

## Segregating Cities: Arnold R. Hirsch and the History of Urban Inequality

Thomas J. Sugrue

At a moment when fair housing is under siege, it is worth revisiting the pathbreaking career of Arnold R. Hirsch, whose rigorous scholarship, some of it conducted with the support of the Poverty & Race Research Action Council (PRRAC), transformed our understanding of America's stubborn history of racial inequality. Hirsch established himself as one of the most important American historians of his generation by combining the histories of race, grassroots politics, urban redevelopment, and the modern American state to explain one of the most striking features of life in postwar America: that beginning in the 1920s, "American cities achieved an exceptionally high degree of racial segregation and maintained those levels throughout the post-World War II period." In his field-defining book, *Making the Second Ghetto*, and in his many articles, written between the late 1970s and mid-2000s, Hirsch drew from painstaking archival research in Chicago, New Orleans, Baltimore, and Washington, DC, to offer a sophisticated archaeology of power, uncovering the mutually reinforcing roles of neighborhood organizations, city governments, civic elites, housing developers, and federal bureaucrats in creating and maintaining racial inequality. Everyone concerned with America's persistent urban and suburban divides must reckon with Hirsch's core argument: "Expanding and rein-

forcing the postwar 'ghetto' in the face of massive demographic change and a budding civil rights movement did not just 'happen.' It was hard work."

Hirsch's scholarship was not abstract or theoretical. It was firmly rooted in place, in the everyday life and quotidian politics of postwar cities, beginning with his hometown. "I am a native Chicagoan whose family was caught up in the great movements described in these pages," he wrote in the

preface to his first book, "and one of modest enough means to equate bus fare and a transfer with 'research funds.'" Born in 1949 to a Jewish family living in a part of Chicago's West Side that was rapidly undergoing racial transition, Hirsch soon moved with his parents to West Rogers Park, a nearly all-white neighborhood on Chicago's far North Side with leafy streets lined with solid single-family houses and three-story flats. The Hirsch family's relocation was part of

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two great migrations that reshaped metropolitan America during the mid-twentieth century: the movement of hundreds of thousands of Black people from the Deep South to the then-booming industrial cities and the simultaneous flight of white urbanites to places like Rogers Park and the rapidly expanding suburbs beyond. Hirsch would come to see the two migrations as fundamentally connected.

For Hirsch's entire life—sixty-eight years—Chicago was near or at the top of the list of America's most racially segregated cities. Segregation as a social fact was visible out of the windows of any bus that Hirsch would have taken from West Rogers Park to the University of Illinois-Chicago campus, where he earned his undergraduate and graduate degrees, or to the Chicago Historical Society and the University of Chicago, where he conducted much of his dissertation

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research. Bus lines on the North Side passed through shopping districts with nary a Black pedestrian, restaurants and bars with only white customers, and schools, parks, and playgrounds with no children of color. The only substantial concentration of Black residents on the North Side was Cabrini–Green, a large public housing project built on the rubble of the gritty Little Hell district, a once multiracial enclave of poor and working-class Chicagoans adjoining an industrial zone along the polluted Chicago River.

Chicago’s racial geography changed markedly to the west and south, the parts of the city that were the focus of Hirsch’s first book and several subsequent articles. The Black Belt, centered around South State Street, had been the heart of Black Chicago for decades. The West Side, where Hirsch spent his preschool years, saw a massive influx of Black migrants after World War II, who moved westward along the wide avenues named after presidents Madison, Roosevelt, and Washington. Both Black enclaves abutted vast white-majority neighborhoods—usually just across a major avenue or on the “wrong” side of a rail line or expressway.

Black Chicago exploded in the 1960s, just as Hirsch was coming of age. Between 1962 and 1965—overlapping with his first three years at the segregated Sullivan High School in Rogers Park—civil rights activists led regular protests against underfunded, overcrowded schools on the South and West Sides, eventually forcing the resignation of Chicago’s superintendent of schools. In January 1966, during Hirsch’s senior year, Martin Luther King Jr. rented a shabby apartment in Lawndale, only a mile and a half from the Hirsch family’s first home. In July and August, King led fair housing marches through white neighborhoods on the South Side, including Marquette Park, where counterprotesters shouted racist epithets and hurled bottles and rocks, one bloodying King. “I have never seen, even in Mississippi and Alabama, mobs as hateful as I’ve seen here in Chicago,” said King. Chicago was also torn by two major Black uprisings, first in July 1966, where three died and 533 were arrested after police targeted a group of Black children on the West Side for playing in an

open fire hydrant on a hot summer day, and in April 1968 after King’s assassination, leading mayor Richard J. Daley to pledge that the city’s police force would respond to rioters by shooting to kill.

The unrest of the 1960s gave Hirsch’s work a sense of urgency. He described his dissertation and first book, with characteristic modesty, as an “addendum” to the *1968 Report of the National Advisory Committee on Civil Disorders*, known as the Kerner Commission Report for its chair, Illinois governor Otto Kerner. The report offered gripping narratives of Black uprisings in many cities, including Chicago, framed by a sweeping historical argument that the United States was divided into “two societies, one black, one white—separate and unequal.” The Kerner report charged that “white society is deeply implicated in the ghetto.” “White institutions created it,” the commission concluded, “white institutions maintain it, and white society condones it.” Hirsch took that conclusion seriously, particularly its emphasis on institutions, but he ultimately offered a far more sophisticated analysis than the report, finding the “two societies” framework reductionist. “The universality of segregation should not imply an identical process in every case,” he wrote. “There are variants of racism in the United States and a textured complexity to the problems of race and ethnicity that escape unnoticed if . . . one probes no deeper.” Hirsch was not just arguing with the Kerner Commission. He also challenged his own graduate mentor, Gilbert Osofsky (1939–1974), who argued that “the ghetto has always been with us—it tragically endured.” Hirsch was more attentive than his adviser to change over time and, as a result, at least a little less pessimistic than Osofsky. If the second ghetto had been made, to use Hirsch’s formulation, it could possibly be unmade.

Hirsch’s research offered a rebuttal to prevailing individualistic frameworks for understanding racism in the United States. He rejected the widely held notion, popularized by Gunnar Myrdal in his 1944 book, *An American Dilemma*, that

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racial inequality in the United States was “a problem in the heart of the American,” and he rejected influential psychological interpretations of prejudice. As Hirsch wrote in *Making the Second Ghetto*, “the meaningful battles over racial issues in postwar America were not fought in the psyches of tortured individuals; they were waged between the engineers and the engineered.” Urban segregation did not result from the sum of individual preferences about where to live nor from an ostensibly natural urge toward self-segregation nor, in the folk wisdom that birds of a feather flock together. It was the result of a fusion of group identity, economic interest, political expediency, and bureaucratic inertia.

In every essay in the new collection, *Segregating Cities: An Arnold R. Hirsch Reader*, just published by the University of Chicago Press, Hirsch offers a systemic account of the mechanisms of segregating cities, analyzing key urban actors—working-class European immigrants and their children, who fought to protect their precarious status as Americans and as homeowners; real estate brokers attempting to maintain or enhance property values; developers, civic leaders, and urban planners who envisioned “renewed” neighborhoods for middle-class whites; housing officials who contained Black households in segregated, increasingly marginal neighborhoods; and big-city politicians. Deeply attuned to the contentiousness of urban politics (how could he not be as a longtime resident of Chicago and New Orleans?), Hirsch argued against assumptions that all white urbanites and their institutions shared a monolithic ideology or common goals. To describe them all as racist was too simplistic. Instead, he offered a multilevel analysis of race and power, tracing with great precision the origins of racial ideologies; how they shaped collective understandings of urban places by ordinary citizens, developers, and policymakers; and the interrelationships of local and national social movements and politicians.

Hirsch began his history of race and cities at the grassroots. One of his most lasting contributions was his documentation of the “hidden violence” targeting African Americans who attempted to move into all-white Chicago neighborhoods in the decades before Martin Luther King Jr. marched in Marquette Park. Through fastidious research, he uncovered more than five hundred violent incidents instigated by whites targeting Black people who crossed the city’s racial boundaries. Those stories had been mostly suppressed by Chicago’s white-owned newspapers, downplayed by public officials, and largely forgotten except by the perpetrators, who had no

reason to come forward, and the victims, who had no recourse. To understand the motives of whites who fought the movement of Black residents into their neighborhoods, Hirsch gleaned insights from posters, improvement association pamphlets, ephemeral community newspapers, and unusual sources like notes taken by an undercover American Civil Liberties Union investigator who worked in a steel mill and hung out in white-only bars on Chicago’s deep South Side.

