

# INSTITUTIONALIZATION OF RACIAL INEQUALITY IN LOCAL POLITICAL GEOGRAPHIES<sup>1</sup>

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*Abstract:* Municipalities create a local political geography that can institutionalize subordinate positions for minority groups. Most importantly, local governments determine which areas are incorporated into a municipality through annexation and which are excluded. Through these powers, local governments can diminish or deny minority political standing in local affairs, limit access to public services, and reduce the value of minority property. The boundaries are a component of racial residential segregation. Racially disparate application of local governments' power to shape local political geography creates barriers to equality that are difficult to discern on the ground, but which can be made visible by the mapping of spatial data. This study presents four cases where governmental decisions concerning a municipal boundary have institutionalized racial inequality, which is documented with maps created from public GIS data and other public records (e.g., City Council meeting minutes) as well as legal documents. This pattern of systematic exclusion of minority neighborhoods is receiving attention in the legal community, but studies in the social sciences have been limited. [Key words: segregation, municipal boundaries, planning, GIS.]

Municipal governments have the power to determine their boundaries, and some municipalities have drawn their borders to exclude minority neighborhoods. Minorities excluded from cities and towns by boundary manipulation are disadvantaged both politically and materially. Politically, excluded minorities are denied a voice in their larger community. The excluded neighborhoods are often ecologically indistinguishable from the dominant municipality in terms of density. They are part of the same employment, commuting, and retail structure. In some cases, they are entirely surrounded by the municipality, but politically they remain on the outside looking in. Materially, excluded minority communities generally do not receive the same infrastructure (sanitary and storm sewer, sidewalks, water supply, and streetlights) or services (police and fire protection, trash pickup, street sweeping, code enforcement) as do those who live within the town limits. Without necessary infrastructure and services, residents' health risks increase and home values decrease.

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This article reviews four cases of racial underbounding—the delimitation of municipal boundaries to keep minority neighborhoods outside. These cases were selected, from a larger set of excluded communities that we studied, for their data quality and the clarity with which they demonstrate the relevant principles. Three of these cases are in North Carolina, where the excluded minorities are predominately African American, and one is in California, where the excluded minority is predominantly Hispanic. The invisible barriers that mark racially disparate municipal boundaries are often difficult to discern on the ground, but they can readily be made visible through mapping. The excluded communities examined in this study are mapped using spatial data from local governments and the U.S. Census Bureau. The processes and consequences of exclusion are documented using these public records, and the responses of the excluded communities are discussed.

The details of the process of underbounding are important to analyze, because they provide a direct look at a mechanism that produces landscapes of residential segregation. Although the outcomes of political discrimination may be obvious on the map, the processes that shape them are usually obscure. Understanding the details of the process is a crucial step in focusing legal energies toward ending the practice, as well as constructing policy solutions. The general circumstance that encourages these abuses is the existence of a range of “good government” rules for municipalities, designed to optimize their size and authority through annexation and zoning activities, but highly prone to misuse by non-minority actors for the purpose of maximizing the political and economic benefits they derive from the municipality.

## BACKGROUND

### *Segregation*

Racial segregation persists across the United States, especially in cities and small towns. Its causes include: historical *de jure* residential racial segregation (Massey and Denton, 1993); race-restrictive covenants (Ford and Griffin, 1979); racial steering involving private actors (e.g., realtors) and public agencies (e.g., public housing agencies; Galster and Godfrey, 2003; Foster et al., 2002); financial “redlining” of mortgage investment (Oliver and Shapiro, 1995; Goering and Wienk, 1996; Squires, 1997); and exclusionary and expulsive zoning (Rabin, 1989; Thomas and Ritzdorf, 1997).

Segregation in urban areas is multidimensional. Massey and Denton’s (1988) analysis of metropolitan segregation in 1980 and Massey et al.’s (1996) follow-up analysis of 1990 identified five measurable dimensions of urban segregation: (1) evenness, (2) exposure, (3) concentration, (4) centralization, and (5) clustering. Evenness reflects the spatial distribution of ethnic/racial groups, and is usually quantified via the index of dissimilarity (e.g., Massey et al., 1996). Exposure measures potential contact between minority and majority populations (White, 1986). Concentration evaluates the physical space that a minority population occupies, which can be measured as the absolute concentration of the minority and/or the relative concentration of the minority to the majority group. Centralization reflects the degree to which a minority group is located near a city’s center, again in both absolute and relative terms. Clustering measures the degree to which minority populations reside in proximity to each other (White, 1986).

Measures of these various dimensions of segregation have contributed significantly to our understanding of the nature and complexity of urban segregation, but there are notable limits. One important criticism is that segregation measures are relatively aspatial, and do not apply to intertwined sociospatial relationships. An element of this critique is that the use of data from census geographies may mean little in actual social space, especially at the tract level. Most proximity measures still rely on crude distance metrics rather than spatial contiguity because of methodological constraints that are only now being addressed geographically (Wong, 2005). It is true that over the past 15 years, spatial analysts have made methodological advances in refining truly spatial measures of segregation and incorporating them into GIS formats (e.g., Reardon and Firebaugh, 2002; Wong, 2002, 2003, 2005; Reardon and O'Sullivan, 2004). Other notable conceptual and measurement problems can also be found in the traditional urban segregation literature. For example, U.S. cities are increasingly multi-ethnic and multi-racial, so the mathematical limit to the dissimilarity index (which only includes two groups) constrains its application to many current situations. Moreover, the spatial scale of many segregation studies are such that they will miss dynamic spatial processes within complex patterns of racial and ethnic transition (Reibel and Regelson, 2007) and of poverty concentration (Grenns, 2007).

