

The Deconcentration of Poverty as an Example of Derrick Bell's Interest-Convergence Dilemma: White Neutrality Interests, Prisons, and Changing Inner Cities

Justin Stec

I. INTRODUCTION

¶1 The idea of deconcentrating the poor from neighborhoods of concentrated poverty has arisen as a concept and policy position in the last twenty years to become part of the language and mental framework surrounding the alleviation of disparate conditions in a spatialized urban lens. Areas of concentrated poverty (where over forty percent of the inhabitants live at or below the poverty line) provide havens for social ills, where the sum of these ills is considered “greater than the whole.”¹ Violence, drug use, low life expectancy rates, and a lack of social services and meaningful educational opportunities typify such neighborhoods. Such neighborhoods are also highly segregated by race. Hence, deconcentration programs literally work to disperse people into a greater geographic area (away from concentrated poverty) with the hopes that they will reap “neighborhood effects” or the better social and economic opportunities that exist away from their current neighborhoods.

¶2 Deconcentration schemes are associative in nature because their success is predicated on a constellation of interactive behavioral patterns, including access to material opportunities and the diminishment or reduction of negative factors (*e.g.*, crime, bad schools) in an effort to allow higher levels of personal agency and fulfillment through exposure to social networks. Stated differently, it is thought that deconcentrating poverty will be beneficial because the initial compounding factor of poverty in a dense spatial area results in an amplification of social problems on its own. Deconcentrating poverty relies on a model of indirect support. Attached to the primary idea of movement is the secondary expectation that the move will mean something positive for a host of related objective and subjective factors. This is a critical point, because it requires that we recognize what occurred in the past to manufacture the concentration of poverty in its full purview and understand the dynamics of indirect support. It is also necessary to see parallel related fields that utilize the same normative structure as deconcentration for similar ameliorative goals.

¶3 Such reasoning is reminiscent of the landmark 1954 ruling of *Brown v. Board of Education*,² wherein the segregation of public schools was declared discriminatory. The prescriptive result in *Brown* was to mandate a spatial change, impliedly focusing on the need to integrate a basic function of socialization (education) to better serve part of the

¹ EDWARD GOETZ, CLEARING THE WAY: DECONCENTRATING THE POOR IN URBAN AMERICA 3 (2003).

² *Brown v. Board of Education*, 347 U.S. 483, 493 (1954).

population. In the *Brown* context, like in the context of housing and deconcentration, inequality was, at its core, based on denied material goods because of earlier spatial exclusion. To “fix” the historical problem of denial was to change a spatial aspect of inequality, pushing it toward the notion of assimilation or integration as a paradigmatic (and correct) norm. This solution was not solely to directly produce material equality for a group systematically denied such resources. Instead, it was indirectly to collect benefits through closer proximity to those benefits, whether social or material. This distinction remains quite important because it informs the ideological standpoint of progress and an appeal toward what may seem obvious for many when dealing with hard social decisions from a policy standpoint: getting people closer to goods will help them obtain those goods.

¶4 But not everyone agrees. In 1980, Derrick Bell³ wrote a radical critique of the *Brown* decision.⁴ Bell argued that any benefits to blacks⁵ from the decision were incidental to, and contingent upon, benefits that whites received. Bell’s radically transgressive argument is that blacks will only receive help when white interests are implicated (and assuaged), even when (or perhaps especially when) white interests remain silent. Neglected in the *Brown* decision was the implicit norm of whiteness and white privilege, which in turn allows the subtle re-instantiation of such privilege, helping to produce the same racial norms and codes of behavior that led to *Brown* in the first place. Bell argues that the decision helped whites stay in power in multiple ways, all of which stayed below the radar of explicit legal doctrine at the time.

¶5 Acts that directly help blacks⁶ must implicate white interests because white economic (and other) interests and black oppression are inextricably interwoven and depend on each other for their survival. Thus, spatial acts that work to form material success for oppressed groups are a type of this indirect system, rather than a direct system (even, at times, when purportedly under a direct system). Bell says direct help to disenfranchised groups will not occur, but only the secondary type of help (in this case spatial proximity or access) will occur, and when it does, the main beneficiaries will not be the intended group.

¶6 But why does he argue this? Direct help would bring to the surface a direct justification, and hence, long-held institutional, psychological, financial and personal privilege that has accrued over time. Such privilege has become so pervasive and entrenched that a direct move can be seen as an admittance of white responsibility in black oppression.⁷ This is paradoxical because such a schema maintains whiteness as a

³ Derrick Bell left his professorship at Harvard Law School to protest the fact that Harvard did not hire enough (or any) minority women.

⁴ Derrick Bell, *The Interest-Convergence Dilemma and Brown v. Board of Education*, 93 HARV. L. REV. 518 (1980).

⁵ Throughout this article I use the terms “blacks” and “whites” predominantly, partially because Bell used these terms, and also because they are the most direct.

⁶ Note that African Americans have typically been defined that way in American society if they have “one drop” of African American blood, but in reality, many African Americans are really now Euro-African Americans, as well as the other way around (many Euro-Americans are also African-American). However difficult and paradoxical the debates around essentialism have become, I will say that because we live in an essentialist world, I will continue in a similar vein, albeit cautiously, if only for the sake of simplicity, and however much this bothers me.

⁷ Bell has argued that it might have been better if *Plessy v. Ferguson* was actually enforced to the fullest extent possible. DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL, THE PERMANENCE OF RACISM* 47-64 (1993).

neutral category that can naturalize white hierarchical placement as solely merit-based and largely individualized, further disassociating and minimizing the need for rectification.

¶7 In this article, I apply Bell’s analytical framework to deconcentration policies and argue that they represent an interest-convergence of their own. In Section II, I lay out Bell’s argument more thoroughly and provide a background of deconcentration policies. I then summarize some of the drastic spatial and racialized separation that occurred nationwide (through the highway system, slum removal programs, and public housing) simultaneously with the *Brown* decision. This spatializing of inequality, with blacks left largely in inner cities, worked to allow a societal and policy-based definition of such spaces as categorically “criminal.” It would be utilized by politicians in the 1980s as a justification for the War on Drugs and decreasing social support of inner-city communities. It would also be utilized to justify the alleviation of poverty via deconcentration programs, which originated in their current form (predominantly focused on class instead of race) in the same time period as the War on Drugs.

¶8 In Section III, I identify white interests concerning deconcentration and expand on the idea that white interests interweave themselves with white reasoning to keep whiteness itself from becoming a category of contestation. Whites can stay within the “perpetrator” perspective.⁸ This psychological barrier is augmented by spatial barriers that form disassociation between people. Whiteness is largely typified by a lack of appeal to group or “race” based distinction, but is instead grounded in individualism. This grounding in part relieves whites of taking responsibility for the acts of past whites.⁹ Whiteness is not directly perceived, but rather is utilized to maintain the auspices of a merit-based system, and to keep property allocation non-racialized. Spatial arrangement after World War II made it possible to distance the normative and psychological thoughts of whites (suburbanization was federally backed through white-only exclusionary practices).¹⁰ This created a psycho-spatial predicament in that residential segregation allows for the further distancing of oneself from groups perceived in an “other” based outsider status, while simultaneously reaffirming group-based privilege within an individualistic paradigm.

¶9 In Section IV, I look at the intersection of prison-based exclusion with housing dispersal programs based on the white interests identified in Section II. Because the psycho-spatial disassociation created in the 1940s through the 1960s allowed the perception of, and thus the perpetuation of, the city as criminal, the result of these policies was to remove (via prison) large numbers of low-income black males from central city neighborhoods under the rubric of safety. Not coincidentally, mass incarceration started, in earnest, by the mid-1970s.¹¹ There is thus an overlap between the removal of low-income non-whites for both deconcentration and for prisons. Both provide justifications of social goods (*e.g.*, to increase stable housing or to decrease

⁸ See *infra* Section II.A. This perspective helps to cast oppressive elements as irrational and unfounded (and thus non-existent) precisely because one in a position of power will not see the framework as marginalizing some people.

⁹ A common sentiment from personal experience seems to be that “they” (as a group) should be able to pull themselves up out of their conditions. This also means, in part, that “they” should be able to transcend their group—that pulling oneself up means shedding group status to some extent.

¹⁰ See *infra* Section II.

¹¹ See *infra* Section III for a much more specific treatment.

crime) and both rely on white interests in a relatively non-racialized (or individualized) category as well. Moreover, prisons represent a renewal of concentrated poverty, but re-make it in the countryside, and often with a perceived economic boom to ailing rural economies.

¶10 In Section V, I trace the incarnation of this mental and spatial framework into the process or contact point of the redevelopment of inner cities, focusing particularly on white reclamation of such space as non-racialized and non-criminalized property. Whiteness here operates to neutralize the previously criminalized space into the perception of an economic gain based on merit. Within this guise, participation becomes limited to a relative consumerism and public space is transformed to private space that explicitly and purposefully serves to disassociate the user from the spaces' racially manipulated historical past. In this way, the construction of inner cities is not linked to white (and only white) flight a generation earlier. Those that live here must socialize and assimilate to this rationality-based individual model. Like the older suburban model of expansion a generation ago, the current model is a claim on property and space that works to reduce the possibility of public space and multiplicitous association. This time, though, the lens turns inward as the inner city is revitalized.

¶11 In Section VI, I look at the implication for this new interest-convergence, and begin a query of how to expose and respond to it. Because the deconcentration-convergence can represent an obfuscation of group-based claims to oppression, limit meaningful social discourse with one's community, and allow white interests to become reaffirmed in a way that does not alter the fundamental normative (not necessarily material) nature of segregation itself,¹² responses must include bringing white interests to the surface while tracking the connections between the deconcentration-convergence with its two main contact points. This also necessitates folding in a spatial analysis of social relations, especially concerning prisons. Please keep in mind that the interest-convergence dilemma is multi-pronged in that it does not argue that whites unilaterally benefit, but instead that there is a convergence of interests, where white institutional interests are appealed to; the model is not one of linear or uni-dimensional change.

II. THE INTEREST-CONVERGENCE DILEMMA, DECONCENTRATION, AND SPATIAL DIVERGENCE

¶12 This section works to fill in background information. First, I provide the Bell interest-convergence dilemma in more detail. Then, I move to examine the spatialized inequality that occurred in the post-World War II years and throughout the civil rights movement concurrent with the *Brown* decision. This time period (1940s-1960s) evidenced large numbers of whites leaving city-centers with explicit government backing that kept non-whites from the newly burgeoning suburbs. Finally, I will lay out the main policies that work toward the deconcentration of the poor in the formal sense. Each of these policies typically works by abolishing previous tower-style public housing (which partially concentrated poverty in the first place) and providing vouchers for a move to a different neighborhood or location.

¹² It is important to remember that the interest-convergence does allow blacks to receive help from ameliorative programs. Further, whites do not have to be fully or even partially conscious of the process that I write about here on an individual level.

A. *Bell's Interest-Convergence Dilemma and Brown v. Board of Education*

¶13 In 1954, *de jure* segregation in schools was equated with discrimination. *Brown* mandated integration based almost explicitly on this previously sanctioned, and lawful, exclusion or spatial isolation: “the plaintiffs . . . by reason of the segregation complained of [are] deprived of the equal protection of the laws.”¹³ An integrative ideal (to make schools racially mixed) was seen as the tool to provide parity in education, because the previous “separate but equal” mandate in *Plessy v. Ferguson*¹⁴ was not working. In a sense, it was outdated because possible enforcement was farcical. While there have been vast amounts of scholarly exegesis on this case, Bell’s particular article stands out. In a response (twenty-six years after the decision) he argued that *Brown* was more advantageous to white interests than black interests (although this did not mean that Black interests were not fulfilled to some extent). Bell explains: “Translated from judicial activity in racial cases both before and after *Brown*, this principle . . . provides: The interest of blacks in achieving racial equality will be accommodated only when it converges with the interest of whites.”¹⁵ There are three reasons from *Brown* that benefit whites:

First, the decision helped to provide immediate credibility to America’s struggle with Communist countries to win the hearts and minds of emerging third world peoples. . . . Second, *Brown* offered much needed reassurance to American blacks that the precepts of equality and freedom so heralded during World War II might yet be given meaning at home. . . . Finally, there were whites who realized that the South could make the transition from a rural, plantation society to the sunbelt with all its potential and profit only when it ended its struggle to remain divided by state-sponsored segregation. Thus, segregation was viewed as a barrier to further industrialization in the South.¹⁶

¶14 Bell did not argue that blacks did not benefit at all from *Brown*, but that blacks will *only* benefit when whites also benefit—and that the benefits to whites could typically play out as more salient over time, and thus augment white institutional monopoly in a relatively greater way than it helped to undo black oppression. Bell’s claim worked to bring white interests to light by connecting them with black placement previous to *Brown*, arguing that we must necessarily expose those on the top of the hierarchy as well as the harms to those on the bottom, to make social change. Further, when changing the dynamics of this relationship, it is necessary to change it holistically, rather than in fragments. When white interests are not seen or remain silent they can be upheld and even morph into stronger forms.

