Abstract

Between 1992 and 1996 the U.S. Department of Housing and Urban Development (HUD) settled a number of legal cases involving housing authorities and agreed to take remedial action as part of court-enforced consent decrees entered into with plaintiffs. These housing authorities faced significant obstacles that impaired their ability to comply swiftly and fully with all of the elements in the desegregation consent decrees. The obstacles fell into two broad categories: contextual obstacles (racial composition of waiting lists and resident populations, lack of affordable rental housing, and inadequate public transportation), and capacity and coordination obstacles (conflict among implementing agencies and ineffective monitoring by HUD). Findings presented here highlight the sizable potential delay between the time a legal remedy is imposed and when plaintiffs in public housing segregation disputes realize any benefits. They also reinforce the argument that implementation problems will be legion when policies impose a significant scope of required changes on a large number of actors who must collaborate, yet are not uniformly capable or sympathetic to the goals being promoted. © 2003 by the Association for Public Policy Analysis and Management.

INTRODUCTION

Over several generations, many local public housing authorities established and perpetuated racially segregated and discriminatory systems for public housing and other housing assistance, in violation of fair housing laws. These practices placed minority residents at a disadvantage by limiting their residential choices to often poorly maintained, ill-equipped public housing developments in neighborhoods characterized by high levels of poverty, crime, and other social ills. In recognition of this problem, between 1992 and 1996 the U.S. Department of Housing and Urban Development (HUD) settled a number of legal cases involving housing authorities, and agreed to take remedial action as part of court-enforced consent decrees entered into with plaintiffs.

These cases occurred within and, in a fundamental sense, reflected the larger context of changes in the debate over how best to promote desegregation and equal opportunity. In particular, the approach to addressing racial inequalities in education has shifted dramatically over the last 15 years, away from compulsory busing to more voluntary strategies. These strategies include efforts to attract white and middle-income
students to central-city school districts by creating magnet and charter schools and providing vouchers to low-income families in troubled school districts that allow them to pay for private schools. In most cases, remedies for public housing desegregation have avoided directly attempting to desegregate existing developments or housing authority waiting lists. Rather, as in education, the most common remedies have involved either trying to attract white or higher-income tenants by converting public housing into renovated, sometimes mixed-income developments or providing vouchers and counseling to enable minority tenants to move to predominantly white, middle-income areas that offer greater economic opportunity.

In this paper the challenges associated with implementing housing authority desegregation consent decrees are analyzed in eight sites (the name of each case and year of settlement is in parentheses): Allegheny County, Pennsylvania (Sanders, 1994); Buffalo, New York (Comer, 1996); Dallas, Texas (Walker, 1995, 1996, 1997); East Texas (Young, 1995); Minneapolis, Minnesota (Hollman, 1995); New Haven, Connecticut (Christian Community Action, 1995); New York City (Davis, 1992); and Omaha, Nebraska (Hawkins, 1994).1 The analysis is based on in-depth case studies conducted in each site, which included collection of archival and statistical information, key informant interviews with all major interested parties, and focus groups with public housing residents and those using Section 8 certificates as part of the remedy.2 These case studies were conducted in the summer and fall of 1998, so the analysis reflects information available at that time and should be interpreted as reflecting implementation progress during the first few years after the parties entered into consent decrees.

Though differing in some details, the consent decrees analyzed in this paper have common forms of remedial elements. Some of these elements relate to specific management procedures, such as creating unified housing authority waiting lists, which were relatively easy for housing authorities to implement. Other elements, such as providing additional Section 8 vouchers and certificates for replacement housing with effective mobility counseling, proved more challenging for housing authorities to implement.

The policy analyzed represents an archetype of what Matland (2000) refers to as a case of low policy ambiguity and high policy conflict requiring “political implementation.” Ambiguity is low over the policy and its goals; indeed, an explicit federal court order in each case specifies actions, desired outcomes, timetables, and even sometimes details of inter-institutional collaborative structures. However, conflict is high because neither the goals nor the means are uniformly shared by all implementation parties or the general public (Elmore, 1978). In such circumstances, implementation theory suggests, and this study confirms, that outcomes will be decided by power and will be more open to influences from the environment (Matland, 2000; Mazmanian and Sabatier, 1989).

Overall, housing authorities faced significant obstacles that impaired their ability to comply swiftly and fully with all of the elements in the consent decree. These obstacles fell into two broad categories:

1 The original 1987 Walker decree in Dallas was vacated in 1992 and a final judgment and remedial orders against the defendants were issued in 1995 and 1996 (superseded by a modified decree in 1997). Most recently, the Fifth Circuit issued a ruling on replacement housing in March 1999. The Young case in East Texas affects 70 housing authorities in the East Texas region; the first court order in Young was issued in 1988, but the final judgment and decree was not issued until 1995.

2 Section 8 was the name of the program at the time of our study, thus we eschew usage of the current label, Housing Mobility Vouchers.
• Contextual obstacles, that is, structural factors largely beyond the implement-
tation agencies' control, including the racial composition of housing authority
waiting lists and resident populations, inadequate supply of affordable rental
housing, and lack of public transportation to low-poverty neighborhoods.
• Capacity and coordination obstacles, namely administrative factors that
could have been altered by the implementation agencies, including: conflict
among the numerous agents responsible for implementation; community and
tenant resistance to desegregation remedies; and inadequate HUD monitoring
of housing authority compliance.

Indeed, none of the housing authorities had fully implemented its decree, even in
some cases where the consent decree was entered into several years before these
case studies were conducted. Findings highlight the sizable potential delay between
the time a legal decision regarding remedy is reached and plaintiffs in public hous-
ing segregation disputes realize any benefits. They also reinforce arguments from
the literature regarding the implementation problems associated with imposing a
significant scope of required changes on a large number of actors who must col-
laborate, yet are not uniformly capable or sympathetic to the goals being imposed
from above (Mazmanian and Sabatier, 1983, 1989; Pressman and Wildavsky, 1973;
Sabatier, 1986; Van Meter and Van Horn, 1975).