Segregation in and around smaller cities and towns differs from metropolitan patterns of segregation in several ways. First, owing to differences in scale, the potential exists for greater interracial exposure and interaction in smaller communities. Second, residential segregation in smaller places is more likely to be fragmented. Third, historic landownership patterns of freed slaves and the settlement patterns of rural Black migrants during the 1960s and 1970s resulted in high concentrations of African Americans located just beyond the borders of towns as well as segregated within towns, especially in the South (Cromartie and Beale, 1996). This concentration around the periphery of Southern towns constitutes a significant alternative form of social and economic isolation (Aiken, 1985, 1987, 1990). And fourth, political boundaries continue to be drawn to exclude Black neighborhoods in expanding small cities. Indeed, where minority neighborhoods are distributed around the edges of municipalities, the municipal boundaries may themselves become a significant component of racial segregation. This study focuses on segregation created by municipalities when they annex, or refuse to annex, neighborhoods.

### *Annexation*

Cities are unique political units in that they can define who is a citizen through annexation. As Ford (1993, p. 1866) notes, "The residency requirement for the exercise of the franchise defines the nature of the local system of democratic governance—an important element of local political geography." Altering an urban settlement's boundary can significantly affect the political power of any group, including racial minorities. In 1957, Tuskegee, Alabama redrew its boundaries from a square to a 28-sided figure, thereby removing all but a few potential Black voters. This decision was overturned in 1960 by the U.S. Supreme Court in *Gomillion v. Lightfoot* (Taper, 1963; Norrell, 1998). The Tuskegee situation was unusual—and actionable—only because it was an act of commission to remove those minority neighborhoods. Most municipalities that discriminate do so through a more subtle act of omission, the refusal to annex minority neighborhoods.

In the mid-1970s, the White Curtain research project examined cases where boundaries were a component of racial inequality:

Local governments frequently misuse their powers in order to disadvantage persons on the basis of race.... The hypothesis is that local governments—cities, villages, towns, townships, counties, school districts, and special districts—use their powers to change or refuse to change the exterior boundary lines in order to disadvantage racial minorities. Change involves incorporation or formation, annexation, detachment, merger, consolidation, and dissolution. Refusal involves an unwillingness to do any of these things. (Hagman, 1978, p. 681)

The project's case studies of municipalities across the country provided extensive evidence supporting this "white-curtain" hypothesis.

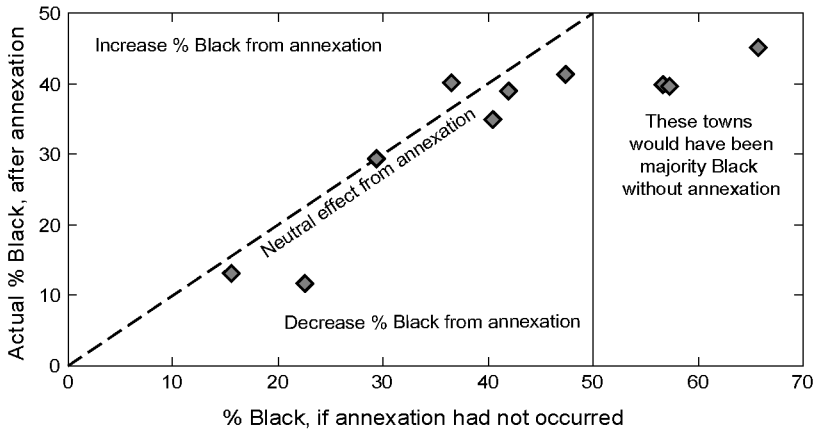
The potentially discriminatory political effect of annexation is recognized in the Voting Rights Act of 1965. Municipalities in those Southern counties covered by Section 5 of the Act must have all annexations cleared by the U.S. Department of Justice to prevent dilution of minority voting power. However, minority voting is still frequently diluted by selective annexation under Justice Department supervision. We analyzed the 1990 and 2000 censuses for 10 towns in five central North Carolina counties covered by Section 5 to test the political effect of annexation. We showed that 8 of the 10 towns annexed areas with White-majority populations, neutralizing the immigration and natural increase of minority populations within the previous city limits and maintaining White-majority status (Fig. 1).

### *Underbounding*

Aiken's research in the Yazoo Delta of Mississippi identified the spatial pattern as well as the political process shaping residential segregation in and around the region's small towns (Aiken 1985, 1987, 1990, 1998). He was the first to use the term underbounding to describe this form of municipal racial exclusion. He also made it clear that racial politics were central to municipal underbounding, observing that "[the] municipal re-enfranchisement of Blacks created a new spatial dimension to local politics in which annexation of Black residential areas is opposed by Whites who fear loss of political control of municipalities" (Aiken, 1998, p. 321).

To determine if municipal underbounding is a widespread phenomenon, Lichter et al. (2007a) examined almost 2,000 municipalities in eight Southern states, comparing 1990 and 2000 boundaries from census files. By examining areas in which a Black population is "at risk of annexation" (i.e., where Black neighborhoods lie just beyond municipal boundaries), they showed that predominantly White municipalities were less likely to annex predominantly Black areas, even after they controlled for the size of Black neighborhoods outside the corporate limits. In a subsequent analysis, Lichter et al. (2007b) reported that the exclusion of Black neighborhoods around those towns is a significant factor in the magnitude of racial residential segregation.

