunicipal competition in the postwar era, local public debates turned toward urban redevelopment, “slum clearance,” and the removal of war housing as a necessity for progress. In 1949, Oakland officials stated that the war housing projects were the city’s “sores of blight problem,” “beyond the salvage point,” and “unsuitable for housing or any other use.” Richmond administrators echoed this sentiment, stating that the south side of the city where public housing was concentrated was becoming “a vast ugly slum, a reproach to the City and a constant source of trouble, conflict, and expense.”¹⁷⁶

Real Estate Industry Influence over Public Housing

For some local housing authority officials, demolition of public housing had been the goal all along. Since their establishment, the local housing authorities that controlled and operated public housing in the East Bay were led by realtors, builders, and other private sector leaders.¹⁷⁷ The Richmond Housing Authority was actually founded by the Chamber of Commerce in 1941 in an attempt to control pending federal efforts to construct public housing. The Oakland Housing Authority was established after the labor movement successfully pressured the Oakland City Council to create a housing authority and utilize available federal funding for public housing, but the council appointed a business-dominated board with representatives from the banking, insurance, and real estate sectors, including past presidents of the Alameda County Apartment House Owners Association and the California Rental Association.¹⁷⁸ Their position was clear: “the business-dominated local housing authorities remained steadfastly opposed to permanent public housing that might undercut postwar private construction,” and were thus quick to allow the construction of temporary war housing, with the assumption that defense migrants would return to their home states and the temporary developments would all be demolished after the war.¹⁷⁹

The campaign against public housing was led by the National Association of Real Estate Boards, which selected California as a test case for its national efforts.¹⁸⁰ In Richmond, city officials abandoned plans to build over 4,000 permanent public housing units to pursue industrial growth and new private housing. In its demolition plans, the city prioritized developments primarily occupied by Black families. Without replacement housing and adequate relocation arrangements, over 700 Black families were displaced from their homes in 1952, only 16 percent of whom were able to find housing in the private market.¹⁸¹ Thousands of former public housing residents lost their homes by 1960. While many white families were able to move out to the suburbs with federally guaranteed loans, the southside of Richmond became predominantly Black by the late-1950s.

During the postwar housing shortage, the Oakland Housing Authority estimated that the city needed at least 23,000 new housing units. In 1949, the Oakland City Council narrowly voted to construct 3,000 units of public housing on areas designated as “blighted” near the city’s downtown using federal funds authorized by the National Housing Act of 1949. The proposal spurred a massive backlash led by the Apartment House Owners Association, the Associated Improvement Clubs, and the Associated Home Builders of Alameda County, which all came together with the support of the National Association of Real Estate Boards to form the Oakland Committee for Home Protection.¹⁸² The *Oakland Post*

A message to ¹⁹⁵⁰
EVERY CALIFORNIAN
 who believes in
DEMOCRACY



*at the
grass roots!*

**Insist on your
 AMERICAN RIGHT TO VOTE!**

VOTE YES ON 10

These facts are important to you ▶

The Right to Vote—

GUARD IT!

HERE ARE THE FACTS ON
**PROPOSITION 10—WHAT IT PROVIDES
 —WHY IT IS NECESSARY—HOW IT
 AFFECTS YOU AND YOUR COMMUNITY**

Proposition 10 is undoubtedly the most clear-cut, easily understood measure ever to appear on the California ballot.

It adds a vitally necessary section to the State Constitution: the Public Housing Project Law.

It provides, simply, that any permanent public housing project proposed to be undertaken in whole or in part by the Federal Government or a State public body, must first be approved at an election by a majority of the voters of the city, town or county in which such a project is contemplated.

Proposition 10, naturally, will not in any way interfere with the Federal Government's needed power, in time or war or disaster, to construct temporary emergency housing facilities.

Proposition 10 will give the people in local communities the right to decide for themselves if permanent, subsidized housing projects are necessary or desirable for their community.

Proposition 10 is the very essence of American democracy!



The San Francisco-based Northern California Committee for Home Protection's 1950 campaign for Proposition 10 framed its opposition to public housing as a matter of democracy. The back of the pamphlet reads, "Proposition 10 guarantees the right to vote where that right is most important of all—at the local, grass roots level. Proposition 10 strengthens democracy. Proposition 10 protects the rights of citizens in every community of California." Courtesy of Liam Dillon, Los Angeles Times.

Enquirer reported that during one hearing on the proposal, a "throng of more than 500 [people] jammed every inch of the council chambers and another crowd of 500 demonstrating outside doors" to protest the plan forced the council to adjourn and postpone the hearing.¹⁸³ The committee capitalized on anti-Communist sentiment and attacked public housing as "socialistic."¹⁸⁴ Following the city council vote, the Committee for Home Protection launched an aggressive, well-funded recall campaign to unseat three of the council members who supported the public housing pro-



Housing Is A Community Concern

California, there are approximately two million home-owners, a great many of whom are veterans, making real estate for the enjoyment and responsibilities of home ownership. Hundreds of thousands more are planning to become homeowners in the future.

Homeowners must subsidize, through taxes on their homes, the expense of civic services provided public housing which are exempt from taxes. Manifestly, it is only fair that they, along with other citizens, be allowed to have a voice in the decision when a project's construction is contemplated.



The People Can Be Trusted!

For Proposition 10, these facts are indisputable: if a housing project is *not* needed and *not* wanted, it will be turned down by a vote of the people; if a project is needed and *is* wanted, it will be approved by a vote of the people.

Democratic opportunity, the people can be depended on to make the right decision in any given case. It is the duty of the citizenry of California to argue otherwise if they so tend, as opponents of Proposition 10 have done, to allow the people of California to vote!

Every true believer in democracy will agree that it is not a danger—but a cherished

proposal. One council member lost his seat in the recall election by just five votes, while the other two lost their seats in the following year's regular election to candidates endorsed by the Committee for Home Protection. Without a majority in support for public housing, the new city council quietly rescinded the public housing plan.¹⁸⁵

Creating New Barriers to Affordable Housing: Article 34's Bay Area Roots

The defeat of the Oakland public housing proposal had statewide ramifications. Just one month after the recall election, the Oakland Committee for Home Protection played a key role in a statewide effort to amend the state constitution to mandate a local voter referendum for any federally or state-financed housing for "persons of low income."¹⁸⁶ This would create a massive political barrier to constructing new affordable or public housing. The Oakland Committee for Home Protection treasurer, John Hennessey, who was also the secretary of the Home Builders' Council of California, organized the petition drive for the 1950 ballot measure

(Proposition 10).¹⁸⁷ Its passage in 1950 was codified as Article 34 of the state's constitution. Courts and the California legislature have consistently narrowed its scope, and legislators are currently considering a measure to place the repeal of Article 34 on the state ballot,¹⁸⁸ but the provision remains valid today.¹⁸⁹

Article 34 created a major barrier for affordable housing in the Bay Area. It forced votes that blocked multiple public housing proposals in the 1950s and 1960s, including one in the City of San Jose (1968) and two in San Mateo County (1966), which had no public housing at the time.¹⁹⁰ Moreover, as historian Aaron Cavin explains, because local housing authorities fully recognized that referenda were likely to fail, they rarely even submitted proposals for new low-income housing.¹⁹¹

