2009 EVENT TRANSCRIPTS

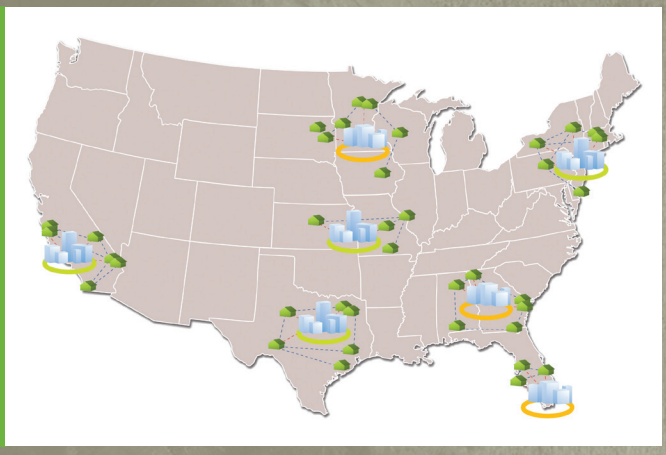
THE 2009 HENRY COHEN LECTURE

REGIONAL SOLUTIONS TO SEGREGATION AND RACIAL INEQUALITY

Can Metro Areas Overcome Inequality?

FEATURING MYRON ORFIELD

MARCH 11, 2009



MILANO THE NEW SCHOOL FOR MANAGEMENT AND URBAN POLICY
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Can Metro Areas Overcome Inequality?

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ON THE EVENING OF TUESDAY, MARCH 10, 2009, Bob Kerrey and I welcomed Myron Orfield to Milano The New School for Management and Urban Policy, and introduced him to our community as the third Henry Cohen Lecturer. Both the Henry Cohen Lecture and the Henry Cohen Professorship commemorate Milano's founding dean, who served from 1965 to 1983. What has changed, what has remained consistent, and what has come full circle between then and now?

When Henry Cohen began his deanship, Milano was known as the J.M. Kaplan Center for New York City Affairs, a unit within The New School where leaders from primarily government and nonprofit institutions taught seminars and strengthened the professional skills of others who aspired to work in those sectors. A very progressive administration, passionately committed to fighting poverty, had just been elected to a full term in Washington and had introduced landmark legislative initiatives on civil rights, housing, and urban renewal.

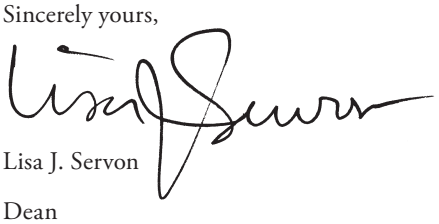
Today, we once again have a very forward-thinking administration and a renewed commitment to America's cities. The creation of the new Department of Urban Affairs in the White House—headed by a New Yorker, no less—affirms the importance of urban issues within the federal policy agenda after years, perhaps decades, in the wilderness. History, it would seem, has come full circle in a striking way.

But has it? As Myron pointed out, in 2008 our schools were "more segregated than they were at the time of the passage of the 1964 Civil Rights Act." And as he progressed through his lecture, he revealed to us forces and patterns that have resulted in regional inequities of class and race around our country. "These patterns of deep racial and social separation are hurting our society in a number of ways," he said. "They're hurting the opportunity of low-income minority families; they're hurting the opportunities of whites to live in a multi-cultural, multi-racial society. They're redlining huge parts of our metropolitan areas away from investment and growth."

Improving the lives of urban communities was among Henry Cohen's great commitments, and it remains central to the research, teaching, and programming of both the Center for New York City Affairs and Milano. The Henry Cohen Lecture—which was first delivered by Peter Eisinger, the Henry Cohen Professor at Milano, and last year by Arianna Huffington of the HuffingtonPost—has become a dynamic part of the way that the Center and Milano prepare our students and alumni to successfully address the management and policy challenges of American cities, and to enable urban communities to thrive.

The driving force behind all of this incredibly valuable work continues to be Susan U. Halpern, a class of 1976 Milano alumna, a trustee of The New School, and a member of the Milano board of governors who endowed the Henry Cohen Professorship in 1998 through a grant from the Uris Brothers Foundation. Thanks to her vision, Henry Cohen's legacy continues to be a vibrant part of the Milano educational experience. We created the document that you are now reading in order to broaden the reach and increase the impact of what we learned at the 2009 Henry Cohen Lecture and the discussion afterward. I hope you find this record as engaging as I found the program itself to be. I dedicate this publication to Susan Halpern and to the legacy of Henry Cohen.

Sincerely yours,



Lisa J. Servon

Dean

From Left: Andrew White, Myron Orfield, Darrick Hamilton, Tom Wright, and Alex Schwartz

WHO'S WHO

Introductions

LISA SERVON
Dean, Milano The New School for Management and Urban Policy

BOB KERREY
President, The New School

Lecturer

MYRON ORFIELD
Executive Director, Institute on Race and Poverty, University of Minnesota

Panelists

ALEX SCHWARTZ
Associate Professor and Chair of Policy Programs, Milano The New School for Management and Urban Policy

TOM WRIGHT
Executive Director, Regional Plan Association

DARRICK HAMILTON
Assistant Professor, Milano The New School for Management and Urban Policy

LISA SERVON Good evening and I want to thank you all so much for coming to what promises to be an exciting and provocative evening. My name is Lisa Servon; I'm the Dean of Milano The New School for Management and Urban Policy and I'd like to welcome you to our school and to our university tonight.

Today's program is dedicated to the memory of one of my predecessors as Dean, Henry Cohen, the founding Dean of our school. We name lectures like this after special people in order to keep them alive. Dean Cohen was a teacher and a dean who meant a great deal to a lot of people in the Milano family. So before I start I'd like to ask everyone who either worked with or studied with Henry Cohen when he was here or in New York City government, to just raise your hand to show a little bit of his impact. We can talk to people around the room and find out who really knew him. And in the spirit of keeping him and all of our teachers alive, I'd like you all to just reflect for a moment about the teachers who've meant a lot to you and perhaps have changed the way that you think about the world, which is one of the marks of a truly great teacher.

So why was Henry Cohen special? He had a true commitment to professionalism and urban government and to improving the social welfare of urban families. These qualities are reflected in the accomplishments of thousands of our alumni and in the extraordinary work of our current students. Henry Cohen also held top posts in the Wagner and Lindsey administrations before he came to the New School and transformed a small civic interest program then known as the Center for New York City Affairs, which is co-hosting our event tonight, into a graduate school of management and urban policy. Today both the graduate school and the Center are flourishing, and both share Dean Cohen's passion for compassionate effective government. In his honor our annual Henry Cohen lecture focuses on public policy challenges and solutions for women, children, and families, particularly in impoverished and working class urban settings.

One of Dean Cohen's students from the early years of the school, Susan Halpern, is now a member of the graduate school's Board of Governors and the University's Board of Trustees. Susan has been a longstanding, strong supporter of the school and of the Center for New York City Affairs. I want to thank Susan for helping to keep Henry Cohen's spirit and legacy in focus and inspiring the Henry Cohen professorship, which is currently held by Peter Eisinger, who I know is here somewhere as well. Where's Peter? There he is. At Milano, we teach the skills that lie at the intersection

Lisa Servon

of policy and implementation and the skills managers need to improve government and other organizations in order to better serve communities and families in need. Our students take on real life problems in urban policy and management. This school is really as much about learning from experience as from our lecture courses, readings, and seminars. What I like to say to perspective students when they come and, kind of, kick our tires and figure out if they want to come here is that we get you out into the field on day two.

Given what we do here, and what the Cohen lecture is all about, it seemed perfect that we invite Professor Myron Orfield, who has long been a leading public thinker in the fields of civil rights, regional governance, segregation, and the law. And on the theory that a picture really is worth a thousand words, I brought a little show-and-tell to illustrate what I think of Professor Orfield's work.

This is a copy of his first book which I bought and read in 1998. Now, most professors' shelves are full of books that perhaps have not been read completely, that are in quite pristine shape. And I'm guilty of having my share of those kinds of books on my shelf as well. But if you look at my copy of *Metropolitics*, the sign is cracked, there are, you know, rips in the dust jacket, it's full of Post-it Notes from where I've read aloud to students and there are scribbles all over the pages. I think that it's a demonstration, or really an illustration, about how—going back to the beginning of my remarks—sometimes people whose work, whose written work, is so inspirational that they can be your teachers as well. Although Professor Orfield and I have met a few times, we don't know each other very well. But I've learned so much from you that I consider you to be one of my teachers and that is a book that's taught me and many others of other people a great deal.

In this book, in Metropolitics, the first version, Professor Orfield made a problem and a set of solutions visible through his state-of-the art use of maps, which I've been assured we'll see some of tonight, his innovative demographic research, and his resourceful and pragmatic political ideas. About a year ago, I was invited to speak on a panel at the PolicyLink Regional Equity Summit with Professor Orfield and some other heavy hitters, and I really felt like I'd been summoned from the minor leagues to play in the big leagues. It was a great experience.

Professor Orfield is currently Executive Director of the Institute on Race and Poverty at the University of Minnesota. He is also a non-resident senior fellow at the Brookings Institution in Washington, D.C., and an affiliate faculty member at the Hubert H. Humphrey Institute of Public Affairs. Professor Orfield is here to share with us his

Bob Kerrey

work showing how we might more effectively tackle some of the most difficult problems facing the nation's cities and metropolitan areas. Through the lens of the Twin Cities, he will discuss how regional solutions can work toward solving the nation's deeply rooted problems of racial segregation, inequality and environmentally destructive development. He has set out to show that central cities in the United States and the majority of suburbs have a great deal in common, including rising poverty rates and insufficient resources with which to respond. Yet in many cases the suburbs have an even weaker economic backbone than the cities they surround. Suburban and urban concerns have become more similar and interrelated, and it is increasingly in the interest of suburban leaders to join with urban centers to develop new, regional solutions to their problems.