We seek further specification of conditions under which towns may exclude minority neighborhoods as "local governments ... use their powers to change or refuse to change the exterior boundary lines in order to disadvantage racial minorities" (in the White Curtain Project language). One approach to understanding the mechanisms of discriminatory



**Fig. 1.** Selective annexation is a tool to maintain White political power. A sample of 10 towns from five North Carolina counties under Section 5 Voting Rights Act (1965) constraints was tested for the effect of annexation on the maintenance of a political majority of White population by comparing the racial composition of each town in the 2000 census (vertical axis) with the 2000 racial composition within 1990 boundaries (horizontal axis). In 8 of the 10 cases, annexation decreased the overall proportion of Blacks; in three cases the municipality would have been majority-Black except for the effect of annexation. Boundaries and demography are taken from the 1990 and 2000 censuses. Adapted from Parnell et al. (2006).

action is the “visibility-discrimination hypothesis,” which posits that subordination of a minority population increases when it is large, visible, and perceived as a threat by the majority population (e.g., Blalock, 1956). Tests of this hypothesis often use labor markets as key measures of discrimination, but Lichter et al. (2007a) showed that discrimination may also be political and spatial. Their investigation of changes in municipal boundaries between 1990 and 2000 in the nonmetropolitan South found support for the visibility-discrimination hypothesis. Black neighborhoods outside of towns in 1990 were less likely to have been annexed by 2000 than other areas if these Black neighborhoods were large.

*Extraterritorial Jurisdiction*

Municipalities are able to obtain political control of excluded minority neighborhoods through various extraterritorial regulations. The principle of Extraterritorial Jurisdiction (ETJ) grants municipalities control over a range of activities in areas outside their political boundaries. Thirty-five states support some form of ETJ. Some permit only police authority, while others grant powers of regulation, zoning, subdivision, public health, and acquisition of property (Stein, 2005). Twenty states grant zoning authority within ETJs to the adjacent municipality.

ETJ in North Carolina defines an area outside a town’s boundaries over which it has the same land use, permitting, and zoning control as within its municipal boundaries. The policy rationale for an ETJ is that it provides a governmental mechanism for sound planning of growth. However, residents of an ETJ have no elected representation in the town government that makes decisions regarding their property, and therefore have no formal mechanism to assure that decisions are fair to all parties. Under extreme conditions,

municipalities have rezoned residential areas into commercial or industrial land in order to encourage economic development, which renders existing homes non-conformal and takes most of their value. Although the law states that ETJs are areas that the municipality intends to annex, no mechanism requires the municipality to annex a parcel within the ETJ in any specific time period, and parcels can languish there indefinitely. This allows some towns to potentially keep “less desirable” ETJ neighborhoods in perpetuity (Johnson et al., 2004). ETJ and similar mechanisms enable municipalities to stake their territorial claims without enfranchising landowners. Other municipalities cannot annex areas once they are designated as ETJs, so excluded communities adjacent to more than one town cannot seek relief from a neighboring town that might annex them or provide services (Joyner, 2007).

### METHODS AND DATA

The study examines four cases, three involving Black communities in North Carolina and one a predominantly Hispanic neighborhood in California. These case studies let us examine the processes and motivations for excluding minority neighborhoods in considerable depth. In particular, they facilitate detailed examination of the material and political consequences of exclusion. By comparing examples in two states, we can demonstrate similarities in the resulting geographies under different local government law. These cases were also selected to show a range of outcomes including the systematic denial of public services and what is apparently exclusion for political motivations. For two of the cases, we are able to show how the communities responded to their exclusion.

Small cities and towns receive little attention in urban research. Prominence was given to Southern towns during the civil rights and voting rights movements of the 1960s, but since then, institutionalized segregation has taken new forms while journalists and social scientists largely ignored these developments. Here we shift attention back to these understudied communities, and focus on local political geographies of racial exclusion.

Exclusion of minority neighborhoods is an explicitly spatial phenomenon. We first map political exclusion using data obtained from the census and local governments. For the North Carolina cases, we used the percentage Black at the census block level; in the California case, we used the percentage Hispanic measured at the same block level. These census data are integrated with infrastructural and other spatial information obtained from the local governments within a series of GIS mappings. This work has been facilitated over the past decade as public digital spatial data have become increasingly available. Municipalities, counties, and other governmental units now mostly have digitized spatial databases that record local political and administrative boundaries, infrastructural components, environmental conditions, police coverage, and other services and characteristics. These developments, together with regulations granting public access to such records, now make it possible to reveal many spatial patterns previously hidden from view. Recently it has been our experience that municipalities have become wary of releasing this information widely; following a number discrimination suits and much bad publicity, spatial data are now being repressed.

These maps are augmented with public information obtained from city documents, zoning board and town council meeting minutes, interviews, legal briefs, newspaper articles, and statements by public officials to analyze political processes of municipal exclusion and responses of the excluded communities. Information on the responses of communities

to underbounding comes from legal documents, public records, and reports from advocacy organizations.

The legal procedures used to shape local political geographies can be difficult to decipher, perhaps by design. The creation of excluded minority neighborhoods is the result of inaction rather than a deliberate decision to annex an area. Mapping enables the identification of excluded minority neighborhoods, the starting point for describing both the inequalities structured into this political geography and the processes used to shape this form of racial segregation.