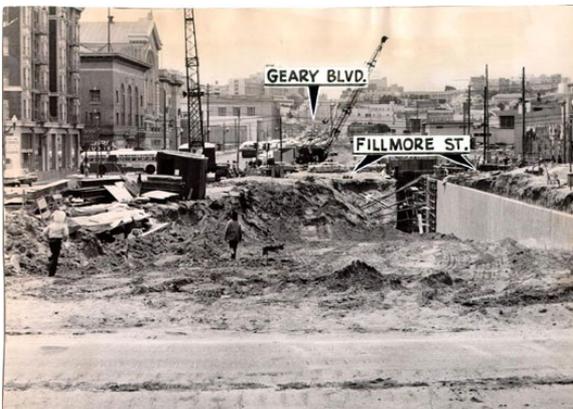
The US Supreme Court upheld Article 34 in a 1971 case, *James v. Valtierra (Valtierra II)*, after a group of citizens eligible for low-cost housing challenged the failed referenda in the City of San Jose and San Mateo County.¹⁹² After the citizens argued that the low-income housing projects rejected by the referenda would have been predominantly occupied by non-white residents, the trial court that initially heard the case held that

the initiative was unconstitutional because “the law’s impact falls on minorities, resulting in an impermissible burden which constitutes a substantial and invidious denial of equal protection.”¹⁹³ The Supreme Court did not see this disproportionate impact as evidence of an intent to deny housing opportunities for people of color in San Jose and San Mateo County. Rather, the court concluded that “the procedure ensures that all the people of a community will have a voice in a decision, which may lead to large expenditures of local governmental funds for increased public services and to lower tax revenues.”¹⁹⁴ This is despite evidence from local city planners that aligned with the trial court’s conclusions and calls from the NAACP for the court to view the racially “neutral” fiscal justification for the initiative in context with the prior usage of such justifications to support other racially motivated ballot initiatives.¹⁹⁵ By establishing the principle that unconstitutional racial harm must be intentional and explicit, the decision was a legal turning point that severely undermined recently enacted fair housing laws and gave rise to a national politics of colorblindness. As historian Aaron Cavin argues, “The Supreme Court took the defensive, localist, meritocratic, and colorblind sensibility that infused American political culture and transmuted it into a precedent that shielded suburbs from further critiques, and in this sense, Valtierra not only justified but also constitutionalized suburban economic exclusion.”¹⁹⁶

THE BEGINNINGS OF URBAN RENEWAL AND SUBURBAN REVOLT

WITH PLANS TO REPLACE temporary war housing with permanent public housing effectively shelved, cities proceeded with demolition and federally funded urban renewal in the postwar era that displaced thousands and particularly devastated major centers of Black culture and community, such as the Fillmore District in San Francisco and West Oakland. Due to these consequences, urban renewal became known nationally as “Negro removal.”

In the 1950s, economic interests and investment fueled displacement through eminent domain, a process in which local redevelopment agencies condemned areas as “blighted” and seized properties from homeowners and tenants within blighted areas in order to facilitate demolition. The Oakland Planning Commission declared all of West Oakland as blighted and set in motion a neighborhood renewal plan to clear the way for new middle-income homes and industry. While poor housing conditions were a reality, they were the direct result of segregation, institutional disinvestment, and discriminatory lending practices that restricted access to loans for home improvement and maintenance.¹⁹⁷ With the goal of increasing property values and attracting investment downtown, urban renewal in Oakland also involved the construction of three major interstate highways (the Nimitz/I-880, Grove Shafter/I-980, and MacArthur/I-580) and later a Bay Area Rapid Transit (BART) rail line, which destroyed entire



As part of the San Francisco Redevelopment Agency’s “slum clearance” effort, buildings in the Western Addition were razed with no intent to rebuild for displaced residents. Courtesy of San Francisco History Center, San Francisco Public Library.²⁰⁴

blocks of homes and thriving commercial districts. While the plans for the highways were designed by the State Department of Public Works, the Oakland City Council selected the exact routes by 1958.¹⁹⁸ In total, between 6,600 and 9,700 housing units were demolished between 1960 and 1966, displacing over 10,000 people from West Oakland.¹⁹⁹

In San Francisco, urban renewal targeted the Western Addition, which included most of Japantown, and by the 1950s was where the largest concentration of African Americans in the city resided. Evictions from a 28-block area of the Western Addition began in 1958. By 1960, 8,000 individuals, most of whom were Black or Japanese American, were displaced to clear the way for new development and greater access to downtown for commuters from the northwestern part of the city.²⁰⁰ After his retirement, the former San Francisco Redevelopment Agency deputy executive director and Western Addition Area Director Gene Suttle plainly stated, “One of the purposes of renewal when it was called slum clearance was not only to get rid of the people and the structures but to make sure those blighting influences didn’t come back. And so there was no intent to rebuild for the kind of people who were being displaced.”²⁰¹ Many of those displaced had nowhere to go. A San Francisco Redevelopment Agency survey showed that 34 out of every 35 apartments in the city prohibited African Americans, and the housing that was available was typically segregated, substandard, and expensive.²⁰² In the latter half of the 1960s, a second phase of redevelopment

AN OUTSTANDING INVESTMENT OPPORTUNITY

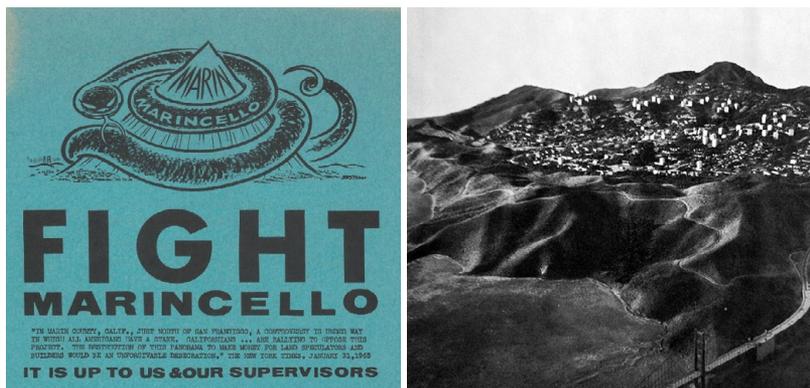
The desirability of Western Addition land makes this an unusual investment opportunity. The land offered is in a highly desirable location with an urban setting that provides excellent amenities. There are no other sites of this quality available at this time for development in San Francisco.

■ SUPPLY AND DEMAND

Demand for developable land crowds the limited supply available. San Francisco is the heartland of a metropolis but is situated on a relatively small peninsula. There is no substantial acreage left for development anywhere in the City—a scarcity greater than in any American city of comparable size. Only through blight removal processes of the redevelopment program can such offerings be made.



*Excerpt from a page from the San Francisco Redevelopment Agency’s 1960 brochure advertising land for sale in the Western Addition through the urban renewal program. Courtesy of San Francisco History Center, San Francisco Public Library.*²⁰⁵



Left: An image from a 1965 flyer protesting the Marincello Master Plan. Right: A rendering of the unbuilt Marincello development. Courtesy of the Golden Gate National Recreation Area Park Archives, Katharine Frankforter Papers, GOGA 27066, and Interpretation Negative Collection, GOGA-2316.

in the Western Addition covering 276 acres displaced an estimated 13,500 people, many of whom were originally displaced from the earlier phase of redevelopment.²⁰³

Urban renewal projects also displaced communities of color in the South Bay. Santa Clara County officials directed three interstate highways and an expressway through east San Jose, which “involved the bulldozing of entire neighborhoods with high concentrations of Spanish-speaking people.”²⁰⁶ While the law required replacement of demolished homes, by the late-1960s, local authorities had built only one unit for every 10 demolished.²⁰⁷ Throughout the Bay Area, the majority of new housing on the land cleared through urban renewal was privately developed, market-rate housing unaffordable to displaced former residents.

While low-income residents of color lacked the political power to preserve their homes and neighborhoods from urban renewal, wealthy white communities in Marin County successfully blocked infrastructure (including a BART line) and development proposals that they viewed as a threat to their property values and lifestyles.²⁰⁸ In 1966, a coalition of property owners, local government officials, and conservationists fought off a trans-bay road that would run from San Francisco to Point Reyes, which developers saw immense potential in. Historian Louise Dyble notes that developers rushed to secure approval for residential subdivisions,²⁰⁹ including a new 2,100-acre city of “Marincello” that would have included 50 apartment towers as well as single-family homes, low-rise apartments,

and townhouses to accommodate 30,000 new residents.²¹⁰ Dyble refers to the campaign as a “revolt against sprawl” that galvanized an exclusionary “growth control” movement that dominated local politics and planning in Marin County for decades to come.²¹¹ As a result, nearly all development came to a halt, and the county’s growth rate fell from 113 percent in the 1940s and 1950s (when its rate of growth ranked third among the nine Bay Area counties)²¹² to 42 percent in the 1960s, then to less than seven percent in the 1970s.²¹³ After state and federal fair housing laws were passed in the late-1960s, Marin County led the country in enacting some of the most stringent growth control measures in the name of environmentalism, including a 1973 general plan that reserved over half of the county’s land for agriculture and recreation.²¹⁴ The vastly different trajectory of postwar development in Marin County demonstrates the tremendous differential of political power between low-income communities of color and wealthy white communities, which contributed to lasting regional patterns of racial exclusion.