¶15 The dynamic of structural change as an interwoven relationship between races also parallels the *visibility* of race. Non-whites are “raced” because they are not considered the norm, which is, in turn, whiteness itself. Whiteness then remains invisible mentally

¹³ *Brown v. Board of Education*, 347 U.S. 483, 493 (1954).

¹⁴ See generally *Plessy v. Ferguson*, 18 U.S. 538 (1896) (upholding the “separate but equal” doctrine).

¹⁵ Derrick A. Bell Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518, 523 (1980).

¹⁶ *Id.* at 524-25 (footnotes omitted).

and physically so it does not have to yield to reality of group-based advantage. “Whites may agree in the abstract that blacks are citizens and entitled to constitutional protection against racial discrimination, but few are willing to recognize that racial segregation is much more than a series of quaint customs that can be remedied effectively without altering the status of whites.”¹⁷ Likewise, in *Brown*, whites were not seen as a racialized group that holds power. Whiteness remained diaphanous, the default category toward which others could model behavior, and actions, to become equal, not only in access to material goods, but through the ideological or mental process of deciphering what constitutes racial inequality. By implying that whiteness is the goal, the *shedding* of racial identity is, for other groups, necessary to unbind various iniquities. Once this occurs, people should bind themselves to the legitimacy of the individual actor model, wherein groups are seen as somewhat irrelevant and individuals are the correct focus for social analysis. Thus, the “free” market (as opposed to the black market, or the slave market) can operate un-impinged as the primary space of human interaction.

¶16 By linking interests of blacks and whites in this way, Bell problematizes not only the ease with which *Brown* could be carried out,¹⁸ but the ideal of integration overall. Because integration-based discourse threatens the superior status of middle and upper class whites,¹⁹ Bell’s argument works to expose whites’ power status as non-neutral. His view is not one of hopelessness, but of pragmatism, because it entails the principle that we must gain an accurate descriptive point of departure for meaningful prescriptive solutions (and to understand why people prioritize certain solutions). In other writings, Bell has advocated for a racial realism, which entails understanding racism as permanent first, before advocating more typical civil rights concerns, which may see racism as solvable.²⁰ This is diametrically opposed to the ideal implied in the rational actor model, wherein we individually work toward collective betterment and progress on all social fronts, racial or otherwise. The rational actor model thus mimics the idea of indirect group support through individual betterment.

¶17 A troubling outcome of this dichotomy is that the extinguishment of segregation through integration-based means can come from an authentic and selflessly situated perspective and still become inimical to its own goals. This is part of the psycho-spatial continuum reliant on the spatial distribution of separate groups. “Bad actors” do not have to know they are acting badly. Moreover, good actors, seeking to do good things, can still maintain foundational misunderstandings, especially concerning race, which can then further entrench initial problems and can even exacerbate them by relying on misunderstandings to form policy.

¶18 Because desegregation ideas emergent from *Brown* mimic deconcentration policies that seek to undo concentrated poverty, it is worthwhile to examine deconcentration with the analytical framework from Bell’s article. Deconcentration policies also seek to tame inequality through asserting a differential association,²¹ one that relies on role models, neighborhood effects, and myriad other similar arguments; arguments which, when seen collectively, all rely on the same premise as *Brown* itself: deep seeded inequality can be

¹⁷ *Id.* at 522.

¹⁸ *Brown v. Board of Education (Brown II)*, 349 U.S. 294, 301 (1955) (mandating integration “with all deliberate speed”).

¹⁹ Bell, *supra* note 15, at 523.

²⁰ See generally BELL, *supra* note 7, at 93-108.

²¹ Differential association simply means interaction with a heterogeneous population.

ameliorated through changing the dynamic of isolation or separation to provide a higher level of multiplicity and access to goods. Both recognize inequality as spatial, and both proffer a spatial solution. But, according to Bell, such interactions cannot operate as solutions that exist in a vacuum of racial neutrality for whites. Such programs or decisions have larger implications for white interests themselves. To examine this relationship and expose white interests, though, it is first necessary to quickly lay the basis of the spatialization of inequality in the post-World War II years.

B. Spatialized Inequality Concurrent with Brown Set the Stage for Deconcentration

¶19 Ironically, *Brown's* timing coincided with a period of intense and new racial segregation in the country. Deconcentration policies are directly linked to *Brown* in this sense because they both deal, in part, with the increase of residential segregation after World War II. From the 1940s-1960s, the United States population was spatially rearranging at a rapid pace. The Interstate Highway,²² slum removal programs (to make the space for those highways), bank support for whites moving to the suburbs, and public housing concentration in poor areas of inner cities, all explicitly racialized and catapulted white suburban growth through the post-World War II boom years.²³

¶20 For example, the Federal Housing Administration and the federally-created Home Owner's Loan Corporation offered model drafts of racially restrictive covenants (and provided loans for mostly whites) through the 1940s and 1950s, purposefully creating racially homogenous neighborhoods stretching away from central cities.²⁴ Such covenants were attached to the deed of a piece of property (*e.g.*, a house), literally restricting, via race and legitimized by law, to whom the house could be sold. And, the amount of homes being sold at this time was great: ten million new homes were built between just 1946 and 1953.²⁵ Consequently, between 1946 and 1959, less than two percent of the housing financed with federal mortgage insurance was for blacks.²⁶ Residences in cities were concurrently razed: between 1957 and 1968 at least 330,000 urban housing units were destroyed directly as a result of federal highway building alone.²⁷

¶21 By the 1970s, according to historians Massey and Denton, most cities had become "black reservations."²⁸ Stated plainly, highways were built through mostly black neighborhoods so that massive white expansion could happen in the suburbs. Those left

²² See generally TOM LEWIS, *DIVIDED HIGHWAYS, BUILDING THE INTERSTATE HIGHWAYS, TRANSFORMING THE AMERICAN LIFE* (1999). The legislation for the highway system was passed in 1956, two years after the *Brown* decision.

²³ See ARNOLD HIRSCH, *THE MAKING OF THE SECOND GHETTO* 10 (1998) (arguing, *inter alia*, that "government urban redevelopment and renewal policies, as well as massive public housing, had direct and enormous impacts on the evolution of the ghetto.").

²⁴ DOUGLAS MASSEY & NANCY DENTON, *AMERICAN APARTHEID* 54 (2003). People could then use these pre-made drafts knowing they were legally legitimate.

²⁵ Dolores Hayden, *Building the American Way: Public Subsidy, Private Space*, in *THE POLITICS OF PUBLIC SPACE* 38 (Setha Low and Neil Smith eds., 2006).

²⁶ ALEXANDER POLIKOFF, *WAITING FOR GAUTREAUX, A STORY OF SEGREGATION, HOUSING AND THE BLACK GHETTO* 113 (2006).

²⁷ Raymond A. Muhl, *Planned Destruction, The Interstates and Central City Housing*, in *FROM TENEMENTS TO THE TAYLOR HOMES, IN SEARCH OF AN URBAN HOUSING POLICY IN TWENTIETH CENTURY AMERICA* 227 (John F. Bauman, Roger Biles & Kristin M. Szylvian eds., 2000).

²⁸ MASSEY & DENTON, *supra* note 24, at 57.

in need of housing in the cities were often put into public housing towers, which were concentrated in very specific areas as well, often next to highways, and concentrated internally because they were not single family homes; hence the term “concentrated” poverty. But keep in mind that the term refers to an area that was manifested as a small piece of the overall re-organization of metro areas generally. Further, these trends occurred nationwide.²⁹ The FHA manual itself warned that the “infiltration of . . . ‘inharmonious racial groups’ would lead to declining property values.”³⁰ For example: the city of San Antonio was divided by Loop 410, “a highway that circles the city and defines inner and outer loop differences in quality of life, schools, housing development, and municipal services. Inside the loop, 96 percent are non-Anglo and poor, and housing prices average \$20,000, while beyond the loop, residents are mostly Anglo and wealthy . . . [homes] average \$200,000.”³¹

¶22 Further practices by banks, like redlining (declining to offer a mortgage in inner city residential certain areas), held these exclusionary outcomes fairly constant for some time, as they could be justified in a non-racial manner,³² even as the technical law on the books began to catch up to the practical inequities. It is hard to overstate the way in which federal policies provided monies in a racialized manner to remake city-suburban patterns.³³ Importantly, the monies provided for much of this development was federal and siphoned through state and local governments as part of the New Deal program. Before moving to examine the white reasoning that was produced from this re-spatializing of the country, it is important to look at some of the deconcentration policies themselves.

C. Deconcentration of Poverty Programs and Dispersal

¶23 The genesis of deconcentration programs as applied primarily to class instead of race (or a mixture of both) came to fruition throughout the 1980s and 1990s, but was based on the initial separation of inequality residentially, as stated above.³⁴ Such programs were initially tied to race, however.³⁵ The “second generation” programs (based predominantly on income), which include HOPE VI, focus on the demolition of older public housing and encourage increased mobility of the participants to different neighborhoods.³⁶ Initially, for example, HOPE VI required a one-for-one replacement of

²⁹ See, e.g., William Julius Wilson, *From Institutional to Jobless Ghettos; When Work Disappears: the World of the New Urban Poor*, in THE CITY READER 126 (Richard T. LeGates and Frederic Stout eds., 1996) (In Chicago’s Woodlawn neighborhood, for example: “In 1950, almost two-thirds of Woodlawn’s population was white; by 1960, the white population had declined to just 10 percent.”); WILLIAM JULIUS WILSON, WHEN WORK DISAPPEARS: THE WORLD OF THE NEW URBAN POOR 47-49 (1997).

³⁰ POLIKOFF, *supra* note 26, at 113.

³¹ Elizabeth Blackmar, *Appropriating ‘The Commons’: The Tragedy of Property Rights Discourse*, in THE POLITICS OF PUBLIC SPACE 91 (Setha Low and Neil Smith eds., 2006). Also, crime is mentioned as a problem much more frequently in the loop as compared with those that reside outside of the loop.

³² Redlining, in particular, is still a hotly debated topic. See, e.g., Geoffrey M.B. Tootell, *Redlining in Boston: Do Mortgage Lenders Discriminate Against Neighborhoods*, Federal Reserve Bank of Boston (Fed. Res. Bank of Boston, Working Paper No. 96-6 1996), available at http://www.bos.frb.org/economic/wp/wp1996/wp96_6.pdf.

³³ These programs also originated broadly in New Deal programs.

³⁴ GOETZ, *supra* note 1, at 52-53.

³⁵ *Gautreux v. Chicago Hous. Auth.*, 265 F.Supp. 582 (N.D. Ill. 1967).

³⁶ See Mark Shroder, U.S. Dept. of Hous. and Urban Dev., *Moving to Opportunity: An Experiment in Social and Geographic Mobility*, CITYSCAPE: A J. OF POL’Y DEV. AND RES., Vol. 5 No. 2, 57-67 (2001), available

housing, but this is no longer the case.³⁷ A one-for-one replacement would guarantee that tenants received some form of housing after their then-current housing was demolished. “From the late 1980s through most of the 1990s, HUD policy moved toward and finally adopted a paradigm that emphasized dispersion. Unlike the first generation dispersion efforts . . . [second generation deconcentration] was firmly tied to concentrated poverty.”³⁸ The overall basis for such programs was, of course, spatial: concentrated poverty had become a popular concept,³⁹ and the idea that HUD must take an affirmative role in undoing concentrated poverty made sense (given that it helped produce such neighborhoods). Concentrated poverty also offered a new way in which to view the old problem of segregation, and it did so under a model that allowed people to conceptualize segregation as tied to an explicit policy choice rather than the externality of accumulating individual choices. Deconcentration programs then naturally respond to the extreme and protracted nature of residential segregation—and they respond in a way that impacts most directly those that were structurally disadvantaged in the first place.

¶24 Goetz identifies five main housing policies that form the basis for deconcentration style assistance: (1) a shift from project based to tenant based subsidies,⁴⁰ (2) increasing the ability to use Section 8 vouchers in neighboring communities,⁴¹ (3) income mixing in public housing, (4) scattered-site public housing and redevelopment, and (5) the HOPE VI program.⁴² The HOPE VI program is especially relevant because it involves the demolition of some or all of the units of a public housing development to provide for redevelopment of the site as mixed-use and mixed-income. Approximately 100,000 public housing units were scheduled for the first 10 years of program funding, with the net loss of units projected as high as 60,000.⁴³ Overall, these five policies revolve around the idea of mixing communities into varied income levels, and work toward moving people from areas of concentrated poverty to relatively non-stigmatized areas. The HOPE VI program may be the most visible part of this set of policies. Often, the people that were living in housing affected by HOPE VI are given financial supplements (vouchers) to find new housing.