#### SMALL-TOWN MUNICIPAL EXCLUSION OF MINORITY-DOMINATED COMMUNITIES: CASE 1, MEBANE, NORTH CAROLINA

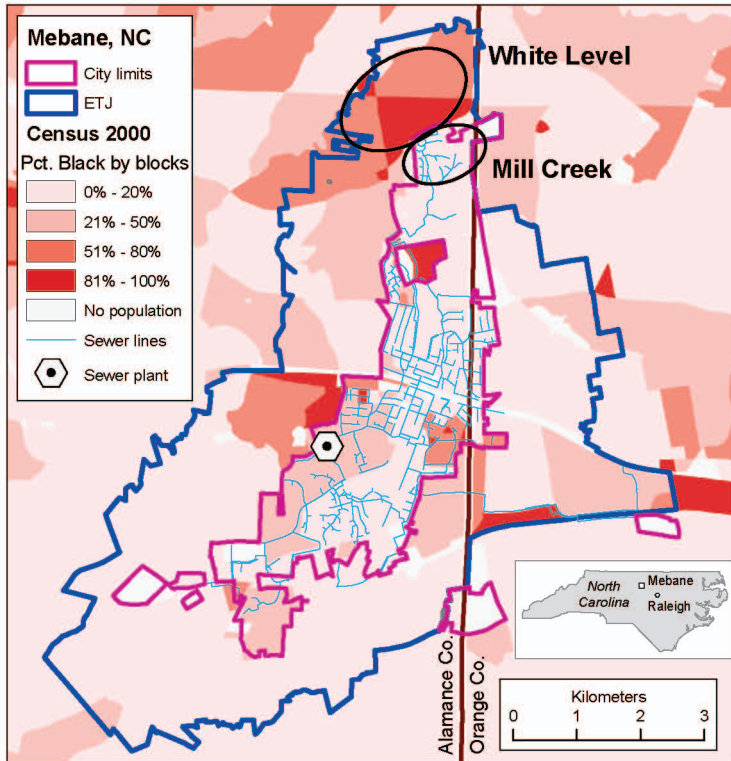
Mebane is situated in central North Carolina, straddling the boundary of Alamance and Orange counties, between Burlington and the Raleigh–Durham metropolitan areas. The town's economic base had been primarily industrial, but is now rapidly becoming a commuter community. Pro-growth policies, including annexation of predominantly White areas, have enabled it to become the eighth-fastest-growing municipality in the state.

Figure 2 displays the key demographic, political, and infrastructural features of Mebane in 2000. Two boundaries are identified: Mebane's municipal limits and the perimeter of Mebane's ETJ. Note the "satellite" annexations—i.e., the noncontiguous land parcels that the town has claimed. These are almost always commercial or industrial properties of high tax value to which Mebane's sewer network has been extended.

Several Black neighborhoods lie just outside of town, all of them tracing their history to freed slave communities from the post–Civil War period. Mebane has expanded its limits considerably over recent decades, but these Black neighborhoods were not annexed and their residents have no political voice. Nevertheless, their property is under the extraterritorial jurisdiction of the town. Mebane has not provided sewers or other services even as the sewer system has been extended through the excluded neighborhoods to serve more distant satellite annexations.

Figure 2 shows the location of the sewage treatment plant and sewer lines in 2000. Not surprisingly, an excluded minority neighborhood lies adjacent to the sewage treatment plant. A major concern is the condition of the septic systems in all the excluded neighborhoods: many are old and no longer serve their purpose. Surface and ground water is contaminated with fecal bacteria from these failed septic systems, putting the health of residents directly at risk (Heaney, 2004; Wilson et al., 2008). With failed septic systems and no access to sewers, the properties have little value. A local Community Development Association, working with the EPA Environmental Justice Program, succeeded in getting sewer lines extended into West End. We were unable to map the extension of the sewers because Mebane instituted an "Infrastructure Information Protection Policy" in 2005 that denies access to public CAD and GIS files to all but engineering companies working for the city. The policy dates from just after the publication of our critique of Mebane's infrastructure policies (Johnson et al., 2004). The stated purpose of this policy was to keep the digital sewer data out of the hands of terrorists.

Mebane policy clearly facilitates the provision of infrastructure to White middle-class areas over less-advantaged minority neighborhoods. For example, on one side of a road in northern Mebane is The Club at Mill Creek, a predominantly White golf-course community



**Fig. 2.** Mebane, North Carolina demonstrates the political and infrastructure effects of underbounding. Majority-Black neighborhoods are systematically excluded from the town and sewer service is withheld from those neighborhoods. A comparison between the White Level and the Mill Creek neighborhoods is used in the text to illustrate the effects of underbounding. Boundaries and demography are from the 2000 U.S. Census; sewer lines are from public records in Alamance County, North Carolina.

with small lots and all public services including sewerage. On the other side of the road lies White Level, a historically Black community in the ETJ in which Mebane has decreed a two-acre minimum lot size and no public services. Requests for sewer service from this community have repeatedly been rejected by the Mebane government. For instance, citizens petitioned for sewers at on April 7, 1997. The City Manager responded that the city could not provide water and sewer service beyond the town's limits. On October 6, 1997, property owners of White Level again petitioned for sewer service, as well as annexation if that was necessary to have sewer lines extended. According to City Council minutes, the county engineer provided an estimate of \$720,000 to provide sewer service including the construction of a lift station and force main. Following discussion, the Council verbally agreed that the area could be considered for a Community Development Block Grant. But 11 years later, no action had been taken. At that same October 1997 meeting, however, the Council approved spending \$268,000 for a pump station to serve newly annexed properties for a new subdivision to the south that is now predominantly White. The city even paid for oversized sewer lines to that development to facilitate future development.



This use of obfuscatory promises and procedures toward excluded Black communities requesting assistance stands in sharp contrast to the expedited action when the town government expands Mebane's limits to bring in residents they desire. The most notable example of this was the approval and annexation of The Club at Mill Creek, which included 750 homes on 650 acres adjacent to the excluded Black neighborhood of White Level. The speed of approval for this development was unprecedented: action on the Mill Creek annexation was rapid and decisive, despite opposition from other residents and environmentalists as well as certain legal and regulatory barriers. Decisions and actions that usually take weeks to complete were taken in one night, and all votes (by the all-White Council) were unanimous (Johnson et al., 2004; Parnell et al., 2004).