HISTORY OF RACIAL DISCRIMINATION AND SEGREGATION IN THE ADMINISTRATION
OF PUBLIC HOUSING PROGRAMS

The Legacy of Officially Sanctioned Discrimination and Segregation

Race and subsidized housing have been explicitly intertwined since the inception
of New Deal housing initiatives (Olion-Chandler, 1992). For example, before
World War II, 236 of the 261 developments subsidized by the United States Hous-
ing Authority and 43 of the 49 supported by the Public Works Administration (or
90 percent of the total) were completely segregated racially, usually by admitting to
a given development only those of a particular race (Coulibaly, Green, and James,
1998). Discriminatory public housing practices continued during and after the War
(Goldstein and Yancey, 1986; Hirsch, 1983; Rossi and Dentler, 1961).

Title VI of the Civil Rights Act of 1964 officially prohibited discrimination in the
administration of federally assisted housing. Little desegregation followed, however. As
of 1992, 60 percent of public housing developments had 80 percent or more tenants in
one racial-ethnic group, and 15 percent had all tenants in one group (Coulibaly et al.,
1998). 3 Black families were most likely to reside in high-density, overwhelmingly seg-
regated public housing developments in increasingly poor neighborhoods (Bickford
and Massey, 1991; Goering, Kamely, and Richardson, 1997).

Ironically, these findings appeared at the point at which a consensus was emerging
that, for a wide variety of behaviors—like educational attainment, labor force partici-
pation, criminality, mental health, and out-of-wedlock child bearing—the neighborhood
environment matters (Ellen and Turner, 1997; Gephardt, 1997; Leventhal and
Brooks-Gunn, 2000). One aspect of neighborhoods that especially matters empirically
is the proportion of households with incomes below the poverty level (Bickford and Massey,
1991; Galster, in press; Massey, Gross, and Eggers, 1991). For this reason, the continued

3 Of these homogeneous developments, 57 percent are occupied by African Americans, 43 percent by whites.
concentration of minority-occupied, family public housing in high-poverty neighbor-
hoods has great ethical and social importance (Massey and Kahaiapunui, 1993).

The Evolving Federal Response to Public Housing Desegregation Suits

Not surprisingly, given its social costs and unfairness, the discriminatory legacy of public housing has often been challenged in the courts. Perhaps the most famous early suit was the Gautreaux case, a pair of class action suits filed in 1966 against the Chicago Housing Authority and HUD. As Rubinowitz (1992; Rubinowitz and Rosenbaum, 2000) states, the Gautreaux decisions established the precedent that past discrimination could be remedied by moving low-income African Americans to white areas, an approach to public housing desegregation that served as the model for all subsequent litigation.

Additional precedents were set in the early 1980s by HUD's response to a series of lawsuits directed at rural and small-town public housing authorities in a 39-county area of East Texas, known collectively as the Young case (Goering, 1986, p. 197). HUD argued, first, that the massive and mandatory transfer of tenants within public housing should not be seen as the best or only remedy. Second, local housing authorities should have the flexibility to tailor remedies to fit their own circumstances and contexts. Finally, remedies would be instituted in conjunction with HUD's funding of modernization of the affected public housing stock, with receipt of this funding tied to approved desegregation plans.

During the late 1980s, the Walker case in Dallas was litigated, with the court issuing a consent decree against the Dallas Housing Authority and HUD in 1987, and against the City of Dallas in 1990. The Walker case was significant because the set of remedies ordered was much more wide ranging than the Gautreaux decrees, including: changes to tenant assignment and selection procedures; the demolition of a large, deteriorated public housing development; construction of replacement housing in predominantly white areas; the provision of Section 8 certificates and vouchers for replacement housing; the creation of a tenant mobility assistance program; the creation of new housing opportunities for low-income households in predominantly white, suburban areas; and the equalization of conditions between the housing authority's predominantly white, elderly developments and predominantly African American, family developments. Thus, the Walker decree, with its complex set of provisions, represented the next stage of evolution for public housing desegregation cases and became the model for all subsequent negotiations.

The Clinton administration departed from the previous HUD strategy of contesting public housing lawsuits. Instead it acknowledged the role HUD had played in neglecting housing authority segregation and discrimination, and developed a strategy of settling the cases by supporting solutions to ensure "fair housing" for the plaintiffs. That is, as in Walker, minority households were to be given expanded opportunities to live in higher quality, desegregated residential environments by changing the character of existing public housing developments and their surrounding communities, building new developments in scattered-site settings, and expanding the use of Section 8 certificates in areas with low percentages of minority households. The challenges faced during the early implementation of these initiatives are the primary focus of this report.

A Paucity of Lessons from Research

As legal counsels representing the plaintiffs and defendants met to craft settlements in the 1990s-era public housing desegregation cases, they had little empirical
Obstacles to Desegregating Public Housing

Evidence on which to base their decisions. Although research on the Gautreaux program provided some evidence about how effective mobility counseling programs might be operated (Davis, 1993) and the potential impacts of mobility programs on tenants (Kaufman and Rosenbaum, 1992; Popkin, Rosenbaum, and Meaden, 1993; Rosenbaum, 1995; Rosenbaum et al., 1991; Rubinowitz and Rosenbaum, 2000), little systematic work was available regarding the range of public housing desegregation efforts. A modest scholarly and practitioner literature existed on how to desegregate the private housing market (Grier and Grier, 1960; Milgram, 1979; Molotch, 1972), but little was known about what approaches worked best in the special context of public housing.

One exception was supplied by Miller and his colleagues in the mid-1980s (Miller, De Pallo, and Rotendaro, 1985). After their analysis of six case studies of public housing desegregation efforts, they concluded that success was related to three main factors, two of which policymakers could, in principle, influence. First, if conditions in the metropolitan area housing market offered many decent rental units at affordable rents, it would be harder to keep racial diversity within public housing, though it might be easier to employ tenant-based vouchers as part of a desegregative scheme. Second, perceptions of “comfort” and “hospitality” at destinations were crucial in shaping tenants’ willingness to undertake desegregative moves. Third, the political context created by housing authority staff, local political leaders, and community organizers strongly influenced the outcome of desegregation efforts. The authors noted in particular, “strong leadership by the Executive Director of the housing authority and the visible political support of the local power structure can be extremely powerful facilitators of change” (Miller et al., 1985, pp. 4–7).