Hirsch upended conventional narratives of civil rights history in his brilliant essay “Massive Resistance in the Urban North.” He challenged journalists and scholars who largely ignored the history of

civil rights and its opponents above the Mason–Dixon Line. Through a detailed case study of white mobilization against the integration of public housing in Chicago’s Trumbull Park Homes, located in an otherwise all-white neighborhood on the far South Side, Hirsch found new patterns of anti-Black activism in the heyday of the civil rights movement. With characteristic rigor, he argued that northern whites who resisted integration laid the groundwork for what would become a national strategy of opposition to racial equality in the post-1960s years, an effective mix of “tokenism, non-deadly violence, and political reaction.”

Hirsch established his reputation through his scholarship on Chicago, but he lived nearly as much of his life in New Orleans as he had in his hometown. Hirsch spent his entire academic career at the University of New Orleans, where he taught from 1979 until his retirement in 2010, with the exception of a semester-long visiting professorship in 1988 at Harvard. Hirsch’s early research on New Orleans emphasized the city’s distinctiveness, both in the Sunbelt and the nation at large. “New Orleans never fits in,” he memorably wrote. But opening up his urban vision to New Orleans and other cities south of the Mason–Dixon Line led Hirsch to carve a fresh intellectual path, comparing the histories of civil rights, race, and politics across regional divisions, while always remaining attentive to the differences between Sunbelt and Snowbelt.

By complicating the North–South binary, Hirsch opened up new paths for historians of both regions to reinterpret the history of Jim Crow, housing policies, and postwar Southern urban and suburban development. He saw his work as “closing the theoretical space between de jure and de facto segregation and, by implication, that between the North and South. If the North now needed the supplementary power of the state to separate white and Black Americans, the South (which had long used the state to reinforce racial policy)

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quickly resorted to geographic concentration and distance to structure race relations in the postwar era. Whether viewed as regional convergence or the nationalization of the race issue, northern and southern cities were becoming more alike. Historians of Atlanta, Charlotte, Miami, and New Orleans, as well as Cleveland, Detroit, Oakland, Philadelphia, and St. Louis, followed Hirsch's lead by digging into the records of property owners, mayors, city planners, and housing officials and found unexpected commonalities with Chicago. Hirsch's work would be foundational in challenging what historians Matthew Lassiter and Joseph Crespino call "the myth of southern exceptionalism" in twentieth-century American history. Segregation and resistance to racial equality were national, not regional, in scope.

Hirsch's essays on urban housing policy were foundational contributions to a wholesale reappraisal of New Deal and post-New Deal liberalism that would reshape narratives of modern American political history. Understanding what was happening on the ground required a deep dive into the archives of municipal governments and the administrative state. The hard work of segregation, Hirsch argued, was consummated at both the local and federal levels, at the hands of "the largely invisible paper-shufflers who often engaged in similarly invisible discussions . . . and made discretionary decisions before exercising the federal will." He did not see the racial division of American cities, the neglect of public housing, or the creation of white suburbs as unintended consequences of otherwise well-meaning public policies, as "evidence of a plan gone awry," or as "'perversions' of the enabling legislation." Segregation was wholly intentional.

Sifting through government records, Hirsch showed how the federal government baked racism into New Deal housing policies and how municipal governments deployed federal funds to entrench segregation. Hirsch offered a case study in what scholars of American political development call path dependency—of how, once enacted, policy decisions structured generations of policymaking. The Public Works Administration (1933) introduced the "neighborhood composition rule" that required racial homogeneity in public housing. The United States Housing Authority (1937) gave local governments full control over the location of public housing. When Congress enacted the Housing Act of 1949 and the Urban Renewal Act of 1954, federal housing officials "inherited policies—especially with regard to race—that had their own history and momentum." Those who challenged segregated housing from within the federal government—such as Frank Horne of the Housing and Home Finance

Agency and staff members of the Racial Relations Service, a New Deal agency committed to using federal power to integrate housing—were marginalized and starved of staff and resources. Even modest efforts to desegregate public housing faced fierce opposition from local governments. Elected officials from Chicago joined their counterparts in other northern cities and the Jim Crow South to preserve their discretion about whether to construct public housing, and if so, where and for whom. "In what ultimately proved to be a showdown between local control and at least potentially coercive federal authority," concluded Hirsch, "the locals won hands down."

Local control played out with pernicious consequences. In Chicago, the housing authority made only token efforts to integrate public housing projects, instead forcing African

Americans who were displaced by redevelopment projects into the massive, segregated projects of the South Side or, just as problematically, into the ostensibly free housing market, into decaying housing, overseen by predatory landlords and speculative real estate brokers, in neighborhoods abandoned by whites. In Baltimore, the city housing authority engaged in an aggressive slum clearance

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and redevelopment program to "increase the density of already identifiable black neighborhoods and thus stabilize the city by 'arresting' the movement of minorities" to white sections of the city. And in New Orleans, local officials used federal housing funds to create a middle-class Black subdivision that was separated from a nearby white neighborhood by an elevated rail line. At the peak of the national civil rights struggle, Hirsch noted with irony, New Orleans "used the tools of urban redevelopment to separate the races to a greater extent than ever before." Summarizing all of these cases, Hirsch's conclusion was damning: "Postwar federal housing policy, when measured against even weak contemporary standards of racial equity and justice, aimed low and fell short."

Hirsch's arguments about the history of segregation, the rise of the second ghetto, and urban politics all have important political implications, even if he was loath to draw simple lessons from the past. Hirsch, wrote James R. Grossman, was "a historian who never framed an argument until and unless he had the evidence." When Hirsch engaged with audiences beyond the academy, he marshaled all of his scholarly rigor. He was an expert witness in a Louisiana voting rights case and a Baltimore housing discrimination case; conducted research on the history of federal housing policy for PRRAC; and testified before the U.S. Civil Rights Commission. Hirsch knew that how we tell the history of the recent past has high stakes. The history of urban policy, he wrote, provides "a

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# PRRAC's Substantial Role in Supporting the Important Work of Arnold R. Hirsch

Florence Wagman Roisman

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Without doubt, Arnold Hirsch was one of the most influential historians of his generation. He was closely associated with the Poverty & Race Research Action Council (PRRAC): as his family write in the Acknowledgements to *Segregating Cities*, PRRAC “was crucial to Arnie’s turn toward federal housing policy beginning in 1996 and also facilitated his work as an expert witness in the civil rights case *Thompson v. HUD*.”

Starting in 1996, PRRAC commissioned studies by Hirsch and his close colleague Raymond Mohl, “drawing on National Archives materials, documenting the impact of federal housing and transportation policy/programs [and] . . . state and local government actions that paralleled the federal government role, creating teaching materials, and developing an appropriate multipronged advocacy plan: wider public education as to how existing metropolitan racial patterns and disparities came about; public . . . hearings; remedial legislation; and possible litigation.” This PRRAC project, titled “Housing and School Segregation: Government Culpability, Government Remedies,” expanded to include research by David M.P. Freund.

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**Florence Wagman Roisman**, the William F. Harvey Professor of Law at Indiana University Robert H. McKinney School of Law (and a Chancellor’s Professor there) was a founding Board member of PRRAC. For research assistance with this essay, she is grateful to Dionna Shanay Weatherly. Several quotations in this essay are from Professor Sugrue’s Introduction or the family’s Acknowledgements in *Segregating Cities*.

The interests of these scholars were consistent with those of PRRAC: to combine rigorous historical and social science research with effective advocacy, largely to redress grievous racial injustices that had been imposed by federal, state, and local governments and, as Professor Thomas Sugrue shows so convincingly in the Introduction to *Segregating Cities*, by exclusionary and violent white communities.

Of the 13 chapters in *Segregating Cities*, six clearly are connected to PRRAC. Chapter 7 originally was published as a report by PRRAC; Chapters 5, 6, 8, and 9 were financially supported by PRRAC; and Chapter 10 was adapted by Hirsch from his expert testimony in the important Baltimore public housing desegregation case, *Thompson v. HUD*, 348 F.Supp.2d 398 (D.Md. 2005), which was related to PRRAC. Another expert witness for the plaintiffs in that case was Professor John A. Powell, a founding and continuing PRRAC Board member who directs the UC Berkeley Othering & Belonging Institute. The NAACP Legal Defense Fund, whose then Director-Counsel, Ted Shaw, also was a founding PRRAC Board member, continues to be represented on PRRAC’s Board. LDF also was co-counsel in *Thompson* with the ACLU of Maryland, Brown, Goldstein & Levy, and other firms. The national ACLU also long has been represented on PRRAC’s Board. Study of Hirsch’s papers and PRRAC’s probably would disclose many other connections between Hirsch and PRRAC; that research has not been undertaken in preparation of this essay.

It probably was the PRRAC relationship that led Hirsch – and Raymond Mohl – to their involvement with litigation and their roles as expert witnesses. Part of what PRRAC

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vital link between past and present that affords an opportunity to learn from our mistakes and begin—however incrementally—to make them right.”