Synopsis, Section II

¶25 Section II summarized Bell’s interest-convergence argument, the increasingly spatialized way that inequality operated from the time of *Brown*, and then looked at deconcentration policies that currently work toward helping those in concentrated poverty. It is now necessary to spell out what type of symbolic and metaphorical white interests are present or embedded in these policies before going forward to examine the contact points of prison and inner city gentrification, where white interests recapitulate

at <http://www.huduser.org/Periodicals/CITYSCPE/VOL5NUM2/shroder.pdf>.

³⁷ See *id.*

³⁸ GOETZ, *supra* note 1, at 54.

³⁹ Myron Orfield, now a Professor at the University of Minnesota Law School, works assiduously to expose the pitfalls of concentrated poverty.

⁴⁰ This shift means a change from housing assistance (actual physical places) to financial assistance to obtain housing on the private market.

⁴¹ Section 8 vouchers are a primary form of financial assistance.

⁴² For specific information, see U.S. Dept. of Housing and Urban Development, HOPE VI – Public and Indian Housing, available at <http://www.hud.gov/offices/pih/programs/ph/hope6/>.

⁴³ GOETZ, *supra* note 1, at 60.

themselves economically and normatively. In Section III, I will explicate white interests in deconcentration, like Bell did when examining the *Brown* decision, all of which revolve around keeping the group nature of white privilege invisible and individualistic.

III. WHITE INTERESTS: INVISIBILITY, NEUTRALITY, PROPERTY AND THE INDIVIDUAL

¶26 The interest-convergences dilemma does not say that white interests, and white interests alone, will be expanded, while black interests are wholly suppressed. Instead, the phenomenon is dilemmatic because white interests will supercede black interests through time, and efforts to help blacks will also work to further solidify white interests. The process is subtle; white interests will not be adequately exposed, operating in a neutral way, through different avenues than overt racism. The important aspect of interest-convergence to apply to deconcentration policies is the exposure of white interests in the process.

¶27 Whiteness itself is not and will not be defined in an overtly racialized manner. White posturing instead holds onto a version of color-blindness toward its own privilege. Bonnie Grover writes that “white[ness] is transparent. That’s the point of being the dominant race. Sure, the whiteness is there, but you never think of it. If you’re white, you never *have* to think of it.”⁴⁴ As whiteness has been institutionalized into a means of residential success⁴⁵ it has mutated into an economic forum—it can be equated with property interests and even property itself.⁴⁶ Operating as such, multiple arenas that might typically involve race stigma have been castigated or removed from racial context precisely because they are fundamentally raced as white. “Racing” as white is likewise synonymous with a de-racializing generally because it changes the way in which race is conceived. De-racing provides that one can and should come out of a group-based status and supplant it with an individual ethos that stresses merit progress toward realizable and concrete goals. This is not to deny that whites operate as a group through individual actions (nor through economic actions), but instead to say that the justificatory mechanisms available to whites rely precisely on the appeal to a non-racial standpoint. Such a non-racial standpoint is important for groups that hold power because it does not allow them to be viewed as groups but works to maintain the group-based power nevertheless.

¶28 In this sense, whiteness performs a rhetorical and theoretical link to an apolitical standpoint, one that can decapitate conflict and promote permanent and numerous social constructions that then work to perpetuate inequality, even when seen as a salve, and even when actually helping those upon which oppression depends. If we accept Bell’s logic that races cannot operate unilaterally without affecting each other in racialized ways, it is important to expand on potential white interests in deconcentration programs. This section aims to begin that project. In Section III, I will trace the linkages of white

⁴⁴ Bonnie Kae Grover, *Growing Up White In America?*, in CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR 34, 34 (Richard Delgado and Jean Sefancic eds., 1997).

⁴⁵ “Government-sponsored segregation helped inscribe in American culture the equation of ‘good neighborhoods’ with white ones. In the process, of course, they made all ethnic groups that had access to these neighborhoods ‘white—something that had at one historical moment or another been uncertain . . . [for various groups].” Martha R. Mahoney, *Residential Segregation and White Privilege*, in CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR 273, 274 (Richard Delgado and Jean Sefancic eds., 1997).

⁴⁶ See Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1709 (1993). See *infra* Section IV.

interests and property through the contact point of the prison system. Please keep in mind that the white reasoning I am particularly concerned with relies fundamentally on a spatial disassociation—relatively rigid segregation—that was explicated in the last section. Deconcentration programs may actually prove to further this kind of exclusion, enabling justification for affluent white solidification. Like Bell’s ideas in relation to *Brown*, these are normative and symbolic points that have material consequences.

A. *Deconcentration Programs Maintain the Neutrality or Emptiness of Whiteness as a Racial Category*

¶29 “[An] . . . important feature of the rhetoric of *Brown I* was the Court’s treatment of the rhetorical theme of white innocence. On this issue, the *Brown I* opinion offered a howling silence.”⁴⁷ The reason behind such silence was that whiteness is not seen as a category, and as such, government could not, and would not, make laws or policy that respond to something they will not recognize as problematic. In deconcentration policies, whiteness (the ability to move to predominantly white neighborhoods) was facially replaced with a primarily economic justification.⁴⁸ Yet, even in their racial vestige, deconcentration policies originate from a racialized claim (the *Gautreaux* decision); they too usurp whiteness as a point of assimilation rather than contestation. It is natural to want to achieve residential integration because it is easy to see that black ghettos exist because of residential segregation. The public housing authority in Chicago was seen as at fault because of its choice of public housing development placement in non-white neighborhoods. It would be much more controversial to mandate in some manner that whites move to inner city neighborhoods, thereby allowing mixed income communities. This idea seems counterintuitive, but points to the nature of our valuation of such communities, and the temporal disassociation present in deconcentration—as luxury-based communities *are* popping up around *former* areas of concentrated poverty.

¶30 This logic continues to manufacture whiteness as if it is neutral or non-existent.⁴⁹ Whites can claim that they possess no historically-linked privilege because they do not see their skin color as an issue.⁵⁰ Deconcentration programs gear themselves toward an invisibility of whiteness, which increases the reliance on the construction of whiteness as a corollary goal. According to Audrey G. McFarlane, there are two sets of competing narratives when considering urban restructuring: “1) the individualized narrative of market logic, free choice, private property ownership rights, and inevitability; [and] 2) the structural narrative of race and class subordination.”⁵¹ Deconcentration programs work prescriptively to place self-identity affirmatively within the first narrative, so actions are not seen within the second category. This is important because the second

⁴⁷ Thomas Ross, *The Rhetorical Tapestry of Race*, in CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR 89, 96 (Richard Delgado and Jean Sefancic eds., 1997).

⁴⁸ *Gautreaux v. Chi. Hous. Auth.*, 296 F. Supp. 907, 915 (N.D. Ill 1969).

⁴⁹ See *infra* Section III for gentrification concerns.

⁵⁰ “The claim that whiteness lacks form and content says more about the definitions of culture being used than it does about the content of whiteness.” RUTH FRANKENBERG, *WHITE WOMEN, RACE MATTERS: THE SOCIAL CONSTRUCTION OF WHITENESS* 199 (1993). Frankenberg performed multiple interviews. She says that “descriptions of content of white culture were thin, to say the least.” *Id.*

⁵¹ Audrey G. McFarlane, *The New Inner City: Class Transformation, Concentrated Affluence and the Obligations of the Police Power*, 8 U. PA. J. CONST. L 1, 26 (2006).

narrative is necessarily silenced when the first type of narrative monopolizes discourse and critical assessment (though it continues silently).

¶31 Following a non-racialized rational choice model dictates certain behaviors—it corrects what is in error: a lack of funds and spatial separation. Racism is not part of white reasoning because reasoning is, by definition, itself detached from such social categories or contexts. “Only bad people do it.” Economic-based reasoning has served as a process toward the extraction of race toward more mechanical issues like rational choice behavior. But, like the interest-convergence arising in *Brown*, it was not conscious, rational white interests that proved necessary to maintain huge levels of segregation, but rather a misunderstanding of what racism means to help change it. Often times, racism is couched through the definition of the other as racialized, rather than looking at whiteness itself as a racial category that works to inform cultural norms that maintain power or agency from a group angle. Yet, a generation ago, affluent whites more overtly understood these dynamics: “These [largely southern] communities understood that white self-interest demanded a certain degree of accommodation to integration demands. Thus, in many moderate southern cities, white elites, especially business leaders, played critical roles in facilitating limited racial integration as a means of preserving a strong business environment.”⁵²

¶32 The latent beneficial act of helping low-income blacks bolsters the interest-convergence theory as black interests *couple* with white interests but remain relatively subservient to them. This does not mean that progress has not been made, but that progress is difficult to track on an individual level because of an ideological march toward equality of opportunity for that single actor.⁵³

¶33 But opening doors does necessitate hospitality. Adrienne Davis reinforces this view when she writes that “privilege is rarely seen by the holder of privilege.”⁵⁴ Thus, opening doors may seem, from the position of a holder of privilege, all that is necessary to do, as they (the privileged people) would need nothing more if faced with perceived opposition. Deconcentration programs mimic this analogy by creating the ability to deny that one is consciously—or individually—responsible for a racist system as racism is made invisible through spatial disassociation.⁵⁵ After all, if I would simply need access to a house (and could assume hospitality based on past experience), there would be no need to further increase other inter-related opportunities once inside.

¶34 Thus, the shift from predominantly race-based deconcentration schemes coincides with an increased focus on income, which provides a quantitative measure of progress that sees deep-seeded social issues as solvable through individual economic means. That

⁵² David M. Douglas, *The Quest for Freedom in the Post-Brown South: Desegregation and White Self-Interest*, in CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR 117, 117 (Richard Delgado and Jean Sefancic eds., 1997).

⁵³ Alan Freeman argues that antidiscrimination law exists inside of the “perpetrator” perspective, whereby “the law views racial discrimination not as a social phenomenon but merely as a misguided conduct of particular actors. It is a world in which, but for the conduct of these misguided ones, the system of equality of opportunity would work to provide a distribution of the good things in life without racial disparities.” Alan David Freeman, *Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine*, 62 MINN. L. REV. 1049, 1054 (1978).

⁵⁴ Stephanie Wildman & Adrienne Davis, *Language and Silence: Making Systems of Privilege Visible*, 35 SANTA CLARA L. REV. 881, 883 (1995).

⁵⁵ Instead, financial means are secured and, because deconcentration programs exist with the mission of alleviating these problems through integrationist means, there is no need to worry about individual placement as fundamentally group based. The underlying push is to make groups into individuals.

is, it shifts the lens into the “perpetrator perspective,”⁵⁶ scrambling further understanding and action. Coming inside of the house does not mean one does so on his or her terms, or his or her measurement of what power and equality means. Psychologically, whites have no normative standpoint toward changing conditions in the racial realm because they will not always understand their own whiteness and what it has meant to their self identity. It is much easier to focus on economic justice, as John Edwards did when launching his presidential campaign in New Orleans.⁵⁷

B. Neutrality Leads to Residential Placement for Whites as Merit-Based and Natural

¶35 The spatial distance of whites from center cities allowed a homogenized perspective to become entrenched in a way that is mapped physically—and such psychical separation in turn creates a disassociative mindset. In this way, place and psychology interweave themselves so that, while whites do not have to understand themselves as a group that receives privilege, they also do not have to confront the possibility that this might be the case. Whiteness has been associated with property and wealth, though. In fact, Ruth Frankenberg reports from her studies that “Whiteness was often signified in these narratives [her interviews of white women] by commodities and brands.”⁵⁸

¶36 Middle- and upper-income whites, then, do not need to understand their own residential placement as a conscious or subconscious choice mired in privilege. But, the construction of whiteness as an aspirational norm is as important in understanding inequality as the demonization of blackness, perhaps more so. For instance, often times “good neighborhoods” are defined by a host of amenities (*e.g.*, parks, schools, crime rates) that include a basis in financial capacity, and are thus desirable places to live. Whites can see through whiteness to this type of rationality when choosing what neighborhood to live in.⁵⁹ Bad neighborhoods, by contrast, are seen as uncomfortable, but such discomfort is not based on the lack of amenities through a reasoned or patterned process of decision making. It is often based, rather, on visible stigma.

¶37 This mark of invisibility is a luxury or outgrowth mirrored in affirming one’s placement as one’s own responsibility, and not originated from the place he or she occupied previously. The placement of whites residentially, then, is often seen as non-controversial and an obviously basic factor excised from race. As a non-white, though, according to David Schneider in his book, *The Psychology of Stereotyping*, “indirect forms of discrimination are . . . unremitting and a constant part of the social environment

⁵⁶ This is a central concept in *CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT* (Crenshaw, et al., eds. 1995).

