

University of Pennsylvania Carey Law School

## Penn Law: Legal Scholarship Repository

---

Faculty Scholarship at Penn Law

---

2017

### Crossing Two Color Lines: Interracial Marriage and Residential Segregation in Chicago

Dorothy E. Roberts

*University of Pennsylvania Carey Law School*

Follow this and additional works at: [https://scholarship.law.upenn.edu/faculty\\_scholarship](https://scholarship.law.upenn.edu/faculty_scholarship)



Part of the [Civil Rights and Discrimination Commons](#), [Family Law Commons](#), [Housing Law Commons](#), [Inequality and Stratification Commons](#), [Law and Race Commons](#), and the [Race and Ethnicity Commons](#)

---

#### Repository Citation

Roberts, Dorothy E., "Crossing Two Color Lines: Interracial Marriage and Residential Segregation in Chicago" (2017). *Faculty Scholarship at Penn Law*. 2493.

[https://scholarship.law.upenn.edu/faculty\\_scholarship/2493](https://scholarship.law.upenn.edu/faculty_scholarship/2493)

This Article is brought to you for free and open access by Penn Law: Legal Scholarship Repository. It has been accepted for inclusion in Faculty Scholarship at Penn Law by an authorized administrator of Penn Law: Legal Scholarship Repository. For more information, please contact [PennlawIR@law.upenn.edu](mailto:PennlawIR@law.upenn.edu).

# CROSSING TWO COLOR LINES: INTERRACIAL MARRIAGE AND RESIDENTIAL SEGREGATION IN CHICAGO

DOROTHY E. ROBERTS\*

## I. INTRODUCTION

In the opening of *Brush Back*, the latest novel by best-selling author Sara Paretsky, V.I. Warshawski returns to Rainbow Beach, in the Chicago neighborhood where she grew up.<sup>1</sup> There she sees a couple of women in deep conversation—one, an African-American with a short Afro; the other, a gray-haired white woman.<sup>2</sup> “A mixed-race duo would have been assaulted in my childhood,” she remarks.<sup>3</sup> In fact, Rainbow Beach was the site where a white man killed a black teenager in July 1919 for crossing Chicago’s infamous “color line” by swimming into white-only waters, touching off one of the most deadly race riots in the nation’s history.<sup>4</sup> As Warshawski’s comment suggests, residential segregation in Chicago was violently enforced and tightly linked to an unwritten rule against interracial mixing.

This article explores the interplay of interracial marriage, residential segregation, and racial inequality in Chicago in the decades building up to the civil rights revolution of the 1960s. At the time, blacks in the South lived under an oppressive Jim Crow regime of official racial separation, including statutes that prohibited interracial marriage.<sup>5</sup> Chicago had no anti-miscegenation law, the Illinois ban having been repealed after the

---

Copyright © 2016, Dorothy E. Roberts.

\* George A. Weiss University Professor of Law and Sociology, Raymond Pace and Sadie Tanner Mossell Alexander Professor of Civil Rights, Professor of Africana Studies, University of Pennsylvania. This article is based on the 37th Annual John E. Sullivan Lecture at Capital University Law School. I presented earlier drafts at workshops at the Columbia Critical Race Theory Workshop, Penn Law School, Russell Sage Foundation, Tulane School of Law, UC-San Diego Department of Sociology, University of Cincinnati Department of Sociology, and University of Florida Levin College of Law, and am grateful to the participants for their comments. I also thank Sarah Adeyinka-Skold, Sonita Moss, Dawn Androphy, Jordan King, and Samantha Ramin for excellent research assistance and the American Council of Learned Societies for fellowship support.

<sup>1</sup> SARA PARETSKY, *BRUSH BACK* 15 (2015).

<sup>2</sup> *Id.* at 16.

<sup>3</sup> *Id.*

<sup>4</sup> Ken Armstrong, *The 1919 Race Riots*, CHI. TRIB., <http://www.chicagotribune.com/news/nationworld/politics/chi-chicagodays-raceriots-story-story.html> [<https://perma.cc/L3C7-APCH>].

<sup>5</sup> See *infra* note 27 and accompanying text.

Civil War.<sup>6</sup> Yet, despite the absence of *de jure* segregation, residential segregation dramatically affected the lives of interracial couples. Black-white couples crossed *two* color lines that separated the races in terms of both *where they could live* and *whom they could marry*.<sup>7</sup>

Residential segregation was essential to maintaining the racial order in Chicago in a way that paralleled bans on interracial marriage in the South. Separating blacks and whites geographically served as a powerful way to maintain white supremacy and racial purity in Chicago despite the legality of mixed race unions. Segregated neighborhoods both deterred interracial relationships in the first place and penalized people who dared to breach the taboo against them.<sup>8</sup> Forcing blacks and whites to live apart constricted their opportunities to get to know each other intimately. Once married, residential segregation drastically limited where black-white couples could find housing.<sup>9</sup> The geographic and social boundaries imposed by residential segregation also hampered the potential for the interracial marriages that did occur to have an impact on the racial order in Chicago.

Some scholars have interpreted interracial marriage as a symbol and means of overcoming racial hierarchies.<sup>10</sup> But my findings on interracial couples' encounters with residential segregation demonstrate that the legal ability to marry across race operates within, rather than transcends, the racial order. Interracial unions were governed by Chicago's white supremacist racial regime—the color line—enforced by residential segregation.<sup>11</sup> Thus, rather than challenging a separate type of discrimination against mixed couples because of their “interraciality” or advocating interracial marriage itself as a means of racial progress, integration, and upward mobility, I focus on contesting institutionalized racism—like the residential segregation that subordinated all black people in Chicago.

Part II provides background to my argument by discussing its methodological and theoretical framework.<sup>12</sup> I describe the archive of interviews of black-white couples in Chicago I rely on for empirical evidence of the relationship between residential segregation and interracial marriage.<sup>13</sup> I also describe the political role state statutes banning

---

<sup>6</sup> See *infra* note 34 and accompanying text.

<sup>7</sup> See *infra* notes 199–203 and accompanying text.

<sup>8</sup> See *infra* notes 230–231 and accompanying text.

<sup>9</sup> See *infra* note 197 and accompanying text.

<sup>10</sup> See, e.g., RANDALL KENNEDY, *INTERRACIAL INTIMACIES* 37 (2003); RICHARD BANKS, *IS MARRIAGE FOR WHITE PEOPLE?* 10 (2011).

<sup>11</sup> See *infra* Section IV.B.

<sup>12</sup> See *infra* Part II.

<sup>13</sup> See *infra* Section II.A.

interracial marriage played in maintaining white supremacy in the United States.<sup>14</sup> Part III gives an account of the history of residential segregation in Chicago in the decades between 1930 and 1960 and highlights four key means of enforcing the city's color line during this period: white terror, racially restrictive covenants, federal housing policy, and white flight.<sup>15</sup>

In Part IV, I connect the two color lines—residential segregation and anti-miscegenation.<sup>16</sup> I first describe the impact racially segregated neighborhoods had on black-white couples in Chicago.<sup>17</sup> I then turn to the theoretical implications of the relationship between residential segregation and interracial marriage.<sup>18</sup> I argue that residential segregation and anti-miscegenation were intertwined means of maintaining an unequal racial order, challenging both sociological theories about immigrant assimilation and upward mobility and legal theories about the significance of interracial marriage for racial equality.<sup>19</sup> Black-white couples in Chicago were bound by the city's residential color line; their mixed marriages were unable to transcend it.<sup>20</sup> Only addressing institutionalized racism, I conclude, will lead to the radical transformation of personal relationships required for Americans to relate to each other as equal human beings.<sup>21</sup>

## II. BACKGROUND

### A. *My Archive and Book Project*

This article is part of a book project that draws on an extraordinary archive of in-depth interviews of approximately 500 interracial couples conducted by Robert E.T. Roberts, a white anthropology professor at Roosevelt University in downtown Chicago, over the course of five decades.<sup>22</sup> He began in 1937 as a 22-year-old master's student at the University of Chicago, recording the life histories of interracial couples

---

<sup>14</sup> See *infra* Section II.B.

<sup>15</sup> See *infra* Part III.

<sup>16</sup> See *infra* Part IV.

<sup>17</sup> See *infra* Section IV.A.

<sup>18</sup> See *infra* Section IV.B.

<sup>19</sup> See *id.*

<sup>20</sup> See *id.*

<sup>21</sup> See *infra* Part V.

<sup>22</sup> Robert E.T. Roberts, 86, CHI. TRIB. (Jan. 23, 2002), [http://articles.chicagotribune.com/2002-01-23/news/0201230382\\_1\\_interracial-anthropology-mr-roberts](http://articles.chicagotribune.com/2002-01-23/news/0201230382_1_interracial-anthropology-mr-roberts) [<https://perma.cc/4ECT-PQD8>]; Robert Roberts Named to Roosevelt Faculty, CHI. TRIB. 218 (Sept. 18, 1949), <http://archives.chicagotribune.com/1949/09/18/page/218/article/robert-roberts-named-to-roosevelt-faculty> [<https://perma.cc/ERR2-ZAHG>].

married as early as 1882.<sup>23</sup> For the remainder of his career, he interviewed hundreds of more couples—followed by hundreds of their children—until he retired in 1986.

In the 1950s, Roberts began to ask the couples if they minded if he brought along a research assistant, a “Jamaican girl” named Iris White who was a senior at Roosevelt University and later a graduate student at Northwestern University. Miss White accompanied Dr. Roberts to the couples’ homes and remained in the living room to interview the wives, while Dr. Roberts accompanied the husbands to the dining room to be interviewed. In December 1954, Dr. Roberts and Miss White married—a case of the researchers becoming their subjects. Iris and Robert Roberts were my parents.

When my father died in 2002, I inherited twenty-five boxes of his files on interracial marriage in Chicago—a virtually unexamined treasure trove of rare interviews, newspaper clippings, letters, photographs, and handwritten notes (hereinafter Robert E.T. Roberts archive). I recently embarked on my own exploration of the Robert E.T. Roberts archive, as the daughter of Dr. Roberts, whose childhood was dominated by his passion for recording the stories of interracial couples; as the child of interracial parents, who grew up in Chicago’s integrated Hyde Park neighborhood during the social upheavals of the 1960s; and as a legal scholar and sociologist who has devoted her own career to the study of how legal institutions such as marriage perpetuate and contest racial inequality.

Using interviews in the Robert E.T. Roberts archive, my book project examines the lives of black-white couples residing in Chicago between 1937 and 1967 to investigate the relationship between interracial marriage and racial equality during a period of dramatic social change. By investigating the role interracial marriage played in the city’s changing racial politics from the perspectives of the couples, I hope to illuminate the significance of interracial marriage to ideologies and practices of racial hierarchy and equality. This article focuses on interviews from the Robert E.T. Roberts archive conducted between 1937 and 1956 to investigate the role of residential segregation in maintaining the color line in Chicago and in the lives of couples who crossed it to marry.