EXCLUSIONARY REAL ESTATE INDUSTRY PRACTICES

THE REAL ESTATE INDUSTRY and homeowners used other tactics that were less formal, but no less damaging than covenants, to create racially segregated spaces in the Bay Area. These included “steering,” or the practice of guiding prospective homebuyers toward or away from certain neighborhoods based on race. Some realtors refused to do business with Black prospective homebuyers at all. These practices were perpetuated through industry guidelines, intimidation of realtors or community members who were willing to do business with people of color, and intimidation of new or prospective residents of color themselves.

Racial Steering

For at least 25 years following its release in 1924, the National Association of Realtors’ code of ethics provided the guidance that “A Realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood.”²¹⁵ The California Real Estate Association (CREA) set standards for segregation in its buying and selling policies, which local real estate boards implemented. Throughout the Bay Area and the rest of the state, “local realty boards assumed the role of disciplining any members who violated [them] and determined which neighborhoods and tracts would be designated for ‘whites only,’ refusing to share listings with agents who openly served nonwhite clients.”²¹⁶ A San Jose Mayoral Committee on Human Relations in 1960 explained that the real estate community in the Bay Area continued to discriminate against Black homebuyers for several reasons. Firstly, the real estate firms understood their code of ethics to prevent them from selling homes in a way that would allow for integrated neighborhoods. Secondly, real estate agents feared economic and social ostracism if they sold homes to Black homebuyers. Thirdly, agents believed that owners and neighbors would fiercely oppose integration. And finally, agents were operating according to their own prejudices.²¹⁷ A mutually reinforcing dynamic existed between homeowners applying racial prejudice in selling or renting homes and narratives from real estate agents that integration drives property values down. The majority of real estate agents thus saw it as their responsibility to keep existing white areas white.²¹⁸

Realtors and community advocates servicing northern Santa Clara Coun-

ARTICLE 34.

A Realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood.

*An excerpt from the Realtor Code of Ethics adopted by the National Association of Real Estate Boards in 1924 and revised in 1928. The article was amended in 1950 to read "A Realtor should never be instrumental in introducing into a neighborhood a character of property or use which will clearly be detrimental to property values in that neighborhood," but its meaning remained clear, and discriminatory practices continued for years following the change.*²¹⁹

ty and southern San Mateo County reported widespread racial steering in the 1960s. Real estate agents attempted to dissuade Black buyers from purchasing in all-white areas, sometimes explicitly telling those families that neighbors would object to their purchase or that the current owner would not want to sell.²²⁰ Instead of allowing consumers to choose, the real estate community forced the majority of the area's Black population into a "small region lying partly in the city of Menlo Park and partly in an unincorporated portion of San Mateo County known as East Palo Alto."²²¹ To do so, the California Real Estate Association advertised that Black homebuyers should move to East Palo Alto, "where there was good FHA and VA supported housing," when such was not the case.²²² One Menlo Park realtor, as part of an effort to assure a potential white homebuyer of the neighborhood's exclusivity, described the community's willingness to maintain segregation even while it was quickly becoming illegal: "Of course, there is no restriction anymore because the Supreme Court says that we cannot restrict areas on the basis of color or creed anymore. However, property owners can keep an area all white by banding together and agreeing to refuse to sell to orientals or Negroes."²²³

In Sonoma County, the local realty board had an unofficial agreement not to show property to Black potential homebuyers in Sonoma, "thus putting a heavy burden of disapproval and perhaps financial loss upon any one of the group who chooses to go contrary to this group stand."²²⁴ Surveys of realtors in the area revealed that they would not rent or show homes to African Americans, saying they would be "finished" if they did. And, indeed, realtors were fired during this period for showing homes to Blacks.²²⁵ Realtors also admitted to artificially raising prices for African American prospective buyers, outright refusing to show them homes, and lying about the availability of properties in order to maintain exclusivity in



*In 1962 a Berkeley teacher, Miss Frances Fletcher, presents statistics gathered by the National Real Estate Research Corporation on racial discrimination in San Francisco's rental housing market, which show that two-thirds of landlords refused to rent to African American tenants. Courtesy of San Francisco History Center, San Francisco Public Library.*²²⁸

Sonoma.²²⁶ Realtors in San Leandro “refus[ed] to exchange multiple listings with the integrated Oakland border. This refusal ban[ned] Oakland’s minority population from the opportunity to purchase homes in San Leandro by denying these homeseekers essential information about available housing on the market.”²²⁷

Blockbusting

Blockbusting was a particularly pernicious and profitable form of racial steering where real estate investors would provoke fear of racial change in the neighborhood so they could profit from the transactions. For instance, after the first African American family moved to East Palo Alto’s new Palo Alto Gardens subdivision in 1954, real estate agents carried out a blockbusting campaign:

On the doorsteps of white families they left pamphlets forecasting the collapse of local real estate values. Agents gave African Americans free bus rides through East Palo Alto's neighborhoods to encourage black families to buy, while attempting to scare white homeowners into selling. These agents would then assist the white families to find housing in the new subdivisions in Mountain View or Sunnyvale while offering their assistance to incoming African American families. This way, they received commissions on both ends.²²⁹

Similar efforts to increase panic-selling occurred in Oakland neighborhoods where African Americans had begun to move in. One white resident recalled, "They hounded us to sell the house at that time so they could give it to the colored at about twice the price."²³⁰ In the racially mixed southside of Richmond, homeowners reported blockbusting by real estate agents who convinced white residents to sell and move to the suburbs, while similar patterns occurred in other Bay Area shipyard boomtowns such as Hunters Point, Marin City, and Vallejo.²³¹

The outcomes of racial steering, blockbusting, and other tactics were starkly evident in many areas of the region in the 1960s. A realtor in San Carlos boasted that steering Black applicants away from the area had kept the city entirely white as of 1957, stating, "We are proud that we have no Negro living here in San Carlos."²³² In San Jose and surrounding areas, surveys of the rental market revealed that just one in 15 apartments for rent would be open to a Black tenant.²³³ As of 1960, no African Americans were living in Sebastopol or Sonoma.²³⁴ In numerous jurisdictions in the East Bay the Black population did not rise above a half of a percent through the early 1970s, including Walnut Creek, Lafayette, San Leandro, Pleasanton, and San Lorenzo.²³⁵

Discriminatory Lending

Redlining, or the discriminatory practice of denying borrowers access to credit based on the racial or socioeconomic makeup of the neighborhood where their property is located, fundamentally contributed to racial disparities in access to homeownership, residential segregation, and disinvestment from communities of color throughout the United States from the 1930s onward. While redlining, discrimination in the provision of mortgage insurance, and other racially exclusionary lending practices were driven in large part by the federal government, local actors played a key role in their creation and use. When the Home Owners' Loan Corporation (HOLC) created its infamous "Residential Security" maps that redlined neighborhoods and ultimately informed both public investment and private sector lending decisions, the agency's examiners gathered

information from local bank loan officials, realtors, appraisers, and municipal officials to determine neighborhoods' lending risk classifications.²³⁶ The maps thus not only captured, but further amplified the common understanding and bias among local actors in charge of lending decisions.²³⁷ Redlining maps were created in 1937 for the Bay Area cities of San Francisco, San Jose, Oakland, Berkeley, Albany, Alameda, Emeryville, Piedmont, and San Leandro.²³⁸