To fill some gaps in the existing body of knowledge that would prove immediately useful in formulating desegregation remedies, HUD commissioned the Urban Institute to conduct two studies of housing authorities involved in civil rights litigation in the mid-1990s: the Young case in East Texas and the Sanders case in Allegheny County, PA.4 The settlement of the Young case required an assessment outside of minority-concentrated neighborhoods of the racial composition of public housing developments and their surrounding neighborhoods and the availability of rental units at fair market rent. The study found that neighborhood racial composition of small towns and rural areas was segregated, but at smaller units of geography. Consequently, blocks within a quarter-mile radius of each public housing site were the most appropriate scale to assess “neighborhood” (Galster et al., 1995). Given this specification of neighborhood, counsel could ascertain and agree upon the developments that should be destinations for desegregative moves by both African American and white tenants. The study also found that, in virtually all housing authorities in the region, sufficient private rental stock was below fair market rent levels in predominantly white neighborhoods so as to afford sufficient desegregative opportunities to African American plaintiffs using Section 8 certificates.

In Allegheny County, Urban Institute researchers analyzed the attitudes of white and African American public housing residents related to desegregation of public housing (Galster, Herbig, and Smith, 1996). Not surprisingly, residents of both races expressed reluctance to make desegregative moves and held negative stereotypes about public housing developments in which African American residents predominated, and the neighborhoods in which such developments were located. These impressions were typically based on limited, second-hand, often unreliable

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4 The study was mandated by the Sanders consent decree.
information. (Galster et al., 1996). These findings suggested that the desegregation effort was unlikely to succeed without very effective housing authority management and extensive community-building efforts.

In sum, little systematic analysis related to the desegregation of public housing or the implementation of consent decrees has been done. The only scholarly effort to assess general lessons across a sample of sites is almost two decades old, and more recent work focuses on narrow issues, in particular housing authorities. The current study helps to fill this gap, providing a detailed assessment of the common challenges involved in implementing a range of public housing desegregation settlements.

RESEARCH DESIGN AND METHODOLOGY

The complexities involved in analyzing the effects of eight multifaceted consent decrees—each possessing idiosyncratic features designed to address a specific legal and social context—dictated use of a comparative case study method. As Yin (1989, p. 14) notes, comparative case study research is most appropriate “...to understand complex social phenomena... [because]...it allows an investigation to retain holistic and meaningful characteristics of real-life events.”

Two-person teams were assigned to each site. Project staff created a core set of interview and focus group guides that the teams could tailor to the specifics of the individual desegregation cases. Before visiting its site, each team reviewed the decree and related documents. With the assistance of a housing authority-designated liaison, the team scheduled interviews with key informants and recruited participants (tenants affected by specific initiatives funded under the decrees) for focus groups.

The teams visited to the sites between August and October 1998, typically for a three-day period. During these visits they interviewed a range of key actors, including: attorneys for plaintiffs and defendants; key housing authority staff; mobility counseling organization staff; local government officials; and local HUD staff. Each respondent was asked about specific aspects of the consent decree, including progress made in implementing remedial elements and factors that influenced implementation.

During site visits, teams also conducted focus groups with members of the plaintiff class who had been or were likely to be directly affected by remedies mandated by the consent decree. Each focus group was conducted with discussion guides tailored to the specifics of the relevant decree.

After returning from its site visit, each research team typed interview notes and transcribed focus group tapes. In addition, the team assembled and analyzed available statistical data related to the housing authority in each site, such as the composition of public housing and Section 8 waiting lists. Based on a synthesis of this qualitative and quantitative information, each team prepared a detailed case study report (see Popkin et al., 2000, vol. 2). Each report documents the lawsuit, the historical, socioeconomic, and demographic context of the locality, statistical information about the housing authority and composition of its tenants, elements of the consent decree, and an assessment of progress made in implementation and factors associated with same.

5 The exception was East Texas, which required a nine-day site visit because three separate housing authorities (Beaumont, Port Arthur, and Orange County) were involved.

6 For information about group composition, recruitment, and sample selection, see Popkin et al. (2000).
REMEDIES INCLUDED IN THE CONSENT DECREES

The consent decrees in the eight case study sites were intended to provide relief to plaintiff class members who have sued because of the unacceptable condition of their housing and the limitations on their housing choices. Although the complete set of remedies differs by site, common forms of relief include: unifying public housing and Section 8 waiting lists of housing authorities (sometimes with race-conscious tenant assignment plans); demolishing, replacing, and modernizing public housing; providing Section 8 vouchers and certificates to minority tenants of housing authorities; providing mobility counseling to those using Section 8 subsidies to move from public housing; developing scattered-site public housing; and investing community development resources near traditionally minority-occupied public housing. Table 1 summarizes the main features of the settlement agreements for each suit investigated (for details, see Popkin et al., 2000, vol. 2).

The consent decrees of the 1990s that yielded the remedies listed in Table 1 were entered into by the parties after years of acrimonious litigation, and were designed to remedy longstanding, entrenched practices of discrimination and segregation in public housing. This combination created a complex, contentious environment in which to implement the remedies. Therefore, it was not surprising that implementation of some, if not most, remedies remained incomplete in study sites years after the consent decrees were signed. Analysis indicates that certain types of remedies have proven more difficult to implement, especially those that require the cooperation of multiple agencies and were not entirely within the control of the housing authority, such as mobility programs and community development around public housing sites.

Nine common factors were identified that made it difficult for housing authorities to implement remedial elements expeditiously. These issues are discussed in order of the severity of their effect on the housing authority's ability to comply with the terms of their individual consent decrees. These main obstacles include six contextual and three capacity/coordination factors.

