



CENTER FOR THE STUDY OF LAW AND SOCIETY BERKELEY LAW

CSLS SPEAKER SERIES

Monday, November 13, 2017

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“Public Housing and the Administrative Constitution of Race”

Public housing represents one of the most striking New Deal legacies. Surrounded with political and constitutional controversy, the emergence of government-owned and -subsidized rental housing for the poor was one of the more radical extensions of state power in the twentieth century. The liberal agenda that included public housing, however, also explicitly accommodated white supremacy. And the very constitutional and political compromises that permitted public housing to emerge and survive its early existential challenges also created a space in which federal officials could design their own racial policies. Contrary to the classic narrative of constitutional law, the New Deal compromises did not simultaneously permit the extension of the social welfare state, while prodding courts to vigorously protect racial minorities. Rather, the constitutional space opened up by New Deal jurisprudence and the emerging structures of cooperative federalism gave federal administrators room to design policies that sometimes favored “racial equity” but inevitably accommodated and extended racial segregation.

In this Article, I trace the Public Housing Administration’s treatment of racial equality questions from the agency’s origins through the era of *Shelley v. Kraemer* and *Brown v. Board of Education*. Drawing on original archival research into the agency’s internal deliberations and policymaking, I argue that federal officials were able to construct an alternative, administrative constitution of race in those years. Relatively insulated from judicial review, public housing officials crafted their approach to race and segregation primarily in response to political constraints and their own institutional imperatives. The “effective constitution” that emerged determined how public housing would be built and operated for decades to come, and helped to shape the segregated American metropolis of the present.

PLACE Selznick Seminar Room, 2240 Piedmont Avenue
TIME **12:45 – 2:00pm**. Coffee and water provided. Bag lunches welcome.
INFO <https://www.law.berkeley.edu/centers/center-for-the-study-of-law-society/>
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