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**BOOK REVIEW: SHERYLL CASHIN, THE FAILURES OF
INTEGRATION: HOW RACE AND CLASS ARE UNDERMINING THE
AMERICAN DREAM (2004)**

PETER W. SALSICH, JR.*

A young mother with her four-month-old baby in her arms was jailed in Huntsville, Alabama, during the spring of 1963 for participating in a civil rights demonstration. Thus was Sheryll Cashin, as the baby, introduced to the plight of African Americans in the South in the early 1960s and the civil rights movement of that era.¹ Forty years later, Professor Cashin, now a member of the law faculty at Georgetown University, has written an analysis of the movement with the provocative title, *The Failures of Integration*.² The book was written for the fiftieth anniversary of the landmark *Brown v. Board of Education*³ decision and contains a realistic but nevertheless profoundly disappointing message: Fifty years after *Brown*, “the ideals of integration and equality of opportunity still elude us, and we are not being honest or forthcoming about it.”⁴

Professor Cashin’s main theme is that, despite the elimination of “[s]tate-ordered segregation” in employment, housing, and public accommodations, “voluntary separation [remains] acceptable, natural, sometimes even preferable.”⁵ Not only do race and economic status define neighborhoods, educational opportunities, and life chances for millions of Americans, but “this stratification is contributing to a corrosive politics of selfishness” that threatens to cause “a stark failure of our democracy project,” she asserts.⁶ She argues for taking the “hard path” to a “transformative” and “socioeconomically integrated order” in which all races and classes have “more choices and greater opportunity.”⁷

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1. Sheryll Cashin, Address at the Saint Louis University School of Law’s Childress Lecture (Oct. 1, 2004).

2. SHERYLL CASHIN, *THE FAILURES OF INTEGRATION: HOW RACE AND CLASS ARE UNDERMINING THE AMERICAN DREAM* (2004).

3. 347 U.S. 483 (1954).

4. CASHIN, *supra* note 2, at x.

5. *Id.* at xiv.

6. *Id.* at xix.

7. *Id.* at 299–302.

Her book is informed by solid research, including her acclaimed Georgetown Law Review article, *Localism, Self-Interest, and the Tyranny of the Favored Quarter: Addressing the Barriers to New Regionalism*⁸ and an earlier Columbia Law Review piece, *Federalism, Welfare Reform, and the Minority Poor: Accounting for the Tyranny of State Majorities*,⁹ in which she examined state-level allocation of resources and program strategies that have led, in her words, to “the tyranny of the favored quarter.”¹⁰ Her work also benefits from Myron Orfield’s research on state and local allocations of public resources, *Metropolitics: A Regional Agenda for Community and Stability*¹¹ and *American Metropolitics: The New Suburban Reality*.¹²

The book is divided into three parts: a look back at the failures of integration, a look at the current “separate and unequal society,” and a look at the future. In the final part she presents some suggestions for completing the transformation of American society that began with the civil rights movement.

In Part 1, Professor Cashin attributes what she terms the current “American separatism” to housing—“the last plank in the civil rights revolution, and . . . the realm in which we have experienced the fewest integration gains.”¹³ Reading that passage, I was reminded of the St. Louis school desegregation case, *Liddell v. Board of Education of the City of St. Louis*,¹⁴ in which a voluntary plan of desegregation involving school districts in St. Louis County as well as the City has been in effect for more than 20 years.¹⁵ While the parts of the plan devoted to school desegregation have been and continue to be implemented with varying degrees of success,¹⁶ a section of the plan calling for a housing plan to be prepared in conjunction with the city’s Community Development Agency by November 1, 1980, to “insure[] that the operation of federally-assisted housing programs in the St. Louis metropolitan area will facilitate . . . school desegregation”¹⁷ later was stayed by the court and has not

8. Sheryll D. Cashin, *Localism, Self-Interest, and the Tyranny of the Favored Quarter: Addressing the Barriers to New Regionalism*, 88 GEO. L.J. 1985 (2000).