CONTEXTUAL OBSTACLES

Racial Composition of the Waiting List and Current Tenants in Family Public Housing

By far the most serious impediment to desegregating public housing developments is that in nearly all of these sites, those on the waiting list and currently in family public housing are predominantly minorities. In Dallas, for example, the tenant population was over 80 percent African American and nearly all the white or Hispanic tenants lived in the housing authority's senior developments. In East Texas, two of the three Golden Triangle housing authorities had predominantly African American populations residing in their developments. Even in Minneapolis, which has a very diverse tenant population—including African Americans, Southeast Asians, American Indians, and Hispanics—there are very few whites. Because of the composition of the tenant population, integrating most of these housing authority's family developments through reassigning tenants is, as a practical matter, impossible.

7 For details, see Popkin et al., 2000, Table 4.2.
Table 1. Summary of public housing desegregation consent decree terms.

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<tr>
<th>Location</th>
<th>Changes to Tenant Selection and Administrative Procedures</th>
<th>Public Tenant Housing Demolition and/or Replacement</th>
<th>Physical Improvements to Public Housing</th>
<th>New Section 8 Certificates</th>
<th>Mobility Counseling</th>
<th>Creating Housing Opportunities</th>
<th>Community Development Around Public Housing</th>
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1 New Haven includes new project-based Section 8 developments to be constructed.
Allegheny County, a suburban housing authority, was an exception to this pattern when the Sanders case was settled. In 1995, 66 percent of the population in its family developments were African American and 34 percent were white. Yet, even here, the trends in racial composition have become worrisome. Currently, the proportion of whites in Allegheny County family housing has fallen to 29 percent, and the majority of applicants on the waiting list are African American.

Perhaps because of the realities of this situation, few of the court orders even attempted to address the issue of desegregation within conventional public housing developments. With the exception of the Sanders and Davis cases, the decrees emphasized providing desegregative opportunities for minority tenants through scattered-site replacement housing and the use of Section 8 certificates and vouchers aimed at the private rental market. The decrees generally also called for the equalization of conditions between predominantly minority- and predominantly white-occupied public housing developments (often senior developments). Thus, as in the cases of Dallas or Minneapolis, it may be possible for a housing authority to be relatively successful in implementing the terms of its decree without desegregating its conventional public housing stock.

Organized Community Resistance to Replacement Housing

Community resistance to public housing in non-impacted (i.e., not predominantly minority) areas built to replace units demolished in traditional developments was one of the most serious obstacles to successful implementation across the eight sites. In Minneapolis, more affluent, outer-ring suburban communities avoided cooperating with the agencies implementing Hollman by instituting restrictive zoning requirements that limit affordable housing construction by requiring large lots, two-car garages, or single-family homes. Within the City of Minneapolis, residents of one neighborhood signed a petition to prevent the housing authority from renting one scattered-site unit, complaining that violence had increased due to the influx of subsidized housing.

Opposition in New Haven was particularly blatant and politicized. In 1992, several public hearings and rallies were held in the Morris Cove community of New Haven at which residents protested the placing of scattered-site units in their community. In the most extreme incident, several single-family homes that the housing authority had purchased were the targets of arson. A group in another New Haven community managed to get an injunction—eventually suspended—to prevent the housing authority from acquiring property in their neighborhood.

The location of scattered-site housing was an extremely controversial issue in Allegheny County, with several suburban communities formally opposing the placement of any units in their communities. The Allegheny County Housing Authority initially tried to concentrate its purchases within a single school district; this plan did not become an issue until after local elections in 1996. Local politicians protested that converting properties into scattered-site public housing meant the loss of taxable units and was thus unfair to other residents. As a result of this controversy, HUD issued a new acquisitions policy meant to emphasize mixed-income developments and to require the housing authority to purchase lower-cost units that required more rehabilitation. This new policy did not diffuse the opposition; in September 1998, 250 people protested the housing authority's purchase of three townhouses in one development. In November 1998, local councilmen organized a petition to secede from Allegheny County rather than accept these three units of subsidized housing. A number of suburban communities subsequently filed suit to
try to block the replacement housing plan altogether; though thus far the Court has dismissed these cases.

Despite the Dallas Housing Authority’s success in overcoming opposition to one scattered-site development, it was challenged in 1996 by a homeowners’ association lawsuit which threatened to stop the construction of replacement housing in non-impacted areas. This precedent-setting suit alleged that the construction of public housing in a predominantly white community denies the residents “equal protection” under the Fourteenth Amendment. Essentially, the plaintiffs argued that only the “least intrusive” race-based remedy should be used to correct racial discrimination, and that since rental assistance was less intrusive than building public housing, funds for scattered-site public housing construction should be used instead for subsidized rentals. The case was rejected by the district court in August 1997, but upheld by the Fifth Circuit Court of Appeals in March 1999. The Fifth Circuit ruling stated that the race-conscious remedy of siting new housing in predominantly white areas was not narrowly tailored to remedy the vestiges of past discrimination and segregation and, further, has the potential to harm the homeowners by lowering property values and bringing increased crime and disorder to their community. Moreover, the Court argued that the Section 8 program was a more appropriate remedy for the past discrimination, calling it a race-neutral remedy that is “increasingly successful at moving African American families into white areas.”

The plaintiffs’ attorney and the housing authority attempted to appeal the case to the Supreme Court. In January 2000, the Supreme Court declined to hear the case, returning it to the local jurisdiction. The parties to the case now have to reconsider the 1995 agreement, particularly the requirement that the housing authority construct 474 units of new public housing in predominantly white areas. As of this writing, it was unclear how this decision would ultimately affect the implementation of the Walker decree.

Reluctance to Accept Desegregative In-Movers and Make Desegregative Moves

All sites were ordered to offer desegregative opportunities for minority public housing residents either through their Section 8 programs or, in a few sites (Allegheny County, New York, and East Texas), within their family public housing developments. In all sites, both community residents’ reluctance to accept in-movers from a different group and public and assisted housing residents’ reluctance to make these desegregative moves have proved to be significant obstacles.