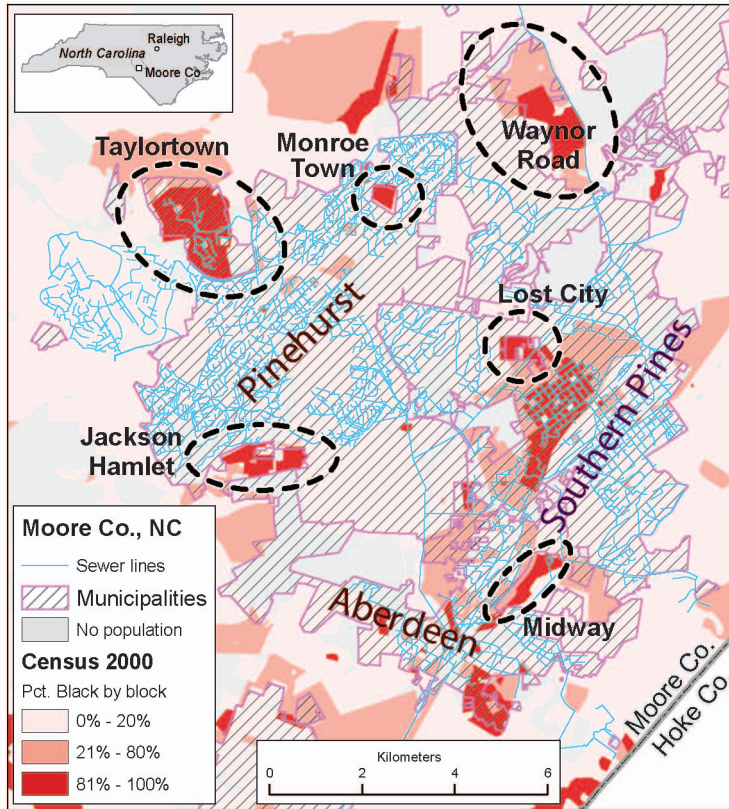
#### MUNICIPAL EXCLUSION OF MINORITY COMMUNITIES: CASE 2, SOUTHERN MOORE COUNTY, NORTH CAROLINA

A second case of excluded Black neighborhoods, from North Carolina's Moore County, illustrates the complexities presented by interactions among multiple, rapidly expanding municipalities, and the effect of legal advocacy in underbounding cases. The high-income golf resort and retirement communities of Pinehurst, Southern Pines, and Aberdeen are the primary municipalities in this county, with growing populations and historically robust real estate markets. Figure 3 displays the racial pattern and the location of sewer lines in this area. Five excluded black neighborhoods adjacent to and within municipalities are labeled. They are densely settled quasi-urban landscapes, featuring rectangular house lots on gridded streets.

Excluded neighborhoods stand out in Moore County. The towns of Pinehurst, Southern Pines, and Aberdeen have all been active in annexing territory in recent years. The three towns together increased in area by 47% between 2000 and 2005. Aberdeen alone filed over 20 annexation ordinances per year during this period. Pinehurst is currently involved in an aggressive involuntary annexation of the Pinewilds Country Club neighborhood, a process initiated by the municipality to annex that wealthy golf-course development with its affluent tax base, a development that already has public water and sewer.

Two unincorporated predominantly Black neighborhoods have been excluded from Pinehurst: Jackson Hamlet and Monroe Town. Both have existed for as long as Pinehurst. Jackson Hamlet (79 households, 95% Black) is bordered by Pinehurst and Aberdeen. Monroe Town (29 households, 96% Black) is totally surrounded by the Pinehurst No. 6 golf development. Both of these neighborhoods are within Pinehurst's ETJ. The land between the resort and Jackson Hamlet had been tightly controlled (Joyner and Christman, 2005). Midway, a predominantly Black neighborhood excluded from Aberdeen, also lacks sewers and is within the ETJ of that town. The final two excluded Black neighborhoods are Waynor Road and No-Man's Land, located in the ETJ of Southern Pines.

The essential political asymmetry of this racialized underbounding is clear: residents in the excluded areas have no vote and their interests have been largely ignored by the municipal governments. This lack of political power is manifest in their poor access to public infrastructure and services compared to adjacent neighborhoods inside municipal boundaries. In spite of their urban texture, they do not have trash pick-up, storm drainage, sidewalks, or even streetlights. Police protection is from the remote county sheriff's office, and deputies must drive through the municipalities to assist homes in the excluded communities. The lack of public sewerage remains a public health concern. Figure 3 shows



**Fig. 3.** In southern Moore County, North Carolina five majority-Black neighborhoods were systematically excluded between or within the boundaries of expanding municipalities, with sewer service withheld from these neighborhoods. Taylorstown is a majority-Black municipality. Boundaries and demography are from the 2000 U.S. Census; sewer lines from public records in Moore County, North Carolina.

that sewer lines surround but do not enter these Moore County neighborhoods. Serious problems with septic systems have been documented in Jackson Hamlet, and most lots are too small to permit repairs to their failing septic tanks (Joyner and Christman, 2005; Center for Civil Rights, 2006).