⁵⁷ John Edwards, in announcing his campaign for the Presidency, recently utilized mostly black children as a backdrop to his populist points, primarily concerning poverty. See Dan Balz, *Washington Post: Edwards Turns to Non-Traditional Campaign Model*, Dec. 28, 2006, available at <http://johnedwards.com/news/headlines/wp20061228b/>.

⁵⁸ FRANKENBERG, *supra* note 50, at 199. “A far-reaching danger of whiteness coded as ‘no culture’ is that it leaves in place whiteness as defining a set of normative cultural practices against which all are measured and into which all are expected to fit.” *Id.* at 204.

⁵⁹ Further, real estate brokers will likely “steer” potential homebuyers to neighborhoods that they perceive as a match to the homebuyer’s socio-economic or demographic status, such that the idea of choice is necessarily limited to some extent. Xavier De Souza Briggs, *Politics and Policy: Changing the Geography of Opportunity*, in *THE GEOGRAPHY OF OPPORTUNITY: RACE AND HOUSING CHOICE IN METROPOLITAN AMERICA* 310, 313 (Xavier de Souza Briggs ed., 2005).

they inhabit.”⁶⁰ He further says that “ordinary social encounters contain minefields and are accompanied with layers of meaning others do not need to confront.”⁶¹

¶38 These “layers of meaning” mostly do not have to exist for a person in a privileged position—that person can only see one merit-based reality, where reasons are linear and rational and actions taken have direct correlation with benefits received. For many in a privileged position, individual choices inform material accumulation. This is a reflection of the ideal of a marketplace, the only group-based organizer allowed in such a world-view, and one that is thus seen as natural. Hence the oft repeated appeal of “letting the market work” uninhibited.

¶39 Because some people have been located in neighborhoods of horrific poverty—because they did not have the choice of where to live, and because we inherently value such an individual choice—it is only *right*, in the market model, that they be given a relative choice to leave such a neighborhood, to live where they can accumulate more social and economic goods. Deconcentration programs do focus on this kind of individual alleviation, and have produced results in some instances.⁶² What must occur for this to happen, though, is assimilation into the individual framework, or a cue to become racially invisible.

¶40 Whiteness is symbolically excluded from the merit-based game, even though it is wrapped up in the assessment of figuring out one’s “worth.”⁶³ This is ironic when placed into the market framework because groups are not supposed to have advantage. This factor of interest-convergence *can* likewise be a good thing for non-whites—they gain benefits once they are in a place to garner individualized praise from whites.⁶⁴ Once accepted into the idiom of personal responsibility, blacks may not be seen as usurping white space and property *because* of their skin color, but because of their hard work. But this is a protracted benefit that requires the overcoming of a substantial road-block, especially in a relatively short time (post-move). Overall, the end point here is seen as full assimilation, wherein universal neutrality is possible, and, importantly, where the market can allocate benefits where they are deemed needed. Such a process can be dangerous because it divorces history from current politics of exclusion. Races exist in groups outside of whiteness, but if people are to exist within whiteness, they will not have a race that is recognized as such, despite gaining group-based goods, or being denied such goods.

⁶⁰ DAVID SCHNEIDER, *THE PSYCHOLOGY OF STEREOTYPING* 293 (2004). Further, “[m]embers of minority groups live in states of perpetual attribution ambiguity about the reasons for others’ reactions to them (‘Did he make that snide remark because he’s an idiot, or because he’s having a bad day, or because I’m Hispanic?’), and this ambiguity is surely not conducive to tension-free interactions” *Id.* at 294.

⁶¹ *Id.* at 293.

⁶² GOETZ, *supra* note 1, at 50-60 (summarizing studies).

⁶³ “In ways so embedded that it is rarely apparent, the set of assumptions, privileges, and benefits that accompany the status of being white have become a valuable asset that whites sought to protect and that those who passed sought to attain — by fraud if necessary.” Harris, *supra* note 46, at 1713.

⁶⁴ “When behavior is largely inter group, SIT [Social Identity Theory] makes a strong prediction about the effects of decategorization. Recall the theory’s suggestion that our social identities are anchored in identifications with various groups. Knowing that we are similar to members of outgroups threatens not only our identities, but (indirectly) our sense of self-worth. To the extent that breaking down category boundaries leads to feelings of increased similarity with outgroup members (and that this is threatening), people in each group will be motivated to develop even stronger notions of distinctiveness with consequent devaluation of the other group.” SCHNEIDER, *supra* note 60, at 396.

C. *The Concept of Whiteness and Property Intermingle*

¶41 Property itself is not often seen as racially linked with whiteness. Like defining a “good neighborhood,” property functions as a justification that defines some non-racialized goal, which in turn provides a place where white transparency is based on an alternative definition, often economic progress.⁶⁵ In part, “[t]he failure of today’s racial discourse lies in its belief that property is neutral.”⁶⁶ When we shift to a largely individualized worldview, group claims are increasingly difficult to cognize, communicate about, or to initiate as a basis for remedy.⁶⁷ Groups become thought of as historical vestiges, left over from the times of overt racial discrimination or immigration. In turn, property status is often affirmed as neutral⁶⁸ even though we know allocation of property after World War II was highly racially skewed. Oddly enough, though, while we do have a history of *de jure* class-based discrimination in the United States, it was never codified in law. Class-based modes of behavior were always socially enforced, and certainly, people have talked about such themes before, but they were never enforced by law as a form of exclusion.⁶⁹ Law has not, though, always been color-blind. Instead, we have a rich history of skin color-based segregation in formal institutions, residential spaces, and within individual interactions. It was not until 1967, just 40 years ago, for instance, that persons with different skin color could marry each other legally.⁷⁰ It is ironic, but consistent, that economic-based progress is politically emphasized as the main route to social betterment for historically marginalized groups.

¶42 The concept of property interests in whiteness is best explained by Cheryl Harris in her seminal piece, *Whiteness as Property*. In the past, argues Harris, “white identity conferred tangible and economically valuable benefits, and it was jealously guarded as a valued possession, allowed only to those who met a strict standard of proof.”⁷¹ In this guise, white actions are not racially charged once the paradigm shift occurs from race. One can almost always replace individual,⁷² market, or personal choice (choice that is

⁶⁵ Barbara J. Flagg, *Transparently White Subjective Decisionmaking, Fashioning a Legal Remedy*, in CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR 85, 85-87 (Richard Delgado & Jean Stefancic eds., 1997). “Just as whites tend to regard whiteness as racelessness, the transparency phenomenon also affects whites’ decisionmaking; behaviors and characteristics associated with whites take on the same aura of race neutrality. Thus, white people frequently interpret norms adopted by a dominantly white culture as racially neutral, and so fail to recognize the ways in which those norms may be in fact covertly race-specific.” *Id.* at 87.

⁶⁶ Wilhemina Wright, *Examining the Property of Rights in Whiteness*, in *Racial Reflections: Dialogues in the Direction of Liberation*, in CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR 106, 107 (Richard Delgado and Jean Sefancic eds., 1997).

⁶⁷ *Washington v. Davis*, 426 U.S. 229 (1979) (requiring personal intent to discriminate for a discrimination claim).

⁶⁸ “The concept of a property right in whiteness thus highlights white racial solidarity over class-based interests. There are two sides to this property right in whiteness—for poor whites, it may mean forgoing economic improvement for white exclusivity; for minorities, on the other hand, it may mean gaining economic improvement at the expense of racial solidarity.” Lisa Castanon, “*Whiteness*” *Rights Exercised by People of Color*, in CRITICAL WHITE STUDIES, LOOKING BEHIND THE MIRROR 108 (Richard Delgado and Jean Sefancic eds., 1997).

⁶⁹ Law has always been “class-blind” even though our society most obviously is not. Law does sometimes recognize and remedy individual class disparity (e.g., waivers for court fees).

⁷⁰ *Loving v. Virginia*, 388 U.S. 1 (1967).

⁷¹ Cheryl Harris, *Whiteness as Property*, 106 HARV. L. REV 1707, 1726 (1993).

⁷² IRIS YOUNG, JUSTICE AND THE POLITICS OF DIFFERENCE 43 (1990). “This individualistic social ontology usually goes together with the self as independent. The authentic self is autonomous, unified, free, and

seen as non-negotiable or unknowable) in the place of a possibly racialized choice and we will have no “real” way to tell the difference as observers. It is also at times possible that the speaker will not have the ability to fully distinguish their own claims.

¶43 Whites often refer to the non-white areas of town with a racial lens whereas the “good” areas of town are very rich, or desirable in a non-racialized manner. For example, North Minneapolis is seen as scary, dangerous and a place to avoid—it is characteristically black.⁷³ Edina is a desirable place to shop and live—it is a rich suburb. But we rarely refer to Edina in a racialized term such as “white.” Race is given a backseat, income rises as predominate in choice, and the process is seen as a rational extrapolation from the natural fact of hard work. Property interests are not to be questioned because they are assumed to exist, especially in the context of home ownership. Property is then one aspect of whiteness and is similar to whiteness in its relative invisibility and individualizing tendency.

Synopsis, Section III

¶44 This section has extrapolated on white interests as “unseen” or neutral group dynamics that establish and maintain powerful forces of social organizing. Further, white interests are often seen in the lens of economic marketplace-based ideology wherein individual gain and individual merit are affirmed as synonymous. Deconcentration programs operate under this guise. The interest-convergence involved in deconcentration programs helps mostly low-income non-whites reach a better material position, while fragmenting group-based identity and social structures for those people involved methodologically as the assimilative end goal. This process is reinforced by the similar invisibility of property accumulation as neutral, which in turn maintains, legitimizes, and grounds the color-blind, merit-based model. This model further entrenches whiteness as non-existent in a cyclical fashion that can then be re-formed and strengthened in various subtle, and rarely problematized areas, like property.

¶45 Section IV examines how white interests and concentrated poverty operate within the first contact point of the deconcentration interest-convergence dilemma, within prisons and incarceration. In Section V, I will trace how whiteness as property re-emerges to form the second contact point of the deconcentration interest-convergence by examining inner city redevelopment after the confluence of deconcentration and prison policies. Both policies work by utilizing similar justificatory schemes.

IV. WHITE INTERESTS REFLECTED IN PRISONS, SHIFTING INNER CITY CRIMINALITY

¶46 It is no accident that “the new figures represent a record 33-year continuous rise in the number of inmates in the United States [and that] the current incarceration rate of 738 per 100,000 residents places the United States first in the world in this regard.”⁷⁴ The increase is more than five hundred percent since the early 1970s.⁷⁵ Just fifteen years after

self-made, standing apart from history and affiliations . . .” *Id.*

⁷³ When I first moved to Minneapolis, I was advised that the entire city is “safe to explore, except North Minneapolis.”

⁷⁴ The Sentencing Project, *New Incarceration Figures: Thirty-Three Consecutive Years of Growth*, 1, available at http://www.sentencingproject.org/Admin/Documents/publications/inc_newfigures.pdf.

⁷⁵ Ryan S. King, Marc Maer, & Malcolm C. Young, The Sentencing Project, *Incarceration and Crime: A*

desegregation orders were given in Brown and the concurrent policies of massive suburban construction for whites had taken form, cities were beginning to be thematized as criminal—and actualized as such—justifying the rise in prisons and reduced social financial allocation to inner cities. It took policies from the Reagan and Bush administrations to escort them,⁷⁶ but this process would have been impossible without the structural racial segregation pre-existent to the 1970s and 1980s. The “Bureau of Justice Statistics figures for 2005 indicated that there were nearly 2.2 million inmates in the nation’s prisons and jails, representing an increase of 2.6% (56,400) over the previous twelve months.”⁷⁷

¶47 Both prisons and deconcentration programs, then, move people around with implicit appeals toward the idea of betterment of certain groups. Deconcentration moves a group to the individual level and fragments that group status over a larger area in an attempt to rectify past group-based wrongs. Prisons take distinct groups from the greater population under the auspices of individual culpability to protect other groups that remain outside of prison. In this section, I argue that prisons further white neutral standing toward white power by focusing on economics and safety concerns in the abstract, rather than how they re-institute group-based advantage and disadvantage. For instance, there are economic white interests in prisons because they provide great wealth for corporations. Prisons also overlap with deconcentration policies in that many people are from the same neighborhoods in which both “spatial organizers” operate. The main conclusion of this section is that prisons re-establish concentrated poverty (and thus severe segregation) in a new arena, the countryside. Prisons are, in essence, a new segregation for a new era. Section IV shows how this allows city space to be reconstructed for the usurpation of, and appeal to, *authentic* white interests.