In his most recent book, American Metropolitics: The New Suburban Reality, Professor Orfield shows how a number of pivotal electoral districts in metropolitan areas could be the incubators of a new reform movement; one that would both improve government services and reduce taxes for many residents in urban and suburban regions across the United States. We often speak in these public programs at Milano about the importance of reform and innovation in public policy. And it's true, innovative policies can reshape the way

Last year the schools in the United States became more segregated than they were at the time of the passage of the 1964 Civil Rights Act.

—Myron Orfield

people experience government, and improve government's effectiveness. But we like to think of ourselves as inter-spectral in speaking to the public, private, and nonprofit sectors here and innovations also challenge managers in the public sectors and in scores of nonprofit organizations. Following Professor Orfield's talk, we'll have some time for questions and answers and a short panel discussion that will attempt to apply some of the ideas to our local situation, here in the New York metropolitan region.

Before I introduce Professor Myron Orfield, I've noticed that we've been joined by our President, Bob Kerrey, and I'd like to invite him to the podium to say a few remarks.

BOB KERREY I'm very sorry; my job is actually to introduce Lisa. But I was in a dentist's chair over on 11th. I confess, actually on 12th, obviously I don't know where I was. Under the influence of nitrous oxide I completely forgot what was going on. I want to thank Susan Halpern for her sponsorship and her steadfast support of Milano. I want to thank all the faculty at Milano, and especially Lisa Servon, our Dean. I want to thank all of our students for their participation in this program.

I look forward to Professor Orfield's presentation. I think the challenges in the urban environment are going to be severe over the next few years. The economic damage has been done and the challenges that our government faces as a consequence of the last eight years are quite large.

Even with the stimulus package, I think the urban dweller is going to face a tremendous amount of problems and civil society is going to have to respond as a partner to government and as a partner to the private sector. And the work that's being done at Milano, preparing people both to be in the vanguard of management and policy, I think will pay tremendous benefits going forward. And I very much appreciate the work of the faculty and the students and particularly what our donor community does to make all this possible. I've been the beneficiary of good not-for-profit work myself as an individual. I've been a partner with it prior to coming to the New School. I've tried as hard as possible support it. And now I have the chance to see men and women learn how to be better managers and better developers of policy as a consequence of the work that goes on at Milano. So thank you Lisa, for introducing me rather than the other way around. I look forward to listening to Professor Orfield. Thank you.

[Applause]

MYRON ORFIELD Thank you very much for such a nice introduction. The best thing about writing a book is having someone read it. By far and away the best thing about writing a book is having somebody read it. I'm going to talk today about the problems of racial segregation in the region. I've got another book coming out this summer and it's kind of a revision on the themes of my first book, Metropolitics, with a much deeper lens about racial and social segregation and the astronomical re-segregation that's occurred in the country since the early 1980s. I think few of us think about how much the clock has been turned back in terms of civil rights, particularly in local elementary schools.

Last year the schools in the United States became more segregated than they were at the time of the passage of the 1964 Civil Rights Act. There have been 15 years of progress in this, a long period of a plateaued progress of leadership, and then the clock has been turning back. I'm going to talk about how re-segregation of the schools' local specific responses may deepen this and have affected the metropolitan area in the Midwest, the Twin Cities. Also about how sometimes highly localized responses intensify and deepen the patterns of discrimination that are already accelerated by fragmented local government and planning power. I'll try to finish by reaffirming a more regional agenda about this and thinking again about the federal Fair Housing Act and important principles of regional equity to try to reduce the deep discrimination that has re-scarred and deepened parts of the urban condition.

I come to this as a law professor fundamentally, but I also served in the legislature in Minnesota for 12 years. I was a member of the State House and Senate, working on regional reform. I worked on the structural changes of the Twin Cities Metropolitan Council, one of two regional governments in the United States, and there were struggles in this reform often from the wealthiest part of suburbia but also from parts of the status quo that related to central city government and particularly against working in opposition or at least in conflict with local CBCs and charter schools. But there is a moving back toward a less racially integrated, more race- and culturally specific society. So there are

conflicts at both ends of the spectrum in this work and I hope that we bring out some of the tensions that are involved tonight in this lecture. I hope I'm able to bring some of this out and communicate it well.

I'm going to talk about schools at the beginning and then I'm going to talk about housing markets. The Twin Cities I think is an interesting place to think about schools. It is the second whitest region of the 25 largest U.S. regions of the country. Pittsburgh just became whiter a couple of years ago.

[Laughter]

MO And it's a place of… the Southern senators often said Minnesota was an easy place to be a racial progressive. Hubert Humphrey was from Minnesota, Walter Mondale, principal authors and advocates of the 1964 Civil Rights Act. Walter Mondale was the chief author of the 1968 Civil Rights Act. Both republicans and democrats in Minnesota embraced civil rights and fair housing much before the rest of the country. Minneapolis was one of the first cities in the country that passed a fair housing ordinance that forbade racial steering and restrictive covenants. So in some ways it is just an interesting place. It's a place that was very white and it's becoming more diverse as you'll see. It's a place that has a strong commitment to civil rights. It's a place that has become rapidly more segregated. The maps I'm going to show you tonight show a region that is a low-moderate area of segregation, if you look at the 100 largest regions of the United States. I'm going to show you some pretty stark patterns of racial segregation. But you have to realize that this is on the low end of the spectrum for the United States.

The first map I'm going to show you is a map of the Twin Cities metropolitan area. It's a little blurry and it's a little complicated but this map shows Minneapolis and Saint Paul, the two central cities. The Twin Cities are a region of about 3 million people—it's the 14th largest region in the country. In the metropolitan area under the jurisdiction of our metropolitan government there are 187 cities with planning power. And this is more fragmented than typical but not a tremendous amount more fragmented than usual in the Midwest and northeast. It's fragmented particularly by terms of the South and southeast of the United States—they have less municipal government.

There are the 187 cities with land-use planning powers, each with a local city council and a mayor, generally with the ability to do zoning and planning. We have 49 school districts, seven counties, and over 300 special districts. As typical, we have seven levels of local governments, but one relatively unique one in the Twin Cities—it is a general purpose regional government which I'll talk about later.

> Neighborhoods have a lot to do with housing markets. Since white middle-class families make up 24% of the U.S. housing market, it is very hard to keep prices constant when they systematically withdraw. There are ripples to this and certainly in a dense urban area or a redevelopment area sometimes these things change, but when whites withdraw from a housing market, it's hard to get it back up. And schools are a part of it.
>
> —Myron Orfield

This is a map of those city boundaries. We'll talk about school district boundaries in a minute. Each of those dots is an elementary school. And elementary schools are an incredibly important part of my research in the way that the housing market started out and the neighborhoods started out. Elementary schools and the racial and social composition of elementary schools is an incredibly powerful thing in terms of the way neighborhoods and housing markets work. They are very often components in steering, which is currently at incredibly high levels in the United States—perhaps the highest levels that it's ever been.

And very frequently black and Latino families of all races are shown areas where the schools are non-white or not racially integrated. Whites of similar income are shown much whiter places. And the elementary school composition is often an incredibly important part of these decisions. I'll talk about this a little bit more. Neighborhoods have a lot to

Myron Orfield

do with housing markets. Since white middle-class families make up 24% of the U.S. housing market, it is very hard to keep prices constant when they systematically withdraw. There are ripples to this and certainly in a dense urban area or a redevelopment area sometimes these things change, but when whites withdraw from a housing market, it's hard to get it back up. And schools are a part of it.

This is a map that shows the elementary schools of the metropolitan area and the red dots show schools that are more than 81% non-white. So the red dots show the city is mostly filled with schools that are more than 81% non-white, the oranges are between 59 and 82, medium orange 35 to 59, and it goes down. The blue is always the least, the whitest in this map, or the least poor. So they'll be a common color scheme when you look. I'm going to show you a lot of maps. There's a lot of things, but if you invite me for a lecture, you're going to see a lot of maps. It's one of the occupational hazards. Now, you see that in the central cities—Minneapolis, Saint Paul, the second whitest region in the country—is dominated by schools that are more than 80% non-white. I'm going to go into black and Latino and Asian and how this all plays out in a minute. You can also see that in the first string of suburbs, many to the north and to the south, there's a high proportion of black, Latino, and Asian kids over this region.

And these maps track the path of racial steering into the suburbs. About half of the black and Latino families in the Twin Cities live in the suburbs—this is typical. It's almost standard average. If you look at black middle-class families, you will see that 60% live in the suburbs—almost exactly the U.S. average. If you look at black, married families with children, about 75% live in the suburbs—again almost exactly the U.S. average. So black families, particularly those that have income and particularly black married families with children in the census are overwhelmingly suburban. Now, as black and Latino families move to the suburbs they have very different opportunities than white families of the same income. They're shown very different neighborhoods; they have very different access to credit. They encounter systematically different barriers to the rental and purchase of homes in the very white neighborhoods. And the way we know these things are steering studies and fair housing studies with testers.

One of the great things about the Clinton administration was that at the end of the Clinton administration they did lots of steering studies and the results were overwhelmingly constant throughout the country. [There was found] the powerful incidence of steering, discrimination in mortgage lending, and the resistance by white families and white renters in very white neighborhoods when people of color were moving in. And these continue to the present day. Now, you can see this pattern in the suburbs. This is the map of the percentage of kids of color. Here's a map of free and reduced lunch. This is poor kids. Now, one of the things that I feel is very important to repeat and re-repeat is that three-quarters of black and Latino and poor children in the Twin Cities or in the United States go to schools that are more than 70% poor kids. Three-quarters of poor white kids go to schools that are more than 70% middle-class kids. So if you're black and poor or Latino and poor and increasingly if you're Asian and poor, you go to schools that are dominated by poor kids. If you're white and poor the odds are that you're going to be in a middle-class school.