The systematic nature of this racial exclusion had not been known locally until versions of Figure 3 were produced during the authors' research, and effective local political activism followed from this knowledge. In 2004, residents of three of the excluded communities—Jackson Hamlet, Midway, and Waynor Road—organized to advocate improved infrastructure and annexation. “Moore County Voices for Justice” and the Center for Civil Rights at the University of North Carolina, Chapel Hill supported these communities as they developed their goals and strategies. A documentary video, “Invisible Fences,” was produced by a law student.<sup>3</sup> Residents in these communities spoke of the material effects

<sup>3</sup>The “Invisible Fences” documentary has been made available by the Center for Civil Rights at the University of North Carolina, Chapel Hill.

of their exclusion (lack of water or sewer service) and their desire for a voice in the government that controlled their properties. At community meetings, maps produced by the authors were employed to help residents visualize the nature of exclusion. After seeing a version of Figure 3, one resident said, “So that’s what they’re doing.”

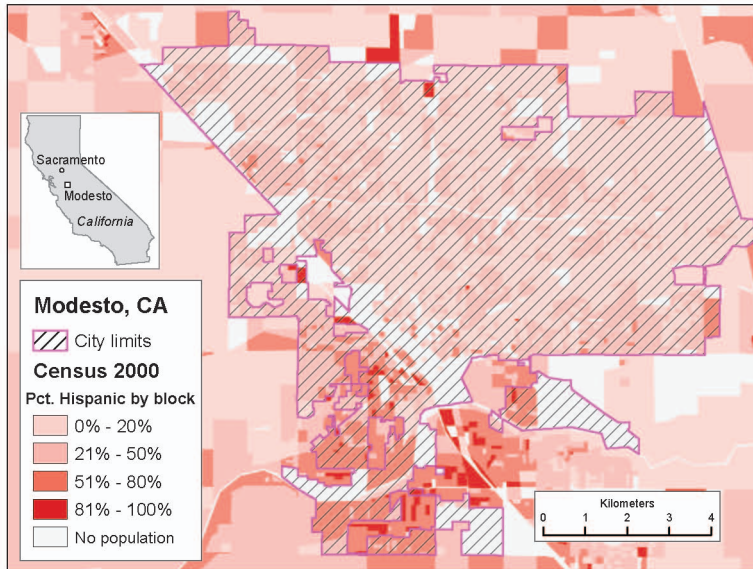
Once organized, residents regularly attended City Council meetings and petitioned for services and annexation. They also developed and implemented a media strategy. The 2005 U.S. Open Golf Tournament in Pinchurst provided an opportunity to draw wider attention to their plight. Numerous stories appeared in the local and national press, including a front-page story in the *New York Times* (June 7, 2005). After the U.S. Open, petitions to the municipalities continued. Pinchurst, Aberdeen, and Southern Pines all responded to petitions from the excluded communities to some degree, with Southern Pines making the greatest effort to bring the communities into the larger community. All three municipalities have received Community Development Block Grants to supplement local governmental funds, which should be sufficient to build and connect the lacking infrastructure. To date, nearly \$2.9 million has been allocated. Southern Pines took the additional step of bringing the Waynor Road neighborhood into the town through annexation.

With geographic knowledge and legal support from the UNC Chapel Hill law school, these excluded communities entered a political discourse that had long refused to allow their voices to be considered because they were not citizens of municipalities. All problems have not been solved, but the residents of these communities now have a voice to shape their futures, in part by seeking to reconstruct their local political geographies. Community organizations are now reaching out to other excluded communities to form an alliance across North Carolina to assist in organizing and advocating for equitable infrastructure and political inclusion.

#### MUNICIPAL EXCLUSION OF MINORITIES: CASE 3, MODESTO, CALIFORNIA

Racial underbunding is not restricted to the South or to Black populations. Comparable political exclusion exists in distinct legislative and ethnic circumstances. Currently in California, more than 20,000 residents live in excluded predominantly Hispanic urban communities surrounded by the city of Modesto but not part of it (Fig. 4.) These neighborhoods were established long ago to house workers in the farm-products packing industry located just south of Modesto. Since that time the city has grown extensively, mostly toward the north and east away from these neighborhoods. The latter are the result of decades of selective annexation, contrary to state and local policies about annexation and jurisdictional exclaves.

As in Moore County, the costs of exclusion are practical as well as political. Figure 5 combines an aerial image with municipal boundaries and sewer lines. The map shows the urban densities of the excluded “islands” as well as the locations of sewer lines and the sewage treatment plant. Large trunk sewers run through two of the islands but no local connection is possible. The few smaller lines in the excluded neighborhoods serve a school and other large buildings. The median lot size in the excluded Hispanic neighborhoods is 7,000 square feet, one-seventh of an acre, but regulations require a minimum of 20,000 square feet to install a new septic field. Many of the lots in the islands are too small for a septic drain field, so the septic tanks are essentially stagnant and must be pumped regularly



**Fig. 4.** Majority-Latino neighborhoods in southern Modesto, California were systematically excluded from the municipality's limits. Boundaries and demography are from 2000 U.S. Census.

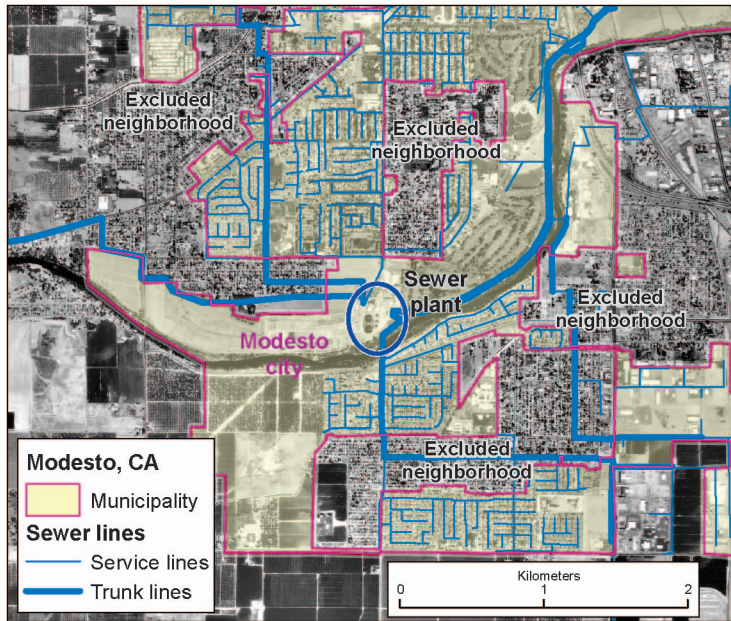
at significant cost. This arrangement precludes certain ordinary domestic activities, such as operating a washing machine.