Desegregative Moves within Public Housing. The Sanders decree in Allegheny County was the only one of the eight settlements that required both white and minority tenants to make desegregative moves within public housing. Achieving these moves proved difficult, both for current residents and those coming in from the waiting list. Staff reported that it was not unusual for whites at the top of the waiting list to refuse desegregative assignments to family developments; and for African Americans to refuse moves to predominantly white elderly developments, even when refusal forced them to the bottom of the waiting list. This reluctance may have been due to fear and lack of information, as well as the failure of the housing authority to improve the quality of its housing and the surrounding neighborhoods (Galster et al., 1996). Reportedly, many participants preferred to

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8 Walker vs. The Department of Housing and Urban Development, Highlands of McKamey VI, and Community Association, Preston Highlands Homeowners’ Association, et al.
wait for a Section 8 certificate rather than accept a unit in public housing where their group was in the minority.

The Davis decree in New York City required that minority families be offered units in historically white developments. While the decree had a substantial effect on the racial composition of many of the affected developments, more than 600 families remained on the waiting list. Part of the reason was that few vacancies currently exist in the targeted developments. But of more relevance here, many African American families were reportedly reluctant to move to some predominantly white-occupied developments, particularly those in Staten Island. Tenants in some of the affected developments were also reluctant to accept minority in-movers, claiming that the consent decree was unfair and “discriminates against whites.”

In East Texas, desegregating public housing required that African American tenants from Beaumont and Port Arthur move to predominantly white-occupied Orange County, and vice versa. For a variety of reasons, few of these desegregative moves occurred. Beaumont and Port Arthur are urban areas; Orange County is more rural and does not offer the same access to services or job opportunities. Moreover, race relations in the area presented a significant barrier. Orange County included the town of Vidor, the site of an ill-fated, well-publicized attempt to integrate a public housing development, and a town perceived by many African American residents as an unsafe, hostile community. Likewise, white public housing residents from Orange County reportedly feared they would encounter intolerance if they attempted to move to public housing in Beaumont or Port Arthur. This African American focus group participant [scattered-site resident, East Texas] explained why she would not leave Beaumont: “...I just wouldn’t live anywhere else, because my family and friends live in that area; that’s why I chose to stay there.”

Desegregative Moves with Section 8. Reluctance to make desegregative moves using Section 8 was also a significant barrier in these sites, as it apparently was with this program nationwide (Pendall, 2000). Generally, sites with mobility programs reported needing to provide minority residents with a great deal of support and encouragement to get them to consider moving to predominantly white, non-impacted areas. In Omaha, staff reported that many minority residents were so unwilling to move that they waited until the end of the 120-day restricted period was lifted and they could use their Section 8 certificate or voucher in an impacted (predominantly minority) area. In New Haven, staff from both the plaintiffs’ attorney and the mobility program reported that minority residents did not want to move to suburban areas, preferring to remain in the city near their jobs and social networks. Many residents participated in the welfare-to-work transition program, which made their employment and access to supportive services, such as child care, more critical. In addition, mobility program staff reported that residents feared that they would encounter prejudice in affluent, white areas. This focus group participant from Buffalo [public housing resident, Buffalo] expressed similar views: “I’ll put it to you like this. Hispanic and Afro-Americans are not wanted there in West Seneca.”

The Hollman decree in Minneapolis involves a somewhat more complex situation. According to a survey conducted by the Urban Coalition of St. Paul and Minneapolis, the majority of African Americans wanted to move from their development and, while concerned about the relocation process, did not oppose making desegregative moves. In contrast, the large Southeast Asian population was generally reluctant to leave public housing; Hmong residents, in particular, strongly

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opposed relocation. The Hmong had only recently immigrated to the United States. Living in a tightly knit community with other Hmong is an integral part of their cultural identity; separating clans and family through relocation disrupts this strong connection. Furthermore, most Hmong families are large and hard to house in the private rental market. Finally, the language barrier fosters dependence on local Southeast Asian service providers, services that are inaccessible in suburban areas.

Despite their initial concerns, some movers reported positive experiences with desegregative moves, for example [desegregative mover, Allegheny County]: “...everybody's nice. They try to help one another. They help you cut your grass and everything.”

While some participants reported positive experiences, the experiences of other movers supported the misgivings expressed by many potential beneficiaries. Some focus group participants who had made desegregative moves reported very little interaction with their neighbors. Others reported more serious problems. Several Dallas focus group participants [desegregative mover who moved back to an impacted area, Dallas] who had moved to a suburban community said their neighbors and local police had harassed them: “For a whole year, I was just a prisoner in my own home; I'm scared of the cops.” And [desegregative mover, Minneapolis], “Then they told me...they'd rather be neighbors with my black dog than they would black people.”

Finally, a few reported being the victims of vandalism or even racially motivated assaults, such as a participant from Minneapolis who said that someone threw paint all over her car shortly after she moved to a suburban area.

Lack of Minority Residents’ Acceptance of Specific Elements of the Decree

The public housing desegregation settlements under study were intended to improve conditions for minority tenants. However, in seven of the eight sites, at least some residents opposed specific elements of the decrees, in particular the demolition of public housing units and requirement for desegregative moves. In Dallas, when African American residents raised concerns about the loss of low-income housing in West Dallas as a result of the Walker decree, local congressional representatives, in 1987, introduced the Frost-Leyland Anti-Demolition Statute. This statute, in effect until 1995, prevented the use of HUD or Dallas Housing Authority funds for the demolition of public housing in Dallas, thereby preventing any public housing redevelopment activity on the West Dallas site.9

Tenants at other sites also objected to elements of the decrees, but their protests have not had such clear effects. As noted, in Minneapolis, Hmong residents strongly opposed relocation, fearing the disruption of their community. However, since their developments were being demolished, they had no choice but to relocate. In New Haven, tenants did not support the mobility program and reportedly have been reluctant to make desegregative moves. In Allegheny County, tenants’ groups objected to Community Development Block Grant (CDBG) funds being used to redevelop and desegregate neighborhoods around

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9 According to several key informants in Dallas, it is not clear that the impetus for this legislation actually stemmed from an organized group of West Dallas tenants. Instead, it may have been a political deal whereby white political leaders used a few disgruntled West Dallas tenants for their own purposes, namely to prevent the construction of replacement housing in predominantly white areas (Popkin et al., 2000, vol. 2).
their public housing developments, instead of going directly to the plaintiff class. Finally, in Buffalo, some tenants reported concerns about the housing authority’s plans to demolish so many units in their developments, with the requirement that the revitalized housing be put into private management.