9. Sheryll D. Cashin, *Federalism, Welfare Reform, and the Minority Poor: Accounting for the Tyranny of State Majorities*, 99 COLUM. L. REV. 552 (1999).

10. Cashin, *supra* note 8, at 1987.

11. MYRON ORFIELD, *METROPOLITICS: A REGIONAL AGENDA FOR COMMUNITY AND STABILITY* (1997).

12. MYRON ORFIELD, *AMERICAN METROPOLITICS: THE NEW SUBURBAN REALITY* (2002).

13. CASHIN, *supra* note 2, at 3.

14. 491 F. Supp. 351 (E.D. Mo. 1980). *Liddell* is among the many reported opinions in this more than thirty-year-old case. See *Adams v. United States*, 620 F.2d 1277, 1280-84 (8th Cir. 1980) (finding unconstitutional segregation and ordering school district to develop a system wide plan for integration), *cert. denied*, 449 U.S. 826 (1980).

15. *Liddell*, 491 F. Supp. at 352-54 (approving desegregation plan filed by the city school board).

16. *Id.* at 353-54 (referring to paragraphs 12(a), (b), (c), and (e) of the desegregation plan).

17. *Id.* at 354 (referring to paragraph 12(d) of the desegregation plan).

been heard of since.¹⁸ Query whether the voluntary busing program would still need to be in effect if more attention had been paid to integrating housing and neighborhoods in the St. Louis area twenty-five years ago.

This first section of her book is a series of vignettes comparing the experiences of black families, white families, and families of mixed races, with the experiences of black families and mixed race families featuring various forms of housing discrimination as well as choice to live in segregated communities and the experiences of white families featuring choice or steering to locate in segregated communities. “Race and class segregation, then, is borne of both personal preferences and rank discrimination. Both reflect fundamental human impulses, one seemingly benign and the other nefarious.”¹⁹ But Professor Cashin does not believe segregation is “an inherently natural consequence of human nature,” noting that 100 years ago the “natural tendency” of housing patterns in the United States was “integration and heterogeneity.”²⁰ The “separatist bias” of today’s housing patterns, she asserts, were fostered by “decades of affirmative public policy choices.”²¹

In addition to personal stories and examination of particular communities, Professor Cashin reviews the 2000 census. She argues that “[s]ince 1970[] both the poor and the affluent have become more isolated” while “all neighborhoods have become more stratified along lines of income.”²² She draws three lessons, each concerning racial integration and class separation, from the census records of the last three decades. With regard to race, Cashin observes that “[c]ommunities with few blacks integrate better than those with many blacks,” that “[c]ommunities with a Latino presence seem to integrate blacks and whites better than communities without this third group,” and that “[w]here blacks or Latinos exist in large numbers, whites flee, especially whites with children.”²³ On the class side, the census figures tell her that “[b]oth poverty and affluence . . . occupy more tightly compact physical space than in the past,” that “[o]nly the black poor experience ‘hypersegregation’ . . . [defined as] a deep wall of isolation and concentrated poverty” and that “[e]conomic segregation increased steadily for whites, blacks and Latinos.”²⁴

18. *Liddell v. Bd. of Educ.*, 567 F. Supp. 1037, 1061 (E.D. Mo. 1983) (approving a voluntary interdistrict Settlement Plan under section 12(c) of the judicially approved desegregation plan that still is in effect, but noting that the Settlement Plan “does not involve the paragraph 12(d) housing issues and the housing defendants against which plaintiffs’ claims have been stayed”).

19. CASHIN, *supra* note 2, at 37–38.

20. *Id.* at 38.

21. *Id.*

22. *Id.* at 83–84.

23. *Id.* at 90–91.