A. Prisons Maintain and Further a Neutral Individual White Stance Toward Racial Disparity

¶48 One must ostensibly get to prison through one’s decisions or choices,⁷⁸ as such people that go to prison are largely seen as rational actors whose choices led to unacceptable, unwarranted, and even selfish behavior.⁷⁹ Under the auspices of a neutral process of procedural or substantive justice, individuals (and not groups) perform acts that result in their incarceration. This exists despite the highly racialized group-based nature of incarceration inside of prisons. Gangs in prisons are consistently highly racially

Complex Relationship, 1 (2005), available at

http://www.sentencingproject.org/Admin/Documents/publications/inc_iandc_complex.pdf; The Sentencing Project, *supra* note 74 (“The number of federal prisoners in custody has increased by 97% in the last decade.”).

⁷⁶ See MICHAEL TONRY, *MALIGN NEGLECT: RACE, CRIME AND PUNISHMENT IN AMERICA* 4 (1995) (“Indeed, the threat of incarceration seems to drive the system, often causing criminal justice officials to base critical decisions almost entirely on this factor rather than weigh it as one of the many issues to be considered in the fair administration of justice.”).

⁷⁷ The Sentencing Project, *supra* note 74.

⁷⁸ Of course, one can also neglect to act in a certain way, and there are various examples of crimes that do not involve a rational choice. Individual culpability still remains the unit of analysis. The question often revolves around a psychological claim: whether this person perceived what could be called the reasonable person, or criminally, what gradation on a continuum of culpability their mental status fell.

⁷⁹ I am less concerned with sketching all of the traditional justifications for imprisonment. Suffice it to say that we have currently ventured far from a rehabilitative model.

identified. For example, “[r]acial violence has beset the California prison system since the 1970s, when gangs like the Mexican Mafia, the Black Guerrilla Family and the Aryan Brotherhood fought for power. Last [month] in Chino, officers put down a fight between 60 black and Latino inmates in an eating area.”⁸⁰

¶49 Viewed through a group lens, the procedure of incarceration and its legal justifications provides an example of a tremendously racially disparate process and outcome. Many more inner city non-white men (and increasingly non-white women) are in prison than are white men or white women. Black males are incarcerated at more than six times the rate of white males. “In historical perspective, the 910,000 African Americans incarcerated today are more than nine times the number of 98,000 in 1954, the year of . . . Brown.”⁸¹ And, black males are a much smaller segment of the population to begin with, so that one of every eight black males between the ages of 25 and 29 is incarcerated on any given day. Given that statistic, it becomes difficult to deny that group-based oppression is emergent in this arena. Group-based oppression includes the production of the conditions that necessitate acts deemed illegal so that certain sections of the population will be affected more than others.

¶50 On a further spatialized group level, prisons and incarceration policies remove specific populations from particular neighborhoods in inner cities and transport them to rural areas. This is amplified in certain states like New York, California, Texas, Florida, and Illinois, where large urban areas often form the supply chain to prisons. Consider, as Paul Street reports, “[a]s of June 2001, there were nearly 20,000 *more* black males in the Illinois state prison system than the number of black males enrolled in the state’s public universities.”⁸² This removal is predicated on the ideal of safety. Remove the bad actors, keep the good. This is a foundational reason that seems disassociated with race or racial patterns. Yet, prisons are a multi-billion dollar a year industry that hold disproportionate numbers of poor and non-white people.

¶51 The War on Drugs, especially, operated as a political strategy with drastic consequences for inner cities and specifically, the non-white occupants in those cities.⁸³ Because inner cities were seen as dangerous (remember that Willie Horton was introduced during this time⁸⁴ and that the super-max prison became a reality⁸⁵), dangerous

⁸⁰ Joe Mozingo, *Chino Prison Remains Locked Down. Officials Assess Security After a Brawl Involving 200 Inmates Leaves Seven Hospitalized. The Racial Riot Doesn’t Appear to Be Gang Related*, L.A. TIMES, Jan. 1, 2007 (Cal. Metro) at B1, available at 2007 WLNR 19818.

⁸¹ The Sentencing Project, *supra* note 74, at 3.

⁸² PAUL STREET, *THE VICIOUS CIRCLE: RACE, PRISON, JOBS, AND COMMUNITY IN CHICAGO, ILLINOIS, AND THE NATION* 3 (2002), available at http://www.thechicagourbanleague.org/file_uploads/theviciouscircle.pdf.

⁸³ TONRY, *supra* note 76 (“[R]ising levels of black incarceration did not just happen; they were foreseeable effects of deliberate policies spearheaded by the Reagan and Bush administrations Anyone with knowledge of drug-trafficking patterns and of police arrest policies and incentives could have foreseen that the enemy troops in the War on Drugs would consist largely of young, inner-city minority males.”).

⁸⁴ TALI MENDELBERG, *THE RACE CARD: CAMPAIGN STRATEGY, IMPLICIT MESSAGES, AND THE NORM OF EQUALITY* (2001).

⁸⁵ The term “supermax” came from the concept developed from the permanent lockdown of the Federal penitentiary in Marion, Illinois dating from 1983 when two corrections officers at that prison were murdered by inmates in two separate incidents on the same day. Since then, some maximum security prisons have gone to full lockdown as well, while others have been built and dedicated to the Supermax standard. CHASE RIVELAND, NAT’L INST. OF CORR., U.S. DEPT. OF JUSTICE, *SUPERMAX PRISONS: OVERVIEW AND GENERAL CONSIDERATIONS* 5 (1999), available at <http://www.ncic.org/pubs/1999/014937.pdf>.

people had to be displaced.⁸⁶ This displacement alone would not put white suburbanites into a psychological position to move into cities again—it would not assuage their fears, but those fears drove the rationalization for group incarceration. The mental conflation here is that white fears are mapped onto the justification when whites living in suburbs were safe.

¶52 Seen from a perpetrator perspective,⁸⁷ the appeal to locking up criminals made sense because the perpetrator perspective does not see stark segregation as a necessary problem to fix, and people in such positions will not exist on a daily level “seeing” the world around them as segregated. They may perceive immediate threats at times; however, this will form the basis for a conclusion that group restructuring must occur. This makes sense given that the mass incarceration movement is perceived as divorced (and operates as if disconnected) from the intense residential segregation causing agents of the 1940s through the 1960s, which in turn allowed and justified further white flight in the 1980s from inner cities. As cities were increasingly constructed as dangerous (and became dangerous, especially when social safety nets were systematically erased⁸⁸), it allowed prison construction to boom because policy makers could appeal to a safety factor that existed. This branding of cities as “criminal” was easier because of psychospatial disassociation and fear it could manifest in the suburbs. It is not surprising then, that “the fastest growing kind of public space in America,” according to Sharon Zukin, “[is] prisons. More jails are being built than housing, hospitals, or schools.”⁸⁹ If whites were currently being incarcerated in the way that blacks are, this mask of neutrality would not be maintained.⁹⁰

¶53 Prisons Provide Wealth for Private Corporations

¶54 Prisons, their design, construction, and operation, are couched inside of economically prosperous terms (in the policy field) as well as criminal justice terms (in the legal and policy realm). “The \$2 billion private prison industry was launched in the mid-1980s after a decade of ‘get tough’ sentencing reforms had swelled prison overcrowding to crisis proportions in the United States.”⁹¹ Private prison companies, like the Corrections Corporation of America, provide services for every aspect of incarceration. On their website, they report that:

[An] estimated two million individuals are incarcerated in our country today and the inmate population growth continues to rise between 3 and 5

⁸⁶ “Reagan launched the massive multi-agency South Florida Task Force The program became a template for the later and larger Organized Crime Drug Enforcement Task Force Program. By 1984 the OCDETF had created a series of thirteen regionalized federal operations based in ‘core cities’ including New York, San Francisco, Detroit, Baltimore, Houston, San Diego, and Los Angeles. . . . At first the [Task Forces] went after . . . distribution networks, but soon the Justice Department announced that these elite drug cops were targeting users” CHRISTIAN PARENTI, *LOCKDOWN AMERICA: POLICE AND PRISONS IN THE AGE OF CRISIS* 47 (1999).

⁸⁷ See *supra* notes 8, 54, and accompanying text.

⁸⁸ PARENTI, *supra* note 86, at 47.

⁸⁹ SHARON ZUKIN, *THE CULTURE OF CITIES* 24 (1995).

⁹⁰ There are, of course, “white power” based groups that rely on the idea of an authenticity of whiteness and that a diminishment of such authenticity has occurred. Stated otherwise, such groups are frustrated that group-based whiteness has not maintained a dominant and neutral position.

⁹¹ Judith A. Greene, *Entrepreneurial Corrections: Incarceration As a Business Opportunity*, in *INVISIBLE PUNISHMENT: THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT* 95, 95 (Marc Mauer and Meda Chesney-Lind eds., 1998).

percent annually. More than 12 percent of all federally sentenced offenders and approximately 6 percent of state prisoners are currently managed by a privately-operated corrections management company - and those figures are growing. Numerous states including New Mexico, Colorado, Oklahoma, Tennessee, Alaska, Hawaii, Idaho, Montana, and Wisconsin house between 20 to 50 percent of their inmates in private jails and prisons. Texas has the largest overall privatization program with more than 40 private jails and prisons capable of handling nearly 30,000 inmates.⁹²

¶55 One should do business with CCA, according to their website, because they offer effective management and specialization for what is, and will always be, an increasing issue—the growing number of criminals. The CCA has a vested stake in socially defending the rise of criminal behavior as permanent and ongoing because it mandates that we “deal” with an undeniable problem, rather than prevent it.

¶56 The CCA is also an extremely lucrative company. The value of CCA’s shares soared from \$50 million when they went public in 1986 to more than \$3.5 billion at its peak in 1997 and was ranked among the five top performing companies on the New York Stock Exchange from 1995 through 1997.⁹³ There are strong business interests in the prison industry, whether through the construction of prisons, their maintenance, or the tremendous amount of goods that prison labor provides, especially for the federal government.⁹⁴

¶57 Prison construction and the perpetuation of large scale incarceration, then, maintains a strong economic weight that affects how ideology is formed. It also represents a more fully incarnated shift from overt white interests to an economic-based justification for similar outcomes. Private prisons appeal to the idea that they can offer more effective business. While financial rewards go to profit making companies, they also replace ailing rural industrial centers, where some towns seek to acquire prisons badly (for employment opportunity). Like residential segregation though, removing prisons from areas where many people can see them visually allows a mental barrier to form against the existence of the prison in the first place. Importantly, this removal of people, this drastic new form of segregation, allows previous inner cities, when coupled with deconcentration policies, to be “re-branded” away from the symbolically criminal to the symbolically luxurious.⁹⁵ Before moving to the appeal to luxury as a higher form of white group-based economic reasoning, it is important to look at how prisons and deconcentration policies focus on the same arenas, and how concentrated poverty is being re-made in the countryside.

⁹²Corrections Corporation of America, Why Do Business With Corrections Corporation of America, <http://www.correctionscorp.com/whycca.html> (last visited May 24, 2007).

⁹³Greene, *supra* note 91, at 99-100.

⁹⁴See UNICOR Online, *About Unicor*, <http://www.unicor.gov/about/organization/history/foreword.cfm> (last visited May 24, 2007).

⁹⁵See *infra* Section V for more on how this process operates.

*B. Prisons Populations Come Primarily from the Same Neighborhoods That
Deconcentration Programs Focus On*

¶158 Todd Clear argues that “[B]ecause poor men of color live in concentrations in neighborhoods that are racially and economically homogenous . . . the places where these men live are particularly hard-hit by incarceration.”⁹⁶ Clear also says that massive incarceration from particular communities works to undermine social controls in those communities and thus actually decreases public safety or increases crime. Deconcentration takes people out of those neighborhoods altogether—but not ex-felons, as they are not immediately eligible.⁹⁷ But both can disrupt social networks and both rely on the individual model of causation. This social and spatial fracturing allows previous neighborhoods of crime to be redefined and makes it less likely that ex-prisoners will be able to find a social safety net upon reentry, even one that is necessarily limited. Instead, it can concentrate where ex-prisoners live after prison time is served, often in extremely segregated areas where social goods are hard to find.

¶159 For example, waiting lists for public housing assistance are extremely long. “Without access to decent, safe, and affordable housing, the likelihood of an ex-offender being able to obtain and retain employment and remain drug- and crime-free is significantly diminished.”⁹⁸ So, when re-entry of prisoners occurs, most of them remain marginalized, unable to assimilate, and hence, more likely to recidivate. Recidivism rates remain high.⁹⁹ And, over 600,000 people are released from jails and prisons per year. The cyclical fashion of the prison industry assures that many will not be able to function in a mainstream manner because they will not acquire the skills to do so, which will sustain and potentially increase prison growth.