Inadequate Supply of Units at the Fair Market Rent Level

In about half the sites, a lack of units at the Section 8 Fair Market Rent (FMR) level, particularly in non-impacted areas, presented a major barrier to desegregative moves. In New York City, 200 Section 8 vouchers were set aside for plaintiff class members. However, because of the extremely tight rental market, only 51 of these vouchers were used in the 6 years after the case was settled in 1992. Reportedly, very few vacancies (especially large units) are available at the FMR level, and the lease-up rate for the overall Section 8 program is very low.

While New York is the most extreme example, the affordable housing rental markets in Omaha, Minneapolis, and Dallas are also very tight. Staff in Omaha said that the vacancy rate was at about 5 percent; staff in Minneapolis and Dallas reported even lower vacancy rates. In Dallas, there has been a great deal of new construction of high-end housing, leaving Section 8 tenants to compete with other low-income households for a limited supply of affordable housing. The housing authorities at these sites requested FMR exceptions and, because of the consent decree, the Dallas housing authority was able to offer landlords with large units in non-impacted areas a leasing bonus. Even with these exceptions and incentives, housing authority staff reported that in such competitive markets, landlords in non-impacted areas had little incentive to lease to Section 8 tenants. Among other issues, landlords must forego rent during the inspection and lease-approval process and must contend with the rules of the Section 8 program.

Poor Public Transportation

Tenant focus groups and key informants alike reported that poor public transportation in suburban areas presented a barrier to desegregative moves at all sites except New York City. As discussed, public housing residents in New Haven resisted moving to suburban areas because of the difficulty of traveling to employment opportunities. Focus group participants from a number of sites reported that the lack of adequate public transportation prevented them from making desegregative moves. As these participants from Dallas [segregative mover, Dallas] and Buffalo [public housing resident, Buffalo], respectively, put it:

The reason why I didn’t go out there [to the suburbs], you know, I [sit here and wish so many days] that I had adequate transportation at the time. You know, I got transportation now, but at the time, I didn’t have no transportation. I wish I could have went out there, because I’m sure I would have been better off.

It’s got to have transportation...the buses don’t run there, so it’s a bad situation.

In Dallas, the housing authority took a proactive approach to addressing the problem of inadequate transportation: staff convinced the local transit authority to alter the route of a bus line to serve the housing authority’s new, scattered-site development. Even so, the distances were so great that tenants still were relatively isolated.
CAPACITY AND COORDINATION OBSTACLES

Conflict among Agencies Implementing the Decree

Many of the decrees involved multiple actors with implementation responsibilities, including housing authorities, mobility program contractors, Section 8 program contractors, local governments, local HUD offices, and members of multi-constituent task forces created as a result of the settlements. In nearly all sites, conflict among agencies caused problems that made implementation more challenging.

Conflict over selecting a mobility contractor was a common problem, perhaps because this process involved housing authorities taking the relatively unusual step of partnering with a non-profit organization. In some cases, these conflicts significantly delayed the mobility program. In Buffalo, the city began the process of selecting a contractor in 1997 and selected a group called Housing Opportunities Made Equal (HOME) to run the program in partnership with the Rental Assistance Corporation. Because the Rental Assistance Corporation administered the Section 8 program for the City of Buffalo and was a defendant in the Comer case, city officials and the plaintiffs' attorney challenged this decision. As a result, the selection process was begun anew. HOME was selected again in 1998, although this time it had partnered with the Buffalo Federation of Neighborhoods. As a result of these disputes over selecting a contractor, the mobility program did not begin operation until 3 years after the decree went into effect.

Similar conflicts delayed the selection of a mobility contractor in Allegheny County for several years. The first RFP for the program was issued in May 1995, and the Fair Housing Partnership was selected. As in Buffalo, the award was contested and a second selection process began in late 1995. The Fair Housing Partnership was again selected, and a contract was awarded in June 1996, but was not executed until December 1996. According to Fair Housing Partnership staff, another delay ensued because the Allegheny Department of Economic Development did not release start-up funds promptly. As a result, the center did not begin providing counseling services until March 1998, more than 3 years after the decree went into effect.

While organizing mobility programs seemed to generate the most problems, many other issues created inter-institutional conflict. According to an audit by the HUD Inspector General, disputes between two local HUD offices in East Texas seriously undermined implementation of the Young decree during the mid-1990s. In 1993, HUD opened a Fair Housing Office in Beaumont; in 1994, a Public and Indian Housing office was located there as well. Both offices had oversight responsibility for implementing the 1995 decree. According to the HUD audit, continual strife between the office directors, turf battles, and continuous staff turnover undermined the effectiveness of these offices. The report recommended that both local offices be closed. The Public and Indian Housing Office was closed in 1997, but the Fair Housing Office continued to operate through the 1990s.

The Sanders case in Allegheny County involved one of the most complex decrees, requiring the cooperation of the Allegheny County Housing Authority, county government, and a court-specified, multi-party task force created to address economic conditions around the affected developments. Relationships between these entities were not smooth, and conflict reportedly undermined implementation on a number of fronts. In particular, disagreements about how to allocate CDBG funds for improvements around public housing developments led to multi-year delays in disbursing these funds.
Coordination among Agencies with Implementation Responsibilities

Even when agencies with responsibility for implementing desegregation settlement were not in conflict among themselves, getting multiple entities to coordinate their activities effectively often proved challenging. Obtaining cooperation and carefully planning implementation activities could take a great deal of time and significantly delay the implementation process. In Minneapolis, the \textit{Hollman} decree affected housing and redevelopment authorities throughout the Twin Cities area. However, suburban communities were not party to the settlement negotiations, and the Minneapolis Public Housing Authority has had to invest considerable time and resources to gain their cooperation. As a result, only 19 units of replacement housing had been produced after 3 years.