And this is a very big deal. If you are able to go to middle-income school and go to school with middle-class kids there's a lot of things that are going to happen in your life to improve your odds. The odds that you're going to finish and graduate go up dramatically. The odds that you're going to go to college go up dramatically if you go to a middle-income school. The odds that you're going to have a job with benefits go up dramatically. They don't become equal and it's not a panacea but the odds increase if you get to

Andrew White

go to a middle-class school. Now, if you talk about a black or a Latino school in the United States, overwhelmingly you're talking about a high-poverty school. If you're talking about a white school, overwhelmingly you're talking about a middle-income school. There's a powerful coherence between race and poverty particularly for black and Latino Americans and the situation is getting worse.

It got better for about 15 years, it plateaued for about 10 years, and it's getting worse, fast. Now, this is a map that shows free and reduced lunch and it's almost the same map that you see when you look at non-white kids. Now, the difference you frequently see at the front edge of racial change in the suburbs is black and Latino middle-income families living there. So race almost always proceeds class in the Twin Cities and in the suburbs. And this is families that are seeking opportunity in the narrow corridors in which they are allowed access to in the suburbs—the corridors that are defined by persistent and under-addressed housing discrimination. Discrimination that has been illegal since the 1960s but that no one has really done much in any systematic way to prevent. Okay, now this map is test scores. This is the percentage of kids proficient in testing. A lot of these maps look the same. High poverty schools have low test scores. And you can see these are the test scores and again you see the high minority suburb significantly worse off than the central city.

This is high school graduation; these are segregated high schools that are low performing, with low graduation rates. There's a very famous scholar in the University of Rochester, Robert Balfanz, who writes about dropouts and segregation. He calls segregated central city schools dropout factories. And the odds of dropping out go up dramatically if you get into poor schools. The Justice Department in the last administration said that segregated schools in poor central cities are one of the most powerful predictors for future incarceration—more powerful than income, more powerful than family structure, more powerful than neighborhood. And we're creating them very fast in the Twin Cities and throughout the country. And you can see the poorest schools in the central city. Dropout rates, very high again. If you want to look at this in great detail it's on the Institute on Race and Poverty's website. There are reports about all of these things. If it's going too fast tonight, and you want to look at it, please take a look at it later.

I'm going to talk about Minneapolis and how the abandonment of civil rights prevention efforts in Minneapolis led to the schools within the city becoming much more segregated by race. Minneapolis and Saint Paul didn't have more than a handful of segregated schools in the whole metropolitan area until the mid 1990s; there were about six or so. Now there are almost 100. A lot of this has been very rapid immigration, but it has also been the loss of civil rights protection, the loss of guidance. Minneapolis operated under a court order for school desegregation by itself, not with the suburbs, from 1971 until 1996. And now it's on a waiver from that rule. And I'll show you what happened as the law was pulled back and you take a look at the school districts. These are the elementary schools of Minneapolis and each one of those circles is an elementary school. And the pie charts show the race of the kids in the school. This is 1999, the year that the court order was rescinded…the parts of the circles that are blue are white students, the parts that are red are black students, the parts that are yellow are Latino students, the parts that are orange are Asian/Pacific Islander students, and the green parts are American Indian students.

Now, what you'll see in this map…it's going to be a time series. You'll see the white kids will disappear in schools in the middle, and in the southwest quadrant south of those two lakes, you'll see the schools become much whiter. So this is 1999 to 2000, 2001, 2002… 2002 you see the schools in the southwest becoming much whiter. And you see schools disappearing. When the schools became hyper-

segregated they started to close. People of all races chose out of them. And there was a catastrophic loss of enrollment. The schools in the southwest quadrant became some of the highest performing schools in the state. Two miles away in the poorest and most segregated school you had among the six lowest performing…And this is with the same administration, the same basic structure of bureaucracy, and the same curriculum (within limits). They varied somewhat from school-to-school but you had some of the worst and the best. And you can see the schools in the southwest side moving toward being all Latino, the schools in the north side moving toward becoming all black—2007, 2008.

Here's free lunch. Now, you'll see the blue is the middle-class kids and you'll see that as the schools become whiter, the poor kids will disappear from those schools. You'll see as the white kids disappear, the middle-class kids will disappear, 1999 to 2000, 2000 to 2001; and you can see the schools in the southwest will lose their poor kids and the schools in the central lose their middle-class kids. And this is Minneapolis; this is the 100th city in the country that has gone through these transitions. The sad thing is that it had to happen again. I'm going to skip through Saint Paul and I'm going to get to some of the entering suburbs. Again, this is all on our website. This is a map that shows the suburban area where the black middle-class moved in the larger share than in any part of the country. In almost any part of the country there's a corridor or several corridors in the suburbs where the black middle-class live. If you think about Chicago, it is the south-side suburbs. If you think about Washington DC, it's Prince George's. Almost any part of the country has the narrow corridor where black and Latino households can move to that is defined by housing discrimination. This is the northern suburbs. I'm going to show you that same time series in the northern suburbs as this change. The northern school district is a school district called Osseo. And during this time you can see the patterns changing; the inner suburbs undergoing rapid change. And as they become more racially identifiable, fear increases, prime credit declines, and neighborhoods undergo the same kind of re-segregation that they did in the central city. And this is happening throughout the country in a more dramatic way in the south side suburbs of Chicago, and the suburbs of Atlanta, in corridors of suburbs in New Jersey, in Connecticut, and throughout the country.

One of the things that happens in these school districts is as they become racially diverse, triggering events occur in suburban school districts, usually related to the opening of a new school or the closing of a school. And attendance boundaries come into play. When a new school is opened or an old school closes there is powerful pressure to

> So if you're black and poor or Latino and poor and increasingly if you're Asian and poor, you go to schools that are dominated by poor kids. If you're white and poor the odds are that you're going to be in a middle-class school.
>
> —Myron Orfield

gerrymander the school boundaries. There are six suburban studies that we did a case study of in the Twin Cities; and we found that the school district usually tries initially to have a plan to integrate kids in the schools. But, there is often a powerful resistance from the whiter part of the suburbs. And usually the whiter parts of the suburbs prevail. These were decisions that were governed by a Supreme Court case called Keyes versus Metropolitan Denver school district. Many urban northern cities were found to have discriminated against us. Our research says the same kind of boundary decisions are now much more likely to be happening in the suburbs. And you can see free and reduced lunch again follows this path of segregation boundary decisions, steering, and housing discrimination into the suburbs.

This pattern is intensified by local governments being able to play off of each other. They compete amongst each other for tax incentives. The taxes on commercial, industrial, and high-valued homes create another level of discrimination and the ability to sort. Places in the country that have a larger number of municipal governments are more likely to be more deeply segregated than the ones with the smaller number of governments. I'm going to cut to the chase—this is the southern suburbs of where Latino immigration is occurring. What are the responses to these kinds of problems? Increasingly, when we're dealing with social and racial segregation in the country, the response is localized. The response is not to think about the metropolitan patterns or the patterns of housing and school desegregation but to think about a local response. One of the biggest responses in the country, one that was actually started in the Twin Cities, was the charter school movement. And in the Twin

> We need a movement. . . to deal with the metropolitan pattern of race and class and housing and schools.
>
> —Myron Orfield

Cities we have a larger number of charter schools than in almost any part of the country. They were created in the Twin Cities. And this is a map of the charter schools and the racial composition of the charter schools in the Twin Cities. The red ones are all black, the yellow ones are all Latino, the orange ones are Asian/Pacific Islander, and the green ones are American Indian.

You can see that in the land of Hubert Humphrey and housing discrimination in the place of low-moderate segregation and the place of comparatively strong civil rights protections the charters here like other places are immune from civil rights protections. They are exempted. And they are often marketed in neighborhoods; they are growing in neighborhoods where the public schools are very segregated and very low performing, and people move into these neighborhoods and market them actively to the kids, promising them that they will do better than they are doing in the public schools. They often are social entrepreneurs, they are church leaders, they are people that have worked sometimes in the public education system but sometimes not, and they have been promising this in the Twin Cities for 20 years. But they're not doing better—they're doing worse. And the charter schools often market themselves as centric—Afro-centric, Hispano-centric, Latino-centric—and they argue that a separate and segregated school system (they don't say segregated, this is my word) works. They say an ethno-centric model will improve the lives of kids and that the public school systems' racial integration has been harmful to kids of color.

Often people that are fighting against implementation of integration rules are not only the whitest public school areas but race-specific charter schools that want exemption from civil rights laws. As they move into neighborhoods and there's a rapid outflow from the central city schools, the central cities adopt their own ethno-centric school. For instance, Minneapolis sought waiver from its civil rights laws to create Afro-centric academies. Mung-centric academies, Latino-centric academies, and the stakes of racial segregation that were already bad in the public system intensified. And the stakes of racial segregation already bad in the public system intensifies. Minneapolis, competing for market share with the charter schools in the central cities, began an arms race for more segregated schools in the central cities. This map shows Minneapolis in 2004 to 2005, this one shows 2007 to 2008. And in the charter system you'll see all white charter schools next to all black charter schools in the same neighborhood. And they will say for purposes of civil rights enforcement each charter school is a separate school district in terms of being integrated. They say that they are separate, autonomous school districts for the purpose of civil rights laws and that you have to prove intentional discrimination for them to be disallowed. They also say, "It's not about civil rights, it's about choice." So at the all-white Nova Classical Academy, that's next to an all-black charter school in Minneapolis, they'll say that any black child that wants to come to the Nova Classical Academy and their parents will have to volunteer for 40 hours per month in the school and that they will commit to a classical Greek and Latin curriculum…any black child from the central city that wants to do that is welcome.

And they'll say that any white child that would like to come to the Afro-centric academy next door to Nova, which is all poor and all segregated, and would like an Afro-centric academy is welcome. They also say that for purposes of integration they're about choice, and that this fosters choice and it fosters experimentation in the system. Well, let me talk about the results of this system of 20 years of charter schools. This map shows the charter schools that were closed for fraud in the central cities.

[Laughter]

MO These are charter schools that misappropriated money and had prosecutions in the courts. These are the test scores; and this is a regression analysis that looks for charters compared to the public schools. And if you take a look at the line, it shows the percentage of students that are proficient in reading as one axis and the cost of free and reduced lunch as the other. And the black triangles are the public schools plotted against that graph. So as you go to zero poverty you have very high test scores. As you go to 100% poverty you have low test scores and they follow that regression line powerfully. The charter schools are the red schools. And you see the charter schools are largely below the line of the public schools. They are consistently below the line of the public schools; there's a few that are above the line, but there are also public schools that are above the line that we are dealing with.