---

<sup>23</sup> See Robert E.T. Roberts, *Negro-White Inter-marriage: A Study of Social Control* (1940) (unpublished M.A. dissertation, University of Chicago). The classic book on residential segregation in Chicago, ST. CLAIR DRAKE & HORACE R. CAYTON, *BLACK METROPOLIS: A STUDY OF NEGRO LIFE IN A NORTHERN CITY* 137 n.\* (1945), relies on Robert Roberts’s research in the 1930s for its discussion of interracial marriage.

*B. The Politics of Interracial Marriage*

Legal scholars, social scientists, and historians have studied state regulation of interracial intimacy because it has served as a critical means of enforcing white domination throughout United States history.<sup>24</sup> Legal barriers to interracial unions were essential to establishing the political order that separated human beings into races, subordinated blacks to the rule of whites, and policed the boundaries between them.<sup>25</sup> Statutes restricting interracial marriages, passed in all but nine states, safeguarded both white racial purity and the privileges of legal marriage to a white person.<sup>26</sup>

Anti-miscegenation laws were part of the Jim Crow legal regime that took hold after the Civil War and officially separated blacks from whites in every aspect of social life, including schools, hospitals, buses, restaurants, hotels, swimming pools, and drinking fountains.<sup>27</sup> From 1874 to 1913, at least twelve states and territories passed legislation against interracial marriage.<sup>28</sup> At the anti-miscegenation regime's peak from 1913 to 1948, thirty states prohibited sexual and marital relationships between blacks and whites.<sup>29</sup> The civil rights movement had already succeeded in overturning a significant portion of restrictive marriage laws by the time the Supreme Court of the United States decided *Loving v. Virginia* in 1967.<sup>30</sup> By 1963, almost one-third of the thirty states that banned interracial marriage at the time of World War II had repealed their statutes.<sup>31</sup>

---

<sup>24</sup> See PETER WALLENSTEIN, *TELL THE COURT I LOVE MY WIFE: RACE, MARRIAGE, AND LAW—AN AMERICAN HISTORY* (2002); PEGGY PASCOE, *WHAT COMES NATURALLY: MISCEGENATION LAW AND THE MAKING OF RACE IN AMERICA* (2009); A. Leon Higginbotham, Jr. & Barbara K. Kopytoff, *Racial Purity and Interracial Sex in the Law of Colonial and Antebellum Virginia*, 77 *Geo. L.J.* 1967 (1989).

<sup>25</sup> PASCOE, *supra* note 24.

<sup>26</sup> WALLENSTEIN, *supra* note 24, at 70; PASCOE, *supra* note 24, at 29–39; Higginbotham & Kopytoff, *supra* note 24, at 1968.

<sup>27</sup> PASCOE, *supra* note 24; see STEPHEN A. BERRY, *THE JIM CROW ROUTINE: EVERYDAY PERFORMANCES OF RACE, CIVIL RIGHTS, AND SEGREGATION IN MISSISSIPPI* (2015); J. DOUGLAS SMITH, *MANAGING WHITE SUPREMACY: RACE, POLITICS, AND CITIZENSHIP IN JIM CROW VIRGINIA* (2002).

<sup>28</sup> See WALLENSTEIN, *supra* note 24, at 160 figs.7 & 8.

<sup>29</sup> *Id.* at 160 fig.8.

<sup>30</sup> 388 U.S. 1 (1967). See PASCOE, *supra* note 24, at 238, 240.

<sup>31</sup> See WALLENSTEIN, *supra* note 24, at 253 (explaining that nine of the thirty states with anti-miscegenation laws after World War II no longer had miscegenation laws by 1963); BRUCE ACKERMAN, *WE THE PEOPLE, VOLUME 3: THE CIVIL RIGHTS REVOLUTION* 291, 296 (2014) (noting “a decline in the number of anti-miscegenation states from thirty in 1947 to seventeen in 1965”).

The *de jure* Jim Crow regime did not operate in twentieth century Chicago.<sup>32</sup> It was legal for blacks and whites in Chicago to marry each other in the 1930s, 40s, and 50s.<sup>33</sup> The Illinois legislature repealed its anti-miscegenation law in 1874 and prohibited racial discrimination in public places.<sup>34</sup> Yet blacks and whites in Chicago were separated in every aspect of life, including marriage and housing, by the “unwritten law of the ‘color line.’”<sup>35</sup> Racially mixed marriages were rare.<sup>36</sup> Although Chicago did not keep statistics on the race of applicants for marriage licenses, Robert Roberts estimated, based on interviews with licensing officials, that in 1938 less than 3% of marriages of black men were to white women.<sup>37</sup> An even smaller percentage of black women married white men.<sup>38</sup> The rate had declined over the preceding three decades.<sup>39</sup>

By 1949 the trend had reversed.<sup>40</sup> John J. O’Brien, chief clerk of the Cook County marriage bureau, announced on August 21, 1949, that marriages between black and whites were increasing steadily in Chicago, with 200 mixed unions taking place that year.<sup>41</sup> Many of the intermarriages were between relatively well-off black servicemen who were deployed during World War II and white women they met in Europe.<sup>42</sup> Yet, even with the dramatic surge, relatively few people in Chicago crossed the color line to marry. The paucity of mixed marriages

---

<sup>32</sup> See, e.g., THOMAS J. SUGRUE, *SWEET LAND OF LIBERTY: THE FORGOTTEN STRUGGLE FOR CIVIL RIGHTS IN THE NORTH* (2009).

<sup>33</sup> *North Star Project: The Repeal of Northern Anti-Miscegenation Laws*, OCCIDENTAL DISSENT (Oct. 1, 2012), <http://www.occidentaldissent.com/2012/10/01/north-star-project-the-repeal-of-northern-anti-miscegenation-laws/> [https://perma.cc/CP6G-562U].

<sup>34</sup> THOMAS LEE PHILPOTT, *THE SLUM AND THE GHETTO: IMMIGRANTS, BLACKS, AND REFORMERS IN CHICAGO, 1880–1930*, at xi (1991).

<sup>35</sup> *Id.* at xii. See also Roberts, *supra* note 23, at 28 (“[I]n spite of civil-rights legislation that prohibits discrimination and enforced separation of the races in public places—which separation is required by law in the southern states—the situation is much the same as in the South.”).

<sup>36</sup> DRAKE & CAYTON, *supra* note 23, at 779, 781 (discussing how interracial marriage was legally possible, but it was socially disapproved of so there was very little intermarriage across the color line).

<sup>37</sup> *Id.* at 137 n.\*.

<sup>38</sup> *Id.* at 137.

<sup>39</sup> *Id.* at 137 n.\*; Roberts, *supra* note 23, at 16 (“Most of my informants thought that prejudice against the Negro and against intermarriage has increased in Chicago, particularly since the migration of thousands of Negroes to the city during 1916–1918.”).

<sup>40</sup> *Interracial Marriages on Increase Here: Estimate 200 Couples Wed in Year*, CHI. DAILY TRIB., Aug. 22, 1949, at 30.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

in Chicago was mirrored by national statistics.<sup>43</sup> “In 1958, only 4 percent of Americans approved black-white marriage.”<sup>44</sup> These marriages remain the least common: they constitute only about 4% of all marriages.<sup>45</sup>

Opposing anti-miscegenation laws as part of a racist regime is not the same as seeing interracial marriage itself as a blow against white supremacy. As I explain in an article examining *Loving v. Virginia* as a civil rights decision, “Although the struggle against white supremacy has expanded possibilities for interracial intimacy, both within social movements and in the broader society, people in these relationships do not necessarily strive to dismantle racial hierarchies or even have liberating ideas about race.”<sup>46</sup> Fifty years after the abolition of *de jure* segregation, including *Loving*’s invalidation of anti-miscegenation laws, persistent political, social, and economic gaps between whites and blacks pose barriers to any significant trend toward marriages between them. We should investigate and not assume the role black-white marriages have played in contesting unjust racial hierarchies and advancing racial equality.<sup>47</sup>

Robert Roberts contested the dominant sociological view of interracial marriage in the first part of the twentieth century: racial mixing creates

---

<sup>43</sup> 200 *Interracial Marriages Take Place in Chicago: Majority Involve White Women, Many from Foreign Countries: Men Usually “Prosperous,”* N.Y. TIMES, at 3, <http://proxy.library.upenn.edu:2187/docview/177790752/F9AAB1C6DABC4A39PQ/2?accountid=14707>.

<sup>44</sup> ANGELA ONWUACHI-WILLIG, ACCORDING TO OUR HEARTS: *RHINELANDER V. RHINELANDER* AND THE LAW OF MULTIRACIAL FAMILY 166 (2013).

<sup>45</sup> Zhenchao Qian & Daniel T. Lichter, *Changing Patterns of Interracial Marriage in a Multiracial Society*, 73 J. MARRIAGE & FAM. 1065, 1076 (2011) (reporting odds ratio of intermarriage between blacks and whites as 4.5%); see also *General Election – November 7, 2000*, ALABAMAVOTES.GOV, <https://www.alabamavotes.gov/downloads/election/2000/general/2000g-amend.pdf> (other evidence of the lagging social acceptance of interracial marriage is the reluctance of Southern states to repeal interracial marriage bans after *Loving*. Alabama became the last state to repeal its prohibition of intermarriage based in its state constitution in 2000. Even then, 40% of the citizens of Alabama voted to retain the law.).

<sup>46</sup> Dorothy E. Roberts, *Loving v. Virginia as a Civil Rights Decision*, 59 N.Y.L. SCH. L. REV. 175, 201 (2014–2015).

<sup>47</sup> See ONWUACHI-WILLIG, *supra* note 44; FRANCE WINDDANCE TWINE, *A WHITE SIDE OF BLACK BRITAIN: INTERRACIAL INTIMACY AND RACIAL LITERACY* 1 (2010) (describing how some white partners and parents in interracial relationships develop “racial literacy”); AMY STEINBUGLER, *BEYOND LOVING: INTIMATE RACEWORK IN LESBIAN, GAY AND STRAIGHT INTERRACIAL RELATIONSHIPS* 1 (2012) (examining the racial dynamics of everyday life for lesbian, gay, and heterosexual black/white couples and their process of negotiating racial differences).

personal and social problems.<sup>48</sup> Today, some scholars believe these private crossings of racial lines show that racism is waning, offer sites where individuals can overcome racial prejudices, and constitute a powerful symbol of the potential for racial harmony.<sup>49</sup> In contrast to both perspectives, my project is grounded in a conceptual framework that calls for investigating interracial marriage from the perspective of black-white couples without assuming an inherently problematic or progressive role in the advancement of racial equality.