In Dallas, lack of coordination among the three defendants—HUD, the City of Dallas, and the Dallas Housing Authority—resulted in a situation where, according to housing authority staff, the Section 8 program grew so rapidly that the mobility program had difficulty providing effective services for its clients. To meet its obligations to provide housing opportunities for low-income families, the city received 1400 new Section 8 vouchers from HUD, which it then gave to the housing authority to administer. At the same time, HUD began to provide additional Section 8 vouchers for replacement housing in non-impacted areas, as well as relocation vouchers from West Dallas and other Dallas Housing Authority properties. The influx of vouchers from the city and HUD meant that over-stretched mobility program staff could provide only basic services, such as group briefings, van tours, landlord outreach, and rental listings. Mobility program staff was concerned about the lack of time for individual counseling and follow-up support, both of which they believed to be critical to the long-term success of the program.

In Buffalo, three agencies were responsible for overseeing the Section 8 program: the housing authority, the Rental Assistance Corporation (which administered Section 8 within the city of Buffalo), and the Belmont Shelter Corporation (which administered Section 8 for a consortium of towns and villages in suburban Erie County). Because of the number of agencies involved, implementing relatively simple remedies, such as changes to tenant selection and assignment procedures, required a great deal of time and coordination. As of the summer of 1998, 2 years after the decree was signed, the three parties had yet to develop a system for cross-listing applicants. In addition, there was a dispute over which agency would administer the 800 Section 8 vouchers provided as part of the \textit{Comer} settlement.

Lack of HUD Monitoring and Follow-Through

Despite HUD's affirmative actions since 1993 to settle outstanding public housing desegregation suits, these findings indicate that HUD's follow-through on implementation often falls short. Although most of the decrees do not explicitly call for HUD to track implementation, HUD was responsible for overseeing these housing authorities and, therefore, monitoring their actions related to these desegregation plans. Analysis suggests that lack of aggressive monitoring from HUD has exacerbated problems at some sites, including poor compliance and mistakes that have left some African American tenants in poor-quality housing.

The problems are most evident in East Texas, where HUD is the sole defendant and has primary responsibility for implementing the requirements of the \textit{Young} decree. HUD's own investigation showed that strife between the two local HUD offices in Beaumont led to a situation in which local housing authorities were left
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with confusing and contradictory instructions and little compliance monitoring. Further, slow HUD approval and decisionmaking delayed implementation of key program elements. The 1995 final decree and judgment in the Young case called for HUD to provide $500,000 annually for at least 5 years to fund a Fair Housing Services Center. HUD did not issue a notice of funding availability for the center until December 1997 and did not select a contractor until September 1998. Because of these delays, the center did not begin providing services to East Texas residents until 1999.

IMPLICATIONS FOR DECONCENTRATING LOW-INCOME, MINORITY HOUSEHOLDS

Two central lessons can be learned from this assessment of eight housing authorities’ initial attempts to implement their court-ordered desegregation remedies. It should be emphasized that these lessons make no claims about the prospects for housing authorities ultimately fulfilling their mandates or the likely success of these remedies in achieving larger social goals. Rather, they represent observations about the sorts of obstacles such desegregation strategies must be able to overcome if the programs are to be implemented expeditiously. These observations prove consistent with the emerging literature that synthesizes both “top-down” and “bottom-up” viewpoints in developing a theory of policy implementation (Matland, 2000).

The first and foremost lesson is that contextual factors make desegregation of public housing residents very difficult to achieve under even the best circumstances. External forces operating across the metropolitan area—particularly historically ingrained patterns of segregation and inter-group isolation, weak public transportation networks, and public policies that have led to objective inequalities between communities—limit the ability and willingness of minority and non-minority households to move into unfamiliar neighborhoods and developments, especially where their race is underrepresented. Minority tenants may legitimately fear discrimination, harassment, and social and physical isolation if they were to move to predominantly white-occupied public housing developments or communities. Conversely, white residents considering moving into predominantly minority-occupied developments may also fear harassment and, further, are unlikely to want to move to neighborhoods that they perceive as dangerous and lacking in amenities, such as good schools and access to stores and services. Even when these attitudes among prospective movers can be overcome, other significant external obstacles may create barriers. Minority Section 8 subsidy holders’ options may be limited by an inadequate supply of affordable units in more affluent, non-impacted areas. Further, community political opposition may limit locations of scattered-site public housing or other affordable housing options.

This lesson forcefully echoes longstanding arguments that the probability of successful implementation will be affected by the tractability of the problem, the extent of change required, and external, “non-statutory variables” (Mazmanian and Sabatier, 1983, 1989; Van Meter and Van Horn, 1975). Indeed, Matland (2000) argues that in circumstances of low policy ambiguity and high policy conflict, such as the ones described, outcomes will be especially open to influences from the environment, instead of purely administrative implementation. Similarly, Berman (1980) predicts implementation problems arising from the incongruence of a top-down approach represented here in a situation of changing scope, uncertain technical solutions, conflicting goal, and unstable environmental.

The second lesson relates to the difficulties associated with having numerous parties—who had different capacities and varied sympathies with policy goals, and
sometimes were on opposing sides of a lawsuit—cooperate with one another to implement remedial elements. Housing authorities in several of the study sites found it difficult even to establish contractual relationships with established nonprofit organizations. Agreements with other branches of local government—such as municipalities, transit authorities, or development agencies—typically proved more problematic. Moreover, litigation heightened the contentiousness of the environment, making collaboration yet more challenging, and often delayed implementation of certain components of the decrees.10 As a result, many housing authorities produced an inefficient sequence of activities wherein certain prerequisite elements of the decrees were not established before others were attempted. In Omaha, for example, public housing units were demolished before a housing mobility program was in place to provide services to displaced residents.