In addition to racial covenants that already restricted the supply of housing available to people of color, lending discrimination was yet another barrier to contend with. "We know that the Negro cannot operate in a free market. There are restrictions: by neighborhoods, property owners, real estate corporations, companies and some financial institutions... [M]ost banks are operating and are influenced by their experience of 20 years ago, when Negroes were the first to go broke," stated Jefferson Beaver in 1956, who in 1949 established the Trans-Bay Savings and Loan Association in San Francisco to lend money to Black borrowers who were denied financing by larger banks.²³⁹

In its Civil Rights Inventory of San Francisco, the San Francisco Council of Civic Unity documented some of the racial factors considered by major mortgage firms in the city. It found that loan approval "often depended on whether property was in an 'approved' neighborhood," meaning a neighborhood where people of color already resided. All of the lenders interviewed stated that they would not issue a loan to a "first-entry' minority in an all-white district," and a majority also stated that they "were sure that their depositors and policy holders would threaten to, or actually would, withdraw their accounts if loans were made to first-entry nonwhites," and that "entry of nonwhites made loans to white borrowers more difficult."²⁴⁰

Proposition 14 and Local Connection to State Politics

In addition to the 1950 campaign to establish Article 34, the real estate industry, organized statewide by CREA, initiated multiple exclusionary ballot measures to protect their business interests. Representatives from the Bay Area real estate community held significant influence in statewide politics through CREA since its founding in 1905. In the Bay Area, local agents had already founded a number of real estate boards in their cities, including San Jose (founded in 1896 as the first local real estate board in California), Berkeley (1902), and San Francisco (1905), and they took an active role in the founding of CREA.²⁴¹ In fact, CREA's first president was a Bay Area real estate agent, Francis Ferrier of Berkeley.²⁴²

Through the 1960s, CREA's Bay Area chapters mobilized against local, state, and federal fair housing initiatives, including the California Fair

Housing Act, which was authored by Assemblymember William Byron Rumford of Berkeley and passed by the state legislature in 1963. Known as the Rumford Act, it prohibited discrimination in the private housing market for properties with five or more units, and in housing financed by public sources.²⁴³ In response, CREA put forth a statewide ballot initiative in 1964 that would essentially nullify the Rumford Act by explicitly allowing private discrimination in the housing market. The initiative, Proposition 14, proposed a constitutional amendment that read:

Neither the State, nor any subdivision or agency thereof shall deny, limit or abridge, directly or indirectly, the right of any person who is willing or desires to sell, lease, or rent any part or all of this real property, to decline to sell, lease or rent such property to such person or persons as he, in his absolute discretion, chooses.

The initiative sought to frame the Rumford Act as constraining the rights of individual homeowners to sell or rent their homes. Proposition 14 was even framed as a “decision between ‘freedom of choice’ and ‘forced housing.’”²⁴⁴ Proponents argued that state officials were “seeking to correct . . . a social evil [housing discrimination] while simultaneously destroying what we deem a basic right in a free society.”²⁴⁵ The “basic right” spoken of here is the illusory conviction that property owners must be allowed to sell their property to whomever they choose. This is an argument that “the right to discriminate by race was not only rooted in ‘natural law’ and guaranteed by the U.S. Constitution but that it was a cornerstone of American prosperity writ large.”²⁴⁶ Scholar Daniel Martinez HoSang writes that this connection white homeowners made between the traditional property right to exclude others from one’s land and the Rumford Act is one intended to preserve both white power and wealth: “a central dimension of what made property valuable was the prerogative of (white) property owners to discriminate by race.”²⁴⁷ Voters understood the message encoded in the alleged threat to their property rights. The Rumford Act would make it harder for communities and real estate agents to keep African Americans out of predominantly white communities. Statewide, voters approved the proposition: 65 percent in favor, 35 percent against.

Like the fight over public housing and Proposition 10 in 1950, the statewide fight over fair housing can be traced back to the Bay Area. In 1963, the Berkeley City Council passed a fair housing ordinance. Debate over the new ordinance roiled as Berkeley’s representative in the California Assembly, William Byron Rumford, introduced the state Fair Housing Act. Just three months after the local ordinance passed, the local real estate association proposed a referendum to repeal the measure.²⁴⁸ Berkeley residents voted by a narrow margin (22,750 to 20,456) to repeal the ordinance and passed an initiative affirming the legality of housing dis-

crimination in the city.²⁴⁹ The defeat of Berkeley's ordinance emboldened CREA to fund the Proposition 14 campaign, and the industry made a concerted effort to influence the Bay Area vote.²⁵⁰ For example, law professor David Oppenheimer recalls that when UC Berkeley students set up a table on Sproul Plaza to raise awareness for the No on Proposition 14 campaign (among other civil rights issues), "the university, under pressure from the real estate industry, prohibited them from on-campus advocacy for candidates or propositions," thus prompting student protests and further emboldening the Berkeley free speech movement.²⁵¹ In Alameda County, a vast grassroots network of churches, labor unions, and civil rights organizations united with local and state representatives to oppose Proposition 14, while "only realtors and homeowners associations were absent from the No on 14 coalition." However, by "operating through institutional networks cultivated over two decades of city building, [they] proved far more able to convince and mobilize voters than the county's political leadership," according to Robert Self.²⁵² At that point, CREA had 2,600 members in Alameda County alone²⁵³ and nearly 13,000 members throughout the region.²⁵⁴

In 1967, the US Supreme Court declared Proposition 14 unconstitutional in *Reitman v. Mulkey*. While the Rumford Act was restored in 1966, Proposition 14's significance remains. The measure denoted what Robert Self describes as a slow but powerful national shift during the mid-twentieth century in which the historically more blatant discourse of white supremacy "gave way in public forums to a right-based language of individualism and freedom," becoming "the dominant discourse through which white racial privilege was articulated."²⁵⁵ Self states that this framing "intended to inculcate segregation and white privilege against charges of racism through appeals to hallowed American rights traditions."²⁵⁶

WHY 'YES' ON PROPOSITION #14?

That Long, Long Arm of the Law—

YES Vote Will restore to California property owners the right to choose the person or persons to whom they wish to sell or rent their residential property.

YES Vote Will abolish those provisions of the Rumford Forced Housing Act of 1963 which took from Californians their freedom of choice in selling or renting their residential property.

YES Vote Will amend our California Constitution so that the only way future legislation could take away the freedom of choice in selling or renting of residential property would be by vote of the people.

YES Vote Will halt the State Fair Employment Practices Commission's harassing and intimidating the public and property owners in the exercising of their freedom of choice.

YES Vote Will end State police power over the selling or renting of privately owned residential property.

YES Vote Will restore rights back to our freedom—rights that permit all persons to decide for themselves what to do with their own property.

The Rumford Forced Housing Act's police arm is long and strong. It can reach almost any Californian—almost anyone who owns or rents a place to live. Owner, Tenant, Yes and neighbors, too!

First, it reaches the owner. It takes away his right to choose his tenants or buyers.

Then it takes away a tenant's or buyer's right—the right to choose his neighbors.

If the owner insists on his freedom to choose, the long arm can reach out and make him pay a compliance up to \$100; and further insistence by the owner can make him subject to contempt of court penalties.

If a tenant advises the owner to use freedom of choice, the long arm can reach the tenant with the same penalties.

In the matter of giving advice, even the neighborhood beware. That same long arm can put the neighbor in the same penalty box as the tenant!

14	YES	X
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OWNERS! TENANTS! NEIGHBORS!

GET BACK YOUR RIGHTS!

VOTE "YES" ON PROPOSITION 14

READS AND REPEALS OF RUMFORD ACT'S POLICE ARM. REAL ESTATE AMENDMENT. Also contains, under the heading "NEIGHBORHOODS," a provision which prohibits the use of violence or threats of violence against any person who is engaged in the exercise of his freedom of choice in selling or renting of residential property. Also contains a provision which prohibits any person from being discriminated against by banks, landlords, or other persons in the exercise of their freedom of choice in selling or renting of residential property.