### III. "QUARANTINED BEHIND THE COLOR-LINE"<sup>50</sup>

The black-white couples my parents interviewed in Chicago represented a striking contrast to the city's racial landscape. They intimately integrated their lives in a context of drastic racial separation. In their 1993 book, *American Apartheid: Segregation and the Making of the Underclass*, sociologists Douglass S. Massey and Nancy A. Denton sum up the monumental scale of segregated housing for blacks in this nation's urban centers: "No group in the history of the United States has ever experienced the sustained high level of residential segregation that has been imposed on blacks in large American cities for the past fifty years."<sup>51</sup> Chicago was no exception.<sup>52</sup> Indeed, the black ghettos that emerged in Chicago after the Great Migration of blacks from the South have served as a focus of attention for novelists, historians, and social scientists interested in the creation of America's racially divided urban terrain.<sup>53</sup>

---

<sup>48</sup> See, e.g., EDWARD BRYON REUTER, RACE MIXTURE: STUDIES IN INTERMARRIAGE AND MISCEGENATION (1931). Roberts persuaded some couples to be interviewed by explaining his aim to demonstrate the positive aspects of interracial marriage:

In my opinion a study of interracial marriage would be more likely to create favorable than unfavorable public opinion toward mixed couples in that the general impression most people had of such marriages was probably rather negative and that if the facts were known their impressions might be favorably changed.

Interview of Mr. and Mrs. Faulkner, Robert E.T. Roberts archive (Nov. 23, 1952).

<sup>49</sup> See Randall Kennedy, *How Are We Doing with Loving?: Race, Law, and Intermarriage*, 77 B.U. L. REV. 815, 819 (1997).

<sup>50</sup> DRAKE & CAYTON, *supra* note 23, at 268.

<sup>51</sup> DOUGLASS S. MASSEY & NANCY A. DENTON, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS 2* (1993).

<sup>52</sup> See *id.*

<sup>53</sup> See *id.*

*A. Residential Segregation in Chicago*

The United States underwent a radical demographic transformation over the course of the twentieth century that set the backdrop of black-white couples' lives in Chicago.<sup>54</sup> In 1870, 80% of African-Americans lived in the rural south,<sup>55</sup> by 1970, "80% of black Americans lived in urban areas, and nearly half were located outside the south."<sup>56</sup> In 1900, blacks made up less than 2% of Chicago's population, which was dominated by immigrants from Europe.<sup>57</sup> The relatively few black residents of northern cities prior to 1900 were not geographically isolated from other groups.<sup>58</sup> Chicago's small black community, like that of Cleveland, Detroit, and Milwaukee, was headed by an elite composed of educated professionals, entrepreneurs, and tradesmen who had close ties with white residents.<sup>59</sup> Most blacks lived in racially mixed neighborhoods and were widely scattered throughout the city.<sup>60</sup> Robert Roberts noted that the older couples he interviewed in the 1930s, twenty-five of whom married between 1882 and 1899, "frequently commented on the relative absence of racial prejudice and segregation prior to the mass influx of rural southern blacks at the time of the First World War."<sup>61</sup>

This demographic portrait of Chicago changed radically with the Great Migration of African-Americans out of the rural South. At the turn of the twentieth century, massive numbers of blacks began to escape the oppressive conditions of southern sharecropping for cities in the South, North, and West.<sup>62</sup> The African-American populations in cities like Washington, D.C., Atlanta, New York City, Philadelphia, and Kansas City all multiplied between 1890 and 1910.<sup>63</sup> World War I's outbreak in 1914 intensified the black exodus to northern cities, including Chicago.<sup>64</sup> The boom in industrial production and stagnation of European immigration

---

<sup>54</sup> *See id.* at 18.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> PHILPOTT, *supra* note 34, at 118.

<sup>58</sup> MASSEY & DENTON, *supra* note 51, at 19–20.

<sup>59</sup> *Id.* at 22.

<sup>60</sup> Robert E.T. Roberts, *Voices from the Past: Personal Accounts from the 1930's of 19th Century Marriages* (circa 1940) (unpublished paper).

<sup>61</sup> *Id.* at 1.

<sup>62</sup> For a detailed account of the Great Migration from the eyes of three individuals, *see* ISABEL WILKERSON, *THE WARMTH OF OTHER SUNS: THE EPIC STORY OF AMERICA'S GREAT MIGRATION* (2010).

<sup>63</sup> RICHARD R.W. BROOKS & CAROL M. ROSE, *SAVING THE NEIGHBORHOOD: RACIALLY RESTRICTIVE COVENANTS, LAW, AND SOCIAL NORMS* 24–25 (2013).

<sup>64</sup> MASSEY & DENTON, *supra* note 51, at 28.

spurred demand for unskilled labor, which employers met by aggressively recruiting blacks from the South.<sup>65</sup> Between 1910 and 1920, more than half a million black people made the journey, with migration reaching 877,000 in the 1920s.<sup>66</sup> Statistics from this time suggest Chicago was a prime destination for migrants.<sup>67</sup> Its African-American population skyrocketed from 44,000 to 109,000 in just three years between 1910 and 1920.<sup>68</sup> By 1934, 236,000 black people lived in Chicago.<sup>69</sup>

The growth of Chicago's black population was matched with intensifying residential segregation.<sup>70</sup> Over the first three decades of migration from the South, the Negro ghetto emerged.<sup>71</sup> Chicago became the most segregated of Northern cities.<sup>72</sup> Black residents were concentrated in two narrow strips extending to the west and south of downtown, known as the Black Belt.<sup>73</sup> Members of the black elite who formerly associated socially and professionally with whites were now forced to live near unskilled workers arriving from the South to neighborhoods designated for blacks only.<sup>74</sup> The inability of the Black Belt to expand to accommodate the burgeoning black population led to extreme overcrowding.<sup>75</sup> In the 1940s, black neighborhoods packed in 90,000 residents per square mile, compared to 20,000 residents per square mile in adjacent white areas.<sup>76</sup> As a result, these areas were marked by high rates of poverty and accompanying health problems.<sup>77</sup>

One indicator of segregation's intensity commonly used by social scientists is an *isolation index*, which measures the extent to which members of a group live in neighborhoods whose residents are predominantly from that group.<sup>78</sup> The spatial isolation of African-Americans in Chicago "increased from only 10% in 1900 to 70% thirty

---

<sup>65</sup> *Id.* at 28–29.

<sup>66</sup> *Id.* at 29.

<sup>67</sup> *Id.*

<sup>68</sup> JANET L. ABU-LUGHOD, RACE, SPACE, AND RIOTS IN CHICAGO, NEW YORK, AND LOS ANGELES 51–52 (2007).

<sup>69</sup> Allen R. Kamp, *The History Behind Hansberry v. Lee*, 20 U.C. DAVIS L. REV. 481, 483 (1987).

<sup>70</sup> MASSEY & DENTON, *supra* note 51, at 30.

<sup>71</sup> *Id.* at 30–31.

<sup>72</sup> MITCHELL DUNEIER, GHETTO: THE INVENTION OF A PLACE, THE HISTORY OF AN IDEA 33 (2016).

<sup>73</sup> See DRAKE & CAYTON, *supra* note 23, at 174.

<sup>74</sup> See *id.*; MASSEY & DENTON, *supra* note 51, at 30.

<sup>75</sup> See DRAKE & CAYTON, *supra* note 23, at 204.

<sup>76</sup> DRAKE & CAYTON, *supra* note 23, at 204.

<sup>77</sup> See *id.*

<sup>78</sup> MASSEY & DENTON, *supra* note 51, at 23.

years later.”<sup>79</sup> According to Massey and Denton, “As of 1930 the typical black Chicagoan lived in a neighborhood that was over two-thirds black.”<sup>80</sup> Arnold Hirsch in *Making the Second Ghetto* paints a similarly stark picture of racial segregation in Chicago that year: two-thirds of blacks lived in areas that were 90% black and nearly one-fifth lived in “‘exclusively’ (97.5% or more) black tracts.”<sup>81</sup> By the time my father began his study in 1937, there was a clearly demarcated Black Belt where the vast majority of black Chicagoans resided. Stark racial separation formed the geographical backdrop over the next two decades as the black and white partners my parents interviewed were meeting and getting married.<sup>82</sup>

My parents’ interview notes reflect the variety of socioeconomic statuses contained within the Black Belt.<sup>83</sup> In 1953 and 1954, my parents made several trips to the South Side to interview the Bowens, a black serviceman and the German wife he met while stationed in Germany during World War II.<sup>84</sup> My father noted that the couple lived in a brick two-story house “on one of the nicer boulevards in the heart of the South Side Negro area.”<sup>85</sup> “The house is owned by Mr. Bowen’s aunt and is a lovely two-floor residence with a city lot on either side of the house and enclosed by an iron fence. The lawn is well maintained and one side of the house faces a lovely garden with a variety of flowers and shrubbery. Most of the buildings in the immediate neighborhood are apartment buildings occupied by Negroes of varying class level. The Bowen residence is maintained in upper-middle class style with excellent furniture and tasteful décor.”<sup>86</sup>

My mother called the guest room a picture of “middle-class luxury.”<sup>87</sup> Mrs. Bowen reported that her husband’s aunt had invested \$2,000 in furnishing the room—a small fortune in 1953 dollars.<sup>88</sup> Mrs. Bowen explained, “[s]he loves good things. It is good that she can afford it.

---

<sup>79</sup> *Id.* at 31.

<sup>80</sup> *Id.*

<sup>81</sup> ARNOLD R. HIRSCH, *MAKING THE SECOND GHETTO: RACE AND HOUSING IN CHICAGO, 1940–1960*, 4 (1983).

<sup>82</sup> See DUNEIER, *supra* note 72, at 33.

<sup>83</sup> See *infra* notes 84–89 and accompanying text.

<sup>84</sup> Interviews of Earl and Matilda Bowen, Robert E.T. Roberts archive (Sept. 20, 1953, Oct. 18, 1953, Oct. 28, 1953, Jan. 30, 1954). Roberts used pseudonyms for all of the couples he and Iris White interviewed.

<sup>85</sup> Interview of Earl and Matilda Bowen, Robert E.T. Roberts archive (Sept. 20, 1953).

<sup>86</sup> Interview of Earl and Matilda Bowen, Robert E.T. Roberts archive (Oct. 28, 1953).

<sup>87</sup> Interview of Earl and Matilda Bowen, Robert E.T. Roberts archive (Jan. 30, 1954).