When he had the evidence, Hirsch was fearless in naming names, in holding past actors—whether mayors, university presidents, developers, civic association activists, federal policymakers, and even President Dwight D. Eisenhower—accountable for the racial divisions that were their legacy. “A reckoning is in order,” argued Hirsch, in a provocation to both researchers of urban redevelopment and advocates of reparative justice. “How many small businesses lost their clientele and closed, never to reopen? How many landlords lost their rental property? How many struggling homeowners were reduced to tenantry? How long, if ever, did it take for informal economic and social networks to recover?

How many families—extended or otherwise—were shattered by the relocation process?” In one of his last written works, a draft introduction to his unfinished history of urban housing policy and its critics, Hirsch, aware of both his own fragility and of the uphill battles of those who fought to overcome urban inequality, poignantly wrote: “I have been more cognizant of the cold succor offered by notions of having fought the ‘good fight’ against long odds.” But he knew that the fight, whatever the odds, was worth fighting. ■

Adapted and excerpted from *Segregating Cities* by Arnold R. Hirsch, published by the University of Chicago Press. Introduction © 2026 by The University of Chicago. All rights reserved.

aimed to do was continue such work as Drs. Kenneth and Mamie Clark and Robert Weaver had performed in employing social science in the service of legal advocacy. While the work of Drs. Kenneth and Mamie Clark is well known, the research of Dr. Robert Weaver used in the service of advocacy deserves more attention. The research of the Doctors Clark was crucial to *Brown v. Board*; the sociological research of Dr. Weaver was crucial to the restrictive covenant cases, *Shelley v. Kraemer* and *Hurd v. Hodge*.

Raymond Mohl has written about how his historical research was used in litigation as well as in the 1996 report he wrote for PRRAC: "Federal Highway Policy and Housing Impacts, 1930s to the 1960s." Raymond A. Mohl, *The Second Ghetto Thesis* and the *Power of History*, 29 J.

Urban Hist. 243, 253 n.18 (2003). Mohl discusses working on *Adker v. HUD*, a public housing desegregation case in Miami, and a voting rights case there; counsel in the *Adker* case included Tom Henderson of the national Lawyers' Committee for Civil Rights Under Law. Tom also had been a PRRAC Board member. Mohl's experience of the historian's role in litigation probably mirrors the experience of his colleague, Arnold Hirsch, who testified as an expert witness in a Louisiana voting rights case as well as in *Thompson v. HUD*. Indeed, the cross-fertilization of the PRRAC-related experts and these civil rights litigators is shown in Hirsch's footnote references in his 2005 report for PRRAC (Chapter 7 to material from *Adker v. HUD* and his expression of thanks to Tom Henderson for providing those documents. There is also a footnote in Chapter 7: in which Hirsch thanks Barbara Samuels, lead counsel in *Thompson*, for "uncovering a source" he cites from the Baltimore City Archives.

As Professor Sugrue discusses, Hirsch expansively explains racial segregation as being rooted in individual prejudice and real estate and financial industry practice as well as government action, but the focus of the PRRAC-related material in *Segregating Cities* is reflected in the subtitle to Part II, which comprises them: "Segregation and the State." Here, Hirsch details the ways in which federal housing law and policy interacted with state and local actors to impose "[s]tate-supported segregation" through public housing, urban renewal, and Federal Housing Administration programs. Two especially resonant themes in these chapters are the valiant efforts of the Racial Relations Service (RRS) to battle U.S. apartheid and then the governmental attempts to entrench residential segregation in the wake of the Supreme Court's decision in *Brown v. Board* (showing the

close connection between school and housing segregation).

Hirsch draws a detailed portrait of the Racial Relations Service (RRS) at the Housing & Home Finance Agency, encompassing public housing, urban renewal, and Federal Housing Administration development, addressing racial issues first under the aegis of Clark Foreman and then Dr. Robert Weaver and Drs. Frank Horne and Corinne Morrow. Hirsch has here the beginnings of an article, if not a book, about the RRS. The demise of the RRS may be especially interesting now as the civil rights agencies of the federal government are being destroyed by the current administration.

Hirsch's work builds a cumulative, damning picture of housing law and policy from 1933 to 1960, using federal, state, and local power

and money to displace Black people and other people of color from what housing they had and tightly "containing" them within narrow bands of existing, under-resourced areas. Hirsch's research in the archives supports his thesis that the urban renewal proposal in what became the 1954 Housing Act – "passed by Congress within weeks of the Supreme Court's *Brown* decision – enabled and empowered local authorities to adopt renewal plans that guaranteed continued separate and unequal development." The quotation is from Chapter 7; for other discussion of the relationship between urban renewal and school segregation read Wendell E. Pritchett's article, "The 'Public Menace' of Blight: Urban Renewal and the Private Uses of Eminent."

What Hirsch's studies for PRRAC show clearly and in painful detail is that federal, state, and local housing officials worked very hard to build residential racial segregation into the housing and development programs that remade the face of the United States between the New Deal and the 1960s. ■

## Other Resources:

Chester Hartman, *Between Eminence & Notoriety: Four Decades of Radical Urban Planning* 54 (Rutgers, NJ: Center for Urban Policy Research 2002);

PRRAC *Annual Report for 1997*;

David M.P. Freund, *Democracy's Unfinished Business: Federal Policy and the Search for Fair Housing, 1961–1968*, in *Poverty & Race in America: The Emerging Agenda* 173 (Lanham: Rowman & Littlefield 2006);

Raymond A. Mohl, *The Second Ghetto Thesis and the Power of History*, 29 J. Urban Hist. 243, 253 n.18 (2003).

Wendell E. Pritchett, *The "Public Menace" of Blight: Urban Renewal and the Private Uses of Eminent Domain*, 21 Yale L. & Pol'y Rev. 1 (2003).

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# Poverty, Race and the Elusive Promise of an Equitable Social Security System

by Jon C. Dubin

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## Introduction

Last year marked the 90th Anniversary of the Social Security Act of 1935. The Act created America's largest social welfare cash benefit income security programs, eventually affecting over 96 percent of all Americans. They provide a lifeline for many, taking more Americans out of poverty than any other programs. These programs were the "cornerstone" or "crown jewel" of President Franklin Delano Roosevelt's (FDR's) New Deal; they were intended to provide a safety net and a baseline of economic rights and income security commencing at a time when material human suffering was at its zenith during the country's greatest depression. Although FDR publicly touted this legislation's "main objectives" as protecting "the security of the men, women, and children of the Nation against certain hazards and vicissitudes of life" and providing a "more equitable . . . means" for addressing "the consequence of economic insecurity," history has shown that the Social Security cash assistance programs have fallen short in delivering on this promise of equitable or equal economic security for African Americans and other historically subordinated and underserved communities of color.

Among the various forms of government social welfare programs established by the Social Security Act and its amendments and administered by the Social Security Administration (SSA), Social Security is a social insurance program. It is also known as Old Age, Survivors, and Disability Insurance (OASDI). It is financed from separate trust funds for the Disability Insurance (DI) and the Old Age and Survivors' Insurance (OASI) programs and supported by payroll taxes on the earnings of insured workers. Premiums in the form of Federal Insurance Contribution Act (FICA) taxes are automatically withheld from most workers' pay-checks, enabling workers and certain family members to receive

monthly benefits if the worker retires, dies, or becomes disabled. Both employees and employers pay FICA taxes of 6.2 percent on earnings up to a cap of \$184,500 in 2026. FDR is reputed to have characterized the Social Security program as politically untouchable because of its contributory nature

based on taxes from earnings; he famously declared: "with those taxes in there, no damn politician can ever scrap my Social Security program."

When approaching retirement, old age, or death of a principal family wage earner, or confronting debilitating

disabilities, the income supports from social security programs are particularly critical in communities of color. This is due to myriad factors grounded in a legacy of racial subordination and structural discrimination in several social systems and basic areas contributing to well-documented substantial disparities in generational and accumulated wealth and savings, lower and less consistent employment income, lesser access to other retirement assets from employment generating 401(k)-type plans and contributions or pensions, and disparate levels of poverty, extreme poverty, unemployment and indebtedness. This includes the consequences of systemic discrimination in: 1) employment—occupational segregation, greater dependence on employment involving arduous physical labor and unskilled low wage work; and ongoing discrimination in the labor market including in the lower wage, lower skill job market applicable for most Social Security claimants of color; 2) health care—including lesser access to quality and consistent health care and health insurance; 3) criminal justice—the debilitating consequences of racialized policing and mass incarceration; 4) housing and real estate—including pervasive housing discrimination, redlining and exclusionary zoning with resulting loss of generational housing wealth and the many disadvantages stemming from residential segregation and spatial isolation; and 5) education—segregation, disparate school financing, and resulting lesser formal educational attainment and opportunity, further limiting employment and remunerative choices.