At a given rate of poverty, the charter schools underperform the public schools by eight points in math and ten points

in reading…and they're growing. And they're deepening segregation and they're pushing at the margin. They're pushing the public schools to adopt more race-specific curriculum in the poorest neighborhoods AND in the white neighborhoods they're drawing off the white kids into classical high-stakes academies. These classical high-stakes academies do well, but they're segregated—and segregated white schools have always done well.

Now let's talk about housing. Where do we build low-income housing in the United States? We build it overwhelmingly in poor, segregated neighborhoods. The federal Fair Housing Act in 1968 was passed in response to the continual pattern of HUD always building low-income housing in poor, segregated neighborhoods. In 1962 President Kennedy ordered HUD to integrate housing and nothing happened. The 1964 Civil Rights Act passed Title VI and it urged federal programs that were receiving federal funds not to be segregated; still nothing happened with HUD. In 1968, after extraordinary frustration and riots in 167 cities throughout the country, and Martin Luther King's assassination, the federal Fair Housing Act—Title VIII—finally said to the federal government and all agencies, "You shall affirmatively further fair housing." That means use your power; use your influence to try to encourage an integrated housing market. And that helped in many parts of the country where people took those rights seriously. And they created a presumption that housing shouldn't be built in segregated or integrated neighborhoods unless there are not viable alternatives.

Well, HUD funding disappeared. Direct funding disappeared in the early 80s. It was replaced in the late 90s by the Low-Income Housing Tax Credit. Low-Income Housing Tax Credit never had federal civil rights regulations that were adopted or that were comprehensive such as the Title VIII regulations. And it was never under federal supervision. It was a department of the Treasury, not HUD, and the regulations never applied; in most places in the country there was no civil rights review over it.

Low-Income Housing Tax Credit is often built by local CBCs that actively market in specific small areas of the central cities. This map shows a contour of where the schools are 30% kids of color; this one is a contour of where they're 50% kids of color. This is where the Low-Income Housing Tax Credit is being built and the race of the occupants. And you can see in the central cities of Minneapolis and Saint Paul the larger shares are being built. And because of their metropolitan governments, the suburbs of Minneapolis and Saint Paul have a larger share than almost any place in the country.

Myron Orfield

But in most places of the country—in New Jersey and Connecticut and New York, overwhelmingly in poor neighborhoods—you can see these are tax credit projects. And you have a CBC movement with the race-specific charter schools…29 CBCs whose whole mission is to operate within the boundaries of segregated neighborhoods. And you can see that the public and private market has concentrated the low-income tax credit in the poorest neighborhoods. There was recent controversy in New Jersey about this—about whether these tax credits should be subject to the federal Fair Housing Act and try to encourage purposes of integration. And you had a spirited debate between civil rights advocates who said, "Yes, of course," and community development advocates in the state that said, "These tax credit units are revitalizing the central city neighborhoods and this is what they need. They need more low-income family housing in poor neighborhoods to revitalize these neighborhoods."

And this is a fierce debate. It's a debate that's ongoing in the country, whether civil rights protections apply to these tax credits and whether the leverage of metropolitan areas can go this way. Well, I think this sets the agenda. I've shown enough maps and I can layout and complete what I've been trying to say. We have fragmented metropolitan areas

in the country. The more fragmented they are the more segregated they are. If we have an even more fragmented response to the patterns of metropolitan segregation, if we have a fragmented governmental system, then we have a hyper-fragmented response to the problems of race and class—race-specific inter-moving into the deeper patterns of exclusion both in terms of our housing response and our school response. The state and local governments and their fragmented patterns and the existence of powerful and unaddressed issues of housing discrimination have intensified these problems. The court's withdrawals have reduced integration. The lack of emphasis of public policy has allowed this to get deeper and our response has not been to ameliorate the problems of segregation but has gone into a hyper-fragmented response where the rhetoric of reform is mostly about a more deeply segregated solution.

I think we need to reexamine this. We need to think about our metropolitan regions and we need to empower more of a regional consciousness. We need CBCs that are operating on a regional level that are encouraging and that are following the federal guarantees to affirmatively further fair housing. We need CBCs and governmental responses that can attack housing discrimination and segregation. We need charter schools that adopt, or at least abide by, the minimum civil rights of the public schools and maybe create a race to the top rather than a race to the bottom. We're embarking on a new administration in the country. We're embarking on a series of possibilities for governmental reform. We need to think about the fact that we live in regional housing markets and regional labor markets. We need to have advocacy transcend these borders, not deepen and intensify them.

A lot of our responses driven by philanthropy and schools of public policy are operating on the anecdote that small neighborhoods are built a block at a time. We need a movement toward the larger region at a time and to deal with the metropolitan pattern of race and class and housing and schools. Somebody's got to lift this conversation up. Not draw it into a more merrily focused frame that is thinking about the solutions to these vast metropolitan forces of segregation and discrimination as a block at a time. This is not to say that community outreach and working in neighborhoods and dealing with people on an individual basis is not God's work or deeply benevolent. But someone has to start to change the rules of the game because the game is disadvantaging cities and older suburbs and regions. These patterns of deep racial and social separation are hurting our society in a number of ways. They're hurting the opportunity of low-income minority families; they're hurting the opportunities of whites to live in a multi-

Tom Wright

cultural, multi-racial society. They're redlining huge parts of our metropolitan areas away from investment and growth.

They're encouraging the growth of our region to build new rings of suburbs so that increasing numbers of people can escape each other and moving the tax base and resources out of cities and over suburbs, to new communities that we don't need. So I think I've probably talked long enough. You invite a law professor that used to be a politician to talk—

[Laughter]

MO And you probably get more than you need and I'm sure there will be a spirited response.

Thank you.

[Applause]

ALEX SCHWARTZ And it really varies a lot by metropolitan area. Another point is that the term "low-income" can mean different things and in fact the people that live in low-income—I'm sorry, tax-credit—properties typically have higher incomes; they're working people more often than the residents in public housing so you could make an argument that tax-credit housing in some of these neighborhoods actually diversifies the neighborhood

> But I think regionalism has over the last 15 years or so failed to appropriately address these issues. As a regional planner I think I'm left with the question, "So where do we go today?"
>
> —Tom Wright

more than you would think just because it has the words low-income in it. So I think that makes the pattern more complicated. A couple of other comments; one is I agree that it's obviously a huge amount of segregation and the problem is growing but I guess I disagree that all policy in terms of community development housing should aim for dispersal, decentralization. I think there's room for both. And I think that's probably the position that the current administration has—that there's room for community development and place-based development as well as for creating opportunities in a more affluent neighborhood.

And I guess my final remark is that, yes, we live in regions we don't just live in our own little municipalities and many problems are regional in nature and many of our economies are regional, our housing markets, labor markets are regional, not local. But when you get to the political question of "How do you arrive at regional solutions?" it becomes much more vexing. And, you know, given the long history of racial discrimination and racial bias, how do you get regions which are populated predominantly by smaller suburban municipalities which don't want to change much? How do you get them to agree to have a regional government? How do you get them to accept a change in their land use and the types of housing they provide in terms of their residential composition? And so I would think that rather than focus on a regional solution in terms of trying to get at the problems of discrimination and segregation, that things like more vigorous enforcement of fairer lending and the Fair Housing laws at the federal or maybe the state level might be a more effective lever than at the regional level.

And I guess I'll conclude just by pointing out one of the few truly regional approaches for affordable housing in New Jersey –the Mount Laurel decision and then the Council of Affordable Housing's Program; it's had some success in diversifying the income mixed in some communities but has done very little in terms of allowing inner-city residents, people of color to move into the suburbs. So even when you have on paper for 20 or more years a regional approach, it really has had limited success in achieving its original goal which is opening up the suburbs to inner-city residents. So I think it really does raise questions about the ability of a regional approach to affect this kind of change, even though you may want to have the region as the unit of analysis per se. So I'm going to close with that and turn it over to Tom.

TOM WRIGHT Thanks, Alex and that's a nice segue. In many ways this was a very humbling presentation for me. Having worked for the past 15 years as a regional planner, it's tough to look back over the last half generation or so of work that we've done and see so little progress on some of these issues.

In 1996 RPA [Regional Plan Association] produced its third regional plan and we created a construct for that plan where we said, "We're going to analyze the region." If you can recall at the time there was a guy running for Mayor of New York named Rudy Giuliani running on this "Quality of Life" campaign which he defined the way he wanted. And we thought well, we'll try and grab that vocabulary to mean something different. It's all quaint today but there's the three "Es"—social equity, economy, and environment and that became a powerful tool for us to try and analyze existing polices and investments.

And then we came up with the five campaigns: centers, mobility, green spot, governance, and workforce. And the critical idea there was that we didn't have an economy campaign, we didn't have a social equity campaign…that when you talked about redeveloping in urban centers you were trying to achieve all three of those goals. When you talked about preserving a metropolitan green spot you were trying to preserve all three of those goals.

This was around the time when we were also hearing about this wonderful research using these new mapping technologies coming out of the Midwest, we had this idea that his framework would become a powerful tool to address these issues. And we have fallen very far short on it. I don't think there's any other way to talk about it.

Having also been a state official in New Jersey in the late nineties and dealing with COAH [Council on Affordable Housing] we see that even embedded in possibly one of the most progressive affordable housing frameworks in the United States we had embedded in there these regional contribution agreements that allowed wealthy communities to essentially sell off their affordable housing requirements

to poor communities. Part of the complicity here was that it was the Trentons and the Newarks and the Camdens who essentially, very cynically, said, "We know we're going to get the loan from housing anyway so at least we can get a little money out of the rich suburbs while we do it." And so they were actually supporting the whole program.