<sup>88</sup> *Id.*

Before her husband passed, they were in the real estate business. They had about thirty places on the south side.”<sup>89</sup>

Most of the interracial couples my parents interviewed were composed of migrants who arrived in Chicago in the first half of the twentieth century—African-Americans from the southern United States and whites from Europe.<sup>90</sup> In the 1930s, most of the wives were born in southern and eastern Europe and married black men who were part of the Great Migration.<sup>91</sup> After World War II, many of the wives were German, Italian, and French; so-called “war brides” wed to black servicemen who were stationed in Europe during the war.<sup>92</sup> Although both partners shared the experience of migration to Chicago, the consequences for their lives prior to marrying differed starkly because of anti-black racism.<sup>93</sup> The difference between the experiences of these migrant populations centered on where in the city they were able to reside.<sup>94</sup>

For one thing, there were no white neighborhoods where the concentration of one ethnic group mirrored the concentration of African-Americans in the Black Belt.<sup>95</sup> Although some Czechs, Greeks, Italians, Jews, and Poles lived in ethnic enclaves, these communities were far more mixed than the Black Belt.<sup>96</sup> In ethnic ghettos, the members of one nationality “set the tone” because of their numbers, longevity, or visibility, but no single group dominated the neighborhood.<sup>97</sup> Moreover, the residents of ethnic enclaves were never isolated from either other southern or eastern European immigrants or northern Europeans already settled in Chicago.<sup>98</sup> As historian Thomas Lee Philpott points out, with 90% of blacks living in neighborhoods over 80% segregated in 1930, “[n]o immigrant group was, or ever had been, so impacted.”<sup>99</sup>

Moreover, although ethnic whites may have settled originally in poverty-stricken slums, they were not relegated to living there permanently on account of their race.<sup>100</sup> “The difference between the slum and the

---

<sup>89</sup> *Id.*

<sup>90</sup> See WILKERSON, *supra* note 62, at 536 (“A central argument of this book has been that the Great Migration was an unrecognized immigration within this country.”).

<sup>91</sup> See *id.* at 415–17.

<sup>92</sup> See *id.*

<sup>93</sup> See *id.*

<sup>94</sup> See DUNEIER, *supra* note 72, at 36.

<sup>95</sup> See PHILPOTT, *supra* note 34, at 135.

<sup>96</sup> See *id.*

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> *Id.* at 143.

<sup>100</sup> *Id.* at 146.

ghetto was that poverty alone defined the slum,” writes Philpott, “whereas poverty combined with racism to create the ghetto.”<sup>101</sup> Sociologists at the time demonstrated a pattern of immigrants moving from undesirable areas of “‘first’ [settlement]” to better areas of “‘second’ settlement.”<sup>102</sup> Compulsory segregation, however, marked black Chicagoans as “fundamentally different” from white immigrants.<sup>103</sup> As Drake and Cayton noted, “Negroes, regardless of their affluence and respectability, wear the badge of color. They are expected to stay in the Black Belt.”<sup>104</sup>

Segregated housing was more than a sign of black subordination; it kept black residents in a subordinated position by denying them a key path of upward mobility. Immigrants who arrived in Chicago from Europe were soon integrated into more privileged white neighborhoods that became a conduit for their advancement.<sup>105</sup> In contrast, blacks were trapped in a ghetto that blocked them from opportunities reserved for white Americans.<sup>106</sup>

### *B. Creating and Preserving the Black Belt*

How was Chicago’s Black Belt created and its borders enforced? Forced segregation required a colossal systematic effort carried out by realtors, banks, neighborhood associations, national organizations, and government officials, as well as everyday individuals—all sanctioned by legal authority.<sup>107</sup> Violence, real estate covenants, and federal housing policies were chief means of enforcing Chicago’s racial boundary lines.<sup>108</sup>

#### *1. White Terror*

Whites used terror as the most direct way to pen black residents into restricted areas.<sup>109</sup> A scourge of anti-black violence erupted in northern cities between 1900 and 1920.<sup>110</sup> Gangs of white thugs roamed the streets assaulting blacks, burning their homes, and looting their businesses.<sup>111</sup> Bombings also terrorized black residents.<sup>112</sup> According to Massey and

---

<sup>101</sup> *Id.* at xiv.

<sup>102</sup> DUNEIER, *supra* note 72, at 36.

<sup>103</sup> *Id.* at 74.

<sup>104</sup> *Id.* (quoting authors Drake & Cayton).

<sup>105</sup> *Id.*

<sup>106</sup> *See id.*

<sup>107</sup> PHILPOTT, *supra* note 34, at xv; DUNEIER, *supra* note 72, at 30, 44.

<sup>108</sup> MASSEY & DENTON, *supra* note 51, at 33–34; DUNEIER, *supra* note 72, at 44.

<sup>109</sup> MASSEY & DENTON, *supra* note 51, at 33–34.

<sup>110</sup> *Id.* at 34.

<sup>111</sup> *Id.* at 34–35.

<sup>112</sup> *Id.* at 35; PHILPOTT, *supra* note 34, at 169–70.

Denton, “In Chicago, fifty-eight black homes were bombed between 1917 and 1921, one every twenty days; and one black real estate agent, Jesse Binga, had his home and office bombed seven times in one year.”<sup>113</sup> Whites bombed the homes of blacks to drive them from white territories and to warn others to keep out.<sup>114</sup>

Chicago was the scene of the deadliest race riot during an especially violent period in 1919, known as Red Summer, in cities across the nation.<sup>115</sup> In *The Slum and the Ghetto*, Philpott recalls how as a boy he “watched policemen arrest black people who tried to swim at Rainbow Beach, *our* beach, for ‘loitering’ or ‘for their own protection.’”<sup>116</sup> On Sunday, July 27, 1919, a white man had been throwing rocks at black swimmers who drifted toward the segregated beach on the South Side.<sup>117</sup> An African-American teenager named Eugene Williams was struck in the forehead and drowned.<sup>118</sup> A white police officer refused to apprehend the killer and arrested a black man instead.<sup>119</sup> The incident triggered a bloody confrontation between whites and blacks.<sup>120</sup> When the race war ended a week later, on August 3, it left 38 people dead—23 blacks and 15 whites—and 537 injured, mostly African-Americans.<sup>121</sup> Hundreds were made homeless by arson.<sup>122</sup>

## 2. Racially Restrictive Covenants

Another tool white Chicagoans used to keep blacks out of their neighborhoods was a real estate instrument—the racially restrictive covenant.<sup>123</sup> These agreements bound property owners and their heirs to a promise not to allow any black person to own, occupy, or rent their property for a specified period of time.<sup>124</sup> The covenants covered a particular neighborhood or subdivision and required that a certain

---

<sup>113</sup> MASSEY & DENTON, *supra* note 51, at 35.

<sup>114</sup> *See id.* at 33–35.

<sup>115</sup> Katrina M. Sanders, *America’s Quest for Racial Tolerance*, 2 J. GENDER, RACE & JUST. 99, 100 (1998).

<sup>116</sup> PHILPOTT, *supra* note 34, at xi.

<sup>117</sup> *Id.* at 171; BROOKS & ROSE, *supra* note 63, at 119.

<sup>118</sup> CHI. COMM’N ON RACE RELATIONS, *THE NEGRO IN CHICAGO: A STUDY OF RACE RELATIONS AND A RACE RIOT* 4 (1922).

<sup>119</sup> *Id.*

<sup>120</sup> PHILPOTT, *supra* note 34, at 171.

<sup>121</sup> CHI. COMM’N ON RACE RELATIONS, *supra* note 118, at xv; PHILPOTT, *supra* note 34, at 171.

<sup>122</sup> PHILPOTT, *supra* note 34, at 171–72.

<sup>123</sup> *See* JEFFREY D. GONDA, *UNJUST DEEDS: THE RESTRICTIVE COVENANT CASES AND THE MAKING OF THE CIVIL RIGHTS MOVEMENT 1* (2015).

<sup>124</sup> *See* MASSEY & DENTON, *supra* note 51, at 36; PHILPOTT, *supra* note 34, at 191.

percentage of owners in the area sign similar agreements.<sup>125</sup> Any party to the concurrent covenants could enforce them in court by suing violators for damages and eviction of the offending black residents.<sup>126</sup> Covenants served as a formal legal alternative to terroristic threats and violence to protect white neighborhoods from black incursion.<sup>127</sup>

By the 1920s, covenants facilitating residential segregation had become a routine part of real estate transactions across the country.<sup>128</sup> Constitutional protections against state discrimination did not seem to apply to them because they were considered to be private arrangements.<sup>129</sup> The Supreme Court of the United States ruled in *Buchanan v. Warley* that racial zoning by government violated the Fourteenth Amendment's protection of freedom to contract.<sup>130</sup> But within a decade, in *Corrigan v. Buckley*, the Court cleared the way for discriminatory agreements among white residents by declaring it lacked jurisdiction to review their constitutionality.<sup>131</sup>

The National Association of Real Estate Brokers promoted the practice in 1924 when it added to its code of ethics an article providing that "a Realtor should never be instrumental in introducing into a neighborhood . . . members of any race or nationality . . . whose presence will clearly be detrimental to property values in that neighborhood."<sup>132</sup> This provision remained in force until 1950.<sup>133</sup> The Chicago Real Estate Board was also deeply involved in policing racial borders.<sup>134</sup> It drafted a model covenant and launched a campaign to get it adopted by all the "better" neighborhoods in the city.<sup>135</sup> Even the University of Chicago promoted and participated in covenants to exclude blacks from surrounding neighborhoods.<sup>136</sup> By the late 1920s, 85% of Chicago was shielded by racial covenants that confined blacks to their ghetto.<sup>137</sup>

Given the importance of racially restrictive covenants to Chicago's color line, it is not surprising that a major legal challenge originated in that

---

<sup>125</sup> See PHILPOTT, *supra* note 34, at 191, 193.

<sup>126</sup> MASSEY & DENTON, *supra* note 51, at 36; PHILPOTT, *supra* note 34, at 191.

<sup>127</sup> See BROOKS & ROSE, *supra* note 63, at 4.

<sup>128</sup> *Id.*

<sup>129</sup> *Id.* at 3; DUNEIER, *supra* note 72, at 29; GONDA, *supra* note 123, at 4–5.

<sup>130</sup> 245 U.S. 60, 82 (1917).

<sup>131</sup> 271 U.S. 323, 332 (1926).

<sup>132</sup> MASSEY & DENTON, *supra* note 51, at 37.

<sup>133</sup> *Id.*

<sup>134</sup> *Id.* at 36–37.

<sup>135</sup> *Id.* at 37.