24. CASHIN, *supra* note 2, at 95–97.

Professor Cashin closes the first part of her book with a twenty-page review of four public policy decisions in the twentieth century that changed what she characterizes as the norm at the beginning of the century of “economic and racial *integration*”²⁵ to our current status of separation. Cashin first discusses the delegation of the powers and authority of government, particularly that of land use planning and zoning, to “new, homogenous communities.”²⁶ She secondly addresses the acceptance of “the orthodoxy that homogeneity was necessary to ensure . . . housing values”²⁷ by the Federal Housing Administration as it facilitated the growth of the suburbs through its mortgage insurance program while “institutionaliz[ing] the usage of racially restrictive covenants and redlining by the private sector.”²⁸ Cashin identifies the construction of the interstate highway system in a manner that “frequently mowed down vibrant black commercial corridors and neighborhoods” while at the same time encouraging the “process of forming new, predominately white suburbs” as the third public policy decision.²⁹ The final decision is the creation of the black ghetto by removing blacks from downtown neighborhoods through the federally funded urban renewal program, forcing them to live in ghetto neighborhoods or in segregated federally funded public housing, and preventing them from moving to the suburbs by imposition of exclusionary zoning and operation of the federally insured home loan program in a racially discriminatory manner.³⁰

Private actors also contributed to this separatism, Professor Cashin asserts, particularly in the real estate industry. In addition to racially restrictive covenants and racial steering, practices that have been illegal for years, she argues that current “[t]echnology and consumer marketing practices have enabled a systematic racial and economic profiling of neighborhoods.”³¹ Use of these tools by businesses and local government officials “establish[es] a hierarchy of neighborhood types that skew investment decisions heavily in

25. *Id.* at 102.

26. *Id.* at 102–03. Use of local zoning authority to separate households along class lines was helped greatly by dicta in the Supreme Court’s decision upholding the constitutionality of zoning: “With particular reference to apartment houses, it is pointed out that the development of detached house sections is greatly retarded by the coming of apartment houses . . . [and] that in such sections very often the apartment house is a *mere parasite*.” *Vill. of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 394 (1926) (emphasis added). The district court may have been more prescient. “In the last analysis, the result to be accomplished is to classify the population and segregate them according to their income or situation in life.” *Ambler Realty Co. v. Vill. of Euclid*, 297 F. 307, 316 (N.D. Ohio 1924).

27. CASHIN, *supra* note 2, at 103.

28. *Id.* at 112.

29. *Id.* at 113–14.

30. *Id.* at 115–17.

31. *Id.* at 118.

favor of predominantly white suburban communities,” she argues.³² The result might be termed a public-private partnership of separation.

In the middle part of the book, chapters four through seven, Professor Cashin discusses what she calls “The Costs of our Failures—A Separate and Unequal Society.”³³ In chapter four, Professor Cashin describes a particularly poignant dilemma she believes middle-class black families face.

They, like all Americans, desire superior environments in which to live, work, play, and raise their children. Their dream is the American dream. They want equal access to all of the resources society has to offer, but they are frequently forced to choose between a black enclave that comes with some costs but provides a spirit-reviving balm against the stress of living as a black person in America, and a community that offers a wealth of opportunities and benefits but where they would be vastly outnumbered by whites, a kind of integration they may not want.³⁴

Focusing on Prince George’s County, Maryland, Professor Cashin argues that “[b]lack separatism, even of the affluent black kind . . . comes with palpable costs.”³⁵ Missing from black enclaves, she asserts, are what she terms the common assumptions about suburban middle-class life:

1. I can escape neighborhoods of poverty, particularly black ones.
2. My children will be able to attend good public schools. They will be prepared, maybe even well prepared, for college.
3. My neighborhood will be free from crime.
4. My property taxes will be manageable, and I will receive better government services at lower cost than I would in the city.
5. I will be able to buy all the things I want and need at stores located near where I live. I will have a wide range of options for eating out near where I live.³⁶

She stresses that she does “not mean to denigrate majority-black communities,” but simply to make the point that “pronounced costs” come with that choice.³⁷

Professor Cashin closes the chapter with the observation that, while Americans overwhelmingly believe that the norm for society should be equality of opportunity, we are farther from that norm than “we realize or acknowledge . . . [a]nd middle-income whites may be the group that is most

32. CASHIN, *supra* note 2, at 118.

33. *Id.* at 125.