Yet despite great reliance on and need for social security pensions and support in communities of color and a progressive contributory benefits formula that returns a greater portion of contributions to lower earners—the benefits formula still reinforces and locks in the consequences of those racially disparate structural legacies in other social systems by

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basing benefit levels on earnings and earning consistency. Moreover, Congress and sometimes the Social Security Administration (SSA) itself have further limited (or threatened further restrictions), in crucial access to available benefits producing even greater racial disparities. Admittedly, a focus now on Social Security's racially distributional deficiencies can easily be overshadowed by unprecedented existential threats to both the social security programs and to the pursuit of racial justice more broadly through the MAGA agenda of the second Trump Administration and MAGA-leaning Republican majorities in both houses of Congress.

In the past year, the Administration's makeshift Department of Government Efficiency (DOGE) fired or pressured out thousands of SSA staffers and 140 senior SSA executives. It has also substantially diminished SSA services to the public such as discontinuing phone service and placed all putative social security beneficiaries in jeopardy by providing DOGE's staff with access to Social Security cardholders' available private and personal work, medical, and other information leading a prominent member of the bipartisan Social Security Advisory Board to label Trump Administration and DOGE's actions as "The Greatest Threat to Social Security in its 90-Year History." By the end of 2025, the *Washington Post* characterized the Trump Administration's actions on the Social Security Administration (SSA)—"the sprawling federal agency that delivers retirement, disability and survivor benefits to 74 million Americans"—as a "hostile takeover" which concluded the 2025 calendar year "in turmoil." The

*Washington Post's* examination revealed that the SSA's "diminished workforce has struggled to respond to up to 6 million pending cases in its processing centers and 12 million transactions in its field offices — record backlogs that have delayed basic services to millions of customers, according to internal agency documents and dozens of interviews."

The Trump Administration and DOGE have also made the Social Security Insurance program more politically vulnerable to assaults on its integrity or significant cut backs by labelling it a "Ponzi scheme" and a program riddled with "massive fraud" alleging at various times that "as high as 40 percent" of all callers to Social Security phone lines have been placed by alleged "scammers." The President has amplified the Social Security fraud narrative with the assertion of "shocking levels of incompetence and probable fraud in the Social Security program" and the false claim that "millions of senior citizens over age 100—including some he maintained were older than 160—were collecting Social Security checks." In addition, the Administration's signature legislation of last summer—through the absurdly named "One Big

Beautiful Bill Act" (OBBBA) of 2025—provided enormous tax cuts for the wealthy and massive reductions in funding to essential Medicaid, Affordable Care Act, Supplemental Nutrition Assistance (SNAP, formerly food stamps), and other social welfare-based programs. These cuts placed further direct and indirect pressure on the Social Security insurance programs, including through the loss of trust fund tax revenue, at a time when further supports are needed to avert impending trust fund insolvency and the inability to pay full benefits by 2032 according to the June 2026 report of the Social Security Trustees—a trend also substantially exacerbated by increasing income inequality.

At the same time, the Administration has launched a war on programs designed to address and ameliorate the country's legacy of structural racial discrimination stemming from slavery, Jim Crow exclusion, racialized economic exploitation and segregation, redlining, and pervasive racial discrimination in housing, employment, voting, education and credit with resulting enhanced generational racial disparities in wealth, income and opportunity. The Administration has issued a series of Executive Orders prohibiting all efforts at racial diversity, equity and inclusion by programs and entities supported by federal funds and taking "all appropriate

actions" to achieve the same result in the private sector. It has also directed the Department of Justice (DOJ) to pursue anti-DEI legal and law enforcement actions more broadly. The DOJ has since abandoned efforts at traditional civil rights enforcement actions on behalf of Black and historically subordinated groups and communities and

has instead focused its resources on protecting and advancing the position of historically dominant white Americans. It has also taken a series of actions to sanitize and erase Black history and diminish and deemphasize the accomplishments and contributions of persons of color and women.

Notwithstanding the regressive currents of this temporal moment, American democracy ultimately requires a deeper understanding both of our racialized history and its ongoing, adverse distributional legacies embodied in law and policy and engrained in American life. Along those lines, efforts to chill or even erase African American history, including legal history, remains a serious impediment to progress towards a true multi-racial democracy. To do so requires exploration of distributional inequities in society including those within the enormous social security benefit programs even as these programs face unprecedented challenges. Indeed, awareness of such inequities may be most important in devising ways to strengthen and protect social security to vindicate the programs' goals of enhancing economic security for all in

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***The benefits formula still reinforces and locks in the consequences of those racially disparate structural legacies in other social systems by basing benefit levels on earnings and earning consistency .***

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times of the greatest threats to program sustainability and integrity.

## **Social Security's racially exclusionary history and current disparities in benefit levels**

The Social Security social insurance program's inequitable legacy dates back to its New Deal origins in the 1935 Social Security Act's exclusion of the disproportionately Black agricultural and domestic workforce from coverage. The racially adverse and disparate impact of these occupational exclusion provisions—excluding approximately 2/3 of the entire Black 1930's workforce from social security insurance coverage — were well known at the time. The reasons for these exclusions and the resulting disparate racial impact were numerous and are vigorously debated to this day. Scholars who fully reject the significance of race and racial considerations, (including the SSA's Public Historian in an article prominently displayed on the SSA's current website), principally point to factors such as the exclusion provision's origin as an amendment from Treasury Secretary Tom Morgenthau and his articulation of administrative and functional concerns and difficulty collecting social security taxes in these occupational categories.

Scholars who emphasize the primacy of racial considerations highlight factors such as the blatantly racialized and exploitative rhetoric of Southern legislators in debates on the Act considering their outsized power in Congress through leadership on most all of the major committees. Some of their comments candidly expressed a need to protect the post-bellum Southern plantation agricultural economy and labor availability by withholding old age pensions and financial support from Blacks at least in the Act's Title I welfare provisions, as well as adopting these same racially disparate occupational exclusions in New Deal labor law protections and using similar racialized rhetoric and rationales for labor protection exclusions. For example, Virginia Congressman Howard Smith, an avowed white supremacist, explained the economic motives behind denying or limiting life-support benefits under the Act, thereby keeping Black sharecroppers and domestic workers vulnerable and dependent on farm owners and other employers:

You take the average laborer on the farm, let us say, all through the country districts, and his earning capacity on an average over the past times has been from \$20 to \$30 a month. To put him on a pension at 65 of \$30 a month is not only going to take care of him, but a great many of his dependents, relatives, and so on, who could much better be employed working on a farm.... Of course in the South we have a great many colored people and they are largely of the laboring class.

Southern commentators amplified Congressman Smith's concerns about the Social Security legislation. An editorial in

the Jackson Daily News—"the great champion of" Mississippi Senator Pat Harrison, Chairman of the powerful Senate Finance Committee overseeing the then-pending social security legislation, stated more bluntly:

The average Mississippian . . . can't imagine himself chipping in to pay pensions for able-bodied Negroes to sit around in idleness on front galleries, supporting all their kinfolks on pensions, while cotton and corn crops are crying for workers to get them out of the grass.

Scholars emphasizing racial considerations influencing the Act's exclusions, also point to Congress's unquestioned knowledge and awareness of the substantial disparate impact on Black workers of the exclusion amendment as well as Congress's disregard of Black community leaders' advocacy against the exclusions in Congressional testimony. Some also de-emphasize or challenge the seriousness or presumed unmanageability of administrative obstacles to coverage of these worker categories. They reference other countries' experiences in surmounting the suggested occupational category obstacles in comparable social insurance legislation prior to the 1935 Act and the ability of Congress and the Administration to do so as well through the Act's inclusion amendments in the 1950s. Some also point to racially tinged rhetoric in opposition to the 1954 inclusion amendment providing the broadest reversals of the occupational exclusions to Title II of the 1935 Act, from members of the same Southern legislative block who had offered racialized opposition to anti-discrimination provisions in the public assistance/welfare provisions in Title I of the 1935 Act and who supported the original 1935 occupational exclusions in Title II old age insurance, and then later vigorously opposed the landmark civil rights legislation of the 1960's. For example, Senator John Stennis from Mississippi unsuccessfully fought against the 1954 social security inclusion amendment, referencing the disproportionately Black domestic and agricultural workers proposed finally to be fully included in the Act as "reckless and irresponsible workers, who will pay virtually nothing . . . and those workers will get a vested right in the fund to which they will contribute very little."

Although the inclusion amendments of the 1950s reversed the formal exclusion of disproportionately Black (and increasingly, Latino/a), workers from social insurance programs after nearly two decades of exclusion, the previously discussed Jim Crow legacy and ongoing influence of pervasive structural discrimination in employment, housing, health care, criminal justice, and education, has contributed to lower earnings and less critical income security and social security benefit levels for Black and Brown retirees. An Urban Institute study focused on adults born between 1996 to 2005 projected the Black-white differential in lifetime social security benefits at 26 percent with average Black beneficiaries receiving \$406,700 and average white beneficiaries \$546,500, taking into account disparities in

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annual benefits, benefit commencement ages (early retirement reduced benefits vs. delayed retirement expanded benefits), and longevity. Significant disparities remain even after factoring in social security survivors' and disability benefits, even though some of those same structural factors including historic and present-day health care discrimination and inequities contribute to greater mortality and disability rates for Blacks vis-a vis whites. Moreover, while 21 percent of social security beneficiaries ages 64-71 receive benefits below the poverty line, a staggering 43 percent of Black beneficiaries do.