C. Prisons Remake Concentrated Poverty in Rural Areas

¶160 Finally, prison policy works to re-establish concentrated poverty in the countryside rather than the inner city, making it mentally and spatially removed from mainstream society, and away from former social networks. Further, the prison system is set up to naturally re-formulate its population based on efficiency and capacity. Prisoner re-entry, typically into neighborhoods at the cusp of concentrated poverty, maintains enclaves of

⁹⁶ Todd R. Clear, *The Problem with ‘Addition by Subtraction’: The Prison-Crime Relationship in Low-Income Communities*, in *INVISIBLE PUNISHMENT: THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT* 181, 184 (Marc Mauer & Meda Chesney-Lind eds., 1998). “The dynamics of growing concentrations of the residents of certain neighborhoods going to prison (and jail) are not insignificant for these locations.” *Id.*

⁹⁷ “The new laws also give local [housing] authorities discretion to deny admission to applicants with other kinds of criminal records. In particular, they permit, but do not require, local housing authorities to deny public, Section 8, and federally assisted housing to households if a member has engaged in any drug-related or violent criminal activity or any other criminal activity that would adversely affect the health, safety, or peaceful enjoyment of the premises by other residents if the criminal activity occurred a ‘reasonable’ time before the person seeks admission. The federal laws do not define how recent a conviction must be to be a ‘reasonable’ basis for denying housing.” Gwen Rubinstein & Debbie Mukamal, *Welfare and Housing—Denial of Benefits to Drug Offenders*, in *INVISIBLE PUNISHMENT: THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT* 37, 45-46 (Marc Mauer & Meda Chesney-Lind eds., 1998).

⁹⁸ *Id.* “Finally, by excluding people with criminal records from public housing, these laws interfere with the ability of families to successfully reunify once a parent has returned from prison.”

⁹⁹ See The Sentencing Project, *Recidivism of State Prisoners: Implications for Sentencing and Corrections Policy*, available at <http://www.sentencingproject.org/pdfs/1064.pdf> (nearly two thirds recidivate).

former poverty in geographically proximate areas.¹⁰⁰ Ex-prisoners get isolated from social networks and meaningful integration while felons are often dissuaded from participation in society generally: “Felons are often barred from having drivers’ licenses and being hired for certain jobs even when those disabilities have no relevance to their crime.”¹⁰¹ Even an identification card, while necessary for public benefits, is hard to obtain.¹⁰² “Over the same period of time that prisons and criminal justice supervision have increased significantly, the laws and regulations that serve to diminish the rights and privileges of those convicted of crimes have also expanded.”¹⁰³ In this way, prisons work distinctly to cycle people out of, and back into, lock up and to maintain certain conditions that make it more likely for participation in the alternate economy. This is supported by the extremely specialized role of prisons in the overall criminal justice system. It is rare that prison companies are forced to help socially reintegrate ex-prisoners, educate prisoners, or train them for meaningful employment. Just the opposite occurs—training for low level employment.

¶61 Prisons are seen as “sources of economic growth [and have] become vital to the development strategy of many small rural communities that have lost jobs in recent years but hold the lure of cheap land and a ready workforce.”¹⁰⁴ People in economically ailing rural areas can thus gain some employment potential from prison construction. “Prior to the decade of the 1980s, prisons were seen by most Americans as essential social institutions, but not ones to be welcomed ‘in my backyard.’ But then the collapse of rural economies and a lack of jobs paying a living wage set the stage for public officials and private entrepreneurs alike to begin pushing prison construction and operation as a leading rural growth industry”¹⁰⁵ As the decline of industrial centers occurred in rural areas, increasing pressure to find an adequate solution grew. Now, rural areas have even come to depend on such policies.¹⁰⁶ Prisons came to replace some of the lost living wage salaries that more classic industry used to provide. As such, the existence of rural prisons is now weaved into the fabric of community life in many places, and the idea of removing prisons will likely be opposed by local residents. “All in all, about 350 rural counties have acquired new prisons since the start-up of the prison boom began in 1980, and more than half of all rural counties added prison work to their available employment mix”¹⁰⁷ Further, the demographic split between the prison population and a local rural population will necessarily play a role within the prison, and within the community, in shaping racial attitudes, and world views generally. “While racism is not a new feature

¹⁰⁰ See Nancy G. La Vigne, Cynthia A. Mamalian, Jeremy Travis, & Christy Visher, *A Portrait of Prisoner Reentry in Illinois*, available at <http://www.urban.org/publications/410662.html>.

¹⁰¹ Peter Edelman, *Where Race Meets Class: The 21st Century Civil Rights Agenda*, 12 GEO. J. ON POVERTY L. & POL’Y 1, 12 (2005).

¹⁰² Further, instituting public benefits in a timely fashion after time served in prison (where benefits are cut off) is extremely difficult.

¹⁰³ See Jeremy Travis, *Invisible Punishment: An Instrument of Social Exclusion*, in *INVISIBLE PUNISHMENT, THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT* 15, 16 (Marc Mauer & Meda Chesney-Lind eds., 1998).

¹⁰⁴ Marc Mauer, *Race to Incarcerate* 10 (1999).

¹⁰⁵ Greene, *supra* note 91, at 111-12.

¹⁰⁶ See Tracy Huling, *Building a Prison Economy in Rural America*, in *INVISIBLE PUNISHMENT, THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT* 197, 197 (Marc Mauer & Meda Chesney-Lind eds., 1998) (“Hundreds of small rural towns and several whole regions have become dependent on an industry that itself is dependent on the continuation of crime-producing conditions.”).

¹⁰⁷ *Id.* at 199.

of the U.S. prison system, efforts to address the problem are undermined by the trend toward building prisons in rural areas where the work force is predominantly white and prisoners are predominantly people of color.”¹⁰⁸ A manifestation of this dynamic, for example, occurs when “in at least six states, guards have appeared in mock Klan attire in recent years.”¹⁰⁹

¶62 Because prisons are seen in rural areas as abstract governmentally engineered businesses, there exists a disassociation behind the rationale for economic opportunity. That opportunity hardens the perspective that the prisoners exist in the prison for a legitimate reason, and not for business objectives, because the economic needs of a region depend on the existence of the prison. They are inextricably linked. Further, the supply for these prisoners is often explicit as drug-based policing focusing on users clears inner cities out. “In Washington, D.C., for instance, law enforcement unleashed Operation Clean Sweep—a year-long offensive against drug use and street sales in the city’s Black neighborhoods In all, Clean Sweep netted over 28,000 arrests . . . [and] half of all homicides [that year] were deemed drug-related, compared with only a third the year before”¹¹⁰

Synopsis, Section IV

¶63 In this section, I have argued that middle and upper income white interests are furthered through prison expansion in a few crucial ways. First, prisons operate under the ostensibly neutral rubric of crime, dangerousness, and safety, and thus partially further the racial category of whiteness itself (by keeping it invisible) despite the fact that the impacts of prisons disproportionately affect low-income non-whites and affirm white advantage. These rationales fuel the construction of meaningful and legitimate needs to exercise what is a highly racial re-spatializing of people. The rationales themselves are not simply empty, but instead hit at the weakest possible segments of the population to help garner institutionalized benefits for different sections of the populations.

¶64 Second, prisons are a money-making enterprise for private prison industries and for ailing rural economies generally. This is a largely white economic advantage, in the context of the stock market (or generally, money made on money) and as a tool to regeneration of some rural areas. Both have grown and been marketed from increased incarceration rates in a financially lucrative manner. Third, and importantly, prison populations overlap in their origin with the populations that deconcentration programs wish to serve, both geographically and temporally. This fact is ironic, as deconcentration seeks to undo government-sanctioned marginalization while increased incarceration operates in the opposite way: it works to displace and isolate many of the same types of people who were isolated a generation before through explicitly racialized rules. White interests are furthered here through the lack of racialized rules, instead using rationales that have a racial effect but no overt racial diction.

¶65 Fourth, prisons remove people from cities and *re-form concentrated poverty* in the countryside. In this way prisons re-make concentrated poverty in areas where it is seen as economically beneficial to largely white towns in ailing rural economies. This

¹⁰⁸ *Id.* at 208.

¹⁰⁹ *Id.*

¹¹⁰ PARENTI, *supra*, note 86, at 59.

removal and reconstruction of concentrated poverty is beneficial to middle- and upper-income whites who want to move to the inner city as well. It mimics the decentralization of the 1940s through the 1960s of suburban sprawl, except this time, inner cities are the new desirable places. Such movement is the topic of the next section.

¶66 Overall, prison policies and deconcentration policies work together to make available cheap land that has less attachment to sticky social and historical racial dissonance. This new segregatory casual factor allows the erasure of white privilege on a structural level. Land that can be reclaimed is safer. Such land is more appealing because the threatening aspects of the land has been changed and moved away. This new land appeals to luxury, and the basis of such an appeal is exclusionary luxury. Needing to attract people, this luxury based appeal is utilized to compete with the comforts of suburbia. Whites do not need to be confronted with drastic inequality (which may be felt individually as discomfort) but can safely move into cities under race-neutral guidelines.

V. GENTRIFICATION AND THE SHIFT TO WHITE INTERESTS IN THE INNER CITY

¶67 Gentrification provides a second context to the interest-convergence surrounding deconcentration, as both an outcome and a motivating factor. The idea that it will exist drives economic policy of local governments, and serves as a reminder of where these policies are going practically. The process of redevelopment also stands atop of non-racialized claims via property consumption and exclusion based on the solution to inner city woes: the exclusion of malign or unwanted elements as a precursor to attracting different types of people. Gentrification is often perceived as a positive phenomenon: it builds a necessary tax base, allows the opening of new shops, increases infrastructure and reinvestment, and awakens older city areas. It also often brings about a new crowd that helps put attention on areas of town that might not have had a focus on them before.

¶68 Yet, gentrification is contingent on the subtle precursor of removal or exclusion,¹¹¹ though it too represents a convergence of interests and does not yield to a one-sided analysis. Displacement does not always occur through major and overt public policy, but results from the echoes of those processes. Not all gentrifiers are white, of course, and the process does not always bring people back into city centers in the numbers that some would like to see. Redevelopment could also include the building of attractions, like street-based mall designs, sports stadiums, and other private sector encouragement for the reinvestment in a community.¹¹² The issue is that such transformation rarely takes into account the needs of current neighborhood dwellers as much as it concentrates on who it would like to attract to such an area.

¶69 Land in former or changing areas of concentrated poverty, for instance, is cheap and provides ample space for this redevelopment: “They are open territories for investment speculators, redevelopment agencies, and affluent professionals who reject the suburban form of living, but demand, and can easily pay for, luxury residential,

¹¹¹ Remember that the interest-convergence dilemma allows blacks to benefit, but makes this benefit largely contingent and subservient to white interests. The arguments presented here are not necessarily “pro” or “con” deconcentration, but work to contextualize the procurement of such policies.

¹¹² See generally Audrey G. McFarlane, *Who Fits the Profile?: Thoughts on Race, Class, Clusters, and Redevelopment*, 22 GA. ST. U.L. REV. 877 (2006). “The environment must exclude anything or anyone that contradicts the image of the safe experience” *Id.* at 883.

commercial retail, entertainment, and other intangible spatial amenities.”¹¹³ Such remodeling might not change the status of poverty, but sometimes reshuffle it to make tracking poverty harder.

¶70 Redevelopment through gentrification is also fueled by (and fuels) the cyclical dynamic between prisons and deconcentration programs, as it is a point of reclamation of city space for whites in the form of property and access made available (in part) by those two previously detailed programs. Public space in cities can be remade into accessible and non-threatening areas by allowing commercial enterprise that exhibits points of familiarity to consumers and in turn disassociates the negative perception of attributes in inner cities so common in the 1980s.

¶71 This process is tracked, though, precisely in the trajectory through whiteness as a non-racialized category, wherein a lack of group definition is paramount, and participation via consumption is central and appealed to, but unstated. Gentrification itself works to make the city a non-racialized place. Whiteness is mapped into gentrification. Cities—and especially public spaces in cities—should be free for everyone, so that nobody is excluded. This is the appeal of a color-blind redevelopment model that focuses on economic asset building for struggling city governments: “Urban places that were once racialized as Black and classified as poor, dangerous, and off-limits to anyone of affluence and with choices, have taken on new meaning today.”¹¹⁴ The two important points here are that luxury-based appeal changes inner cities to attract the affluent and to increase affluent concentration and that, as this occurs, city streets and former public spaces change and decrease in their availability to those without financial capital. Centrally, cities can be “re-branded” as elite and luxurious, which foundationally changes public space, interaction, and human relations toward a market approach. This is the final “white interest” taken from deconcentration programs via Bell’s interest-convergence dilemma.