<sup>136</sup> See BROOKS & ROSE, *supra* note 63, at 9; DUNEIER, *supra* note 72, at 48–49.

<sup>137</sup> Kamp, *supra* note 69, at 484.

city. *Hansberry v. Lee*, a class action lawsuit seeking to enforce a covenant against black homeowners, was decided by the Illinois Supreme Court in 1939 and the Supreme Court of the United States in 1940.<sup>138</sup> Carl A. Hansberry, a prominent real estate broker, was the father of the celebrated playwright Lorraine Hansberry, who based *A Raisin in the Sun* on her family's battle against neighborhood segregation.<sup>139</sup> In 1937, he bought a house in the South Park subdivision on Chicago's south side, an all-white territory surrounded by black communities to its west and south.<sup>140</sup> South Park served as a blockade against encroachment by the black ghetto into white Woodlawn on the east.<sup>141</sup>

Hansberry's entrance in South Park infringed a racially restrictive covenant organized in 1928 by a group of white businessmen called the Woodlawn Property Owners Association.<sup>142</sup> The covenant was based on the Real Estate Board's model and was typical for Chicago neighborhoods.<sup>143</sup> The owner agreed not to make a sale, conveyance, lease, or agreement in violation of this restriction: "no part of said premises shall in any manner be used or occupied directly by a negro or negroes."<sup>144</sup> There was an exception for blacks employed by white owners as janitors, chauffeurs, and house servants.<sup>145</sup>

The legal dispute in the case to evict the Hansberrys revolved around whether a sufficient number of owners signed the covenant.<sup>146</sup> The Illinois Supreme Court declared the sale to Hansberry null and void, and the Supreme Court of the United States reversed on strictly procedural grounds.<sup>147</sup> Though Hansberry was victorious, the Court neither confronted the white supremacist aim of racially restrictive covenants nor overturned its precedent upholding them.<sup>148</sup> It would not be until eight years later in its 1948 decision *Shelley v. Kraemer* that the Court

---

<sup>138</sup> See generally 24 N.E.2d 37 (1939); 311 U.S. 32 (1940).

<sup>139</sup> Kamp, *supra* note 69, at 488, 493.

<sup>140</sup> *Id.* at 483, 485.

<sup>141</sup> *Id.* at 486.

<sup>142</sup> *Id.*

<sup>143</sup> *Id.* at 483–84.

<sup>144</sup> See, e.g., *Burke v. Kleiman*, 277 Ill. App. 519, 523 (Ill. Ct. App. 1934).

<sup>145</sup> Kamp, *supra* note 69, at 484. For an extensive account of the NAACP's efforts to coordinate a national campaign against restrictive covenants, see GONDA, *supra* note 123, at 103–55.

<sup>146</sup> See *Lee v. Hansberry*, 24 N.E.2d 37, 42 (Ill. 1939); *Hansberry v. Lee*, 311 U.S. 32, 45 (1940).

<sup>147</sup> See *Hansberry*, 311 U.S. at 45.

<sup>148</sup> See Kamp, *supra* note 69, at 493.

invalidated this tool of residential segregation for violating the Fourteenth Amendment.<sup>149</sup>

Legal scholars Richard Brooks and Carol Rose show that even after *Shelley* denied racial covenants' legal enforceability, real estate professionals continued to write them into deeds to signal to buyers the racial preferences of their neighbors.<sup>150</sup> Lorraine Hansberry sharply criticized claims of progress against segregation, noting, "the Negroes of Chicago were as ghetto-locked as ever . . ." <sup>151</sup> While opening white territories to black residents, *Shelley* did not produce an integrated city.<sup>152</sup> Indeed, South Park and Woodlawn soon became segregated black neighborhoods.<sup>153</sup>

### 3. Federal Housing Policy

Federal housing policy was another major contributor to residential segregation in Chicago.<sup>154</sup> Federal authorities respected restrictive covenants and a series of New Deal programs, including the Home Owners' Loan Corporation (HOLC),<sup>155</sup> Federal Housing Administration (FHA),<sup>156</sup> and the Wagner Housing Act of 1937,<sup>157</sup> that benefited white homeowners while condoning residential discrimination against blacks.<sup>158</sup> The Ida B. Wells Housing Project constructed between 1939 and 1941 to provide homes for sixteen hundred black families was situated in the Black Belt.<sup>159</sup> Although black Chicagoans overwhelmingly supported the project's construction, by 1943, the *Chicago Defender* demanded that National Housing Agency head John Blandford be fired for caving in to the principle of residential segregation.<sup>160</sup> At the same time, federal private housing programs facilitated white home ownership in the suburbs.<sup>161</sup> Beginning in 1935, federal authorities instructed bank appraisers to adjust

---

<sup>149</sup> 334 U.S. 1, 23 (1948).

<sup>150</sup> BROOKS & ROSE, *supra* note 63, at 6.

<sup>151</sup> Kamp, *supra* note 69, at 488.

<sup>152</sup> See HIRSCH, *supra* note 81, at 5.

<sup>153</sup> Kamp, *supra* note 69, at 499.

<sup>154</sup> BERYL SATTER, FAMILY PROPERTIES: RACE, REAL ESTATE, AND THE EXPLOITATION OF BLACK URBAN AMERICA 41 (2009); *Public Housing and Urban Policy: Gautreaux v. Chicago Housing Authority*, 79 YALE L.J. 712, 712 (1970).

<sup>155</sup> Home Owners' Loan Act of 1933, 12 U.S.C. §§ 1461–1468 (1934).

<sup>156</sup> National Housing Act, 12 USC §§ 1702–1732 (1934).

<sup>157</sup> United States Housing Act of 1937, 42 USC §§ 1401–1430 (1940).

<sup>158</sup> GONDA, *supra* note 123, at 7–8.

<sup>159</sup> HIRSCH, *supra* note 81, at 10–11.

<sup>160</sup> *Id.* at 12.

<sup>161</sup> Brief for Respondent at 17–18, *Tex. Dept. of Hous. & Cmty. Affairs v. Inclusive Cmty. Project, Inc.*, 135 S. Ct. 2507 (2015) (No. 13-1371).

their ratings in order to protect deed restrictions and prevent “infiltration of inharmonious racial or nationality groups.”<sup>162</sup> While supporting mortgage insurance for white suburbanites, federal regulators turned a blind eye to rampant redlining by banks and thrift institutions that denied credit to African-Americans.<sup>163</sup>

#### 4. *Post-World War II Urban Renewal and White Flight*

After World War II, the boundaries of Chicago’s Black Belt that whites violently policed since the Great Migration began to shift.<sup>164</sup> Large numbers of African-Americans continued to pour into Chicago from the South in search of better jobs, dwarfing the Great Migration in terms of absolute numbers.<sup>165</sup> The city’s black population that stood at 277,731 in 1940 swelled to 812,637 by 1960;<sup>166</sup> while blacks made up only 8.2% of the city’s population in 1940, they represented 22.9% in 1960.<sup>167</sup> The unprecedented growth of the black community worsened the severe housing shortage that already existed.<sup>168</sup> A parallel migration of affluent and middle-class whites to the suburbs opened the way for black Chicagoans to breach the Black Belt’s borders.<sup>169</sup> Unscrupulous real estate speculators known as “block busters” or “panic peddlers” hastened the racial succession in all-white neighborhoods by spreading fear among white residents of plummeting property values as black families moved in.<sup>170</sup>

Government urban redevelopment and renewal policies led to the displacement of African-Americans from decaying slums that were razed and rebuilt for middle-class expansion.<sup>171</sup> Many black refugees from these areas transplanted to a “vertical ghetto” of newly-erected public housing projects.<sup>172</sup> Arnold Hirsch summarized the movement of black residents into new parts of the city during the 1940s and 1950s:

To the east the Cottage Grove Avenue barrier—which had been buttressed by the activity of local improvement

---

<sup>162</sup> *Id.* at 17.

<sup>163</sup> *See id.* at 22.

<sup>164</sup> *See* HIRSCH, *supra* note 81, at 5.

<sup>165</sup> *Id.* at 16–17.

<sup>166</sup> *Id.*

<sup>167</sup> *Id.* at 17.

<sup>168</sup> *Id.* at 17–18.

<sup>169</sup> *Id.* at 16.

<sup>170</sup> *Id.* at 34. For an account of legal and financial exploitation of blacks on Chicago’s West Side, see generally SATTER, *supra* note 154.

<sup>171</sup> HIRSCH, *supra* note 81, at 10.

<sup>172</sup> *Id.*

associations after the 1919 riot—fell as blacks entered the communities of Oakland, Kenwood, Hyde Park, and Woodlawn in large numbers. To the south and southwest, Park Manor and Englewood also witnessed the crumbling of what were, by 1945, traditional borders. On the West Side, the exodus of Jews from North Lawndale created a vacuum, that was quickly filled by a housing-starved black population.<sup>173</sup>

Roy Easton, a black man who married an Italian wife at the end of World War II, invited my parents to dinner along with the Bowens, the black-German couple, in September 1953.<sup>174</sup> “I arrived at the Easton home in North Lawndale (a neighborhood which was almost entirely Jewish ten years ago but which is becoming predominantly Negro),” Roberts noted.<sup>175</sup> Similarly, in his notes from June 2, 1954, Roberts described the impact of white flight in Woodlawn: “The people here are frightened by the influx of Negroes. This area is changing rapidly. It is generally conceded that this area to the Midway and all the way to Stony Island Avenue will be completely Negro in a few years.”<sup>176</sup> Thus, the shattered barriers of the Black Belt did not signal an end to racial segregation. Rather, the city was redefining its racial boundaries and black isolation was intensifying.

#### IV. CONNECTING RESIDENTIAL SEGREGATION AND ANTI-MISCEGENATION

##### A. *The Impact on Black-White Couples*

###### 1. *Forced into the Black Belt*

Residential segregation in Chicago had a significant impact on interracial couples—especially the white husbands and wives. White men and women married to black women and men were forced to leave the white neighborhoods where they and their families resided to move to black areas on the city’s South and West Sides. As Mrs. Hooper, an African-American woman who lived with her white husband near the Ida B. Wells public housing projects, reported in February 1953, “the average interracial couple lives in a Negro neighborhood because they’re not very welcome anywhere else. All the couples that I know, unless the Colored

---

<sup>173</sup> *Id.* at 5.

<sup>174</sup> Interview of Roy Easton, Robert E.T. Roberts archive (Sept. 20, 1953).

<sup>175</sup> *Id.*

<sup>176</sup> Interview of Fred Johnson, Robert E.T. Roberts archive (June 2, 1954).

person can pass and is not known to be a Negro, live in Negro neighborhoods.”<sup>177</sup>

Many of the white wives my father interviewed in 1937 and 1938 reported a rude awakening when they attempted to find housing in white neighborhoods. Mrs. Curtis, a 45-year-old immigrant from Germany, recounted her frustration with apartment hunting after she and her husband were newly married.