34. *Id.* at 134–35.

35. *Id.* at 136.

36. *Id.* at 136–37.

37. CASHIN, *supra* note 2, at 137.

blind to this reality.”³⁸ Chapter five focuses on the costs and benefits of white separatism. Using Fairfax County, Virginia, as her frame of reference, she reviews the five common assumptions she applied to, and found missing from, Prince George’s County and concludes that they apply in Fairfax County, an affluent and predominately white county.³⁹ Because those assumptions tend to ring true in affluent white communities, termed the “favored quarter” in real estate circles,⁴⁰ Professor Cashin poses the question: “Who could blame an individual family for making this kind of choice given the payoff?”⁴¹

But the “favored quarter” produces its own costs, Professor Cashin asserts, including the cost of living there because of the sharp rise in housing costs in recent years. This becomes an increasingly heavy burden for middle-class white families faced with housing standards that are “really defined by the ethos and achievements of the white upper classes.”⁴² Added to that are the direct costs of private schools and increasingly long commuting distances, as well as “more intangible” costs associated with separation from our increasingly more diverse urban society such as fear of, and inability to relate effectively to, the “other.”⁴³

Professor Cashin closes the middle portion of her book with two chapters devoted to public schools and the ghetto. In a particularly eloquent section of chapter six, she describes her feelings as a clerk for Justice Thurgood Marshall during his last active year on the bench (1990-1991) and his experiences as dissenter as the court began a retreat from the principles of *Brown v. Board of Education*.⁴⁴ She characterizes *Brown* as a “losing battle”⁴⁵ in describing the several Court opinions that resulted in a dramatic reduction in the percentage of black students attending majority-white schools in the South, from 43.5% in 1988 to 31% in 2000.⁴⁶ In addition to tracking the re-segregation of public schools, she also discusses the growing achievement gap, which is “not . . . surprising” to her “given that black and Latino children tend to be in schools where large numbers, if not a majority, of their peers come from low- and moderate-income backgrounds.”⁴⁷

Chapter seven examines the black ghetto, which Professor Cashin describes as “a peculiar American institution.”⁴⁸ Applying the research and

38. *Id.* at 166.

39. *Id.* at 170–75.

40. *Id.* at 170 (citing ORFIELD, *supra* note 11, at 5).

41. *Id.* at 177.

42. CASHIN, *supra* note 2, at 191.

43. *Id.* at 195–99.

44. 347 U.S. 483 (1954).

45. CASHIN, *supra* note 2, at 206.

46. *Id.* at 218.

47. *Id.* at 223.

48. *Id.* at 239.

conclusions of Douglas S. Massey and Nancy A. Denton in *American Apartheid: Segregation and the Making of the Underclass*,⁴⁹ she details the costs to ghetto residents, which she asserts are “steeper than most of us can imagine,”⁵⁰ as well as to the rest of society, including black middle and upper classes. She concludes this chapter and the middle part of the book with a brief review of the *Gautreaux* plan as an example of “alternative possibilities.”⁵¹ As part of the remedy for intentional segregation of public housing in Chicago, the Supreme Court approved the use of housing vouchers to enable public housing residents to move to affordable market-rate units in other parts of the metropolitan area, including predominately white suburbs. Professor Cashin notes that “[b]y every indicia of well-being, the lives of suburban movers improved.”⁵² She believes the *Gautreaux* program is a “hopeful vision” of future possibilities if “a change of mind-set and an opening of the heart” can be accomplished.⁵³