With threats of trust fund insolvency as early as 2032 compelling a mandatory 20-24 percent automatic benefits cut if lawmakers fail to act,

Congress must take steps to shore up the trust fund and should do so in ways which do not exacerbate present racial and economic disparities. In public polling, there is strong bipartisan consensus for trust fund solutions focusing on raising revenue rather than

reducing benefits. For example, several present bills propose expanding the payroll tax base beyond the present limit of \$184,500 at which social security taxes are capped and securing greater revenue for the fund from taxes of these wealthier workers as well as including investment income and business pass through income for such taxation. Some of these proposals also call for strengthening the program to provide greater financial security for those most in need, such as increasing the minimum social security benefit, (or the benefit levels and resource rules for SSA's means-tested SSI program), to raise the floor to at least the poverty line for elderly and disabled beneficiaries. Other proposals that would also increase racial and economic equity include: implementing a somewhat more progressive benefits computation formula that would return a greater percentage of earnings in benefits to the lowest earners; creating caretaker credits for some portion of time for persons out of the labor market due to caretaking duties; and creating a bridge benefit to mitigate the reduction in benefits for early retirement at age 62 for older workers with a history of physically demanding work who can no longer perform that work.

## **Mass incarceration, racialized policing, and Social Security Act collateral consequences**

Additional provisions in the Social Security Act contribute to further racial inequities in benefit receipt. Due to the phenomena of racialized mass incarceration and racial profiling in policing, Social Security legislation from the 1980s through 2009, adding various criminal justice system-involved restrictions on benefit receipt in both the Social

Security old age/retirement insurance and disability insurance programs, further disproportionately limit benefits to claimants of color and their families. A law adopted in 1980 and extended in 1983 suspends Social Security insurance benefits (OASDI) for persons incarcerated more than 30 days. It was adopted initially and hastily in 1980 based on revulsion to serial killer "Son of Sam's" receipt of benefits while in prison, but justified as needed to avoid "double dipping" of support benefits to inmates whose housing, food and basic medical needs would be supported by prison authorities. Lawmakers also suggested that social security benefits could be abused to support an underground prison economy in drugs and undermine prison discipline. Even though unsupported by SSA and

the civil rights community as inconsistent with core principles of social insurance benefits under the Act for nearly 50 years—pointing to the program's contributory character based on earnings and contributions and not subsistence needs (as opposed to the Act's means-tested subsis-

tence benefit programs)—these restrictions still passed both houses of Congress with scant opposition.

The law has removed much needed benefits from many beneficiaries who have been contributing to rent, mortgage, or property taxes on homes, car payments, or consumer debt payments, or these and other expenses and debt payments necessary for successful re-entry after incarceration; tuition, medical expenses or important needs of family and loved ones; or for unmet needs while incarcerated. In 1980, there were 1,214 persons receiving retirement benefits and 4,300 receiving disability benefits who would be subject to suspension under the laws enacted. By 2020, those figures had mushroomed "fifteenfold" to 17,885 for incarcerated social security old age/retirement program beneficiaries and "tenfold" for incarcerated disability benefits recipients to 39,766 undoubtedly due in significant part to accelerated mass incarceration trends in that time period. Civil rights groups (i.e. ACLU, Lawyers' Committee for Civil Rights) have long called for repeal of this law or, at least, reform of it to allow for appointment of a representative payee of the inmate such as a prisoner rights non-profit entity, to manage the social security payments on their behalf for such expenses to obviate any imaginary or real concern of benefits diversion to an illicit, underground prison economy and to facilitate re-entry and provide family support.

Another Social Security Act provision enacted in the same 1980 legislation permanently excludes consideration of disabling impairments in the disability evaluation process in Social Security Disability cases if they arose "in connection with" commission of a felony. The SSA has interpreted the "in connection with" language as requiring no causal connec-

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tion between the felony and the disabling impairment; the event producing the disabling impairment only need be close in time and place to the felony. This law also has an inevitably racially disparate application not only due to racialized policing and mass incarceration trends but likely also due to the racially disproportionate imposition of disabling impairment-producing injuries from police misconduct and brutality. The provision vests SSA adjudicators with much discretion and has been interpreted even to extend to a claimant with cocaine in his car who was then the victim of a passerby shooting and disabled by a shooter having no connection to the possession crime since the shooting occurred close in time and place to the possession arrest. Advocates have also argued for repeal of this provision or in the alternative, reform to limit its application with a requirement that the felony be the proximate cause of the impairment.

## The SSI territorial exclusion, race, and colonialism's implications on Social Security programs

The tortured and peculiar 125-plus-year history of the United States' acquisition and colonial domination of the U.S. territories also reveals racial inequity in access to a vital Social Security program. Although Congress eventually included the territories in the contributory Social Security insurance programs (OASDI) in amendments in 1950 and 1960, at present, the Social Security Act excludes four of the five major territories, Puerto Rico, Virgin Islands, Guam, and American Samoa, from the critically important SSI program—the entirely federal, means-tested public assistance benefits program for children and adults with disabilities and for the elderly. The SSI program was designed as a “supplement” for persons in poverty in those disabled or elderly profiles lacking sufficient earnings and insurance for fulsome OASDI coverage. It has been described by social welfare policy experts as “a core component of the nation’s Social Security system” providing “nothing short of a lifeline for nearly 8 million of the nation’s poorest seniors and disabled people, including more than one million disabled children.” Due to exceptionally high poverty levels in the U.S. territories, its absence is particularly injurious. And the overwhelmingly non-white demographics of territorial resident populations is a factor in the colonial-like history in which the denial of equal rights and benefits for mostly U.S. citizens in the territories has been consistently re-affirmed.

The territories have long suffered under the legacy of the lingering shadow of the overtly racist yet still operative (not yet overruled), *Insular Cases*. These cases were a series of Supreme Court decisions in the early twentieth century (from the same court to unleash Jim Crow in *Plessy v. Ferguson*), launching and reinforcing a separate and unequal regime of rights and benefits for territory residents through the construct of indefinite “unincorporated” territory status based on assumptions even conservative Justice Neil Gorsuch has char-

acterized as grounded in “ugly racial stereotypes,” “bigotry” and the “theories of social Darwinists.” In extending only a watered down version of the constitution with only select rights deemed fundamental, the Court had referenced unincorporated territory residents as not governed by “Anglo-Saxon principles” and “peopled with an uncivilized race,” on islands inhabited by “alien races,” “savages,” and “uncivilized tribes.”

In 2020, a unanimous First Circuit in *U.S. v. Vaello-Madero*, invalidated the territorial SSI exclusion as applied to a resident of Puerto Rico pointing out the inconsistency with equal protection principles of the inequitable treatment of disabled and elderly territorial residents excluded from these critical subsistence benefits. The Supreme Court’s 2022 decision reversing the First Circuit, relied on cases which, in turn, had relied on the *Insular Cases* to justify an extremely deferential form of equal protection scrutiny, in which decisions treating territorial residents adversely and differently than state residents, requires little meaningful rational justification or connection to the benefits exclusion beyond recognition of the Art. IV Territory Clause’s authorization to Congress to pass “Rules and Regulations respecting the Territory.”

Although President Biden supported congressional reversal of the SSI territorial exclusion and included an amendment to the Social Security Act doing so in his Build Back Better (BBB) legislation presented to Congress in 2022, when BBB stalled in the senate by two votes, the much smaller Inflation Reduction Act of 2022, no longer contained the SSI territorial inclusion amendment. A present inclusion bill is pending in Congress. It should be passed (although it will likely take changes in the composition of the present Congress and administration to do so).

## Racial bias in the social security disability programs: adjudicative and medical bias, misevaluation of black pain, and the damaging persistence of “biological race”

While not nearly as large in scope as the Social Security old age/retirement programs, the Social Security disability programs nonetheless provide benefits to over 13 million persons at present. Because disability applications, as opposed to those seeking old age/retirement or survivor benefits, are usually carefully examined and contested, an enormous federal bureaucracy has been created to address disability claims, and a significant portion of the federal courts’ docket is attributable to disability program appeals. The SSA’s adjudication system for evaluating disability claims has been touted as the “Mount Everest of bureaucratic structures” and the “largest adjudicative agency in the western world.” Indeed, “there are more SSA Administrative Law Judges (ALJs) adjudicating disability benefits administrative hearings and more such cases than there are judges

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deciding and presiding over the smaller quantum of all civil and criminal cases and trials in all of the federal courts of the United States.”

