

Homelessness and Racism: Historic Roots

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Before I began working at Boston Health Care for the Homeless Program, I literally had a hand in rendering thousands of people in New Orleans homeless. It was under the signature that flowed from the pen I held that provided the force of law that sealed this fate for so many. And I applied that seal hundreds of times a week. Doing so meant I was doing my job as prescribed by law. “Rule Absolute” is what the law called it. “Evicted” is what it meant.

When I became a judge I had sworn an oath to the constitution of the state of Louisiana and to the United States of America to do this, and with each drop of ink from my pen, I ensured that the system that was designed to favor the wealthy and those with most power, operated smoothly and with few glitches, to maintain the status-quo. From my bench, it was crystal clear that the people getting evicted were mostly black and brown renters on month-to-month leases.

There were heart-wrenching individual stories - like the one of the teenaged mother who developed an excellent record of paying her \$2.00 share of her section-8 rent. One month, when she got a court notice to vacate taped to her door a day or so after it was due, she discovered that her little cousin to whom she had entrusted delivery of the \$2.00 bypassed the landlord’s office and went instead on a candy-spree to the corner store. One or two days late, but the landlord who seemed to have been waiting for such an opportunity in an area where units were beginning to fetch a higher premium, filed against her, knowing as long he refused the late payment, the law was on his side.

The landlord knew that the system was set up so that judges did not have discretion to allow a tenant to stay longer than 48 hours. He did not care that the judgment of eviction would prevent this young mother from getting another voucher, that it would ruin her last-resort hopes of stable housing for her and her baby and would plunge her into a system of homelessness, now that her one best chance for what should be a basic right was gone. The tangle she was caught up in had already begun, as she no doubt had to take time from her work to be in court, would have to take additional time to pack her belongings and leave before the constables showed up in 48 hours, would likely miss more work looking for a new place to stay—then maybe losing her job—all while making sure her child was safely cared for in the process, and on and on. The landlord would not budge when I asked in vain if there was some other agreement they could reach that would at least allow her to keep her voucher. So it was, “rule absolute.” The girl left in tears and I never saw her again.

Illuminating individual stories allows us to zoom in on the human toll that oppressive systems can take on marginalized people, but when we pull our lens back we know that each story has its place

in line in the vast array of stories that spring up from the roots of systemic oppression that have been carefully cultivated over time and that spread throughout our country. The roots of these systems have been firmly planted in the greed and self-interest of colonization; of exploitation; of racist attitudes and narratives about people of color that perpetuate the harmful beliefs that their value could only be determined by their usefulness in adding to the wealth, power, and privilege of those who already have it in abundance. These narratives distance people of color from their very humanity—from their dignity, from their ability to settle in, to move about, to establish community and family; to prosper—and just to be. The narratives reinforced ideas that created policies that aligned with negative and harmful characteristics of people of color, and then got social and legal backing for the notion, that by right, people of color need to be controlled, excluded, and manipulated.

The roots of systems oppressive to people of color reach back to racist attitudes connecting them to profit: as disposable commodities. Then to attitudes and actions reinforcing them as lazy, worthless, unclean, unintelligent so that practices and policies to control and victimize could be seen as actually being imposed for their own good: reaching back to behaviors of expunging and driving out, that have flourished through the years and borne the fruit of buy-in so ingrained it lurks in implicit biases today that are sometimes hard to see – the idea that people of color are lawless.

When the universally acceptable and reasonable rationale of public safety and the prevention of lawlessness is invoked, it also often bears fruit in the acceptance of marginalizing practices. This rotten fruit has been consumed on plantations of the past, in stop-and-frisk policies more recently, at the tables of Starbucks coffee shops, in barbecues in public parks, in ivy league dormitory rooms, on street corners. The painful effects and upheaval of the consumption have been borne by the bodies of color of men, women, and eleven-year-old brothers held at gunpoint by police, when they were on their way home from picking up pizza for the family, after a white woman questioned the presence of their bodies in the public space she felt some kind of superior right to ownership over.