A. *Attraction of the Affluent to Neighborhoods in Transition*

¶72 In the beginning of potential redevelopment, inner cities yield to urban “pioneers” like artists and young professionals.¹¹⁵ This exists when the city-space is still considered too risky to be inhabited by the more established (i.e., the “professional”). Redevelopment schemes try to increase affluent concentration to replace concentrated poverty. “This is done through privately and publicly sponsored redevelopment projects, which reconfigure existing land uses to create commercial, retail, and residential amenities that are attractive to the upper-middle class.”¹¹⁶ Over time as businesses are drawn into the area, city space is often re-crafted to appeal to the aesthetic of a “main street.” This appeal to an aesthetic and authentic porous spatial map of community is lacking in suburbia,¹¹⁷ and is more possible in cities because of greater relative population

¹¹³ McFarlane, *supra* note 51, at 5.

¹¹⁴ *Id.* at 4-5. “This intervention by state and local governments has taken many forms: incentives to urban professionals to locate in certain neighborhoods such as first time homebuyers programs, settlement cost forgiveness programs, other incentive grants and loans for purchasing residential real estate within the city” *Id.* at 6.

¹¹⁵ See generally Neil Smith, *The New Urban Frontier* (1996).

¹¹⁶ McFarlane, *supra* note 51, at 17.

¹¹⁷ There are, however, rebuilt main streets all throughout suburbia—but they require one to drive to the destination to experience it, and to leave one’s car in a non-visible location when inside the main street

density. McFarlane argues, though, that “the specific techniques to structure the retail environment in a way that shapes the new inner city by accelerating or concentrating . . . affluent transformation has not been adequately considered” and warns against a full scale approach in this manner.¹¹⁸ Such transformation often also works to superficially incorporate the culture that has been existent since white absence, but does so in a limited or commercialized way.¹¹⁹ Zukin follows this line of thought, arguing further that “gentrification revived the upper-middle class’s identification with cities by appropriating culture.”¹²⁰ Some of the former residents can find employment opportunities in the burgeoning service industry that these changes represent.

¶73 In this way, whites do not have to see or understand inequality, but instead can find cute neighborhoods with an appeal to a history that might not have historically existed in their present form, but which whites can nevertheless identify with as authentic and accepting. Stated within a racial discourse, whites can find comfort here because of the seeming lack of group definition of the space. The focus on older looking streetscapes also serves as a point of legitimacy for whites to exclaim that the space was there “before” they were—because it presents itself as “historical” it is also somewhat permanent in the minds of the participants—the space itself is not implicated as something manufactured explicitly for affluent non-racialized appeal.¹²¹ It is, instead, manufactured toward an appeal to authenticity and permanency, exactly the opposite of the fluidity or restructuring of the city in the past. In this manner, white interests are satiated while connecting with the sense of place a city brings.

¶74 Such commercialization appears non-racial because it is based on the ethic of inclusion through consumption and the ideal of safety. One can safely consume without being confronted with racial inequality. Actions can be justified by asserting that anyone is allowed in these areas, that they are non-exclusionary. But in fact, the notion that these are safe areas where such “free” consumption can occur is predicated precisely on the exclusionary dynamic that exists to define whiteness itself as a sort of nothingness—uncontroversial or normal—that submerges white institutionalized power into economic language, which should be received as relatively arbitrary, or free market-based. People that do not participate in the shopping environment (because they have no money or do not fit the model shopper, or because they are uncomfortable) are not welcome and are often physically excluded, but they are excluded on ostensibly individual reasons.

¶75 Further, it is not clear whether such a strategy works: “This upper-middle class attraction strategy is mainly based on practical logic, although its success as social policy is largely untested or unproven.”¹²² Whites in these new arenas of residential space

vignette. They are both indoor and outdoor.

¹¹⁸ McFarlane, *supra* note 112, at 879.

¹¹⁹ Jon Goss, *The “Magic of the Mall”: An Analysis of Form, Function, and Meaning in the Contemporary Retail Built Environment*, 83 ANNALS OF ASS’N OF AM. GEOGRAPHERS 18, 24 (1993) (“Enclosed streetscapes refer to the idealized, historic middle-American Main Street or to exotic streets of faraway cities . . . if only because the contemporary North American street invokes fear and loathing in the middle classes.”). Think of various ethnic foods offered in such areas.

¹²⁰ SHARON ZUKIN, *LANDSCAPES OF POWER: FROM DETROIT TO DISNEY WORLD* 258 (1991).

¹²¹ See generally Neil Smith & Setha Low, *The Imperative of Public Space*, in *THE POLITICS OF PUBLIC SPACE* 9 (Neil Smith & Setha Low eds., 2006): “Perhaps inevitably, the new highly privatized metropolis has provoked a nostalgic reaction, an ant suburbian suburbanism, if it can be put this way, represented by everything from gated communities to the so-called ‘new urbanism’ as a design fashion.”

¹²² McFarlane, *supra* note 51, at 10.

excise their historical and present link to privilege, both psychologically and physically. If visibly poor people exist in such areas, they create dissonance for the middle upper income person seeking to go about his or her business. Dispersal programs work to augment this phenomenon (to allow space to exist in accordance with one's worldview) in a sense because they remove visible reminders of inequality.

B. Public Space Diminishment is Concurrent with Redevelopment

¶76 Genuine public space in these areas is quickly disappearing.¹²³ The areas are controlled for points of access in an effort to keep things clean, orderly, and relatively calm. Many strategies to restrict people from what once was public space are used, from easements, to the buying up of private property encircling a public space or public amenity.¹²⁴ Because people will not move into the city if it is not seen as safe, there is a constant effort on the part of redevelopers to minimize the visibility and existence of people that might break this presentation, and to assert that people with “discriminating” tastes, for example, are invited. Laws excluding the homeless from parks, that forbid panhandling, that make illegal everyday activities in a public form, and other such restrictions, operate as barriers to those trying to subsist on a daily level.¹²⁵ Gentrification is linked with the perpetuation of concentrated poverty because both push low-income people of color away from resources and opportunities.¹²⁶

¶77 Gentrification processes also preserve the individual, color-blind, merit-based model. In short, as condos populate former cultures of inner city poverty areas, an increased aesthetic of the shopping mall exists to meet this new demand. Goss argues that “developers have sought to assuage this “collective guilt over conspicuous consumption by designing into the retail built environment the means for a fantasized dissociation from the act of shopping.”¹²⁷ Goss’s insight is compelling, especially when collective guilt is inspired from the underlying notion of exclusion instead of consumption. Consumption is a means in which to alleviate guilt by disassociating oneself from the causal dynamics of one’s situation. Goss further argues that mall spaces purposefully exclude political action, communication, and thinking outside of the paradigm or role of participating consumer. In downtown centers, there is a similar need to exclude, not only politics, but also one’s choice to come to such a place as a racialized choice. Participation in one’s community within this context becomes consumerist—based on disposable income necessary for leisure activities.¹²⁸

¹²³ “Common property is an individual’s right not to be excluded from the uses or benefits of resources. Historically, common property rights were recognized and enforced for members of a bounded community.” Elizabeth Blackmar, *Appropriating ‘the Commons’: The Tragedy of Property Rights Discourse*, in *THE POLITICS OF PUBLIC SPACE* 51 (Neil Smith & Setha Low eds., 2005).

¹²⁴ See Setha Low, *How Private Interests Take Over Public Space: Zoning, Taxes, and Incorporation of Gated Communities*, in *THE POLITICS OF PUBLIC SPACE* 83 (Neil Smith & Setha Low eds., 2005).

¹²⁵ See Jeremy Waldron, *Homelessness and the Issue of Freedom*, 39 *UCLA L. REV.* 295 (1991).

¹²⁶ John A. Powell & Marguerite L. Spencer, *Giving them the Old “One-Two”: Gentrification and the K.O. of Impoverished Urban Dwellers of Color*, 46 *HOW. L. J.* 433, 441 (2003).

¹²⁷ Jon Goss, *The Magic of the Mall: An Analysis of Form, Function, and Meaning in the Contemporary Retail Built Environment*, 83 *ANNALS OF ASSOC. OF AMERICAN GEOGRAPHERS* 18, 19 (1993); Goss, *supra* note 119, at 19.

¹²⁸ See John J. Betancur, *The Politics of Gentrification: The Case of West Town in Chicago*, 37 *URB. AFF. REV.* 780, 807 (2002). “Descriptions of gentrification as a market process allocating land to its best and most profitable use, or a process of replacing a lower for a higher income group, do not address the highly

¶78 As stated earlier, Cheryl Harris argues that whiteness itself is a form property.¹²⁹ The whiteness-as-property concept is vividly on display through gentrification processes that emphasize individual choice through consumerist practices. Harris writes that “[t]he right to exclude was the central principle, too, of whiteness as identity, for mainly whiteness has been characterized, not by an inherent unifying characteristic, but by the exclusion of others deemed to be ‘not white.’”¹³⁰ Redevelopment appeals to this sense of privilege by working to recreate a time *before* that of criminalized inner cities. It creates spaces that mimic the downtown pre-spatial rearrangement to foster a sense of authenticity.

¶79 Property itself is something that one owns unilaterally, wherein the owner can exclude others to rights of possession.¹³¹ Whiteness functions as property particularly in new inner cities’ efforts to “reclaim” spaces racially, but it is the presence of non-whites that adds an allure of the cities as well. Through a process of commodification of the other, “the inner city stigma morphs into chic, affordable, hot and attractive.”¹³² Zukin writes that “urban professionals appealed to a past that wasn’t really theirs.”¹³³ The point is not so much that these professionals usurped space while unconscious of their ability to act as a group, but that such a move is largely encouraged and not highly controversial.

Synopsis, Section V

¶80 In this section, I have added the contact point of inner city redevelopment to the new interest-convergence dilemma based on deconcentration policies. Like integration and *Brown*, redevelopment of city-space works to attract the affluent through the recreation of such space to excise race from that space. It further attracts through the very dynamic of whiteness itself—appealing to that dynamic by making race invisible for those that wish to participate in the new place. In this sense, though, it furthers the psychological dynamic that whites do not have to understand their own privilege as race-based, whereas other groups may not be as comfortable. I then argued that this dynamic relies on the extinguishment of public space in its traditional form as a commons. This enhances the reality of exclusion to make these areas appear safe. Laws that limit the homeless, for example, work in this manner, to reduce the appearance of disequilibrium. Further, the merit-based individual ideal is also reified when consumption practices form a basis for participation. Finally, this propertizing of space is seen as neutral because

destructive processes of class, race, ethnicity, and alienation involved in gentrification The most traumatic aspect of this analysis is perhaps the destruction of the elaborate and complex community fabric that is crucial for low-income, immigrant, and minority communities” *Id.*

¹²⁹ See Cheryl Harris, *Whiteness as Property*, 106 HARV. L. REV. 1707 (1993).

¹³⁰ *Id.* at 1736.

¹³¹ “Property is defined *as property* by a set of specific rules and practices that determine how exclusion may be affected. Ownership entails the monopoly right of use” Don Mitchell & Lynn A Staeheli, *Clean and Safe? Property Redevelopment, Public Space, and Homelessness in Downtown San Diego*, in *THE POLITICS OF PUBLIC SPACE* 149 (Setha Low & Neil Smith eds., 2006).

¹³² McFarlane, *supra* note 51, at 12. See also JAMES HOWARD KUNSTLER, *THE GEOGRAPHY OF NOWHERE* 185 (1993) (“When Americans, depressed by the scary places where they work and dwell, contemplate some antidote, they often conjure up the image of the American small town. However muddled and generalized the image is, it exerts a powerful allure. For the idea of a small town represents a whole menu of human values . . . an agreeable scale of human enterprise, tranquility, public safety, . . . nearness to authentic countryside, and permanence.”).

¹³³ ZUKIN, *supra* note 120, at 258.

nobody “owned” it before—ownership is itself something that takes away racial meaning. The street corner, for example, something that has been a source of public space in the past, is not typically seen as a privately owned public space, despite increasing attempts to limit loitering non-patrons. In this way, whiteness as neutrality replaces what might be a raced or group-based understanding of neighborhoods. This re-propertying, though, is “raced” through an enduring system and actually defines how white interests are framed. In the next section, I will quickly look at the implications for this interest-convergence and lay out some potential responses that take into account the connectivity of the model.