When I married these American ways were foreign to me. When I married my husband I took him everywhere. I didn't know the difference. The very first slap I got was when I was looking for a flat. I was told that they would rent to me but “[w]e can't have a Negro here.”<sup>178</sup>

Mrs. Tyler, a 31-year-old woman from Czechoslovakia, received similar bad news: “I wanted to live in a hotel at 25th and Michigan and didn't know that he couldn't live there.”<sup>179</sup> Mrs. Duckworth, 69, was able to live in a white neighborhood only because her husband lived and worked in New Mexico and their adult children had moved to other parts of the city.<sup>180</sup> “There aren't any women with colored husbands out here. If they know I was connected I wouldn't be here,” she conceded.<sup>181</sup>

Despite their status at the top of Chicago's racial order, white men married to black women were similarly constrained by the residential color line.<sup>182</sup> Most of the white husbands my father interviewed lived in the “main Negro areas.”<sup>183</sup> In the 1950s, some purchased homes in middle-class black neighborhoods, some lived in mixed cooperative housing deliberately created in Hyde Park, and some moved to neighborhoods that were changing from predominantly white to predominantly black.<sup>184</sup> But white men married to black women, like white women married to black men, were expelled from the parts of town that were for whites only.

Landlords routinely refused to rent to interracial married white men when they discovered their wives were black. Even men who were able to own a home in a white neighborhood faced trouble living there with a

---

<sup>177</sup> Interview of Edna and Joe Hooper, Robert E.T. Roberts archive (Feb. 15, 1953).

<sup>178</sup> Interview of Mrs. Curtis, Robert E.T. Roberts archive (Nov. 2, 1938).

<sup>179</sup> Interview of Mrs. Tyler, Robert E.T. Roberts archive (Sept. 29, 1938).

<sup>180</sup> Interview of Mrs. Duckworth, Robert E.T. Roberts archive (Oct. 28, 1938).

<sup>181</sup> *Id.*

<sup>182</sup> See DRAKE & CAYTON, *supra* note 23, at 137.

<sup>183</sup> See interviews of Jeannette and William Alberti, Robert E.T. Roberts archive (Aug. 7, 1955); Geraldine and Lloyd Hart, Robert E.T. Roberts archive (Nov. 29, 1952); Emil and Alvin Lund, Robert E.T. Roberts archive (Oct. 10, 1953).

<sup>184</sup> See HIRSCH, *supra* note 81, at 5.

black wife. When my father interviewed Lloyd Hart, a white man, in 1952, he and his black wife, Geraldine, lived in a nice brick house in Lilydale, an area on Chicago's South Side developed in the 1940s for working-class black families.<sup>185</sup> Mr. Hart was previously married to a white woman and owned a building at 72nd and Yates on the South Shore when she died.<sup>186</sup> After they married, Geraldine moved into his apartment in the building he owned.<sup>187</sup> Mr. Hart recounted why the couple moved from his white neighborhood to black Lilydale:

A gang stoned the house and broke our windows in our house. We were married June 1, 1947, and in September a gang broke six windows in our house. This happened at night . . . . So I sold and moved out here. We moved here the 16th of December. That's the reason we moved. I wasn't going to jeopardize her for these hoodlums.<sup>188</sup>

## 2. Residential Outing and Employment

One of the ways Roberts located interracial couples to interview was the rumor that a white woman was living in a black neighborhood—a sure sign that she was married or cohabiting with a black man.<sup>189</sup> This residential “outing” of interracially married white women had detrimental consequences beyond being relegated to living among black people. Their address alone alerted potential employers that they were living with a black man.<sup>190</sup> Mrs. Tyler explained how residential segregation affected her employment prospects:

When they find out that you live in a colored neighborhood[,] you are through. If you give a different address and you talk with the girls and they find that you don't live there but in a colored neighborhood[,] you are through. When I was working with the Illinois Central and they found I was not riding on the Illinois Central as I

---

<sup>185</sup> Interview of Geraldine and Lloyd Hart, *supra* note 183.

<sup>186</sup> *Id.*

<sup>187</sup> *Id.*

<sup>188</sup> *Id.*

<sup>189</sup> See Roberts, *supra* 23, at 31 (“I found that in much of the [Negro] area there were virtually no White residents except the few who were married to Negroes.”).

<sup>190</sup> *Id.* at 92–94.

should if I lived where I said I did, they let me go immediately. They didn't give me 10 minutes' notice.<sup>191</sup>

Similarly, Mrs. Emerson, a 51-year-old French immigrant, told Roberts in 1938 that she dared not invite guests to her home for fear they would realize she was married to a black man and jeopardize her job as a tailor.<sup>192</sup>

In 1954, the Buckners, another black serviceman and German war bride, reported discovering a similar penalty for mixed marriages.<sup>193</sup> Mr. Buchner noted, “[i]f an employer found out, I would lose my job.”<sup>194</sup> Mrs. Buchner chimed in: “I know a girl who is married to a colored fellow. She was working as an inspector. When her supervisor found out, he dismissed her. She applied for [another] job . . . and they phoned for recommendations and didn't hire her.”<sup>195</sup>

### 3. *Creating an Interracial Haven*

A 2011 study of the residential decisions of black-white couples confirmed the hypothesis that they “will avoid the most segregated neighborhoods and congregate instead in places where there is already willingness to traverse racial boundaries.”<sup>196</sup> In the 1930s, 40s, and 50s, Chicago was so segregated that it was simply impossible for most black-white couples to find neighborhoods that traversed the color line.<sup>197</sup>

But as the South Side began to undergo a demographic transformation, it contained some integrated havens that were sought out by many interracial couples.<sup>198</sup> In the early 1950s, my parents began to discover enclaves of black-white couples who lived near each other.<sup>199</sup> Roberts reported receiving a list of names and addresses of eight mixed couples who met through interracial co-operative houses located mainly in the University of Chicago area, gathered in 1952 by a young woman who had

---

<sup>191</sup> Interview of Mrs. Tyler, *supra* note 179. See also Roberts, *supra* note 23, at 91 (noting that white spouses were more likely than black spouses to risk loss of employment owing to their interracial marriages).

<sup>192</sup> Interview of Mr. and Mrs. Emerson, Robert E.T. Roberts archive (July 12, 1939).

<sup>193</sup> Interview of Mr. and Mrs. Buckner, Robert E.T. Roberts archive (Oct. 10, 1953).

<sup>194</sup> *Id.*

<sup>195</sup> *Id.*

<sup>196</sup> Richard Wright et al., *Where Black-White Couples Live*, 32 *URB. GEOGRAPHY* 1, 2 (2011).

<sup>197</sup> See DUNEIER, *supra* note 72, at 33.

<sup>198</sup> See WILKERSON, *supra* note 62, at 397–98.

<sup>199</sup> See, e.g., Interview of Mr. and Mrs. Buckner, *supra* note 193; Interview of Emil and Alvin Lund, *supra* note 183; Interview of Fred Johnson, Robert E.T. Roberts archive (June 2, 1954).

lived in one of those houses.<sup>200</sup> In a 1955 interview, Emil Lund, a white man who was one of the founders of the Congress of Racial Equality, described a six-apartment building cooperatively owned by white and black families on the block where he and his black wife lived.<sup>201</sup> “You need something like that, a controlled interracial situation, to maintain an interracial area,” he opined.<sup>202</sup> Roberts also interviewed a group of black servicemen and ex-servicemen and their German, French, and Italian war brides they brought back from their service overseas during World War II who lived in close proximity to each other.<sup>203</sup>

My father’s notes in 1954 indicate there were exceptional areas of Chicago where interracial couples were welcomed:

Within the past year, great increase in Negro population, between 60th and 63rd east of Cottage Grove; whites now minority. Buildings in quarter block have housed at least 5 Negro-white couples in last 4 years and landlord known to be willing to rent to interracial couples even before influx of Negroes. Hyde Park very pleasant; there are a couple bars which are the only bars where mixed couples would feel a congenial atmosphere. Jimmy’s and University Tap.<sup>204</sup>

Thus, although Chicago’s color line historically restricted most black-white couples to the segregated Black Belt, by the 1950s some were creating their own rare enclaves in neighborhoods that were becoming more integrated.

#### *B. Theoretical Implications of Intersecting Color Lines*

The impact of residential segregation on black-white couples’ experiences highlights the critical role white supremacy played in not only blocking interracial marriage in the South but also shaping its meaning in the North. Residential segregation and anti-miscegenation were intertwined means of maintaining an unequal racial order in both regions. Examining the constraints segregated neighborhoods placed on black-white couples complicates both sociological theories about immigrant assimilation and legal theories about the significance of interracial marriage for racial equality.

---

<sup>200</sup> See Interview of Emil and Alvin Lund, *supra* note 183.

<sup>201</sup> Interview of Emil and Alvin Lund, Robert E.T. Roberts archive (Oct. 8, 1955).

<sup>202</sup> *Id.*

<sup>203</sup> See interview of Mr. and Mrs. Buckner, *supra* note 193.

<sup>204</sup> Interview of Fred Johnson, *supra* note 199.

### 1. Marital Assimilation?

The constraints experienced by black-white couples in Chicago owing to residential segregation contravenes the dominant sociological axiom that marriage to a U.S.-born citizen is a key pathway for immigrant assimilation in U.S. society.<sup>205</sup> A prominent sociological theory holds that an immigrant's marriage to a U.S.-born citizen is a conduit to social integration and the ultimate stage of absorption into the U.S. mainstream.<sup>206</sup> In his 1964 book, *Assimilation in American Life: The Role of Race, Religion, and National Origins*, Milton Gordon asserted that "marital assimilation" eventually erased the social distinctions between immigrants and U.S.-born Americans: "Prejudice and discrimination are no longer a problem, since eventually the descendants of the original minority group become indistinguishable, and since primary group relationships tend to build up an 'in-group' feeling which encloses all the members of the group."<sup>207</sup>

Marital assimilation may have worked this way for European immigrants who married white Americans.<sup>208</sup> But those who married blacks in Chicago experienced just the opposite.<sup>209</sup> Racism reversed the dominant paradigm of intermarriage and immigrant assimilation.<sup>210</sup> White immigrants from Europe married to black migrants from the South during the Great Migration and white war brides wed to African-American servicemen after World War II were not socially advantaged by their unions.<sup>211</sup> Far from being integrated into U.S. society as a result of marriage, they were forced into segregated neighborhoods that marked the disenfranchised status of their black spouses.<sup>212</sup> Even white men married

---

<sup>205</sup> Sarah Adeyinke-Skold and I critique marital assimilation theory and discuss the relationship between immigration, interracial marriage, and racial incorporation more fully in Sarah Adeyinke-Skold & Dorothy E. Roberts, *Thrust into Whiteness: Interracial Marriage and the Assimilation of European Immigrant Women in the 1930s*, (Oct. 12, 2016) (unpublished manuscript).