Instead of facing our most shameful practices from the past so that we might never repeat them, we have recycled and repurposed them to fit our time. Whereas enslaved people once had to be sure to carry their passes or free people of color their “free papers” to afford them a measure of safety as they moved about, today we can find mostly brown immigrants being required to carry “papers” that they might be obliged to show police officers upon request, maybe during a traffic stop on their way to work.

We hear of disgraceful new enforcement practices subjecting the birth certificates of US citizens of Mexican heritage to scrutiny if they were born in states close to the border of Mexico in some of the most economically depressed areas of the country. If their mothers who might not have been able to afford high hospital costs chose midwives, or chose midwives for the births of their children for any other reason (midwife involvement that has been shown to be a protective factor against poor birth outcomes, incidentally), these citizens have found upon applying for passports,

their requests denied and their birth certificates flagged as being fraudulent, making their eligibility for deportation a new peril they have to deal with. These citizens have been asked to provide proof such as their mother's prenatal medical records, or mother's lease agreements from times of their births, and still get denied. Some have been detained and held for deportation. Many have been discovering this after they have given over their service to this country in the military, or after they have raised families—established community here for decades. Apart from the emotional tax this places on them, many must now cobble together money to hire lawyers to defend themselves... Control of body and place.

Law professor Timothy Zick, in his article "Constitutional Displacement" cites a Robert Sack definition of "territoriality." It is "the attempt by an individual group to affect, influence, or control people, phenomena, and relationships by delimiting and asserting control over a geographic area." If we face our painful past we will meet the historical practices of violently controlling the places and spaces that bodies of people of color occupy, and by this I mean violence in the commonly used as well as the broad sense of causing damage and harm by forcing people away from family, from community, from opportunity, from good health. Zick goes on to remind us that "in many respects, there is no more fundamental liberty than the freedom to choose one's own place." Powerful control determines boundaries, access, membership, relationships, participation in civic duties, personal freedoms, education, wealth.

The story of place, and displacement—the linking of desirability and worth—was plainly and boldly pronounced in Christopher Columbus' own account of his arrival NOT anywhere near our present United States. His initial account of the Indigenous Arawak people he met was glowing in one breath and turned sinister in the next, as soon as he noticed they possessed gold which could make him rich. He wrote, "At daybreak great multitudes of men came to the shore, all young and of fine shapes and very handsome." Then, "I was very attentive to them, and strove to learn if they had any gold. I gathered from them...there would be found a king who possessed great cups full of gold. I could conquer the whole of them with fifty men and govern them as I pleased." When the Arawaks fought back, refusing to be enslaved, in an effort to retain their rightful control over their land and their freedom, they were seen as an impediment to wealth and land acquisition. They began to be described as savages, wild, barbaric so that the need to control or even eliminate their bodies could be justified. One from Columbus' crew wrote, "{we} soon gained a complete victory, killing many Indians and capturing others who were also killed." Distancing them from their humanity, soothed the conscience of the brutal Europeans and justified their continued cruelty. The Arawak efforts to reject restriction and destruction of place and movement were repaid with rape, by using them to test the sharpness of blades, and by visiting all sorts of gruesome violence on them. Surviving men, women, and children who once thrived in established community were uprooted and forced to create new homes.

Of course, we know this occurred on these very shores where the same types of atrocities were visited upon the Indigenous people here. They were abused and cheated and made to march for miles to parts of the country strange to them. Then later, in the midst of generations struggling to

regroup and recover from displacement and loss, of spirit and soul, manipulation of body and place was once again imposed when children were plucked from their families and sent far away to schools which forbade them to speak their beloved native tongue and decimated languages for years to come.

Guided by our historical roots, we will find this familiar pattern in the experience of enslaved Africans described in brutish, sub-human terms as a justification for the control of their bodies forced to toil for the wealth of others. Chinese immigrants who arrived to work the mines, and build our early railways, were welcomed as a means to contribute to the accumulation of wealth by the powerful, since they did hard work for low pay many whites would not accept. They built community, and small businesses and when economic depression hit the west coast, they were described in sub-human terms, murdered and driven from their homes and their means of survival. Their homes burned, their families expunged.