"Get Back Your Rights," Committee for Home Protection flyer in favor of Proposition 14, 1964. Courtesy of Max Mont Papers, Urban Archives Center, Oviatt Library, California State University, Northridge.

MUNICIPAL FRAGMENTATION AND WHITE FLIGHT

AT THE SAME TIME white homeowners were leaving areas of increasing diversity such as East Palo Alto, newly incorporated Bay Area suburbs provided mechanisms for local political power to keep these new communities exclusive. Periods of “white flight” accompanied the proliferation of new suburban municipalities all over the country, including in the Bay Area.²⁵⁷ John Powell and Kathleen Graham emphasize that federal and state governments facilitated this process by “delegat[ing] to individual municipalities the power to incorporate, tax, spend tax revenues exclusively on those who live within the municipal boundaries, and critically, to control their respective land use, primarily through the zoning power.”²⁵⁸

Ease of incorporation leads to what social scientists call “municipal fragmentation.” Municipal fragmentation describes a geographic and demographic phenomenon in which regions have many small local jurisdictions that remain independent from each other, often with local governments retaining significant authority over their taxing and planning, creating even greater independence and competition between jurisdictions.²⁵⁹ Regional areas experiencing municipal fragmentation are more likely to have populations that fall into jurisdictions on socioeconomic lines.²⁶⁰ Self describes this phenomenon in his discussion of the increase in the number of suburbs outlying Oakland in the mid-twentieth century:

Impelled by the zero-sum logic of intercity competition, city builders there [in unincorporated Alameda County] scrambled to divide up hundreds of square miles of farmland and rolling hills, a bonanza of potential factory and home sites, in a series of annexation and incorporation contests in the 1950s. In the suburban city-building environment of that decade, popular doctrine held that all available, potentially profitable land would eventually be incorporated. Property left unclaimed by one city would be annexed by a competing neighbor. The resulting land rush, one of the most ferocious anywhere in postwar California, produces in a few short years three altogether new cities—Newark, Union City, and the sprawling Fremont—and an enlarged, reinvigorated older city, Hayward. In all, between 1951 and 1957, competitive incorporation and annexation converted Alameda County’s prewar agricultural hinterland into a collection of cities bigger than Los

Los Angeles. . . . [T]hese contests turned on fundamental questions of class, racial geography, and competing visions of the rights and responsibilities of property owners.²⁶¹

Municipal incorporation offered the ability for control over the amount of taxation residents would be subject to, what services and amenities the municipality would pay for, and what kind of development would occur within its boundaries (and when). Jessica Trounstein describes this logic, writing, "Today, the most advantaged places are located outside of central cities altogether so that disadvantaged residents have no direct role to play in decisions about building affordable housing, expanding public transportation, or diversifying schools."²⁶²

What Will Home Rule Cost?

The Alameda County Taxpayers' Association, in independent research, estimates that \$123,000 will be paid by those who cannot afford who will vote on whether to annex \$172,000 to a new one-cent county-wide tax which will be levied on the city property owners. . . .

1955 Property taxes levied on those who are annexed to a city like Fremont is \$1 per \$100, but even this would be cut in half by a special appeal hearing which would reduce the rates, etc., during the first year. Assuming a city of around 30,000 (the Alameda County population, close to 32,000) pay, this would reduce the above taxes, which average 42 cents, when the city takes over the tax department.

This leaves a saving per \$100—about \$1.50 a year on the average home. . . . **HOME FINANCE** at the price of home rule.

County Special Taxing Districts

These rates for districts are one time a year. The rates were set through special incorporation votes to bear more of a share of the cost of city services, which will be more heavily levied on those who live in the city. The Taxpayers' Association has made a study of the rates. . . .

1955 Rates of property taxes on \$100—about \$1.50 a year, saving \$100. . . .

1965 Rates of property taxes on \$100—about \$1.50 a year, saving \$100.

The only way you can reduce the "special services district" is to tax savings—Home Rule—Progress.

VOTE "YES"
For Fremont Incorporation
Tuesday, January 10, 1956

Phone in Washington Township to: THE FREMONT CITIZENS' COMMITTEE, COMPOSED OF HUSBANDS OF YOUR NEIGHBORS

WHY Fremont ?

Home Rule? Or High Taxes Dictated by Non-Residents?

Some answers to questions by the average voter about the Fremont incorporation election on

January 10, 1956

What Will I Gain?

HOMEOWNERS? Highest possible "city" costs of \$10 to \$15 a year would be offset by the chance to not get one electric payment \$10 to \$25 a year, fire insurance savings, according to the Taxpayers' Association.

WORKING MAN? Better job opportunities, because industry wants to locate in organized cities where it can be sure about services, zoning, etc.

FARMER? Closer contact with government through locally-elected officials instead of having to go to Oakland to be heard. Zoning protection for my property. Tax savings.

BUSINESS PEOPLE? Protection through local licensing against fly-by-night operators. Orderly growth of my community, not its "strip" or "parkways" like areas to our north.

FIREMAN? Job security, better pay and opportunity under government of a large city. Protection for sub-urban firemen. Cheaper water and electricity of greater or service.

WHO CAN VOTE? Anyone who lives in Centerville, Niles, Warm Springs, Irvington, and Mission San Jose, who was registered November 17.

The Election—Why?

RUNAWAY TAXES are now higher in parts of Washington Township than in Oakland. **RUNAWAY GROWTH** is its blame. It comes from lack of government control on the local level. The area just plain outgrows county government, run from Oakland. **HAYWARD'S GEAR** for valuable Township land, shared we can lose property whose taxes pay for our schools, sewers, hospitals, etc. Because a greedy city can stress unincorporated land.

HOME RULE is the next logical step to protect our area's development. Several hundred people, from all walks of life, agreed on this. They formed the Fremont Citizens' Committee, which is open to any voter. After 527 local residents signed petitions, action was set.

If It Wins, What Happens?

By February 9, 1956, the five towns of Fremont become a self-governing city of 25,000 people, with five local councils, a city manager, and control of "city" facilities now run by the county.

Many special taxing districts will become part of the city government. Schools, postoffice, don't change.

If It Loses, Then What?

The last chance will be gone to form a single city large enough to support the government services we now have. Taxes will spiral upward out of control. Industry will be frightened away. The five towns, going their separate ways, will lose valuable territory to neighboring neighbors. . . .

At the same time, . . . asking towns in Oakland and Sacramento, they would lose the power of a big vote city the Fremont, when pinned against big cities like the Bay-

A Fremont Citizen's Committee flier advocating for Fremont's incorporation. Courtesy of Mission Peak Heritage Foundation and Washington Township Museum of Local History.²⁶⁷

In what is now Fremont, residents rallied for the incorporation of the city in the 1950s, emphasizing their desire for low taxes and controlled growth.²⁶³ After the city incorporated in 1956, it embarked on a planning strategy that limited housing development by using zoning regulations to increase the costs and approval barriers to large housing developers. Simultaneously, they ensured that enough land was zoned for industrial development so as to lure commercial and industrial businesses.²⁶⁴ These new industrial zones could compete with existing industrial space in Oakland, leading to a massive shift in tax revenue from the city to the suburbs as, for example, General Motors left Oakland for Fremont.²⁶⁵ As housing

development remained constrained, the local government created a city “where most of [the] workers couldn’t afford to live.”²⁶⁶

Municipal incorporation reinforced racial stratification. When capital left the urban core of the East Bay for places like Fremont, most residents of color were unable to follow it. In 1950, Richmond had 80,000 white residents. Within a decade that number had fallen to 56,000 while the African American population slightly increased.²⁶⁸ On the receiving end of white flight, Fremont more than doubled in population within 15 years of its incorporation, yet it remained 97 percent white.²⁶⁹ This pattern, which was driven by “the federal subsidy to move, combined with the local power to exclude,” typified postwar suburban incorporation and development that effectively “drew white people and opportunity from the city while walling in people of color with constantly diminishing resources.”²⁷⁰ Racial exclusion and a desire for greater municipal amenities and lower taxes were bound together in the minds of hopeful white homeowners.^{271,272}

In other instances, areas remained unincorporated and without a municipal government, such as the case with North Richmond. North Richmond was one of the few areas of Richmond where African Americans were permitted to live through the 1940s. Although it lacked paved streets and public lighting, and was prone to flooding, it became a bustling African American community and famed source of blues music. When incorporation of North Richmond was proposed in 1948 by the Richmond Chamber of Commerce, the plan called for demolition of substandard housing and resale to “private interests.”²⁷³ The plan was voted down by the Richmond city council and North Richmond remains unincorporated today.