<sup>206</sup> See MILTON M. GORDON, *ASSIMILATION IN AMERICAN LIFE: THE ROLE OF RACE, RELIGION, AND NATIONAL ORIGINS* (1964); Richard Alba & Nancy Foner, *Mixed Unions and Immigrant Group Integration in North America and Western Europe*, 662 *ANNALS AM. ACAD. POL. & SOC. SCI.* 38 (2015).

<sup>207</sup> GORDON, *supra* note 206, at 80.

<sup>208</sup> *Id.* at 81–87.

<sup>209</sup> Adeyinke-Skold & Roberts, *supra* note 205.

<sup>210</sup> See DUNEIER, *supra* note 72, at 47 ("The Chicago School model, in which immigrants assimilated freely if they wanted to—that for each group, their time would come—had no meaningful conception of racism.").

<sup>211</sup> See WILKERSON, *supra* note 62, at 415–17.

<sup>212</sup> See DRAKE & CLAYTON, *supra* note 23, at 137.

to black women during these periods were downgraded to Chicago's Black Belt.<sup>213</sup>

Indeed, white immigrants married to each other lived in neighborhoods that were more ethnically and socioeconomically integrated than the areas reserved for black Chicagoans, and they had more opportunities for geographic and social mobility than their counterparts married to African-Americans.<sup>214</sup> Mrs. Tilton, a 40-year-old immigrant from Germany, observed in her 1938 interview that she was worse off marrying a U.S.-born black man than marrying another immigrant:

So what's wrong if a person chooses a colored man for their husband? Had I married a Jew, Dago, or any other nationality, not a word would have been said, but as soon as you take on a colored man the world begins to think you're insane or low class.<sup>215</sup>

Thus, examining the constraints that residential segregation placed on black-white couples in Chicago complicates the dominant sociological understanding of the role marriage played in the assimilation of European immigrants into U.S. society. Marriage to a U.S.-born black person dramatically affected the way European immigrants were incorporated in Chicago's racial order: although they were racialized as white, they were denied the privilege of living in a white neighborhood and did not experience the upward mobility predicted by marriage assimilation theory.

## *2. Anti-Miscegenation and Residential Segregation as Intertwined Means of Racial Separation*

In her book, *According to Our Hearts*, legal scholar Angela Onwuachi-Willig argues that the difficulty interracial couples face in finding housing reflects the privileged status of "monoraciality" among intimate couples in U.S. society.<sup>216</sup> Both segregated residential patterns and housing discrimination laws, she explains, work to reinforce the "placelessness"—the absence of any space—for multiracial families.<sup>217</sup> In other words, Onwuachi-Willig identifies a specific type of discrimination against black-white couples "because of their interraciality as a couple, as opposed to the race of just one member of the couple."<sup>218</sup>

---

<sup>213</sup> *Id.* at 197.

<sup>214</sup> See WILKERSON, *supra* note 62, at 416–17.

<sup>215</sup> Interview of Mrs. Tilton, Robert E.T. Roberts archive (Aug. 25, 1937).

<sup>216</sup> ONWUACHI-WILLIG, *supra* note 44, at 21.

<sup>217</sup> *Id.*

<sup>218</sup> *Id.*

By contrast, I have examined how housing discrimination encountered by black-white couples in Chicago was inextricably tied to residential segregation and the confinement of black residents to the Black Belt. Although these couples did encounter stigma and discrimination because they were “mixed,” the barriers they confronted in living wherever they wished in Chicago stemmed from broader structures designed to maintain white supremacy as much as their interraciality. The twin regimes of anti-miscegenation and residential segregation worked together to subordinate all black people living in Chicago and to relegate whites married to them to black neighborhoods.<sup>219</sup> Being married to a white person did not confer on black Chicagoans the privilege of living in a white neighborhood, and being married to a black person stripped the white spouse of that privilege.

In my article, *Loving v. Virginia as a Civil Rights Decision*, I similarly note the distinction between an approach that focuses on interracial marriage bans’ distinctive harms to interracial couples themselves and one that understands these harms in the context of the broader work of anti-miscegenation in upholding the racial order.<sup>220</sup> Some legal scholars distinguish between civil rights decisions, such as *Brown v. Board of Education*, which struck down official discrimination in the public sphere, and *Loving*, which “protects individuals from arbitrary governmental intrusions upon their intimate lives.”<sup>221</sup> Bruce Ackerman criticized the *Loving* opinion because Chief Justice Earl Warren swerved away from the anti-humiliation principle that animated *Brown* by failing to highlight the everyday indignities inflicted on interracial couples.<sup>222</sup>

The *Loving* Court, however, recognized the broader political purpose behind restrictive marriage laws to help maintain the white supremacist regime—a purpose that encompassed but surpassed their impact on the everyday lives of interracial couples.<sup>223</sup> Likewise, the impact these laws had on interracial couples’ lives was inextricably tied to the subordination of black people as a group, regardless of their marital decisions. *Loving*’s great contribution to civil rights struggle was not just permitting interracial

---

<sup>219</sup> See DRAKE & CAYTON, *supra* note 23, at 141 (Drake & Cayton note another reason for housing discrimination against interracial couples related to anti-miscegenation: “many of the better apartment houses and hotels will not rent to intermarried couples for fear that they are not really married, and therefore are not ‘respectable’”—not because of opposition to interracial marriage itself.).

<sup>220</sup> Roberts, *supra* note 46, at 208.

<sup>221</sup> KEVIN NOBLE MAILLARD & ROSE CUISON VILLAZOR, *LOVING V. VIRGINIA IN A POST-RACIAL WORLD: RETHINKING RACE, SEX, AND MARRIAGE 2* (2012).

<sup>222</sup> ACKERMAN, *supra* note 31, at 304.

<sup>223</sup> *Loving v. Virginia*, 388 U.S. 1, 6–7 (1967).

couples to marry; it was abolishing this official scaffolding of white domination.

In the South, white legislators did not rely solely on interracial marriage bans to maintain racial purity.<sup>224</sup> They also segregated education and neighborhoods to prevent interaction between whites and blacks that might lead to racial amalgamation.<sup>225</sup> When the Supreme Court of Virginia invalidated a racial zoning ordinance, the state deployed the anti-miscegenation law to bar anyone from moving onto a block where a majority of homes were occupied by individuals “whom they were prohibited from marrying.”<sup>226</sup> White Southerners saw integrated schools as a threat to racial purity, so it was imperative statutes making interracial marriage illegal remain in place as the federal courts were declaring school segregation unconstitutional.<sup>227</sup> Court victories leading to *Brown* posed a barrier to judicial invalidation of marriage restrictions because whites viewed the erosion of segregated education as a path to interracial intimacy.<sup>228</sup> The justices of the Supreme Court delayed acting on state interracial marriage bans until 1967 for fear of setting back the momentum created by civil rights activism against segregated education.<sup>229</sup>

Conversely, in Chicago, where the anti-miscegenation law had been repealed, housing segregation served this critical function of racial separation.<sup>230</sup> Residential segregation was a way of maintaining the color line despite the legality of interracial marriage in Chicago.<sup>231</sup> It served as a deterrent to interracial intimacy and penalized those who breached the taboo against interracial marriage. The relationship between anti-miscegenation and residential segregation in Chicago derives from the absence of any *de jure* prohibition of black-white marriages. Residential segregation was essential to maintaining the racial order in Northern cities precisely because there was no law banning interracial intimacy.<sup>232</sup> Both regimes ruled late into the Civil Rights era: the Supreme Court of the

---

<sup>224</sup> See BROOKS & ROSE, *supra* note 63, at 28, 45.

<sup>225</sup> *Id.*

<sup>226</sup> *Id.* at 45.

<sup>227</sup> *See id.* at 26.

<sup>228</sup> PASCOE, *supra* note 24, at 203.

<sup>229</sup> *Id.* at 204.

<sup>230</sup> See BROOKS & ROSE, *supra* note 63, at 116–17.

<sup>231</sup> *See id.*

<sup>232</sup> *See id.*

United States struck down interracial marriage bans in 1967 and Congress passed the Fair Housing Act in 1968.<sup>233</sup>

Residential segregation in Chicago also avoided the need for a *de jure* ban on interracial marriage because it helped to keep these marriages rare and inconspicuous.<sup>234</sup> Whites in the city could countenance occasional instances of mixed marriages precisely because they did not seem to threaten the color line. Drake and Cayton observe that, in 1940s Chicago, a white person's tolerance of "accidental" deviations from the taboo against interracial marriage

is apparently limited primarily by how close they approach, or seem to approach, his own intimate circle, his family, cliques and voluntary associations . . . . That some Negroes and whites associate as intimate friends and even marry, can be viewed with a certain amount of detachment so long as the incidents remain remote.<sup>235</sup>

Forcing black-white couples to live in the Black Belt facilitated this détente because it made these marriages less visible to white people.

Swedish economist Gunnar Myrdal discovered in his interviews of U.S. whites for his 1944 classic, *An American Dilemma: The Negro Problem and Modern Democracy*, that they "overwhelmingly put their highest priority on maintaining 'the bar against intermarriage and sexual intercourse involving white women,'" and were less resistant to extending opportunities to blacks in the public spheres of education, employment, and voting.<sup>236</sup> But Myrdal also noted the more indirect yet pivotal role of residential segregation in policing this strict barrier between black-white intimacy.<sup>237</sup> Segregated housing "is basic in a mechanical sense," he wrote.<sup>238</sup> "It exerts its influence in an indirect and impersonal way: because Negro people do not live near white people, they cannot . . . associate with each other in the many activities founded on common neighborhood."<sup>239</sup>

---

<sup>233</sup> *Loving v. Virginia*, 388 U.S. 1, 11–12 (1967); Alice L. Brown & Kevin Lyskowski, *Environmental Justice and Title VIII of the Civil Rights Act of 1968 (The Fair Housing Act)*, 14 VA. ENVTL. L.J. 742–43 (1994–1995).

<sup>234</sup> DRAKE & CAYTON, *supra* note 23, at 119.

<sup>235</sup> *Id.*

<sup>236</sup> Ackerman, *supra* note 31, at 292 (quoting GUNNAR MYRDAL, *AN AMERICAN DILEMMA: THE NEGRO PROBLEM AND MODERN DEMOCRACY*, 60–61 (1962)).