Residents of the excluded islands within Modesto petitioned the city and Stanislaus County for sewers, sidewalks, streetlights, and other services, and for improvements in public safety. In August 2004, after the local governments had not responded to the satisfaction of the residents, they began litigation in federal court (*Committee Concerning Community Improvements et al. v. City of Modesto et al.*), which continues. The city and county have extended sewer lines into two of the islands since litigation began. In 2004, residents of the excluded Black neighborhoods in Moore County, NC exchanged visits with residents of the excluded Hispanic neighborhoods outside Modesto, sharing their common experiences, problems, and challenges.

#### POLITICAL CONTROL AND EXCLUDED NEIGHBORHOODS: CASE 4, RAEFORD, NORTH CAROLINA

Whites can maintain political control of a *de facto* community in which they are even a minority through refusal to annex minority-dominated neighborhoods and the judicious use of ETJs. This is the case in Raeford, North Carolina, located less than 30 miles from the Moore County towns examined above, but it differs economically and socially. Rather than being centered on golf resorts, Raeford is built around poultry processing and packaging plants.

The larger, "ecological" town limits of Raeford encompass a population that is majority-Black, but the core political unit that controls the town and the ETJ is majority-White

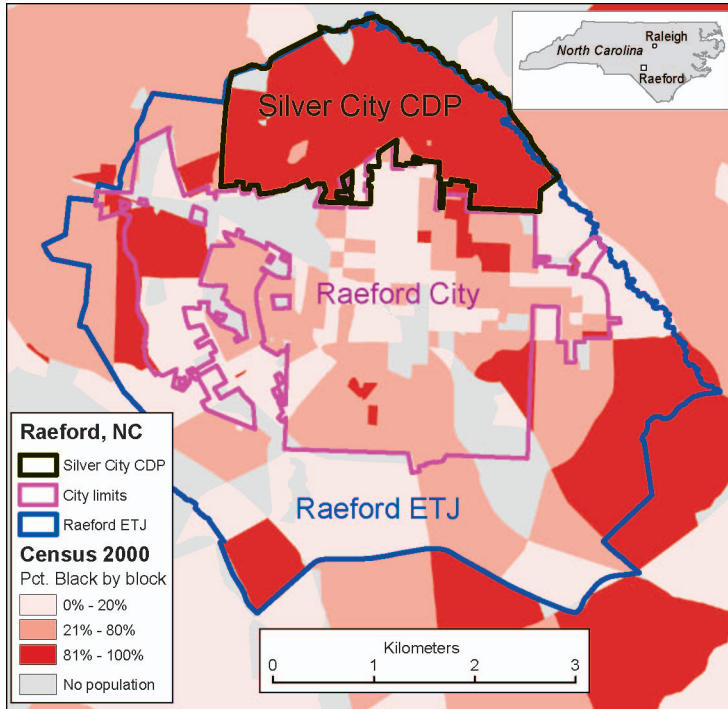


**Fig. 5.** Densely settled predominately Latino islands were politically excluded from southern Modesto, California (cf. Fig. 4). Excluded neighborhoods were not provided with residential sewer lines, storm drains, or streetlights. Municipal boundaries and sewer lines are from public records in Stanislaus County, Carolina; imagery from USGS DOQQ.

by a narrow margin. Figure 6 shows Raeford’s municipal and ETJ boundaries and its racial composition at the census block level. Of the 3,386 town residents in 2000, 53% were White. However, the racial composition of the ETJ was three-quarters Black. Just north of Raeford, a heavily Black population inhabits a CDP<sup>4</sup> called Silver City. Silver City, a town in every sense except the legal, contained 1,146 residents in 2000, of whom 94% were Black. Because it lies within Raeford’s ETJ, residents of Silver City must obtain building and all other land use permits from the Raeford government, even though Silver City residents cannot vote in its elections.

Annexation of adjacent land would upset the precarious White majority population of Raeford. The town has an “at-large” voting system for City Council, and all members of that body are White. If Silver City were merged into Raeford, Blacks would comprise 54% of the population and be in a position to attain majority political control under the at-large voting system. There have been no significant annexations in Raeford since 1990 (Parnell et al., 2006), a lack of activity that appears to have been driven by race-based politics. Within the set of 10 “Section 5” towns shown in Figure 1, Raeford is the only one that failed to annex during the 1990s.

<sup>4</sup>A CDP or Census-Designated Place is identified as a closely settled, named, unincorporated community that contains a mix of residential and commercial areas similar to those found in an incorporated place of similar size.



**Fig. 6.** Raeford, North Carolina, is 45% Black, whereas Silver City (a census-designated place)—densely settled, unincorporated, and 94% Black—was excluded from annexation. If Silver City were annexed, the municipal political balance would shift to majority-Black. Demography and municipal boundaries are from the 2000 U.S. Census; ETJ from FEMA public databases.