These difficulties were predictable from the perspective of literature emphasizing the importance of the goals, activities, and networks of the micro-level implementers of a policy (Berman, 1978). Gray (1989), for example, cites institutional commitments to stakeholders who dislike policy goals, technical complexity of the proposed solutions, and a political culture hostile to the policy's strategy as key objective obstacles to collaboration, all elements clearly present in the case of public housing desegregation. Bardach (1998) points out that the capacity of institutions to collaborate is also affected by subjective dimensions, such as beliefs about the legitimacy and desirability of action and shared trust among principal agents. In these cases subjective dimensions of collaborative capacity were badly eroded by the litigious, contentious environments in which court orders were handed down and implementation subsequently was forced to proceed.11

It is beyond the scope of this paper to consider the degree to which the court-ordered public housing desegregation remedies imposed by the courts in these eight case study sites represented effective, efficient, and equitable public policy. Accepting for the moment, however, the legitimacy of the goal of deconcentrating low-income, minority households through assisted housing policy, research points strongly to three critical components of any program aimed at achieving this goal expeditiously: efficacious mobility assistance to minorities and whites; properly sequenced and paced program components; and open and fair housing. Though the authors are not in a position here to recommend the best programmatic means of providing these components, a brief discussion of them might focus future policy analyses.

First, the findings from the focus groups with tenants reinforce claims made elsewhere (Galster et al., 1996; Popkin and Cunningham, 2002; Turner, Popkin, and Cunningham, 2000; Turner and Williams, 1998). Efforts intended to desegregate public housing or provide desegregative opportunities for other assisted households will not succeed without effective, multi-dimensional information and support for residents before, during, and after the move. Although services—like landlord outreach, housing search assistance, referrals to other social service agencies, and assistance in negotiating with landlords—are provided in principle by the programs at the eight study sites, they have rarely been funded. Providing adequate support

10 That is not to say that litigation is not a legitimate strategy; indeed, it is often the only way to change the discriminatory practices of housing authorities and city governments.
11 For example, staff of the Omaha Housing Authority initially refused to comply with some of the court orders until HUD threatened to intervene. In Dallas, the Walker case created a highly contentious environment and the plaintiffs’ attorney took the city, the housing authority, and HUD back to court on multiple occasions.
after the move has been clearly problematic. Moreover, lengthy administrative delays have plagued implementation of these mobility services programs. The resultant tenant difficulties observed merely serve to reinforce the conclusion of these programs’ necessity. In Dallas, for example, the program director was concerned that a lack of assistance may have meant that many tenants moved back to impacted areas after only a year in the program and therefore has begun trying to create a support system for participants.

Second, the elements of any tenant relocation plan (e.g., plans for vacancy consolidation or HOPE VI revitalization sites) must be implemented in a logical, sequential order. As discussed above, in several sites tenants were required to move before adequate replacement housing was constructed, mobility services programs were in place, public housing modernization efforts had occurred, or adjacent community development had even been begun. Not surprisingly, the desegregative results of these efforts were disappointing and have led to numerous complications for the housing authorities and tenants.

Likewise, the timing and pace of the implementation of each required element of a relocation plan must be consistent with the housing authority’s and, where applicable, the mobility services program’s capacity to administer it effectively. Implementation timing and pace must also correspond to the ability of the local housing market to respond favorably. For example, if too many Section 8 certificates are released over a short interval, the effectiveness of the mobility counseling staff to encourage desegregative moves will be reduced and there may not be sufficient vacancies in non-impacted areas (or even in impacted areas) to meet the demand.

Third, successful desegregation or large-scale relocation efforts require a modicum of open and fair housing provision in a number of host communities. Local political leadership and community organizations must be engaged in such a way that support for assisted tenants is developed in new, desegregated settings and potential opposition to affordable housing is minimized (Turner et al., 2000). In many study sites, community opposition to scattered-site public housing set back implementation efforts for years.

Research presented here also suggests that the mere presence of affordable housing may be insufficient; fair housing is also required. Many of the African American focus group participants reported that they experienced discrimination when they attempted to make desegregative moves. While these tenants’ experiences may not be representative of all residents, housing authority and mobility program staff interviewed also believed that discrimination was a serious problem and that simply the fear of encountering discrimination and harassment prevented many tenants from trying to move to non-impacted areas.

Clearly, these three prerequisites are not easily obtained. Yet, just as clearly, there is a critical need for additional policy analyses in these areas. The challenges the eight housing authorities have faced in trying to implement ambitious desegregation consent decrees are similar in nature, if not scale and speed, to those faced by other agencies currently implementing a range of housing mobility initiatives. These include efforts to deconcentrate Section 8-assisted households, like Regional Opportunity Counseling, or relocating residents from public housing developments undergoing renovations through the HOPE VI program. Thus, housing

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12 In Dallas, for example, the program director was concerned that a lack of assistance may have meant that many tenants moved back to impacted areas after only a year in the program and therefore has begun trying to create a support system for participants.
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authorities’ desegregation experiences can offer valuable, if sobering, lessons for broader housing policy and directions for future research.

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REFERENCES


Obstacles to Desegregating Public Housing


\textbf{Editorial Queries to resolve, which the proofreader noted:}

\footnote{EQ1} name is spelled “Yancy” in the References Section. which is correct?

\footnote{EQ2} name is spelled “Gephart” in the References Section. which is correct?

\footnote{EQ3} ? Galster & Killen, 1995 \hspace{1em} OR \hspace{1em} Galster & Mikelsons, 1995 ?

\footnote{EQ4} This sentence in the body of the article is the same text as Footnote\#12 at the bottom of this page. One should be deleted. Please note that if the footnote is deleted then the rest of the footnotes will need to be renumbered accordingly.

\footnote{EQ5} Is “Lyke” a correct name spelling? “Luke”? “Lyle”?

\footnote{EQ6} name spelling in references doesn’t match that in body text. Which is correct?

\footnote{EQ7} name spelling in references doesn’t match that in body text. Which is correct?

\footnote{EQ8} there is some sort of punctuation missing from this spot. Perhaps a colon?

Uncorrected page proofs