But I think regionalism has over the last 15 years or so failed to appropriately address these issues. As a regional planner I think I'm left with the question, "So where do we go today?" And are there ways that we can try and keep attacking these issues? I think that one of the things that has happened on the metropolitan scale in terms of policy and investments today is that sustainability and climate change have changed people's perspective very dramatically. And I think that there's a possibility here—either this can be used to wipe these issues under the rug again and sweep things away or it can become a very powerful vehicle to try and address the persistent and continuing segregation that we deal with. And so I think that as we talked about sustainability and climate change, issues are now driving investments in high speed rail on a federal level such as we've never seen before and creating a real understanding that redevelopment within urban communities is something that we have to do with a renewed vigor.

We're starting to see this really driving the issues and I think that it's really important that right now we take a strong look at how these issues, how these policies that we're talking about, are going to either exacerbate or address some of these concerns and try and tackle them. Because we obviously can't give up.

DARRICK HAMILTON Well, I want to start off by commending Myron for an excellent presentation; especially a good use of maps that vividly illustrate a lot of the examples that he wanted to convey to us with a lot of rigor behind those maps.

But then I wanted to talk about the schooling and housing aspect. I'll start with schooling and pose the rhetorical question, "Is desegregation a panacea for racial and ethnic inequality within schools?" Well, the answer is, "no." We know that there are schools that are integrated but there are huge differences within schools based on race in terms of performance on achievement exams. And a lot of them are centered at some of the most enlightened university towns that we could think of: Chapel Hill, for example, Berkeley; the schools that are generally characterized by segregation within. So you'll have in-school integration but if you look at the talented and gifted curriculum classes they'll be highly concentrated with the white students, whereas the remedial courses will be highly populated by the black

"Is desegregation a panacea for racial and ethnic inequality within schools?" Well, the answer is, "no."

—Darrick Hamilton

students. And likewise, we have examples of schools that are predominantly minority that are high performance schools. So we do have examples where we can find both ends—where segregated schools are performing well and desegregated schools are performing well. And vice versa where the student that's under the stigmatized students aren't performing well in both settings as well.

Generally from what I've seen with plenty of case studies is that one of the major differences is who has access to the talented and gifted curriculum—with a focus on curriculum.

Then I wanted to discuss housing. I've heard it said before by one of my really good friends and colleagues, I won't call them out, but he suggested that, "Why don't we bribe white individuals to move into high poverty black neighborhoods as a strategy for desegregation. Right?" Well, in some ways we're doing that. If we look, a concern now in urban areas is gentrification, especially in New York. And we have a lot of policies set up in terms of tax abatement for example, where a lot of people that are benefitting from these tax abatements might not be the targeted group that we perhaps intend to benefit in these neighborhoods. And it is causing neighborhood change and it might have some unintended consequences that we might not have intended such as displacement, neighborhood displacement.

Myron alludes to this also, how it is a faux pas to mention the term "race-based policies." And it seems like as a country we're moving away from that direction. But Myron talks about poverty and black individuals being, for example, in a unique position. That poverty affects them differently than whites. So, you know, another rhetorical question could be, "Can we have non-race based solutions that can address the uniqueness of poverty for these groups?" And I believe I have a possible solution but which we generally don't discuss and that is if we're going to talk about class-based policies perhaps we should think about tying it to wealth; because if we look at the distribution of wealth between groups, well, wealth correlates almost exactly with race. The distribution of wealth for blacks and

Darrick Hamilton

the distribution for whites are almost non-overlapping. So we could use a class-based policy linked to wealth which perhaps could identify the targeted group that we intend to help.

AS Great, so Myron if you want to respond for a few minutes—

MO [Interposing] Sure.

AS —so then we'll have plenty of time for broader discussion.

MO Well, this is a great opportunity to respond and I appreciate the opportunity. I think one of the things is regional solutions and whether these are viable. I think they are viable and I think there's a track record in the country to suggest they're viable. This book that's coming out this summer, called Region, details racial integration in 16 places in the country—mostly on the Border States and the South—that adopted metropolitan-wide integration policies following the passage of the 1964 Civil Rights Act. Louisville is one of the places that I talk about the most. Louisville was able to have its schools integrate across the whole region because it had a single school district, Jefferson County, that encompassed about 80% of the region's population. And when there was a key violation in Louisville, they integrated almost all the schools in the cities and the suburbs. Now, it wasn't perfect and 20% of the region wasn't involved, but two things happened—and Raleigh, North Carolina is another place that integrated their schools across the whole of Wake County.

Kids did well in those schools and we had a long discussion about racial and class integration results when they came to the second part of it. But one of the most powerful things about this is that neighborhoods became much more integrated and neighborhoods that were integrated remained stably integrated during the whole period. So when the schools were integrated across the whole metropolitan area in border space southern regions—hardly liberal bastions with the support of the business community back then—not only did kids do better but the housing market changed quite a bit and became much more integrated and the places that were integrated remained stably integrated. Why was that? Well, very few of the schools became high poverty and segregated, so not many of them became really low performing schools, or as low performing.

And also the choices that whites had to escape were limited. It was hard for whites to escape; they would have had to move a really long distance. And people got used to it. And they didn't get so used to it that somebody didn't sue but they got so used to it that when the courts withdrew their supervision of it in the late 1990s, early 2000s and the elected school board looked at this system and they said, "We want to keep this." And the business community, the Chamber of Commerce said, "We should keep this, this is a good thing; kids do better, neighborhoods are more stably integrated." It was a good thing and the Chamber of Commerce filed a brief to the U.S. Supreme Court when white parents sued saying that racial integration violated their rights as whites; when they filed a brief to the supreme court, the Chambers of Commerce of Louisville and Raleigh said, "We may have been opposed to this in the 1960s but now we see it is a good thing. Kids do better, the workforce is more cohesive, children of both races get along better. This is a positive thing." And I think those 16 places—there's 16 out of 300 metropolitan areas—show that this was a possible policy and a good policy.

Also, if places that have regional governments like Portland, Oregon can, then the Twin Cities can build more of our Low-Income Housing Tax Credits in the suburbs than almost anybody. But those families do well. We have thriving schools in our white suburbs that have low-income housing and half of those housing units today in the Twin Cities are held by black and Latino families because we've

Letitia James

been more serious about civil rights than New Jersey has about it. And these are thriving school areas. And I think those programs show that it can happen and it can be expanded. So I think those are hopeful things. Regional coalitions—this is what my books are mostly about—how to build regional coalitions. And I didn't talk about it as much as I should have tonight because I wanted to talk about how I think public policy and urban planning schools and philanthropies are incenting us in the wrong direction. But I think that regional coalitions are possible to build. There's a lot of self-interest. A lot of these older suburbs have common cause with the central cities.

When we passed our Fair Housing Bill, the older, racially changing suburbs supported affordable housing in the new suburbs—both in the interest of civil rights and also for their own long-term stability. I think in Portland, Oregon and other places that have done this, such as Louisville, whites and blacks supported integration for the short- and the long-term; a majority of the elected school board members supported it not only because it had good results for kids but because it created more stability for everybody. And kids got along better and it wasn't as scary as they thought and they were committed to it once they'd done it. So I think these things are possible but I think we have to have advocates for them. We can't be advocating in the wrong direction, we have to be advocating in the right direction. And schools and advocacy organizations need to push the agenda toward a more equitable region, not drive us into a more hyper-fragmented response.

One last point about New Jersey—Mount Laurel is the case, they brought a law suit. The plaintiffs who brought the case got sites in the suburbs in Mount Laurel to build housing; they got it approved through the Late Land Use Planning Act. The state agency wouldn't allocate any Low-Income Housing Tax Credits to build it. So after 20 years, the people that brought the Mount Laurel decision finally sued the housing agency that put the tax credits in the neighborhoods where there were sites. And the state opposed this because the local community opposition didn't want the project but also CDC's and LISC filed briefs to say that the civil rights law did not apply to the allocation of a Low-Income Housing Tax Credit. So LISC and CDCs have said that it's better to have these tax credits in Camden and Newark than in Mount Laurel. So this is the problem.

I mean, there are multiple problems—there are the problems of segregation and discrimination. But part of the problem was not only white suburbia, as it didn't want these units built—that battle was thought to have been won by Mount Laurel. But also CDCs wanted the tax credits concentrated on poor segregated neighborhoods because that's where they did business. We have a school desegregation plan in Minneapolis where we have 2,500 kids go from the poorest and the most segregated North Minneapolis schools to the suburbs and they take with them their state aid. And I think it's been a very successful program. We had a program in which the school district in Minneapolis wanted those kids back. They wanted the kids back in the school district. And they want the program to end. They have the consent to cross over and they want the kids back even though they're doing much better.

So we have a problem at both ends of the spectrum and we have not very much guidance about how to go through this. But I think there are many solutions throughout the country that are viable; I think they're successful; I think the experience of people living and working together has been good. And I think we've dropped it off our agenda and it needs to get back on the agenda.

AS Darrick or Tom, do you have any follow up questions? I have one: With the new administration there's obviously a lot of opportunity in terms of the new people in office and in terms of some of the ideas that are in circulation to affect some fundamental changes. But we do have the same Supreme Court, which in recent decisions has said that you

cannot use race virtually at all for any kind of policy action. And I'm just wondering as a law professor, how do you get around that in terms of trying to affect desegregation and integration?

MO Well, I think these are terrible developments in the Supreme Court and when the Supreme Court struck down the elected local school board effort to maintain integrated schools in Louisville after they'd been through an election where 60% of the people voted to maintain this, I thought it a travesty. But I think there are creative responses to this. Wake County in North Carolina has used class and socioeconomic status and neighborhoods of concentrated poverty as surrogate for race. And it's less efficient, it's less direct, but it's an alternative. The Supreme Court Justice Kennedy is concurrent, he says that's okay. So we have a hair's breath. We have Justice Kennedy as the hair's breath. If Justice Kennedy dies, there are very deep problems. But if Justice Kennedy stays alive and eventually if another justice replaces him and believes that local elected officials ought to be able to choose integration if they want to, if they believe it's a good thing as local elected officials, then I think we can move forward.

