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THE COLOR OF LAW by Richard Rothstein **Discussion Questions**

1. What did you learn that surprised you? Should we have known this history? Why don't we?
2. What about your own community? Or neighboring communities? Did they fight over public housing or adopt zoning laws to exclude minority and low-and moderate-income families? Did home deeds prohibit non-Caucasian occupancy? What can be done about these violations now? What would it look like if your community were required to have its "fair share" of middle-class, minority and low-and moderate-income housing?
3. When the Richmond, California, Ford plant moved to Milpitas, white workers could buy homes near the new factory and stay employed. Frank Stevenson and several co-workers shared expenses for a long commute to keep their jobs. When factories nationwide relocated to suburban or rural areas, many (if not most) black workers lost good jobs. If they had Frank Stevenson's motivation, their families might have been better off. Should we fault them for not being like Frank Stevenson? It is sometimes said that African Americans "must be twice as good to succeed." Is this a reasonable substitute for public policy remedies?
4. Textbooks typically used in middle and high schools don't describe government's role in creating residential racial segregation. What can each of us do in our own communities to change how this his-tory is taught in our schools?
5. Past civil rights gains required not only greater understanding but also activism—petitioning, political campaigning, civil disobedience, protest demonstrations and marches. What role should such tactics play to desegregate neighborhoods? Do you expect to be involved?
6. After reading *The Color of Law*, a young African American high school graduate sent an email note to the author, from which this is an excerpt:

As I was growing up, I looked at the racial segregation and accepted it as how it has always been and will be; I equated white neighborhoods with affluence and black neighborhoods with poverty. I didn't think about the major role the government had in hindering the equity accumulation of African Americans. I think I ingrained this inferiority complex and that is why I did not excel in school as much as I could have.



What is your reaction? Have whites' stereotypes of African Americans also been influenced by "the major role the government had"? Can the history recounted in this book affect those stereotypes?

7. In 1998, President Bill Clinton initiated a "national conversation on race," but it attracted little interest. In 2007, Chief Justice Roberts said that to end discrimination by race we should stop taking race into account. When President Obama was elected, many said we were a "post-racial" society. Richard Rothstein has said that when he began work on this book in about 2007, he expected it to be mostly unnoticed. Yet it and other recent books on racial inequality have attracted great attention, while the Black Lives Matter movement has grown and cities have removed statues that commemorate Confederate generals who fought to preserve slavery. Why are we now having a new national conversation about race? Where might it lead?
8. Government leaders who implemented residential segregation may have responded to pressure from prejudiced white constituents. This is no excuse, because the Constitution requires public officials to resist pressure to discriminate. Nonetheless, how much do you think public opinion influenced government action, and how much did government action influence public opinion?
9. The Color of Law calls residential segregation a "badge" of slavery, a form of second-class citizenship that should have been prohibited if the Thirteenth Amendment had been fully implemented. Do you agree? While immigrant groups have also suffered discrimination, some of it government-sponsored, does the nation's slaveholding origins help explain why discrimination has been so much more severe against African Americans?
10. Some readers of The Color of Law have said that while government-sponsored segregation was tragic, government should avoid trying to remedy it because "social engineering" always has unintended consequences that we regret. Do you agree? Are unintended consequences a price worth paying to remedy residential segregation?
11. Chief Justice Roberts says that residential segregation "is a product not of state action but of private choices." Several readers of this book urged the author to send copies to Supreme Court justices. He responded that he has not done so because the Court follows public opinion in such matters, it does not lead it. Do you agree?
12. We typically expect to understand two sides of a story. Is there anything missing from The Color of Law that might modify its argument?
13. Some think that government should concentrate on improving conditions in low-income communities, not try to help their residents move to middle-class areas. They say that



easing the movement of minority and low-income families to predominantly white neighborhoods will meet too much resistance. Yet others say that low-income communities have too little political influence to ensure follow-through in attempts to improve conditions in segregated minority neighborhoods. What is your view? Can we fulfill our ideals as a democratic society if it is only more equal but not integrated?