DISCUSSION: TRACES OF THE PAST TODAY

Concentrated Wealth and Poverty

The racialized concentration of wealth and poverty in the San Francisco Bay Area today is a direct descendent of history. Segregation was lucrative for the white real estate brokers, investors, and homeowners who participated in or benefitted from it. The wealth generated through decades of these tactics exacerbated racial economic inequality with double force—removing wealth from communities of color and adding it to white communities. White communities were then able to invest this wealth in education, property, and other ventures that could provide future returns. Segregation created barriers to homeownership for African Americans and other people of color, but it also limited the values of the homes owned by people of color because they were located in areas with lower rates of appreciation. The geography of segregation also limited employment opportunities. For instance, after World War II, the Ford Motor plant moved from Richmond to Milpitas, where the Black workers could not relocate because of its racial residential segregation. Data from the Bay Area Equity Atlas reflect the continuing disparities in access to opportunity: 52 percent of the Bay Area’s white residents live in either high-resource or the highest-resource neighborhoods, compared to only 16 percent of Black residents. Ten percent of the region’s Black residents live in “high segregation and poverty” neighborhoods, while another 52 percent live in low-resource neighborhoods.²⁷⁴

Gentrification and Displacement

Racial disparities in wealth and access to opportunity, as well as disinvestment in historic communities of color, left these neighborhoods vulnerable to later cycles of displacement and dispossession that continue today. This impact can be observed in the current conditions in areas marked as “hazardous” by the HOLC in its redlining maps of the 1930s, which provide a snapshot of overlapping national and local forces of exclusion at the time. An analysis of the redlining maps by researchers at the Urban Displacement Project at UC Berkeley finds that the vast majority (87 percent) of San Francisco neighborhoods currently experiencing gentrification were rated as “hazardous” or “definitely declining” by

HOLC.²⁷⁵ They find similar patterns in the East Bay and San Jose, where 83 percent and 87 percent, respectively, of gentrifying areas were rated as “hazardous” or “definitely declining.”²⁷⁶

According to researchers at Urban Habitat, current processes of gentrification and displacement are creating new patterns of segregation, with disproportionate shifts of Black and Latinx populations outward to the region’s fringe as the core grows more unaffordable.²⁷⁷ The same red-lined neighborhoods were also among the hardest hit by the foreclosure crisis, as mortgage lenders targeted communities of color with predatory subprime loans, a practice referred to as reverse redlining. Investigations, including one from 2013 of the Richmond and Vallejo metropolitan statistical areas by Fair Housing Advocates of Northern California, have shown that as banks repossessed foreclosed properties, they failed to maintain and market these houses in the same manner as they did in predominantly white neighborhoods.²⁷⁸

In the wake of the foreclosure crisis, private equity and investment firms purchased thousands of foreclosed properties in neighborhoods of color, converting them to rental units, maximizing profits through constant rent increases, and aggressively evicting tenants who are often unable to afford the increased housing costs.²⁷⁹ In March 2019, United Nations human rights officials denounced these racially discriminatory and extractive practices of commodifying homes for undermining the human right to housing.²⁸⁰

Lasting Effects on Public Health

Segregation in housing concentrated people of color in areas closer to the harm of hazardous land uses like heavy industry and hazardous materials facilities. Communities of color have long fought against the siting of hazardous land uses like toxic landfills, incinerators, and industrial plants in their neighborhoods, giving birth to the environmental justice movement. Early studies in the 1980s confirmed that race was highly correlated with the location of commercial hazardous waste facilities.²⁸¹ More recent studies have confirmed that communities of color continue to have greater concentrations of hazardous materials, after controlling for socioeconomic status and other factors.²⁸²

Racial exclusion in housing has had lasting effects on access to public infrastructure and amenities like parks, health service providers, and other resources. This inequitable geography of burdens and benefits has led public health experts to point out that a person’s zip code is one of the best predictors of life expectancy,²⁸³ and part of why there are persistent racial inequities in health.²⁸⁴ An extensive body of literature has confirmed the power of neighborhood conditions to influence health,²⁸⁵

economic mobility,²⁸⁶ and other life outcomes. The trauma of racial terror, like lynchings, militia violence, and related threats, also has lasting effects on health that too often go without recognition.²⁸⁷ Recent studies have also found that displacement and the stress of housing instability can cause severe harm to one's physical and mental health.²⁸⁸

Echoes of Past Racial Narratives

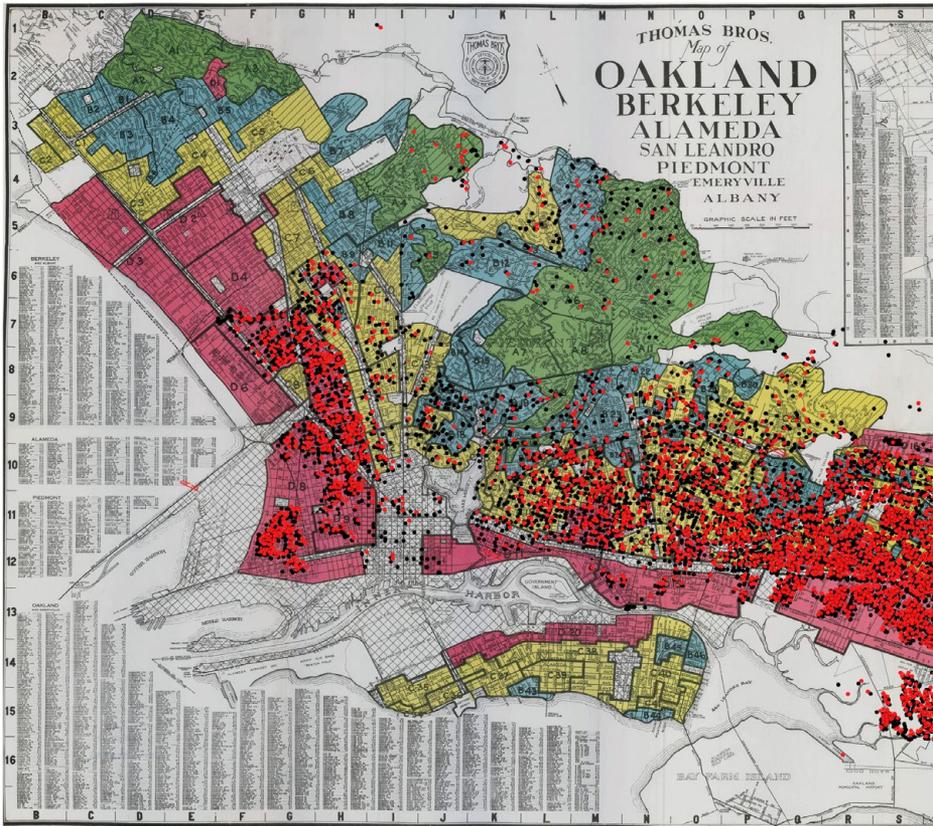
The narratives that attempted to rationalize racial exclusion of the past echo today in campaigns against protections for low-income renters, funding and permits for affordable housing, zoning decisions, and beyond. Comments often reflect a sense of entitlement to unbridled profits from property ownership, and the judgment that an increased presence of low-income people of color will compromise these economic benefits. The following statement, which was submitted online in response to the *Marin Independent Journal's* reporting on Fair Housing of Marin's activities, hearkens back to the mid-twentieth century rhetoric regarding public housing that led to the passage of Proposition 10 in 1950:

What is affordable housing? It is government-subsidized housing - PROJECTS. I remember the project housing in Philadelphia where I grew up. I remember project housing in San Francisco where I went to school. We have had a taste of what this brings in Novato recently, people shot while sitting in a car in the Safe-way parking lot, assaults, drugs, gangs, graffiti. The market is fair. Social planners are utopians who will destroy our way of life and the value of our property. But they will feel good about it.²⁸⁹

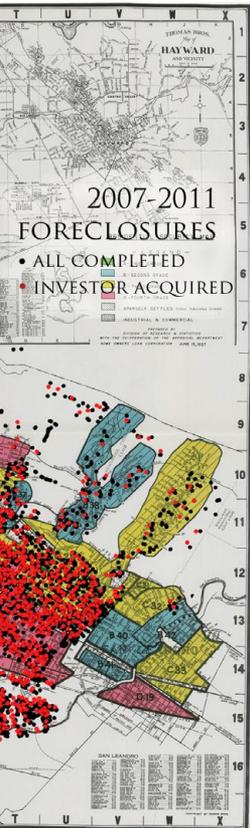
Recognition of the "social planning" that produced segregation in the first place is missing. A racial "other" is seen as a threat, government is viewed as unjust when it advances inclusiveness, and property rights and unfettered profits are upheld as sacred.

Discrimination Continues

Racial discrimination by real estate agents, lenders, and homeowners continues today. The fair housing group Project Sentinel settled a case in 2016 against an apartment complex in Santa Clara after claiming that the complex had refused to accept Mexican forms of identification, among additional forms of discrimination, against applicants of Mexican national origin.²⁹⁰ A recent survey in Sonoma County found that a quarter of residents had experienced discrimination in the rental market. Hispanic families had been denied rental opportunities by landlords stating that they would not rent to single parents with children.²⁹¹ Another recent



Each dot on this map represents an Oakland property that was foreclosed on between 2007 and 2011. Those marked in red represent foreclosed properties that were later acquired by investors. The vast majority of foreclosures occurred in formerly redlined areas, shaded in this 1937 HOLC map in red (“hazardous”) or yellow (“definitely declining”). Image credit: Evan Bissell



study analyzed whether African Americans in Sonoma County were denied housing at higher rates than white callers based on their voices. Sixty-eight percent of calls resulted in at least some differential treatment favoring whites.²⁹² In a similar study in Marin County, Black callers received fewer returned calls, less advantageous terms and conditions, and higher quotes for rent.²⁹³ East Bay residents report instances of discrimination in housing based on race today as well. In Contra Costa County, a majority of surveyed legal service providers, professional associations, and housing authorities reported having clients who experienced housing discrimination. In 47 percent of those cases, race was the reason for such discrimination, and in 37 percent of cases, national origin was cited.²⁹⁴ Similar results were found in a review of fair housing complaints in Alameda County from 2009 to 2014. In those cases, discrimination based on race comprised 30 percent of complaints.²⁹⁵

“Colorblind” Exclusionary Policies

Implicitly discriminatory or “colorblind” forms of exclusion continue to perpetuate racial inequity in housing and beyond, decades after state and federal laws banned discrimination. Euclidean zoning has become normalized to the degree that it is simply known as zoning, and many Bay Area jurisdictions continue to employ it in an exclusionary manner. Zoning codes frequently establish districts exclusively for single-family homes, in which large lot sizes and setbacks, and low building heights are required.²⁹⁶ Whether intentional or not, protecting such uses tends to result in “large, expensive homes being the only feasible development option.”²⁹⁷ Because racial disparities in wealth have been continuous, a lack of affordable housing options works to exclude people of color, particularly African Americans. Further local government regulation of residential subdivisions and municipal growth, such as establishing a cap on the number of housing units a municipality can permit in a year or enacting a moratorium on building, may have similar exclusionary effects.²⁹⁸ In the twentieth and twenty-first centuries, these tools have made multifamily and affordable housing difficult to build in wealthy, white enclaves.

CONCLUSION

WHILE THE SAN FRANCISCO BAY AREA is often heralded today as a leader in progressive values and policies, historical facts also show that the region led the country in inventing and implementing new tactics for racial exclusion in housing. San Francisco's anti-Chinese land use ordinances in the late-1800s were among the earliest in the country and were copied by other cities. Berkeley's 1916 comprehensive zoning ordinance that established exclusive single-family residential zones, celebrated by *California Real Estate* magazine for its "protection against invasion of Negroes and Asiatics,"²⁹⁹ pushed the limits of local zoning authority and became a standard in cities throughout the United States.³⁰⁰ In Oakland, after local developers, real estate agents, and landlords defeated a major public housing plan, their organization spearheaded the statewide ballot proposition that would establish Article 34 in California's state constitution, creating a major barrier to public and affordable housing across the state for decades.

The spatial boundaries, scale, mechanisms, and targets of racial exclusion and dispossession have changed over time, but the systems of racial capitalism and outcomes of hoarding resources and power that were firmly entrenched by the late-1960s still remain. The Bay Area's early history shows how this foundation was laid using a multitude of local exclusionary tactics that evolved in response to court rulings and antidiscrimination legislation, and in many cases, persisted in spite of them. Historian George Lipsitz describes this process as a reiterative pattern of "white resistance and refusal [that] has always led to a renegotiation of the terms of open housing."³⁰¹

History also reveals how the real estate industry, comprised of agents, developers, builders, landlords, and investors, served as a major organizing force for, and beneficiary of, many of the tactics of racial exclusion and dispossession throughout the twentieth century. Beyond asserting direct control over discrimination in the private market through racial covenants, racial steering, and blockbusting, industry leaders exerted political control over state and local government in order to deliberately advance a policy agenda to "protect and serve the commodity in which Realtors deal."³⁰²

In addition to creating the legal structures to support the industry's goals, government programs such as the demolition of public housing and urban renewal facilitated profits even as they perpetuated racial inequities. The real estate industry also played a major role in mobilizing and compelling white homeowners to maintain segregation, as evidenced by stories like the vote to exclude the Shengs from South San Francisco and the movement against public housing after World War II.

Racial discrimination in housing has been illegal for more than 50 years, yet glaring racial inequities persist. Racial disparities in wealth, income, and ownership translate into differences in economic power in markets. This difference in economic power has meant that white people have had significant advantages in the housing market even after individual acts of racial discrimination were prohibited. Policies that are not explicitly racial, but create disadvantages for low-income people and renters, have perpetuated racial inequities. These include cuts to funding for affordable housing, concentration of affordable housing in low-opportunity areas, and lack of protections for low-income renters.

Efforts toward building an equitable future must start with recognizing the extensive history of racial exclusion and dispossession in the Bay Area, its adaptive and enduring nature, and its manifestations today. The tactics documented here are not restricted to the past. They may go dormant and later be resurfaced, as we have seen with the recent surge in racially motivated violence. While it is convenient to think of racism as a fixed structure of the past that we are progressively moving away from, this view has flaws. What if instead, as scholar Daniel HoSang poses, “we imagine racism as a dynamic and evolving force, progressive rather than anachronistic, generative and fluid rather than conservative or static?”³⁰³ How would this change our approaches? History facilitates an understanding of dynamic racial tactics that is instrumental in preventing them from being deployed again. Achieving inclusive communities requires us to directly confront the roots of exclusion, provide restitution for historical racial injustices, and transform the power structures that continue to perpetuate them.

A true reckoning with our region's history prompts some critical questions such as the following:

- What roles and responsibilities should local jurisdictions and Bay Area residents have in righting past wrongs?
- How can we transform our institutions of local governance, zoning ordinances, housing markets, systems of property rights, connection to land, and relationships to our neighbors in order to fully realize racial equity and belonging?
- What systems must be established to prevent the tactics of racial exclusion and dispossession from the past from being implemented again?
- How can we act locally and regionally to bring about this change? Recognizing that some tactics of exclusion originated in the Bay Area and spread throughout the country, how might we seed transformative change locally to allow it to take root more broadly?