But many places, including Minneapolis, have moved toward neighborhood-based targeting. They give preference to certain neighborhoods of high poverty and low achievement, and they're surrogates for race. And they're less efficient than using race, which is what the problem is. The problem is about racial discrimination—racial discrimination that goes all the way up the socioeconomic ladder that affects middle-class and high-income blacks and Latinos as well.

DH Really quick to add, I also think that a great deal of curriculum reform took place in Wake County, in combination with school integrations.

AS I think we can have questions. There's a microphone circulating around. So raise your hand and the microphone will appear and we can start. I guess this gentleman in the back and then we'll move to the front. And please introduce yourself, too.

BILL CAVANAUGH Hi. My name is Bill Cavanaugh and I wanted to ask Professor Orfield about the efficacy of just using the Fair Housing Act in particular since education is now impacted by the Supreme Court decision in Louisville. I mean, the Fair Housing Act seems to be completely ignored in the last decade or so. What could an Obama administration and Attorney General Holder do to make it more effective?

MO Well, I think this is a great question. I think the Fair Housing Act is a beautiful tool but it's almost never been used. And it impacts base statute; you don't have to prove invidious discrimination. The Huntington case suggests that it's a much better tool. And to the extent that there have been advocates, the Fair Housing Act has been used. Advocates have had a much better chance at prevailing. I think that the Department of Justice has rarely used the Fair Housing Act since the Carter administration. It's not been used and there's persistent powerful evidence of steering. The recent mortgage lending crisis showed stunning levels of discrimination in lending. We just did a study in the Twin Cities and found that the black families that make more than $157,000 are less likely to get prime credit than white families that are earning less than $40,000 a year. We also found that racially segregated neighborhoods and integrated neighborhoods overwhelmingly didn't have access to fair credit. And this is a part of what recently happened in those neighborhoods. The foreclosures were heavily concentrated and segregated in integrated neighborhoods.

But I think that doing consistent testing studies again, getting that evidence out there, pursuing these cases of steering and of mortgage lending discrimination—I think these are very powerful tools. It's hard to say that black and Latino families have chosen segregation when they never get shown white neighborhoods. They are shown these places. So I think the Fair Housing Act can make a big difference and I think the administration, appointing the U.S. attorneys, and the justice department taking the Fair Housing Act seriously could make a huge amount of difference.

AS I would add that the new HUD secretary Sean Donovan is on record saying that combating discrimination is a very high priority, which is a hopeful sign. Also just note that the Fair Housing Act was strengthened significantly in 1989 giving HUD much more power to deal with it and the government. You're right, it has not been used that much but it does provide more opportunity if the administration is interested.

MO I think it would also be good to apply civil rights rules to the Low-Income Housing Tax Credit. This was something that the Clinton administration tried to do. There was a heavy pushback at that time and they weren't able to do it. But I think that they should be the same civil rights rules. They have to be.

LETITIA JAMES Thank you. My name is Letitia James and I'm member of the City Council and have introduced a bill which would basically apply Fair Housing laws to the City of New York. As most of you know we have been engaged in a number of re-zonings all throughout the city of New

York. Unfortunately it has not been systematic. And each re-zoning is up to the negotiation of each Council member. Some Council members want affordable housing, others do not. It has resulted unfortunately in furthering segregation in the City of New York which is worse than it has ever been in a post-Brown vs. Board of Education world. I would hope all of you would urge your City Council members to support my legislation intro 635; that would help. So my question to the panel…I know in the City of New York we have concentrated poverty. And it's concentrated in public housing. So my question to the panel is how can we deal with the issue of this concentrated poverty particularly in public housing and the fact that we just do not have much City land left and a lot of developers basically sell their low-income tax credits and they sell them to developers who primarily build in low-income communities and a lot of these developers have indicated that they get tax credit, take the affordable housing component and transfer it to a developer in East New York, Bedford-Stuyvesant, Harlem. This is what happens in the City of New York and this is why we live separate and unequal.

DH I guess I'll start. First off, I'm in your district so I would have to lobby you for the bill. We actually have a doctoral student here, Nancy Lamb, who's pursuing this question. She's examining the question of public housing versus vouchers as a means of, I guess, improvement of individuals' lives. I think New York is perhaps somewhat unique compared to other cities in a lot of ways in that given the density of New York some of our public housing is located in areas that might even be desirable, such as Fort Greene housing projects and some of the Lower East Side housing projects; but then we also have housing projects that are in high areas of concentration of poverty, in which neighborhoods aren't going through the change. So I think the assumption that public housing in and of itself is perhaps not the best way to go. You probably need to consider other neighborhood amenities and, that New York City and its uniqueness in having certain public housing in desirable areas allows people who couldn't live there otherwise without public housing to reside in these areas.

TW I would just say that again, as you know, much of that re-zoning has now been following the kind of plan, as I see it, a long-range sustainability plan. And so it ties in with what I was talking about earlier which is as we're trying to promote transit-oriented development and growth in areas that can perhaps best manage it and deal with it, these underlying issues can become further exacerbated by it. On fine-tune level within the regional perspective, what we find ourselves trying to do is just promote radical diversity. And in some ways I don't think it's completely unique in that we do and see in other urban areas—whether it's Bridgeport, CT, Newark, NJ—I mean, within this tri-state region we have other urban communities that are also starting to see these pressures. And we're trying to promote always at the most aggressive level as much diversity as we can. If a community is overwhelmingly white and wealthy, let's try and push as much as we can.

In Newark, the Booker administration is really trying to bring more of a middle-class back into the city and that's the strategy that they're going to try and use. But again I think it should be highlighted because on the one hand, the broader sustainability that goes for New York City requires us to try and figure out how best to accommodate the million new New Yorkers that we could have by 2030. On the other hand, absolutely we've got to make sure that we don't just run rough shot over these Fair Housing appointments as we do that.

ROLANDO BEANIE Good morning, good day. My name is Rolando Beanie. From what I understand, children with a strong ethnic or racial identity who live in or go to public school in poor neighbors are the highest achievers. How do you explain the fact that ethnocentric public schools are failing and if so what are the reasons, please.

MO In the Twin Cities you can take a look at our report on the Institute on Race and Poverty's website at www.irpumn.org. There are many claims that are made about the ethnocentric schools and there are some ethnocentric schools that score higher than the norm, a few. But most of them are underperforming the public schools. And the public schools, when they move to duplicate the ethnocentric schools, they're some of the lowest performing schools on the state testing data in the Twin Cities. The Bush administration released data about charter schools and how they were doing for kids of color and in the later part of the Bush administration and recently the data has always shown that they've underperformed the public schools in terms of race and class. Now, when you're thinking about the promotion for the charter schools, they often pick the one or two schools or the half a dozen schools that are doing well. And they become the poster child for the whole movement. And there's no denying that there are some good charter schools, but the vast majority of them in the aggregate data shows that they're underperforming the public schools and the race-specific schools or the ethnocentric schools are among the lowest performing of them.

Now, the state testing data is one way of measuring this and that's the method that I'm talking about. The other ways of measuring this is how many of the kids…there isn't specific data about this but the data that we do have suggests that

high poverty schools depress graduation rates. Integration is not a panacea. Racial and social integration is not a panacea but social integration improves graduation rates. And no one really disputes that. There are no social scientists that dispute that middle-income schools improve graduation rates. Do they make them equal? No. Do they erase the gap? No. But do they improve it? I don't think anybody disputes that. They also are paths to college. Middle-income schools are a much more powerful path to college.

We recently did a segregation tour in the Twin Cities and we looked at a pretty high performing public school that was beating the odds in Minneapolis, Patrick Henry High School. They got pretty darned good test scores for low-income minority kids; much better than the rest of the public schools, better than any of the charter schools. How many colleges went to Patrick Henry last year? Four. We went out to Wysetta High School, which is a high-end suburban school in a very white district; it had 200 colleges that came to them. And this is a very big thing, this is not tangible. I mean, very few of us get our first jobs based on our test scores and our resumes. I mean, they put us within striking distance, but our social networks and the social networks of our peers and our guidance counselors and the reputation of our schools have enormous powerful effects that aren't measured. Kids get graded not only on their test scores, but their schools also get graded by college admissions officers. The people that run the high-end socioeconomic schools develop powerful long-term career relationships with colleges that never get formed in poor segregated schools. So, test scores show that these ethnocentric schools are worse. But there's other data that suggests that they're worse in even more fundamental ways; like completion and college and middle-income.

White and black and Latino and Asian people that go to school in segregated settings feel much less comfortable working in integrated settings. This is true across all races and it's true of white people as well. They're just less comfortable in that setting. And part of success is feeling comfortable. Feeling like you can navigate the interracial world in which we live.

DH I'm going to push a little bit more about segregation and school achievement and just ask, well, what is the mechanism? Is it something inherent about black children interacting with white children or is it school resources? Maybe a good approach or something we should delve deeper to figure out is the mechanism that causes the children that go to desegregated schools to do better than those that go to segregated schools. And I'm also going to mention some work that I'm doing with a couple of colleagues where we actually have data set that asks individuals about whether they went to segregated schools, integrated schools, or a composition of those schools. We are using a national survey of Black Americans, and if you went to a predominantly white school and you were black, we look at elementary, middle and high school. Regardless of which one you went to, elementary, middle or high school, going to a predominantly white school and being black you end up performing better.

Going to a predominantly black school is the middle category. We felt that if you went to an integrated category, a lot of the older black individuals, once you control for certain covariates, ended up doing worse than their peers that went to even predominantly black schools. Now, granted we have an older sample and a lot of them grew up in the segregated south; but even when we control and stratify for whether you grew up in a segregated south or not, we still find that result.

AS The people over there, you can go. Go ahead.

MARK TURNER Hello. Mark Turner. I'm kind of confused about the housing argument. There's two panaceas, there's rent stabilization and Section 8 housing vouchers. It's been proven that developers, property owners do not want to participate in a free market economy; they get no incentive out of it. Low-income families have no incentive to move out, move on, better their lives; a good example of that is the city of Yonkers, if you know the history. They built a public housing project right in the middle of lower Westchester County, a complete disaster. What is it going to take to have people understand that it's just…disconnected. I don't understand the disconnect between what people have to do to integrate their society, integrate the community. The understanding is that if you have an opportunity to do something and that the opportunity is lost it's never to return. So I don't understand the big argument about it. I don't get it.