The issue of racial disparities in the social security disability insurance (SSDI) and SSI disability (SSID) programs has been the subject of much debate since 1992 when the U.S. General Accounting Office issued a report after years of study finding unexplained racial disparities in SSDI and SSID adjudications. (SSDI and SSID utilize the same statutory definition of disability and are adjudicated by the same agency and process). The 1992 GAO report, which has been touted by scholars and journalists alike as “the single most important study undertaken so far on the issue of impartiality of Social Security decisionmakers” and “the most comprehensive [study] about race and disability ever undertaken by the Government,” reviewed nearly a million cases (700,000 involving white applicants and 245,000 involving Black applicants) and found unexplained statistically significant racial disparities in decision-making principally at the Administrative Law Judge (ALJ) hearing level (where the claimants are typically seen in-person for the first time by disability adjudicators). That report and study found that SSA ALJs granted benefits to 66 percent of white SSDI applicants but only 55 percent of Black SSDI applicants and 60 percent of white SSID applicants as opposed to only 51 percent of Black SSID applicants.

Additional GAO and other studies between 2003 to 2023 have identified additional racial disparities in disability decisions with some studies and critiques also pointing to the difficulty ascertaining any meaningful SSA progress in addressing the problem since 1992 because the agency discontinued collecting decisional data by race. Indeed, in 2022, (in a now-abandoned “Equity Action Plan”), SSA publicly and candidly acknowledged that: ***“There is evidence that although African American people are more likely to have a disability, they are less likely to be approved for disability benefits than white people.”***

Apart from unexplained adjudicative bias with evidence of both explicit and implicit biases by the overwhelmingly white and male federal ALJ corps (measured as less than 1 percent Black as late as 1992), Black claimants experience further obstacles in demonstrating disability due to the explicit and implicit biases of medical professionals often stemming from a legacy of damaging concepts of “biological race.” Race, racial categories and the concept of “Blackness” in American society are not biologically based or scientifically determined. Rather, the 1999 human genome project further concretized the modern-day scientific fact that “[t]here are no human populations with such a high degree of genetic variation that they objectively fall into races[;][t]here is only one human race.” While historical conceptions of biological races, used to elevate white supremacy and to justify slavery, eugenics, sterilization, de jure segregation, social and legal exclusion, systematic discrimination, and other forms of exploitation, have long been scientifically repudiated,

persistent, present-day remnants of that biological race legacy contribute to current racial health care inequities and disability benefits disparities.

Among the present-day damaging assumptions of biological racial differences with historical antecedents in slavery and 19th century racial studies (including a notorious study by a plantation owning Louisiana physician, Dr. Samuel Cartwright), “one of the most enduring and disturbing” is that Blacks “are impervious to pain.” A 2016 University of Virginia Study of the assumptions and beliefs of medical residents and medical students, found that about half of those surveyed still hold false beliefs about biological differences between Black and white persons such as thicker skin and less pain among Black patients. The study concluded that “individuals with at least some medical training hold and may use false beliefs about biological differences between Blacks and whites to inform medical judgments, which may contribute to racial disparities in pain assessment and treatment” and it “demonstrates that beliefs about biological differences between blacks and whites—beliefs dating back to slavery—are associated with the perception that black people feel less pain than do white people.” It also leads to understated diagnoses and assessments of Black and Brown claimants’ pain, symptoms, diagnoses and limitations for disability benefits purposes. Since pain and subjective symptoms, including psychiatric symptoms, are critical issues in the majority of disability adjudications and defy objective measurement from laboratory or scientific equipment, the recurrent, racialized medical underassessment of pain and impairment symptomology is a significant obstacle to disability benefits eligibility. This problem is compounded by the “double whammy” of implicit and explicit biases by medical professionals, (including those employed by the SSA and coordinating state disability agencies), followed by the additional biases of SSA’s ALJs and adjudicative personnel when assessing claimants’ pain and subjective symptoms.

Recommendations for ameliorating the problem of adjudicative bias include: 1) resumption of race/demographic data collection on SSA disability decisions; 2) creation of an independent non-SSA panel to review a sampling of bias complaints submitted to SSA entities with authority to make recommendations; 3) mandatory implicit bias interventions for all SSA ALJs and adjudicative and medical personnel along the lines of established models created for such programs for state and federal judges and prosecutors; and 4) increased efforts at enhancing diversity within the SSA’s ALJ corps.

## The special problem of race norming in medical tools used in SSA Disability assessments

Another widespread medical practice often producing racial inequity in disability decisions is the process of “race-

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norming” or “race-correction.” Race-norming or “correction” involves the insertion of race into medical clinical decision support tools and diagnostic algorithms that “adjust or correct their outputs on the basis of a patient’s race or ethnicity” predicated on fallacious principles of “biological race.” Race-normed or “corrected” outputs often understate the severity of Black and other minority patients’ conditions or require greater demonstration of illness to receive treatment for a range of severe and sometimes life-threatening conditions. As a result, they also inequitably, illegally and unconstitutionally raise the bar on demonstration of disabling impairment severity for Black claimants and other social security disability claimants of color subject to race-norming.

Impairments that are commonly race-normed include serious lung disease/pulmonary impairments and kidney disease/nephrology disorders, among 11 other impairment systems listed in a groundbreaking 2020 *New England Journal of Medicine* article focusing significant public attention on this racially deleterious medical practice. Also bringing a significant contemporary, national, high-profile, and heavily publicized spotlight to race-norming and its potentially damaging impacts on Black patients was the 2021 discovery of evidence of the race-norming of neuropsychological testing for cognitive impairment and dementia of Black football players that emerged from the NFL concussion and chronic traumatic encephalopathy (CTE) settlement, and settlement modifications. (The circumstances underlying the lawsuit by former NFL football players against the NFL alleging deliberate concealment of long-term damage from repetitive head trauma was dramatized in the 2015 movie-“*Concussion*”). To determine the severity of cognitive impairments, “neuropsychologists compare a patient’s test performance to their estimated baseline cognitive abilities” and Black baseline cognitive abilities were presumptively race-corrected downward so that greater cognitive impairment to Black players would be required to demonstrate the same degree of cognitive injury as white players for compensation purposes and Black players were categorically undercompensated. Eventually, the NFL agreed to re-adjust that settlement agreement and replace it with a 2022 modified agreement based on non-racially normed cognitive impairment assessments.

More commonly, the scores on assessments such as pulmonary function tests (PFTs) for pulmonary/lung impairments or estimated glomerular filtration rates (eGFRs) for kidney impairments, are adjusted or “corrected” by inserting race into the guidelines or algorithms used for measuring the severity of these impairments and often adjusting for race by a factor of around 10-15 percent. The race norming of pulmonary testing has its genesis in the pseudoscience of the same mid-century plantation owning Dr. Cartwright who determined that enslaved black persons experienced lesser pain. Cartwright also concluded that Blacks possessed innately lesser lung capacity so pulmonary function testing (PFT) of “negro lungs” should be adjusted to reflect lesser impairment than whites when producing the same PFT scores.

The practice of race-norming of kidney filtration scores was a later 20th century phenomena. It is based on the over-generalization that Blacks possess greater muscle mass than whites (and the fact that muscle mass reduces kidney filtration rates); therefore, Black kidney estimated glomerular filtration rate (eGFR) scores should be race-corrected to reflect reduction of the apparent severity of kidney impairments. The absurdity of this racialized assumption is manifest using famous entertainers: Self-described scrawny/skinny Black comedian Chris Rock would be deemed to possess great muscle mass relative to white former body builder/actor Arnold Schwarzenegger (in his “*Terminator*” prime) and would have his kidney (eGFR) scores race-adjusted accordingly.

Between 2021-2026, several expert medical bodies, reflecting 8 of the 13 identified racially normed body systems in the 2020 *New England Journal of Medicine* article, have called for ending race-norming. This includes the National Kidney Foundation and American Society of Nephrology joint tasks force in late 2021, recommending discontinuation of race-norming eGFR scores, and the 2023 recommendation of the American Thoracic Society (ATS) working group to abandon race normed PFTs. However, these recommendations have not been fully adopted and implemented by hospitals and medical providers. The SSA has only partially determined that it should discontinue reliance on race-normed eGFR scores in disability benefits determinations and has offered no remedy for disability claimants of color previously denied benefits in cases with race adjusted eGFRs. In addition, it has taken no action with respect to ongoing race-normed PFTs or race-norming in any of the 11 other identified body systems employing race-normed clinical support tools or algorithms.

Because SSA’s reliance on or production of race-normed clinical assessments should be deemed illegal if not unconstitutional since intentionally discriminatory and not justified by compelling or important purposes under equal protection doctrine, the practice should be categorically and immediately discontinued in all cases involving all potentially normed impairment body system assessments. Moreover, claimants of color previously denied in cases with racially-normed assessments or other normed medical reports, should be provided notice and the opportunity to have their cases re-opened and re-adjudicated with evidentiary records untainted with racially-normed materials.