In the final two chapters of the book, Professor Cashin looks to the future. Chapter eight examines the polarization that has occurred in the country during the past two decades, including the rise in importance of the white suburban voter in state politics and the “fragmented electorate” illustrated by the 2000 election and the electoral map depiction of red and blue states. She reviews the “triangulation” strategies of former president Bill Clinton in the 1990s and current president George W. Bush in the 2000s. She notes that there was a brief period after 9/11 when “race relations were as good as they get in this country” and argues that “our separatism” makes inequality more likely and also contributes to “loggerhead politics that makes it very difficult to do anything about inequality.”⁵⁴

In her final chapter, Professor Cashin turns positive and offers a vision of a twenty-first century society in which the values of the civil rights movement, “that all people, of whatever race, [are] inherently equal and entitled to the full privileges of citizenship,” actually become “true for everyone.”⁵⁵ In order to achieve that vision, she believes that what she calls “three ongoing strands of coalition and community building” must come together for a “*frontal* assault on race and class segregation” in a way that also advances their individual

49. DOUGLAS S. MASSEY & NANCY A. DENTON, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* 77 (1993).

50. CASHIN, *supra* note 2, at 244.

51. *Id.* at 258–60. The *Gautreaux* plan is named after *Hills v. Gautreaux*, 425 U.S. 284 (1976), in which the Supreme Court concluded that public housing units in Chicago had been segregated intentionally.

52. CASHIN, *supra* note 2, at 258.

53. *Id.* at 260.

54. *Id.* at 288.

55. *Id.* at 301.

causes.⁵⁶ The three coalitions are (1) groups in metropolitan regions working to achieve greater equity in the allocation of public goods and services (regionalists), (2) community development corporations and other organizations seeking to revitalize low-income, predominantly minority communities by building social capital along with physical redevelopment (community builders), and (3) coalitions attempting to counter the effects of suburban sprawl by emphasizing the positive features of sustainable development (smart growth/sustainable development advocates).⁵⁷

Professor Cashin believes that three positive trends of the 1990s, the re-emergence of “colorful” urban neighborhoods, a “dramatic decline in concentrated poverty,” and the growth of the school choice movement, offer a framework for a national strategy that, coupled with a “national commitment to housing choice,” can lead to a “more integrated, full-opportunity society.”⁵⁸ Rather than a top-down “command-and-control forcing of race and class mixing,”⁵⁹ she advocates a series of steps that can foster the ability of people to choose to live in integrated communities: (1) Break-up the ghetto by expanding *Gautreaux*-type mobility programs, (2) encourage new homeowners, particularly the middle class, to return to minority neighborhoods while at the same time including low-income families in those neighborhood mixes, and (3) expand school and cross-jurisdictional choice programs in the direction of a system of “universal choice . . . [by removing] all jurisdictional barriers to choice.”⁶⁰

Professor Cashin has written a remarkable book. It is remarkable for its emotional appeal, its grounding in objective research, and its articulation of reasonable policy choices. One of its strongest points is its recognition of the cruel dilemma our current situation poses for fair-minded members of both majority and minority communities. For them, choosing to live in a segregated enclave may advance one’s economic interests (white majority) or emotional interests (black and Latino minorities) but at significant financial (both majority and minorities) and intangible costs (fear of the “other”). She emphasizes the cost of our current separation to both the majority and minority, while stressing the potential benefits to both, of an integrated social order.

Other people have made similar arguments, many of whom she cites throughout her book. Her acknowledgement of the reasons for segregative choices, her emphasis on the costs of those choices for middle class and

56. *Id.* at 307–08.

57. CASHIN, *supra* note 2, at 307–16.

58. *Id.* at 318–21.

59. *Id.* at 318.

60. *Id.* at 321–30.

affluent, as well as poor, and her pragmatic, but optimistic, prescription for transforming society set this book apart.

She ends her book with a call for each one of us to “develop the quality of empathy.”⁶¹ “Empathy. In our bewilderingly diverse future, it is the human quality that will be most fundamental to our nation’s progress.”⁶²

61. *Id.* at 332.

62. CASHIN, *supra* note 2, at 332.