<sup>237</sup> MYRDAL, *supra* note 236, at 60–61.

<sup>238</sup> MASSEY & DENTON, *supra* note 51, at 3 (quoting MYRDAL, *supra* note 236).

<sup>239</sup> *Id.*

Myrdal went on to identify the ultimate aim of keeping blacks physically separated from whites—to erect a wall between their social, political, and economic disadvantage and white people’s interests.<sup>240</sup> The host of institutions within the ghetto effectively reserved for blacks alone created “an artificial city . . . that permits any prejudice on the part of public officials to be freely vented on Negroes without hurting whites.”<sup>241</sup> If police brutality, inferior schools, shoddy housing, inadequate health care are confined to the black ghetto, whites see no need to change the policies that maintain them.

In *Black Metropolis*, Drake & Cayton explained residential segregation as a form of “circular enforcement” that forced black people into the very social isolation that denied them opportunities for full citizenship, thus justifying their exclusion.<sup>242</sup> “Negroes are deemed unfit for citizenship or full equality; they must be kept in their place; through being kept in their place they cannot show whether they are fit for citizenship and equality,” they wrote.<sup>243</sup> Drake and Cayton traced this exclusionary imperative to the view that black people have inferior character traits that are passed down through heredity from one generation to the next.<sup>244</sup> White people’s fear of being contaminated by Negro “blood” meant that black people “must stay on their side of the fence and breed with ‘their kind.’”<sup>245</sup>

This parallel between residential segregation and anti-miscegenation is strikingly reflected in the racial categorizations each required. Like Virginia’s Racial Integrity Act of 1924, racially restrictive covenants in Chicago included a definition of “Negro.”<sup>246</sup> Indeed, the precise percentage of negro “blood” specified by Northern housing covenants sounds eerily like those contained in Southern anti-miscegenation laws. A typical covenant in Chicago spelled out that “Negro” included “every person having one-eighth part or more of negro blood, or having any appreciable admixture of negro blood, and every person who is what is commonly known as a colored person.”<sup>247</sup> Segregating people according to race required stricter enforcement of the borders delimiting whiteness.

---

<sup>240</sup> *See id.*

<sup>241</sup> *Id.*

<sup>242</sup> DRAKE & CAYTON, *supra* note 23, at 267–68.

<sup>243</sup> *Id.* at 267.

<sup>244</sup> *Id.* at 268.

<sup>245</sup> *Id.*

<sup>246</sup> *Loving v. Virginia*, 388 U.S. 1, 6–7 (discussing the Virginia Racial Integrity Act).

<sup>247</sup> *Burke v. Kleiman*, 277 Ill. App. 519, 526 (Ill. Ct. App. 1934); *see also* DUNEIER, *supra* note 72, at 31 (“In Chicago, over 80 percent of the deed restrictions applied to individuals with at least one great-grandparent of black stock, while 10 percent restricted anyone with a black great-great-grandparent.”).

The legal apparatus regulating both marriage and housing included both race-based prohibitions and the racial classifications needed to implement them.<sup>248</sup> State laws banning interracial marriage had to stipulate a test for “Negroes,” “Mongolians,” “Indians,” and other racialized groups who were barred from marrying whites.<sup>249</sup> Real estate instruments used to separate blacks and whites geographically required similar racial tests.<sup>250</sup>

### 3. *The Radical Potential of Interracial Marriages*

My project concerns black and white Chicagoans who met and decided to marry despite the impediment of residential segregation. Their willingness to marry across the city’s color line is all the more remarkable when we consider how violently whites enforced it. We will never know how many more would have married interracially if it were not for the barriers erected by housing and other policies that separated people on the basis of race. We do know that, despite dramatic increases in recent decades, the rate of black-white marriages remains exceedingly small.<sup>251</sup> The number of interracial marriages has steadily increased since *Loving*, growing ten times since 1960.<sup>252</sup> Yet, interracial marriage remains relatively rare. Nearly half of all Americans report that they have dated someone of a different race or ethnicity, but they are far less likely to marry across racial lines.<sup>253</sup> Black-white marriages are the least common: they constitute around 4% of all marriages in the United States.<sup>254</sup>

Some people hope that *Loving*’s invalidation of anti-miscegenation laws has opened the opportunity for interracial relationships to flourish and

---

<sup>248</sup> PASCOE, *supra* note 24, at 134.

<sup>249</sup> *See id.* at 120–21.

<sup>250</sup> DUNEIER, *supra* note 72, at 31.

<sup>251</sup> *See, e.g.,* Thomas P. Monahan, *An Overview of Statistics on Interracial Marriage in the United States, with Data on Its Extent from 1963–1970*, 38 J. MARRIAGE AND FAM. 223, 230 (1976).

<sup>252</sup> *See id.* at 225 (The National Center for Health Statistics listed the rate of interracial marriages at 1.44% during the period from 1963 to 1966 in unpublished materials based on data from 35 states); Wendy Wang et al., *The Rise of Inter-marriage: Rates, Characteristics Vary by Race and Gender*, PEW RES. CTR. (Feb. 16, 2012), <http://www.pewsocialtrends.org/files/2012/02/SDT-Inter-marriage-II.pdf> [<https://perma.cc/SBA4-EFAZ>] (In 2012, the Pew Research Center found that about 15% of all new marriages in the United States in 2010 were interracial).

<sup>253</sup> Compare Jeffrey M. Jones, *Most Americans Approve of Interracial Dating*, GALLUP (Oct. 7, 2005), <http://www.gallup.com/poll/19033/most-americans-approve-interracial-dating.aspx> [<https://perma.cc/PAH2-J8RD>] (reporting that 48% of Americans have dated someone from a different racial or ethnic background), with Wang et al., *supra* note 252, at 1.

<sup>254</sup> *See* Qian & Lichter, *supra* note 45, at 1076 (reporting odds ratio of intermarriage between Blacks and whites as 4.5%).

end the ugly legacy of racial separation.<sup>255</sup> But residential segregation that marked Chicago during the same time Jim Crow reigned in the South raises questions about the liberating potential of both interracial intimacy and its legal protection. Anti-miscegenation and residential segregation operated as parallel and interrelated systems not only to discriminate against interracial couples, but also to maintain an unjust racial order.

Although Gunnar Myrdal recognized that residential segregation was the Northern substitute for the South's Jim Crow regime, he believed it was more susceptible to racial progress.<sup>256</sup> Myrdal argued that the American dilemma at the heart of his book, between the democratic ideals espoused by whites and the discriminatory conditions suffered by blacks, would ultimately overcome white prejudice in cities like Chicago.<sup>257</sup> He predicted that the conscience of Northern whites confronted by glaring racial inequality was leading them to "a fundamental redefinition of the Negro's status in America."<sup>258</sup> As Mitchell Duneier points out, Drake and Cayton were far less optimistic.<sup>259</sup> "They claimed that change is driven by economic necessity and political expediency, *not* by any obligations that Americans feel to their Christian-democratic ideals . . ."<sup>260</sup> Moreover, Drake and Cayton argued that residents of the Black Belt were "generally indifferent to social intermingling with white people" because of their parallel "Negro institutional life" complete with "an intricate web of families, cliques, churches, and voluntary associations."<sup>261</sup> According to *Black Metropolis's* more realistic take on racial politics, interracial intimacy was not a viable or desired means to ending the city's color line.<sup>262</sup>

My father saw more hope in the radical potential for interracial marriages to dismantle the racial caste system in Chicago. He spent his career interviewing black-white couples and promoting the benefits of their marriages because he believed increasing their numbers provided a path to racial equality.<sup>263</sup> In his 1940 master's dissertation, he relied on sociological theory to explain how interracial marriages could have a

---

<sup>255</sup> See Kennedy, *supra* note 49, at 817.

<sup>256</sup> DUNEIER, *supra* note 72, at 63.

<sup>257</sup> See *id.*

<sup>258</sup> *Id.*

<sup>259</sup> See *id.* at 67.

<sup>260</sup> *Id.*

<sup>261</sup> DRAKE & CAYTON, *supra* note 23, at 121.

<sup>262</sup> DUNEIER, *supra* note 72, at 70.

<sup>263</sup> See *supra* note 48. On numerous occasions throughout my childhood, my father tried to persuade me that increasing black-white marriages was the solution to ending America's racial caste system.

positive political impact: “Marriage is frequently a ladder to social mobility, and if Whites were freely permitted to marry Negroes they would demand social equality for their spouses and children.”<sup>264</sup> Residential segregation, however, helped to thwart any chance for this political challenge to materialize.

## V. CONCLUSION

The experiences of the black-white couples my parents interviewed confirmed Drake and Cayton’s pessimistic view of interracial marriage and the hope for racial progress in the North.<sup>265</sup> Residential segregation designed to subjugate black people in Chicago drastically limited the potential for interracial marriage to flourish or to strike a blow against the city’s white supremacist regime. Rather than transcend the color line, black-white couples were bound by it. While their willingness to marry interracially despite Chicago’s violently-enforced racial boundary is remarkable, it did not by itself reflect or promote any significant change in the racial order. Their experiences as mixed couples were inextricably shaped by the segregated landscape. Thus, eliminating residential segregation, as well as other state-enforced means of racial subordination, was inextricably linked to any radical potential their marriages could have had.

Eighty years after Robert Roberts began his study of interracial marriage in Chicago, the city’s neighborhoods remain starkly segregated by race, perpetuating inequality and preventing residents from relating to each other as equal human beings.<sup>266</sup> Roberts had hoped that, by recounting the lives of black-white couples, he could help destroy the taboo against interracial intimacy and release its potential for improving race relations in the nation. As noble as his aspirations for interracial harmony were, they were no match for Chicago’s color line that separated residents geographically and socially by race. His interviews, however, reveal the importance of studying the relationship between interracial marriage and racial equality in the lived experiences of mixed couples as a means of understanding the costs of institutionalized racism and the political work needed to eradicate it.

---

<sup>264</sup> Roberts, *supra* note 23, at 97.

<sup>265</sup> *See id.* at 67, 71.

<sup>266</sup> John R. Logan & Brian J. Stults, *The Persistence of Segregation in the Metropolis: New Findings from the 2010 Census*, US2010 PROJECT (Mar. 24, 2011), <http://www.s4.brown.edu/us2010/Data/Report/report2.pdf> [<https://perma.cc/Z7AA-GKDP>]; *see generally* NATALIE Y. MOORE, *THE SOUTH SIDE: A PORTRAIT OF CHICAGO AND AMERICAN SEGREGATION* (2016); PATRICK SHARKEY, *STUCK IN PLACE: URBAN NEIGHBORHOODS AND THE END OF PROGRESS TOWARD RACIAL EQUALITY* (2013).