VI. IMPLICATIONS AND RECOMMENDATIONS FOR THE NEW INTEREST-CONVERGENCE

¶81 I have charted out a convergence between black and white interests by applying Bell’s notion of the idea as he understood the *Brown* decision. I have established a link between deconcentration of poverty programs as analogous to the *Brown* decisions, and argued that white interests are not visible partly because white interests are never quite defined in a racialized way like black interests might be, and partly because they are constructed and reconstructed as non-racial to keep power neutral. The three areas of convergence mutually reinforce white interests (housing, prison, and gentrification). Like Bell, I feel that it is vitally important to link black and white interests in order to understand how inequality operates. The deconcentration of poverty is analogous to *Brown* in that it looks at how we can gain greater integration to help a group of disadvantaged people; and by linking together white interests, by exposing them as present, we can trace how manifestations of white privilege recapitulate themselves in various ways and in multiple fields.

¶82 In this particular case, there are two specific and related contexts that work concurrently or converge with deconcentration to represent white interests. Both of them focus on inner city neighborhoods, and both alter those neighborhoods through reassignment of race to different spaces and contexts, concurrent with different mental frameworks that individualize race. Prisons remove many low-income black males from inner city neighborhoods into rural areas, and remake concentrated poverty on the countryside. In many of these cases, drug offenses are the culprit. Moreover, when people are put into prison for drug usage or sales, social networks in areas of concentrated poverty are disrupted. These are social networks that could flourish if such communities were given a few relatively simple resources—resources like appropriate food, safe mental and health care, supervision of children, education, and areas of congregation to increase civic participation and neighborhood attachment.

¶83 Similarly, when families move out of these neighborhoods to obtain better housing, they may often leave members who have been convicted of crimes because many local housing authorities bar those that have been convicted of felonies in a variety of manners. Thus, the social systems of the areas of concentrated poverty are further reduced and the likelihood for drug selling and activity, and other circumstances of illegal behavior (*e.g.*, prostitution, property crimes) is increased, especially given cuts in social welfare spending that remove basic building blocks to a good neighborhood. Recidivism rates are very high for this reason. Further, as former neighborhoods of concentrated poverty clear out, upper and middle class whites come in and reclaim the space, de-racing it in the same way that affirms white interests to stay a non-category for racial assumptions, which in turn changes the focus to merit-based systems like the market, defaulting many

out of the community. One important point to stress is that low-income blacks are helped through deconcentration—but to get such help, they risk other basic life necessities, including potential community and the ability to be involved in community, and thus, higher levels of political participation. Further, this kind of help does not alter white interests, or even expose the theoretical underpinnings of white interests as group-based advantage; instead, it offers the ideals of merit and individual worth as worthy of assimilation, and as a singular goal or definition of success.

¶84 Such interests converge upon a spatial make-up that links prisons, gentrification, and deconcentration programs in a manner that obscures white interests, reifies segregatory norms, and allows whites to inhabit what were perceived as previously uninhabitable spaces. White interests are de-racialized, individualized, and disassociated from any kind of racial claim or awareness through multiple avenues. *Brown*, like these policies, did provide some gains as well, and it remains a clarion call for civil rights activists, academics, and litigators. If nothing else, it helps people organize and form coalitions to bring more focus on issues of inequality. But, just as *Brown* occurred (perhaps only could have occurred) during a time when the country's racial demographic make-up was radically changing through further separation, deconcentration policies do not sit alone within new patterns of urban change. When seen as inextricably linked with—or even as aspects of—other programs that move people for similar reasons, like the criminal justice system, or redevelopment demands of gentrification, deconcentration programs appear in a different light.

¶85 Also like the interest-convergence in *Brown*, the deconcentration-convergence here works to make white interests ambiguous; partially through the symbolism that helping through housing alone is enough to form inclusive bonds with mainstream society (the other two main categories existent as meaningful employment and education). Bell's insight was that a fully-funded and resource-laden, but separate system, would, in a racist state, make more sense than opening the doors to white schools. This is also true with deconcentration policies. A fully-funded neighborhood, one that includes necessary social services, health care, drug treatment (like detoxification centers staffed with experts), genuine mixed-use public space, proper city services, and genuine employment possibilities, can begin to prosper without the removal of the residents of that neighborhood. Rather, the goal should be full involvement and collective action, rather than the ideology of removal. This is the same distinction between direct and indirect help. After all, the ideal of removal is one we have seen before: segregation itself is predicated on the notion that separate equates with an unaffected and disassociated positioning.

¶86 We should recognize group claims as strong and legitimate. Claims to group oppression, ever tangential, will only become more removed and harder to locate if we fragment populations of non-whites through policy. This shift of rhetoric, predicated by the underpinning of white interests as economic interests, means that the old appeal to explicit group disenfranchisement is taking on new meaning, fragmenting into multiple tentacles that overlap increasingly with a mixture of venues and potential reasons that justify such a make-up. Deconcentration-convergence erases the visibility of groups. Harris argues that: “[t]he law has recognized and codified racial group identity as an instrumentality of exclusion and exploitation; however, it has refused to recognize group

identity when asserted by racially oppressed groups as a basis for affirming or claiming rights.”¹³⁴ This is particularly true within the guise of deconcentration.

¶187 Political power is also diluted when people are moved from solidarity-based positioning with social networks throughout a geographical area. Deconcentration-convergence can further amputate potential realization by larger institutions about group-based disenfranchisement, especially when the oppressive actions have moved to new venues that are federally or state sanctioned, and increasingly hard to track on an individual level. In the new scheme, participation is altered, and meaningful social discourse is increasingly “heriarchalized” in a way that mimics and re-institutes race hierarchy, where whites do not have to question their own privilege. Race visibility in inner cities will be harder to locate. This could make ameliorative goals, like fulfilling neighborhood reinvestment through social services, harder, increasing transportation needs for those in need, for instance. Further, laws that restrict the participation of ex-prisoners, especially in market-based interaction, necessarily restrict the ability to find self-sustenance, and thus, their dependence on alternate means of fulfillment. Participation and equality of perspectives will be a hard goal to manufacture, as our cities are becoming more polarized along class.

¶188 Thus, the nature of segregation is not necessarily normatively altered because white mental processes are held intact and whites do not have to see their own privileged status, whether physically manifested, or mentally evidenced. Whites can operate under neutral guidelines regarding their own status. Segregation continues unseen, so the harmful effects that, according to *Brown*, were directly linked with separation from resources, must also be resolved. Segregation is omnipresent, however, but highly spatialized in its current form. We should of course make sure (as many low-income housing advocates do) that low-income housing is available in cities nearby social networks, infrastructure, and that proper legal representation exists. This is especially important as cities fill with more and more amenities for those with capable financial resources. Yet, this is not the whole story and acts, in some ways, as a band aid to the more fundamental issue.

¶189 Another potential response would be to provide some lawful protection against discrimination of ex-prisoners, both within public housing and overall (*e.g.*, in the employment setting). This could work like many legal standards, so that an employer would have to find a reason of denial that is not based on ex-prisoner status. The basic thought here is that prisoners should not be subject to disenfranchisement once they have left the prison. If prisons themselves serve as punishment, then re-entry into society should be as smooth as possible. Yet, laws exist to keep previous felons from voting, getting a drivers license, and other assorted restrictions, including the context of public housing.¹³⁵ There is simply no way that someone with little social and financial capital can be expected to find a way back into society in a meaningful way without some support, whether informational or financial. Without social support systems that can guide this transition, many will turn to the alternate economy.

¶190 Also, because private prison construction, maintenance, and operation, is an extremely lucrative business, prisons should be mandated to pay for transitional programs that provide housing. As it stands, many prisoners are released with very little money,

¹³⁴ Harris, *supra* note 129, at 1761.

¹³⁵ Edelman, *supra* note 101, at 12; *see generally* CHRISTOPHER UGGEN & JEFF MANZA, LOCKED OUT: FELONY DISENFRANCHISEMENT AND AMERICAN DEMOCRACY (2007).

increasing reliance on illegal activities. We know that recidivism is high. We know that it is cyclical. Certainly, crimes concerning property and drugs do not make neighborhoods great places to live. Because state and federal government contracts provide the bulk of prison funding, it would be relatively simple to insert a few clauses or sections into these contracts that utilize the idea that housing is fundamental to prison release and re-integration. It seems that if the state is serious about reducing crime, what they need to do is mandate housing-based programs for ex-offenders. An ex-prisoner could be guaranteed an apartment to help him or her get on his or her feet, and then seek stable employment, for example.

¶91 Also, the distance of prisons to city centers is problematic. Closer physical proximity to cities might be helpful. Families and friends cannot often travel far from central cities, and so, moving prisoners into rural areas breaks down solidarity on the intimate social support level as well. Of course, we cannot “move” prisons anymore than we can move cities. What we can provide, though, are alternatives to incarceration that focus more on community re-establishment. Why not set up centers in cities, funded by prison money, that mandate x -year full sentences to programs to help raise awareness about drugs, or to produce programs concerning career planning and goal oriented progressive mindsets, to people convicted of drug crimes? Prisons could train these people in the prison and mandate that they live at the center located in the neighborhood they were arrested. The “inmate” would be fed and housed for whatever amount of time necessary, but his or her sole mission would be to produce information, through various means (like narratives about his own personal story) that could help the community and provide an alternative sphere for social support. The centers could be placed directly inside of neighborhoods where such problems are at their worst. This also offers a *visible* deterrence to would-be criminals, because they could see the place to which they might be restricted. This proposal keeps people in neighborhoods, but also provides a change apparatus. It also aims directly at the idea of separation from community as a means to solve community problems. Further, we should increase education programming in prisons, including learning a variety of community and interactive skills. Of course, this is a model proposal, and could not include every prisoner—but it could replace the current model in part.

¶92 Overall, we should have less emphasis on removing people from areas of concentrated poverty. That is, we should try to keep people where they live, but increase the factors they wish to see in that neighborhood. We should imagine that such a neighborhood can change without moving any people from the neighborhood in the first place. We can change poverty itself. After all, we do not problematize concentrated affluence in the same manner. Concentration, or density, is a desirable phenomenon if we want to create richly interwoven layers of social interaction and interchange. The potential to change these neighborhoods for the good without moving people from those neighborhoods is too great. We do not want to disrupt social networks in a paternalistic fashion, and more of an emphasis on helping people live—to build social networks, and thus to increase self-sufficiency of communities by increasing their ability to integrate, as a community, into the city—is warranted.

¶93 Often times, physical barriers form border areas of concentrated poverty need to be addressed and extinguished as much as possible because they further separate certain sections of the city from mainstream activity. The problem is one of isolation—but of

communities and groups, not just individual people. Moving individuals may result in further isolation. Therefore, part of what we can work to do is build coalitions with the environmental movement and start to remove or build around barriers that consistently imprison communities of concentrated poverty through the guise of environmental justice. This concept has the ability to enliven debate and to bring about cross-disciplinary work in a way that assesses multiple factors of inequality at once. Areas of concentrated poverty are often encircled by highway systems, which displaced neighborhoods a generation ago. Yet, this negative attribute can be seen in a positive light—with increased reliance on automobiles, these neighborhoods are close to transit possibilities that can work to make progress into higher levels of services and availability of resources without moving people away to neighborhoods in the hopes that those neighborhoods have better resources. However, if we could redirect some highways from their current placement, we might also find developmental possibility. For instance, in North Minneapolis, highway 94 borders the riverfront for miles. Yet, in downtown Minneapolis, the riverfront is increasingly used in a positive light to draw investment. While the possibility of such a suggestion may not seem practical, the introduction of this discourse in a policy forum could at least open up fresh ideas for change.

¶94 We should also emphasize how little the political process seems to be aimed at areas of concentrated poverty. It seems that social problems bar communities from political participation. This is especially the case with prison policies, but it is vital that people in these areas become politically aware. Their interests can be based on neighborhood issues, for example. Further, though, because white and black interests can converge, blacks in these neighborhoods can be especially strategic and use the interest-convergence not as a dilemma, but as a focal point to attract whites and mixed income design without displacing low income people of color first to do it. Given that the interest-convergence exists, it can provide a necessary starting point to think about how we can restructure neighborhoods—that is, how communities can restructure neighborhoods—so that group solidarity or complex social networks are not dissolved in an effort to revitalize.

VII. CONCLUSION

¶95 Like suburban expansion a generation ago, the new deconcentration-convergence has the potential to radically transform where and how we live. This time, exclusive city spaces are becoming the attractive commodity. Myron Orfield has noted that inner ring suburbs are beginning to look like inner cities did after whites left.¹³⁶ This makes sense, given the changes occurring in inner cities. We must be careful not to simply “reshuffle” old problems, as they may have a tendency to reform and come back in new ways. The normative process behind desegregation is something that does not call enough critical attention to the placement of whites. We need to expand such a dialogue. It is vital that we connect the dots, so to speak, concerning changing spatial practices in our cities, and larger criminal policy debate, including a focus on typically non-controversial subjects. The deconcentration-convergence provides one way to do so.

¹³⁶ MYRON ORFIELD, *AMERICAN METROPOLITICS, THE NEW SUBURBAN REALITY* 39 (2002).