## Conclusion

While the Social Security Act is undoubtedly the most important and transformative anti-poverty and income security enactment in American history, it has underserved African Americans and other historically subordinated communities of color in myriad ways. Some of these disparities can be addressed by the SSA and our lawmakers and

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# Environmental Implications of Urbanization: Environmental Sustainability, Green Design Plus Smart Growth is Pivotal

Stephen Pinkney

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Urban areas are densely developed spaces that include residential neighborhoods, commercial districts, and other nonresidential land uses. Urbanization is the migration of populations from rural areas to urban and suburban areas. This particular process of urbanization in the U.S. has taken place for centuries. Today, more than 80 percent of Americans live in urban areas. This migration phenomenon has unfolded throughout the 19th and 20th centuries as industrialization and metropolitan growth reshaped settlement patterns. While urban populations continue to grow, the pace of urbanization has slowed in recent decades compared with earlier periods. Growing cities typically bring major changes, including suburban expansion and shifts in population distribution as well as increasing demands on areas of infrastructure and resource management. The challenges associated with urbanization are environmental issues, housing shortages, and congestion. There are also opportunities created, such as economic growth, innovation, and cultural exchange. When it comes to urbanization and sustainability, there is a deep interconnection. Rapid growth presents serious challenges, including higher pollution, increased resource use, and environmental degradation, while also creating opportunities for more sustainable and equitable development. The principles of smart growth and green design are essential to advancing environmental sustainability, community resilience, equity, and equality. Achieving these goals requires the commitment

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and collaboration of urban planners, policymakers, community organizations, and residents to guide development toward cleaner, healthier, more sustainable, and equitable communities, cities, and regions achieving a sustainable future requires thoughtful planning that minimizes environmental harm, advances social equity, and supports long-term economic resilience.

Today, more than 4 billion people reside in urban areas, accounting for over half of the global population. According to United Nations estimates, this historic shift occurred in 2007, when the number of people living in cities exceeded those living in rural areas for the first time. Urbanization accelerated throughout the 19th and 20th centuries as industrialization concentrated jobs and economic opportunity in urban centers. In the United States, urbanization is widespread but uneven. Both Western and Northeastern Regions of the U.S. are the most urbanized, while the Southern and Midwestern Regions have smaller shares of their populations living in urban areas. Over the past century, the proportion of Americans residing in cities has risen dramatically—from less than 10 percent in the early 1800s to more than 80 percent today. States such as California and Nevada rank among the most urbanized, with over 90 percent of residents living in urban environments. Recent trends in U.S. urbanization include sustained population growth in metropolitan areas, rising urban density, and continued land development. Driven by a range of socioeconomic forces, this pattern is expected to persist, with a substantial majority of Americans projected to live in urban areas by midcentury. A combination of negative and positive environmental impacts added strain on infrastructure, and a rising demand for housing are real concerns as cities grow.

Cities in the U.S. serve as core engines of America's economy, producing benefits that reach the suburbs, rural, and  
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*(Poverty, Race and the Elusive Promise of an Equitable Social Security System, Continued from page 13)*

policy makers—admittedly in the hope that we return to (or make significant progress towards) greater democratic functionality when popularly desired and needed reforms can be adopted and serve the will and needs of the people. Others will depend on longer-term movements to eradicate broader structural and systemic discriminatory trends in society-at-large by both government and private industry and parties, in employment, housing, education, voting, criminal justice, and health care access and treatment that cannot be meaningfully addressed solely through reforms in the Social Security system. To some extent, Social Security's effectiveness as an

equitable bulwark against income insecurity is a function of inequity in society at large; it incorporates the racial and other invidious inequalities in several of those other major systems as shown above.

As in the pursuit of racial and economic justice in many other areas such as housing and education, the struggle for more meaningful justice and equity in the social security system is neither linear nor prompt. The challenge is in perseverance. And in recognition that even in the darkest, unlikely times, as prophesied by MLK, "the arc of the moral universe is long, but it bends toward justice." ■

tribal communities. By more than three-quarters, the United States gross domestic product is backed by the nation's largest metro areas. Metropolitan areas stimulate innovation, economic growth, and sustainability by attracting residents and businesses to concentrated areas. New York City is the nation's most populous city with around 8.4 million people. Its energy consumption is lower than that of other larger U.S. cities. This can largely be attributed to its well-developed public transportation network and widespread adoption of energy-efficient building practices. Urban Centers such as New York-Newark tend to shape culture and attract residents who value diversity and inclusion, creating, multicultural environments with broad social, educational, and economic opportunities. These urban centers are characterized by their continued appeal and attractiveness for living. As of 2024, the nation's four largest cities (by population) are New York City, followed by Los Angeles, Chicago, and Houston, according to the United States Census Bureau. Current growth numbers emphasize this pattern. From 2010 to 2013, Los Angeles alone gained approximately 65,000 residents, which nearly matches the city's total population increase during the prior decade. Research by the Urban Land Institute further shows that key demographic groups, including millennials and Latinos, strongly favor urban living. Roughly 62 percent of Americans planning to move in the next five years prefer mixed-use, walkable neighborhoods typical of cities.

## **Adverse Effects of Urbanization and Sprawl**

Negative effects of urbanization include limited access to certain resources, persistent poverty, housing shortages, inadequate transportation, high unemployment rates, overcrowding, high crime, rising pollution levels, and increased strain on infrastructure. Intensified congestion in urban areas is exacerbated by large-scale migration from rural areas, which bolsters the effects of geographical poverty and increases crime and violence. Large-scale migration can put severe strain on city infrastructure and economy, including overcapacity, transportation network gridlock, spatial mismatch in affordable housing, slum expansion, and resource scarcity. There are numerous perspectives on urbanization, with some viewing it as a trigger for economic development due to labor shifting from agriculture to certain higher-paying industries in the urban areas. History perceives the view of urbanization as a stimulus of economic growth, poverty reduction, and broader social transformation. This is based on the assumption that people moving from rural to urban areas will pursue expanding economic opportunities. However, verifiable evidence does show that the effects of urbanization generate new patterns of inequality and urban poverty.

Urbanization frequently contributes to urban sprawl—unplanned, fragmented growth characterized by limited access to essential land uses such as housing, employment, schools, healthcare, and public transit. Sprawl-oriented devel-

opment has siphoned population, jobs, investment, and tax revenue away from urban cores, while its dispersed form has forced a heavy reliance on automobiles. In the U.S., 17 percent of Black households lack access to a vehicle, disproportionately compared to white at 6 percent and Latino households at 10 percent in 2022. The nation's residents who lack access to vehicles face challenges such as barriers to employment, education, healthcare, financial institutions, food, and other services. Sprawl results in urban decline, racial segregation, a lack of affordable housing, unequal education systems between central cities and suburbs, reduced community relationships, air and water pollution, and the loss of farmland and wildlife habitat. Houston, Texas, for example, has expanded rapidly in recent years due to industrialization and its status as a major energy hub. While this is happening, Houston has faced serious issues related to sprawl and strained infrastructure, disproportionately affecting Black communities. Both Houston and Atlanta are cities with growing Black populations that exhibit key features of urban sprawl, including low-density development, heavy reliance on automobiles, and continuous outward expansion from their urban cores.

## **Job Sprawl and Spatial Mismatch**

Research indicates that job sprawl, the relocation of employment from central cities to outlying areas, intensifies spatial mismatch between where Black residents live and where jobs are located. While job sprawl has relatively little effect on white workers. In Southern metropolitan regions, sprawl is a major contributor to spatial mismatch and inequality. Areas with high levels of job sprawl also experience more severe racial segregation, on average about 15 percent higher than in low-sprawl regions, even after accounting for metropolitan size. This geographic separation restricts access to employment, limits residential mobility, and narrows neighborhood choices, reinforcing patterns of inequality.

## **Urban Sprawl and Health Correlation**

In the 1950s and 1960s, health consequences due to urban sprawl began appearing in medical and public health literature. Recent research has focused on broader, systemic connections between neighborhood conditions and population health. Such consequential conditions include residents' physical safety, access to clean water and sanitation, opportunities for routine physical activity, and a strong presence of social network support. The environmental justice movement has advanced the emphasis on how racial and economic discrimination structurally shapes patterns of waste disposal, the placement of polluting industries or "dirty plants", access to public amenities, and transportation planning. It has been noted that Black and Hispanic children are among the most vulnerable to pollution, food insecurity, and poverty. Although children of color

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make up roughly one-third of the U.S. child population, they account for about 45 percent of those attending so-called "sick schools" — facilities that are underfunded, poorly maintained, and located in low-income communities with hazards such as mold, indoor air pollution, toxic pesticides, asbestos, radon, and lead in paint and drinking water. In Louisiana, the situation is even more difficult, with roughly half of the children of color attending such schools.