MO Let me just see if I'm answering your question and then pick me up on this if I'm missing it. I think one of the things that people don't get is that an integrated society is a positive thing. Is this what you're saying? And I think it's really hard. I mean, I think race is one of the hardest issues in our society and there's a huge pushback when Fair Housing actions were taken and integration efforts were taken and one of the really big problems about this is the fragmented level of government. When one unit integrated like Yonkers, people could just move to the adjacent area and communities are often played off against each other. We see this all the time in suburban districts when they're becoming integrated. When they're becoming diverse, they say, "If we become

integrated people will just move to the adjacent suburban district." They can play off each other. So there's a powerful pushback often from whites who are uncomfortable, challenged, threatened and there is the government that can play each other off. If they say you integrate this particular area, the whites will move to the next area. So I think that one of the hard pieces of this is moving through like Louisville did and making it happen across the whole metropolitan area. And letting people get used to it for a generation. I think this is people living with each other, they find out it's not so bad and that things work better when they stop having irrational fears about each other.

I don't think Louisville is a panacea but I think the legal system with persistence and that experience lasted long enough and they weren't able to play off against each other, long enough so that people were not threatened and that the elected school board actually endorsed it after a period of time. I think that doesn't happen very often but I think that's the goal. I think another reason it doesn't happen is there's very little advocacy or nobody is arguing for it. The solutions to our urban problems are a block at a time and a neighborhood at a time. Not thinking about these big pictures. And if no one's advocating for it, it's not going to happen, because it's hard.

TW I'll just take it one step further actually. I mean, I do a lot of work with municipalities and the municipal officials and I'm going to say it's not just that they're going to say, "Well, people will move out to those other areas." The game truly is rigged in some ways by the hyper-fragmentation. When municipalities say the people will move out, etc., the way that the game is set up right now with the overreliance on local property taxes, each municipality out for itself using land-use decisions to drive the fiscal decision-making. I mean, how they zone their land will impact their budget at the end of the day, as I was saying to Myron earlier. You'll now hear mayors, progressive people talk about school children in ways that are bigoted. But children are a drain on municipal budgets and for a mayor the surest way not to get re-elected is probably to raise taxes. And so they're driving, I want to say it's not just a cultural situation, I think that these goals and directives helped us create a system that now has embedded within all kinds of systems of incentives of the way we raise and spend money on a local basis that is really reinforcing in a very powerful way. And so as Myron has written about, we need to try and figure out more regional tax-base sharing mechanisms, we need more thinking about regional planning. We're very good in some ways at creating regional master plans, comprehensive management plans for environmental purposes. We've figured out how to put a system in place that's going to protect Eastern Long Island, the southern New Jersey Pine Barrens, Cape Cod…

We're good at achieving those kinds of advances in stopping development in environmentally sensitive areas. Not perfect, but we've made a lot of progress on that. The flip side of the coin hasn't happened at all yet. We still don't have regional development planning structures that say, these are the areas where integrated and diverse growth should be occurring. Because again, still those decisions about where growth should occur are happening on a fragmented basis with, for instance in New Jersey, 566 municipalities—each making its own local-land use decisions based on the impact it'll have on the municipal budget. And so that is driving the decision making and housing. And the result shouldn't surprise anybody.

AS Make things a little bit more complicated and depressing. In the 1990s there was a program called Moving the Opportunity, a demonstration program sponsored by HUD with the aim of helping predominantly minority people living in public housing in several cities, including New York, move to middle-class neighborhoods and presumably or implicitly integrating our predominantly white neighborhoods. What happened? Most of them moved to neighborhoods that were less impoverished but they were overwhelmingly minority. And there are a number of reasons why that happened, but one is that people are uncomfortable moving to places which are different, which are isolated from their families and their networks and so it isn't just a matter of defragmentation and discrimination, it also has to do with people overcoming both actual and perceived and expected discrimination and being willing to move into uncomfortable surroundings. And so that program was a mixed success at best. And it provided assistance to help people move to these other neighborhoods which normally don't exist.

Questions over there?

FEMALE VOICE 1 Hi, I believe that the data which was presented tonight was not surprising nor was it unfamiliar. And I find it to be quite disheartening that we focus on passing bills on a local, regional, and other levels yet we don't have any accountability associated with different actions. I believe that if we looked for the financial accountability, as the second panelist spoke about, more positive outcome would definitely reveal itself. I'm a victim of redlining. I moved from Brooklyn to Suffolk County which is a completely different governmental entity. I worked for speaker Peter Vallone's office here a few years ago and I became very involved on the government level in Suffolk County and that was pretty astounding to begin

with. But when we as homeowners came together and fought the system, there were quite a few individuals who were arrested. They lost their ability to continue to build and sell homes. That's one developer. I was quite taken by the fact that the officials did not see the actions being more widespread. Yes, they were able to prevent that particular developer but if you know this exists, what purpose or what satisfaction are you giving to the community to help the certain homeowners that came together?

Yes, you helped us but what about the entire community? We were not the only victims in Suffolk County so I was quite insulted and I also observed that when the developer was hit in a financial manner the problem was resolved. So it's really not rocket science, it's very simple to me. And I lived through the experience to see how simple it is. So I don't quite understand why it's not being addressed at the core. What is all of this colorful discussion about? Nothing against anyone sitting on the panel, please do not take offense.

AS I'll give you that question.

MO Okay. Well, these are my favorite kinds of questions to answer. And I think that Long Island is a great place to think about this, with a highly fragmented local government and unbelievable patterns of discrimination and lots of court cases. We get to read about Long Island all the time in local government law and housing discrimination. I think that you need to have government leaders and the justice department, the U.S. attorneys thinking about this at the systemic level. You need to have advocacy organizations that can sustain these kinds of claims. It's really burdensome to enforce the Fair Housing Act one person at a time. But it's a powerful tool and you win if you can get into court; if you have the horsepower to get into court, it's a powerful tool. But it's very burdensome for an individual. And there are very few groups that have the horsepower to stand above prey and get groups of people together to talk about this fundamental problem.

In my writing and in the law and in regional planning I think the housing discrimination not only hurts black and Latino families, but hurts the whole part of older suburbia and central cities. It not only keeps stripping away the equity of black and Latino homeowners that are playing by all the rules of society—they keep buying high and selling low because of housing discrimination—but it rips apart those whole older communities and causes them to re-segregate, decline, and lose fair value. And I think it's in the self-interest of a very big part of suburbia to enforce the Fair Housing Act. I mean, one of the things in Louisville was how fair and integrated the housing market got, a lot better and a lot more stable. And it was in everybody's self-interest. And I think that this is an opportunity to make sure that these good laws are used and not place the burden of enforcing them on each individual person that gets discriminated against.

FEMALE VOICE 1 Myron I want to thank you for your presentation and I felt like you presented a lot of very interesting and compelling evidence, but I felt you made a huge leap to the answer being regionalism. And I wonder if you could backfill that a little bit for us? And then I also wanted all of the panelists perhaps to comment on the issue that it seems that while you're fixing the region which may have fixed a long-term problem the pushback that you're seeing all over the country from the CDCs or from LISC is about the immediate pain. So any comments on that appreciated.

MO Well, I don't think region is a panacea but I think we need more equitable regional structures. We live in regions in lots of ways. I mean, we live in labor markets, we live in housing markets, and we need to be able to respond in a governmental way to these levels. This doesn't mean you don't need cities too; maybe fewer cities…perhaps not 187 cities in the Twin Cities metropolitan area, maybe 25 or so. Maybe not so many cities in Long Island; New York City is a great city and this is a big one, but all the fragmented local governments, maybe not so many but certainly cities and things that people feel accountable and people that can make respond to them and some level of democratic accountability at the regional level. Some way for people to petition and deal with their region that isn't appointed officials that aren't distant from them. My argument is not for regional government to replace the cities, it's for making the regional level that exists now more accountable and more powerful—not to omit cities. And it is… I didn't talk about all this stuff tonight but I think that that is a piece of it.

I was surprised by the vehemence of the response and the categorical assertion by many that the Civil Rights Act didn't apply to tax credit at all. I was surprised by that and that they didn't say short-term or long-term they said, "No." I think that my argument is that it would be important to incent CDCs to have a long-term mission.

DH Let me jump in also with that. I think that a couple of points, one is the issue or the tension would be a lot less severe if there was more tax federal housing, more other forms of subsidized housing. We're talking about a time where there's been zero new federally assisted housing. The tax credit has been the only new subsidized housing really for the last number of years. And by the way the non-profit sector of CDCs included account for a relatively small portion of all the tax credit housing being built. But

I think that the issue would be much less pronounced if there actually was a reinvigorated investment in affordable housing in the nation. That's not to say that you shouldn't subject tax federal housing to Fair Housing laws. I agree with that, but I just don't see, you know, in a different administration with different values that this being the same problem that it is today.

TW If I could jump in towards the original question to try and address where the leap to the regional solutions comes from, as a regional planner. I mean, at RPA we now find ourselves working on parallel tracks—working with those urban communities that we've identified as priorities for growth redevelopment and other things as we try and push for the broader regional policies. And I think that what we've come to feel is that in some of these circumstances regional solutions and policies are going to be necessary but not sufficient. I mean, until we start to address again the fragmentation, say, of the property tax issue and the municipal governments. Until we start to regionalize housing policy, until we start to get the federal government even to recognize the existence of metropolitan regions and think about them in the way it disperses transportation funding. All of these, we can do as much as we want on a local level and we're still just going to be thwarted at the end of the day. So we're going to have to start to address those broad-scale issues but again realize that the regional solutions will never be the panacea or the silver bullet. And we're going to have to keep working at the local level too.

AS I think we have time for about one more question and then the last word from Myron. Go ahead.