We invite you to reflect on these questions and take actions informed by the region's history. ■

ENDNOTES

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- 2 David Torres-Rouff, *Before L.A.: Race, Space, and Municipal Power in Los Angeles, 1781-1894*. New Haven: Yale University Press, 257 quoted in Jessica Trounstein, *Segregation by Design: Local Politics and Inequality in American Cities* (Cambridge: Cambridge University Press, 2018), 197.
- 3 Stephen Menendian and Samir Gambhir, "Racial Segregation in the San Francisco Bay Area, Part 3: Measuring Segregation" (Berkeley, CA: Haas Institute for a Fair and Inclusive Society, May 2019), <https://haasinstitute.berkeley.edu/racial-segregation-san-francisco-bay-area-part-3>
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- 5 Destin Jenkins, "Who Segregated America?," *Public Books*, December 21, 2017, <https://www.publicbooks.org/top-10-2018-who-segregated-america/>.
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Make this nice 73 = this 27 19 05 44

Price List

BERKELEY PARK
Subject to Change Without Notice

GEORGE FRIEND COMPANY
EXCLUSIVE AGENTS

RESTRICTIONS

Houses, at least \$2,000.
No flats, stores or apartments.
No commercial business or industry allowed.

Lot	Price
Lot 1	1,200
Lot 2	1,200
Lot 3	1,200
Lot 4	1,200
Lot 5	1,200
Lot 6	1,200
Lot 7	1,200
Lot 8	1,200
Lot 9	1,200
Lot 10	1,200
Lot 11	1,200
Lot 12	1,200
Lot 13	1,200

BLOCK H

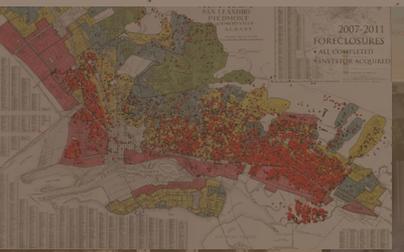
The Japs Have Invaded the Western Addition



Without discrimination of the Whitey Gory family, engaged above, expect to complete going into their newly purchased home in Berkeley. Pictured above they are shown (clockwise from upper right) Mrs. Gory, 12-year-old Gory, and James, 12.

...ect lesson of buying a residence where they being exhibited daily. Chinese and Japans in the best parts of the Western Addition. ...ll blast at the threshold of Churches and ...icts are being ruined as such because there is ...affords. There is only one spot in San F...easians are permitted to buy or lease, and

ARTICLE 34.
A Realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood.



FIGHT MARINCELLO

IT IS UP TO US OUR SUPERVISORS

WILL ABOLISH THESE GREAT...

WILL AMEND OUR CALIFORNIA CONSTITUTION...

WHY YES ON PROPOSITION 13

YES YES Will reduce to California property owners the right to choose the person or persons to whom their vote is cast to elect their residential property...

YES YES Will amend our California Constitution so that the right to choose the judges...

YES YES Will amend our California Constitution so that the right to choose the judges...

That Long Arm of the Law

WHY Fremont

rebases (which only cities are notified to), another \$172,000 by a new percent county sales tax which will go to the city instead of the county) and the balance meaning 97% TO 38 PERCENT OF THE TOTAL COST OF CITY GOVERNMENT BY...

100% Property owners' share of taxes under present government.

42% Property owners' share of taxes under Fremont.



What Will I Gain? HOMEOWNERS?

Highest possible "city" costs of \$10 to \$15 a year would be offset by the chance to sue gas and electric payment \$10 to \$35 a year, fire insurance savings, according to the Taxpayers' Association.

WORKING MAN?

Better job opportunities, because industry wants to locate in organized cities where it can be sure about services, zoning, etc.

The Election - Why?

RUNAWAY TAXES are now higher in parts of Washington Township than in Oakland. RUNAWAY GROWTH is to blame. It comes from lack of action at the local level. The great just plain government, run from Oakland, HAVES valuable Township land showed what...

FARMER?

THE SAN FRANCISCO ILLUSTRATED W.A.S.P.

1.50 a year on the price of...

ELEY PARK
Subject to Change Without Notice

GEORGE FRIEND COMPANY
EXCLUSIVE AGENTS

RESTRICTIONS

Houses, at least \$2,000.
No flats, stores or apartments.
No commercial business or industry allowed.

Lot	Price
Lot 1	1,300
Lot 2	1,300
Lot 3	1,300
Lot 4	1,300
Lot 5	1,300
Lot 6	1,300
Lot 7	1,300
Lot 8	1,300
Lot 9	1,300
Lot 10	1,300
Lot 11	1,300
Lot 12	1,300
Lot 13	1,300
Lot 14	1,300
Lot 15	1,300
Lot 16	1,300
Lot 17	1,300
Lot 18	1,300
Lot 19	1,300

BLOCK K

Lot	Price
Lot 1	1,350
Lot 2	1,350
Lot 3	1,350
Lot 4	1,350
Lot 5	1,350
Lot 6	1,350
Lot 7	1,350
Lot 8	1,350
Lot 9	1,350
Lot 10	1,350
Lot 11	1,350
Lot 12	1,350
Lot 13	1,350
Lot 14	1,350
Lot 15	1,350
Lot 16	1,350
Lot 17	1,350
Lot 18	1,350
Lot 19	1,350

BLOCK L

Lot	Price
Lot 1	1,350
Lot 2	1,350
Lot 3	1,350
Lot 4	1,350
Lot 5	1,350
Lot 6	1,350
Lot 7	1,350
Lot 8	1,350
Lot 9	1,350
Lot 10	1,350
Lot 11	1,350
Lot 12	1,350
Lot 13	1,350
Lot 14	1,350
Lot 15	1,350
Lot 16	1,350
Lot 17	1,350
Lot 18	1,350
Lot 19	1,350

Home Rule

GEORGE FRIEND COMPANY
EXCLUSIVE AGENTS

RESTRICTIONS

Houses, at least \$2,000.
No flats, stores or apartments.
No commercial business or industry allowed.

Lot	Price
Lot 1	1,300
Lot 2	1,300
Lot 3	1,300
Lot 4	1,300
Lot 5	1,300
Lot 6	1,300
Lot 7	1,300
Lot 8	1,300
Lot 9	1,300
Lot 10	1,300
Lot 11	1,300
Lot 12	1,300
Lot 13	1,300
Lot 14	1,300
Lot 15	1,300
Lot 16	1,300
Lot 17	1,300
Lot 18	1,300
Lot 19	1,300

BLOCK M

Lot	Price
Lot 1	1,350
Lot 2	1,350
Lot 3	1,350
Lot 4	1,350
Lot 5	1,350
Lot 6	1,350
Lot 7	1,350
Lot 8	1,350
Lot 9	1,350
Lot 10	1,350
Lot 11	1,350
Lot 12	1,350
Lot 13	1,350
Lot 14	1,350
Lot 15	1,350
Lot 16	1,350
Lot 17	1,350
Lot 18	1,350
Lot 19	1,350

BLOCK N

Lot	Price
Lot 1	1,350
Lot 2	1,350
Lot 3	1,350
Lot 4	1,350
Lot 5	1,350
Lot 6	1,350
Lot 7	1,350
Lot 8	1,350
Lot 9	1,350
Lot 10	1,350
Lot 11	1,350
Lot 12	1,350
Lot 13	1,350
Lot 14	1,350
Lot 15	1,350
Lot 16	1,350
Lot 17	1,350
Lot 18	1,350
Lot 19	1,350



The rampant displacement seen today in the San Francisco Bay Area is built upon a history of exclusion and dispossession, centered on race, and driven by the logic of capitalism. This history established massive inequities in who owned land, who had access to financing, and who held political power, all of which determined—and still remain at the root of deciding—who can call the Bay Area home.



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