There has been little community response to this situation. The local Community Development Corporation understands the situation, but its options seem to be limited. Raeford extended sewer lines into parts of Silver City without extending the city limits, a highly unusual concession to extraterritorial minority populations for North Carolina small towns. Raeford continues to show no interest in annexing voluntarily; yet it would require a level of resources not available locally to challenge this discriminatory use of ETJ in court.

## DISCUSSION

Residence in a municipality ... involves more than simply the location of one's domicile; it also involves the right to act as a citizen, to influence the character and direction of a jurisdiction ... through the exercise of the franchise, and to share in public resources. (Ford, 2001, p. 89)

Annexation policy is generally regarded as one of the “good government” practices—as zoning and redevelopment are presumed to be—that strengthen society by authorizing smaller-scale actors to improve the organization of the urban landscape. A successful

annexation policy from the municipality's perspective is one that strengthens it. But the interests of a municipality may frequently be contradictory to the interests of residents outside its boundaries, and annexation as it is exercised in many places does not have a way to resolve this contradiction.

Societal and scholarly attention vis-à-vis annexation has tended to be on the municipality that makes the decision about annexation. The municipality's interests are served by one set of annexation outcomes, which include increased tax revenues and optimal investment in infrastructure. In this article we have sought to focus the discussion on the impact of annexation on those people who are deliberately not annexed. This focus clarifies two problems of annexation policy.

The first problem inherent in this system that provides economic benefits to annexed communities at some expense to the municipality, is that annexation will inevitably favor wealthier places with the least need for new investment and the greatest return in new tax revenues. In fact, North Carolina law requires an explicit cost-benefit analysis of net municipal expense in the planning for any annexation. Under these conditions, annexation should be expected to increase economic inequity and racial segregation across the municipal boundary, since more affluent neighborhoods are more likely to be annexed and poorer neighborhoods, more likely to contain minorities, are likelier to be excluded. Every case study we undertook illustrates this outcome. Because discrimination on the basis of poverty is not illegal, this aspect of the annexation process is used by local governments to justify all the negative outcomes of differential annexation and exclusion.

The second way the annexation process creates inequity lies in the power of municipal exclusion to create and perpetuate disparities in political power—the White Curtain effect. The bulk of evidence here supports the importance of racial politics in the annexation process. The demonstrable discriminatory effects of annexation for the towns in five of the North Carolina counties under U.S. Department of Justice oversight shown in Figure 1, and the self-protective conservative annexation behavior of the municipal government of Raeford, can best be understood as a response to racial politics.

Hagman (1978) posited that a municipality's choosing *not* to change its boundaries can have as significant an effect as would choosing to act. In the four cases presented above, the common thread is that the municipalities did not act to include predominantly minority communities. By excluding these neighborhoods, the local governments communicated what is obvious to the residents: they are not equal to and are not wanted by the White majority community. In the *Invisible Fences* documentary, an older Black resident of Jackson Hamlet, the neighborhood surrounded by Pinehurst, says "I don't know why, but I get the feeling that they just don't want us." She pauses before continuing, "But they want our land." The perception is widely held in the community that adjacent municipalities are using the ETJ zoning and permitting processes to allow the properties in the excluded neighborhoods to degrade so they can be bought cheaply.

The Tiebout (1956) model suggests that the residents of the excluded communities would move to areas where services are available if that were important to them. Indeed, some local politicians suggest that some residents have chosen to live in the underserved excluded communities so they do not have to pay municipal property taxes. But residents of the excluded communities, in fact, are greatly limited in their opportunity to move to areas with additional public services, although the cost of services is not the main constraint. The primary constraint on leaving an excluded neighborhood in an ETJ is the

value of residents' homes. There is little economic value in a house with a failed septic system, no access to sewer, and no political capacity to improve this situation. Oliver and Shapiro (1995) documented the degree to which the assets—primarily homes—of Blacks are significantly lower in value than those of Whites. In excluded communities, the political geography further increases this asset inequality by stripping the value of the home. With minimal asset value in their homes, the possibility of purchasing housing in other neighborhoods is remote.

### CONCLUSION

Although considerable attention has been paid to the most obvious component of local political geography—voting districts—insufficient attention has been given to the covert manipulation of municipal boundaries that exclude minority-dominated neighborhoods. Kept on the outside with no political voice, excluded communities cannot obtain necessary infrastructure and services. Nor can they protect their homes from redevelopment or rezoning, because planning regulations give municipalities control over property and development in the excluded community without having to consider the interests of its residents.

Responses of minority communities to their exclusion vary considerably. The nature and extent of underbounding can be difficult for residents to perceive and quantify. Most communities that have been able to identify problems understandably demand equivalent levels of material services, especially public water, sewerage, and police and fire protection. But in the *Invisible Fences* documentary, the dominant complaint of residents from the excluded neighborhoods in Moore County is their lack of a voice in their own affairs. Confronting the often obtuse annexation and zoning laws and regulations, which are unique to each state, presents challenges to activists supporting excluded communities. The success of the Moore County communities shows that non-litigation strategies may succeed. The effectiveness of litigation in these complex cases remains unclear, as shown by the lack of success even in the highly discriminatory situation of Modesto.

The power of annexation is given to those actors with the greatest incentives to use it badly, particularly the central municipality. Therefore, state policies on annexation must evolve to assure that municipalities have neither the incentives to use annexation to optimize their own tax base at the expense of their surroundings nor the privilege to use annexation to exclude minority populations from enfranchisement. The Section Five provisions of the 1965 Voting Rights Act offer one model for higher governmental levels to oversee the implementation of racially equitable annexation policies—even as the Act's failures in the cases we have examined demonstrate the substantial amount of institutional will that is needed to make such an oversight policy work.

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