After enslaved blacks were emancipated, black codes were created to maintain a measure of power and control lost when the free labor whites depended on was no longer legal, and suddenly laws purporting to be in the interest of public safety were used by force, to corral, displace and terrorize. The control over the spaces blacks could occupy, both public and private, was exerted and all were reminded by symbols and monuments erected, of this exerted control, even when they occupied public spaces in some cities and town as they went about their daily business, the legacy of which is still present today. Zick wrote, "...race-based territoriality communicated blacks' fundamental inferiority and lack of human dignity: it signified their legal and societal expulsion."

Pulitzer prize winning journalist Isabel Wilkerson wrote in *The Warmth of Other Suns* about the ways in which systemically racist laws, practices, and violence so devastated whole communities of blacks in the south that, the individual decisions of men, women, and families to leave the south, resulted in the great migration of blacks to points north that represented the stops on railway lines. She tells of a Florida sheriff who, like so many others, became agents of control of body and place with sanctioned terroristic tactics. He took office and immediately began arresting citrus pickers for vagrancy if they dared be found at home on a Saturday. He was implicated in the deaths and abuse of dozens of blacks so when he set his sights on young George, who was demanding a fair wage for his labor, George had to sneak out of town to head north to save his own life, for even the exertion of your own will to leave place could mean a death sentence. It was a heart-wrenching fact of life for blacks in George's shoes with dangerous choices any way one turned: remain in place near those with whom you have established bonds and love with and be in constant peril that some innocuous act of everyday life could offend a white person and get you killed, or exercise your free will to leave, and risk being caught, and get killed. George made it out.

We should not forget the shameful racist control of person and place in the story of our own Japanese American citizens who were summarily rounded up, dispossessed of their property, their homes, their community connections, their means of supporting their families and their dignity when they were interned in camps because of their ethnicity. The successful racist narrative that

claimed public safety and threat produced swift buy-in. I find some small measure of comfort in the fact that photographer Dorothea Lange's photos documenting the tragedy, were also impounded, because at least it meant that the perpetrators of the injustice could not themselves even face the evidence in black and white of what they had done. In the same way that photos during the civil rights marches and cell-phone video today broadcast our hypocrisy, they at least took away the ability to deny.

Most of us know by now of the systemic control of body and place intentionally and without shame, in the practices of redlining, racial exclusion, and dispossession of community resources to blacks that manifest itself across the nation. We could pull up maps from major cities in any US state and see similar patterns but here in this recently published study by Jane Place Neighborhood Sustainability Initiative and Loyola Law professor Davida Finger, we see how those cases I presided over fit into the current picture of these practices. (pp. 14, 15 and 16). The short, animated film with *The Color of Law* author Richard Rothstein breaks down the way this manifested itself.

Rising income inequality is rapidly linked to the growing challenge of the shortage of affordable housing and the rise of gentrification that is squeezing out long-time residents. This while not making provisions for dispossessed persons with lower income levels to plant a stake in communities where investment was once pulled out. In an April New York Times article by journalists Badger, Bui and Gebeloff, they write of Raleigh, North Carolina, where longtime lower income residents are being courted by developers seeking to acquire their homes, now that whites and reinvestment are moving in. One resident, Kia Baker said, "Our black bodies literally have less economic value than the body of a white person... As soon as a white body moves into the same space that I occupied, all of a sudden this place is more valuable." At the same time, post-housing crisis and predatory loans aimed mostly at people of color, mortgages are harder to come by for those who are not wealthy. This pattern is repeated in cities across our country.

The effects of racist policies—segregation, loss of jobs, mass incarceration—all factors discussed in the SPARC report, and all policies with roots in racism, in implicit and explicit biases that persist today, still drive homelessness and lead to poorer and devastating health outcomes. In Professor James Jennings' recent article discussing what he calls, "community competency" he argues that "community health centers were... envisioned as essentially community institutions that would be an integral part of a neighborhood's social, economic, and institutional infrastructure." Our hope today is that we remember and acknowledge the entanglement of racism and homelessness grounded in the roots of racism when we think about how we use that acknowledgement to grow stronger trees with sweeter fruit within reach of all.

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