Federal housing policy has also played a central role in encouraging urban sprawl. From the mid 1940s to the 1960s, the Federal Housing Administration and the Veterans Administration loan programs expanded homeownership by lowering down payments and interest rates, spurring suburban housing construction, and encouraging many middle-income white households to leave central cities. Additional policies, including mortgage interest deductions, capital gains tax advantages, and extensive federal investment in highways and infrastructure — further accelerated suburban expansion. Attracted by the lure of cheaper land and closeness to suburban consumers, retail and industrial development followed this outward migration. Numerous inner-city neighborhoods experienced disinvestment, aging of infrastructure, and population decline. Environmental pollution has become a major issue under this development pattern, posing serious risks and hazards to public health and economic well-being. As cities become more vehicle-dependent, air pollution levels rise. Greenhouse gas emissions, especially carbon dioxide (CO<sub>2</sub>), the primary byproduct of motor vehicle use, trap heat in the atmosphere, boost the greenhouse effect, and contribute to climate change. Vehicle exhaust also contains carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM), and volatile organic compounds (VOCs), which contribute to smog and are linked to respiratory disease, cardiovascular illness, and cancer. When you add other factors such as urban growth, innovation of technology, and lack of environmental regulation, they strongly influence pollution levels. Advances in industrial and energy technologies can reduce emissions by improving efficiency, encouraging the use of cleaner energy sources, and shrinking ecological footprints. At the same time, taxation and regulatory policies can further incentivize reductions in carbon output.

Transportation policy has been equally influential in reinforcing sprawl. Since 1980, more than \$3 trillion has been invested in highway construction. By the mid-90s, federal spending on highways far exceeded funding for mass transit. Many policies heavily favored the use of private automobiles through tax incentives for parking, while offering limited comparable benefits for those who utilize public transportation. These investments benefited communities in the suburbs while many inner-city residents faced worsening housing conditions, job losses, and rising crime. Shifts in retail markets compounded challenges, particularly in Black neighborhoods, where supermarkets experience closures or relocated to suburban areas. These stores were replaced by convenience

stores, liquor stores, check-cashing, and payday loan businesses. Residence in urban areas often depends on smaller grocery stores. These grocery stores charge higher prices for fewer and less nutritious food options. A federal study found that city residents paid up to 37 percent more for groceries than their suburban counterparts which typically offer a wider selection of healthy, nutritious foods. Research by Morland, Wing, and Diez-Roux in 2022 further illustrates how neighborhood wealth and racial segregation shape food access. Their study of 216 census tracts across four U.S. metropolitan areas found that high-income neighborhoods had three times as many supermarkets as low-income areas and far fewer bars, taverns, and small convenience stores. Predominantly white neighborhoods had more than 4 times as many supermarkets as predominantly Black neighborhoods, which relied heavily on corner stores and convenience shops. By accounting for housing patterns, transportation access, demographic factors, and the locations of more than 2,400 food-related businesses, the study demonstrates how land-use and economic policies associated with urban sprawl directly influence community health, dietary choices, and long-term well-being.

## The Present and Future is Smart Growth and Green Design

Smart growth and green design principles are essential to environmental sustainability, resiliency, equity, and equality. It takes the willingness and determination of urban planners, policymakers, and community advocates, in collaboration, to guide development toward cleaner, healthier, and more equitable communities, cities, and regions. When it comes to the strategies of smart growth, it supports improved health, job creation, and affordable housing for the Black American communities and other marginalized communities that have been historically underserved. At the same time, green design emphasizes reducing ecological harm by implementing environmentally responsible practices. Together, these approaches form a cohesive framework for steering continued urbanization in ways that protect our environment, while simultaneously enhancing the overall quality of life.

## Implementing Smart Growth

Urban sprawl can be reduced or even prevented through coordinated urban planning and transportation policies that concentrate development in compact, walkable centers, by utilizing an approach known as Smart Growth. Smart Growth prioritizes and emphasizes the creation of healthy, livable communities that protect both natural and cultural resources. Smart Growth offers a range of housing and employment options and expands sustainable transportation choices. The core elements of smart growth are mixed-use development, neighborhood-based schools, transit-oriented and bicycle-friendly planning, and pedestrian-focused design within compact areas.

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The benefits of Smart Growth are substantial. It supports job creation, improves housing affordability, and enhances public health—outcomes that are particularly important for the Black American community and other historically marginalized communities, which often benefit most from equitable development. Simultaneously, Smart Growth strengthens environmental, economic, and fiscal performance by revitalizing disinvested neighborhoods and reducing the social, environmental, and financial costs associated with urban decline. Given the billions—or even trillions—of dollars invested in transportation systems, water infrastructure, utilities, and social services, a central challenge for planners and policymakers is ensuring that Smart Growth initiatives equitably benefit Black and disadvantaged communities while also advancing broader regional goals. Smart Growth offers a promising framework that addresses some of the most pressing urban challenges of the present day. Although it is a planning strategy to preserve open space, lower infrastructure costs, or prioritize pedestrian access, its long-term success depends on confronting deeper questions about where residents of different races and income levels live, work, and attend school. Strategies of compact development reduce greenhouse gas emissions and transportation and energy use, improve air and water quality, and support climate change mitigation. In addition, Smart Growth encourages vibrant, mixed-use districts that provide convenient access to jobs, services, and recreation, thereby enhancing residents' overall quality of life.

Ultimately, Smart Growth requires regional collaboration or, in some cases, legislative action, to collectively address the root causes of sprawl. Specific Smart Growth strategies, such as infill development and brownfield redevelopment, reduce land consumption while maximizing the use of existing infrastructure. Smart Growth helps protect biodiversity and natural habitats by steering development away from environmentally sensitive areas such as floodplains, wetlands, and habitats for rare species.

## Implementing Green Design

Green Design, also known as sustainable or eco-design, is an approach to creating buildings, products, and systems that minimize environmental impact while supporting ecological balance. The objective is to reduce waste, conserve resources, and promote healthier environments for people and for ecosystems. Within Smart Growth, Green Design plays a critical role by emphasizing buildings that are energy-efficient, durable, adaptable, and designed for long-term use. Reduction of construction waste through recycling is an aspect of Green Design, as is the reuse of materials and the selection of environmentally responsible products. This technique not only considers the immediate environmental effects of materials and technologies but also their long-term impact and performance. True sustainability requires a life-cycle perspective, which recognizes that early design decisions strongly influence a building's environmental footprint over time. The

goal is to produce more sustainable buildings that are flexible, resilient, and adaptable to changing needs. Sustainable buildings should remain environmentally sound across generations.

Green Design key principles include maximizing energy efficiency, ensuring healthy indoor environments, planning for multiple uses, and designing structures that can be easily modified for cheaper cost. Using durable, non-toxic materials, water-efficient fixtures, rainwater harvesting, and drought-resistant landscaping supports conservation. It does include high-performance insulation, solar energy systems, and natural ventilation reduce energy demand. Simultaneously, it uses low-VOC materials, ample daylight, and proper ventilation that improve indoor air quality and occupant well-being. The ultimate goal of Green Design is to reduce the built environment's overall environmental footprint, protect ecosystems, and conserve our most critical resources. This goal also extends beyond individual buildings to resilient, inclusive spaces that present population needs without compromising future generations' needs. The last important aspect is that Green Design should be available and accessible to all communities, not just to communities with wealth or financial means. The principles associated with Green Design should apply beyond architecture, influencing transportation design, energy efficiency, and the planning of walkable communities.

## The Advancement of Environmental Sustainability

Combining Smart Growth with Green Design is essential to advancing environmental sustainability, creating resilient communities, and managing natural resources responsibly to ensure their long-term availability, balancing the needs of human and ecological health, and preventing environmental degradation. These advancements include reducing pollution, conserving water and energy, managing waste effectively, and promoting renewable resources while reducing reliance on nonrenewable resources. Protecting biodiversity and ecosystems is included in sustainable practices. This is achieved through providing essential services. These services include clean water and air, climate regulation, and food systems. Environmental sustainability can generate long-term economic benefits through cost-effective savings and the growth of green industries by encouraging efficient resource use. Because environmental harm disproportionately affects vulnerable populations, sustainability efforts also advance equity and social justice. Ultimately, environmental sustainability ensures that future generations inherit a healthy planet with the resources necessary to thrive.

## Conclusion

Urbanization and sustainability are deeply interconnected. Many of our nation's metropolitan areas have experienced rapid growth, which presents serious challenges but also brings meaningful opportunities to build healthier, more

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equitable, and more resilient communities. Cities are known to drive economic growth and innovation; however, they also intensify resource consumption, pollution, and environmental stress. Planning strategies that reduce environmental impacts, promote social equity, and support long-term economic stability are essential for sustainable urban development. Smart Growth plus Green Design provides a complementary framework relationship that advances environmental sustainability. This complementary framework should include all communities, especially those that have been historically vulnerable and marginalized. Through collaboration among planners, policymakers, and community advocates, these approaches can guide responsible development and help create cleaner, greener, and more inclusive communities. ■

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