FEMALE VOICE 2 Hi, Professor Orfield. I have a question for you. So I'm actually studying the Twin Cities, and you mentioned before that one of the biggest problems now is that people are not only moving out from the city, but that was in the past; people moving from the cities to the suburbs. Now they're moving from the suburbs to further out into the undeveloped areas.

MO Mm-hmm.

FEMALE VOICE 2 Greenfield development is a real big problem so beyond calling for metropolitan solutions, how specifically do you recommend addressing these issues of growth that even expand into areas that have no infrastructure, where new investment is required? And these new areas are now draining financial resources away from areas that have capacity where those resources could be put to better use in more efficient ways.

MO This is a good question. I think that good land use planning is an important piece. And I think the enforcement of real urban growth areas is one of the problems we've had in the Twin Cities. We have an urban growth boundary and in some parts of the region and in some administrations of our metropolitan council it's very strongly enforced at one unit per 40 acres in certain sectors. And other places there are exemptions and you start to see proliferation of two acre lots. We also have now, three counties outside of our metropolitan council that are not controlled by the Land Use Planning Act. So people can skip right over the edge and it needs to be expanded. I think that in places like Portland, Oregon, the urban growth boundary has here-to-for been more strictly enforced and the State Land Use Planning Act keeps density at low levels outside that boundary. So I think this is a very good way to do that.

And I think the Twin Cities has some problems with that and I think that to the extent that it can enforce its Land Use Spreading Act and keep densities low outside of our urban growth boundary and include the Leap Frog counties, that's important. One of the problems when you have scattered development outside of an area with urban services is eventually it reaches a density where it demands the services come out to it. You have to be tough at the beginning. You have to have enough land with an urban growth boundary and concentrate resources there and make sure that it's well-provided with infrastructure and that there's enough land within the boundary to deal with growth. But you have to really be strong. It's a good growth pattern and you have to be strong about that land outside of the urban growth boundary. And that's one of the things in the Twin Cities we haven't done as well as we should have or as consistently.

MALE VOICE 2 What about the gas tax?

MO Gas tax…I think the gas tax is important and I don't know enough to say how important it is, but I think land use planning is more important.

AS Okay. We have less than five minutes. So do we have any closing words from the panelists and Myron?

DH I'll just emphasize the notion of, if we are going to move to an integrationist type strategy, what is it about integration that leads to better outcomes? Can we identify those things? Is it access to better resources or is there something inherent about being with somebody where it makes you better. I don't know, we haven't done a lot of comprehensive research to examine if individuals are made better off by being with other people that are dissimilar to them. I think we all would like the data to show that it actually improved outcome by integrating. But I don't know if that's necessarily true. There are some negatives as

well as positives associated with it. But is the real issue the integration or is it access to the resources that are associated with certain groups and not other groups?

TW I guess, towards that point I'm reminded of words a friend, Jane Thompson, an urban designer, told me about her perspective on regionalism and diversity. And she talks about, she makes an analogy to Darwin and the evolution of species and she argues that communities can be seen as living organisms. And just the way a species could hyper-specialize and adapt themselves to a very specific environment and those were the kinds of species when the environment changes the planet gets hotter or cooler or something changes those are the species that become extinct. And it's through diversity that species are able to adapt to a changing environment. And I think that that's a powerful concept for communities and metropolitan to form.

And so that's again why we find ourselves trying to look for all the avenues we have. And again many of the underlying forces from the over-reliance on the automobile and housing policy and hyper-segregation and segmentation of governance has created both segregation and homogenization of communities. If we don't have very dense or very rural places anymore we have this pastiche of middle ground. And so we find ourselves as regional planners trying to figure out how to get diversity back into the growth projections and where places are going. And I think that that exists on a density gradient and it exists in the kinds of modes of transportation people will have and it exists in terms of the incomes and the ethnicities that we're trying to attract in these communities. And so that's become the guiding principal in terms of regional planning today, I would say.

AS Last word?

MO I think that I'm a person that believes in integration and is advocating it more than most people in the urban planning field. But maybe on the far fringe of thinking that this is important. But even at the far fringe with people like me nobody says that anybody has to move away from their ethnic group. It says that people should have choices and they should have the same choices. There's pretty strong evidence that black and Latino people have less choices where they are shown houses. I don't think anybody disputes that and they, I think that the Fair Housing Act said that people should have the same choices and it should be the same. It's pretty clear that black and Latino families don't get the same credit even if their income is very high. And when you don't get the same amount of credit your choices are again limited. And their choices should be the same. Also people don't have the same information. I mean, one of the things that happens if you aren't shown the same neighborhoods, if you don't have the same credit, if you don't have access to the same social networks, it's hard to know what you're choosing if you don't have any incentive. I've been very much involved in many places that have allowed school choice and integration programs and Fair Housing and one of the things that low-income residents frequently say when they get a chance to live in very high-opportunity suburbs—which is rare in Fair Housing Programs; mostly they get to live in poor, older, segregated suburbs—is "No one ever told me about this before." You know? We have a bunch of kids in a really affluent school district and one of the most common responses that kids have is, "Why didn't anyone ever tell us about this before? We never heard about this place before." And I think people need those choices and they need to have the same information and then they can choose to live.

Most European-Americans have had these choices and most European-Americans had disappeared into the framework of America. I think about my kids and they have 20 different ethnic groups in their background. And they were all white but had a choice if they wanted to live in a Norwegian-American community or a Swedish-American community and because they had the choices, they chose. Now, even the most radical integrationists don't think that people shouldn't have those choices. But we shouldn't incent limiting choices. And somebody needs to, you know, urban planning schools; people don't understand these really complicated patterns. I'm a law professor and I have a deep problem keeping this all in my head. And urban planning professors, I think, understand this better. And the tragedy I think is that they're mostly incenting the smaller responses. They're not pushing and helping people understand these big complicated patterns and what the choices are. And one of the reasons that I'm agitating you tonight is because this is what we need to do.

AS On that note, thank you very much.

[Applause]

AS Thank you all for coming and hope to see you at our next event, good night.

PARTICIPANT BIOGRAPHIES

Darrick Hamilton is an assistant professor at Milano The New School for Management and Urban Policy and an affiliated faculty member in the Department of Economics at The New School for Social Research. He is also an affiliate scholar at the Center for American Progress and co-associate director of the American Economic Association Summer Research and Minority Scholarship Program. He was previously a fellow at the Poverty Research and Training Center and the Program for Research on Black Americans both at the University of Michigan, Ann Arbor and at the Institution for Policy Studies at Yale University. Professor Hamilton's scholarship focuses on the causes and consequences of racial and ethnic inequality in economic and health outcomes and his articles have appeared in numerous publications.

Myron Orfield is the Julius E. Davis professor of law and executive director of the Institute on Race & Poverty at the University of Minnesota. He is also a non-resident senior fellow at the Brookings Institution in Washington, D.C. and an affiliate faculty member at the Hubert H. Humphrey Institute. Professor Orfield served five terms in the Minnesota House of Representatives and one term in the Minnesota Senate, where he was the architect of a series of important changes in land use, fair housing, and school and local government aid programs. He is the author of *Metropolitics: A Regional Agenda for Community and Stability*, (Brookings Institution Press, 1997) a study of local government structure and demographics; *American Metropolitics: The New Suburban Reality* (Brookings Institution Press, 2002); and the forthcoming *Region: Law, Policy and the Future of the Twin Cities*.

Alex Schwartz is an associate professor at Milano The New School for Management and Urban Policy and chair of the school's Department of Urban Policy Analysis and Management. His principal areas of research center on housing and community development, including affordable housing programs, community reinvestment and community development corporations. His most recent book is *Housing Policy in the United States* (Routledge, 2006). Dr. Schwartz's research has appeared in such journals as *Cityscape, Economic Development Quarterly, Housing Policy Debate, International Journal of Urban and Regional Research,* the *Journal of Urban Affairs* and the *Journal of the American Planning Association*.

Tom Wright is executive director of Regional Plan Association, where he has led several projects including the *Draft Vision Plan for the City of Newark* and *A Region at Risk: The Third Regional Plan for the New York-New Jersey-Connecticut Metropolitan Area*. He is visiting lecturer in public policy at Princeton University's Woodrow Wilson School of Public and International Affairs and has also taught at the Columbia University Graduate School of Architecture, Lincoln Institute of Land Policy and New Jersey Institute of Technology School of Architecture. He has served as resource team member for the Governors' Institute on Community Design, and was previously deputy executive director of the New Jersey Office of State Planning and coordinator of the award-winning Mayors' Institute on City Design.

Bob Kerrey has served as president of The New School since 2001. The university is founded on strong democratic ideals and daring educational practices, and well suited for his leadership. Throughout his career in public service, while serving as a governor and U.S. senator from Nebraska during the 1980s and 1990s, Mr. Kerrey advocated for increased education spending and he continues to do so. Along with his duties as president of The New School, Mr Kerrey leads a five-year writing challenge sponsored by The National Commission on Writing in America's Schools and Colleges and is co-chair with Newt Gingrich of the National Commission for Quality Long-Term Care. He is the recipient of the Robert L. Haig Award for Distinguished Public Service from the New York State Bar Association.

Lisa J. Servon is Dean of Milano The New School for Management and Urban Policy. She is also a Senior Research Fellow at the Center for Work Life Policy. Dean Servon holds a BA in Political Science from Bryn Mawr College, an MA in History of Art from the University of Pennsylvania, and a PhD in Urban Planning from the University of California, Berkeley. She teaches and conducts research in the areas of urban poverty, community development, economic development, and issues of gender and race. Specific areas of expertise include microenterprise development, the digital divide, and capacity-building for community-based organizations. Her work has been funded by the Open Society Institute, the Aspen Institute, the Ford Foundation, the Fannie Mae Foundation and others. She spent 2004-2005 as Senior Research Fellow at the New America Foundation in Washington, DC. Servon is the author of numerous journal articles and two books: *Bridging the Digital Divide: Technology, Community, and Public Policy* (Blackwell 2002), and *Bootstrap Capital: Microenterprises and the American Poor* (Brookings 1999). She lives in Brooklyn.

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