DISCRIMINATION AND FAIR HOUSING

[UP/ULM/US/PS/SOC/AFS/ECON/LAW 6455]

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Office hours: TTH 10 AM- 5 PM

Syllabus

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Chicago is a town where race is taken seriously. Al Capone's mother signed a racially restrictive covenant when she bought her house so that she would keep the neighborhood "respectable."—Arnold Hirsch

Discrimination is like a Cadillac...each year there's a new model. – Malcolm X

Course Description: "A multidisciplinary investigation into the nature, motivations, consequences, and legal / public policy implications of racial/ethnic discrimination in housing and related markets (mortgage, insurance) in US metropolitan areas." The course will explore the following questions regarding racial/ethnic discrimination in housing and related markets ("discrimination" hereafter): What constitutes illegal discrimination? How does one know when it is occurring? What motivates those who discriminate? How often does discrimination occur? What are the individual and societal consequences of discrimination? What are the strengths and weaknesses of various legal and public policy strategies for ending discrimination? Though discrimination on the basis of race/ethnicity will be the primary focus of the course, other fair housing topics will be presented.

Purposes: The overarching substantive goal is to help students gain a comprehensive understanding of and think more critically about a central issue facing the contemporary American metropolis that significantly influences the lives of a vast segment of our citizenry. The central methodological goal is to help students better interpret/analyze information and draw legitimate inferences from it, i.e., to better assess (both from social scientific and legal perspectives) the quality of the evidence related to discrimination. Finally, inasmuch as the vast majority of assignments, course reading materials, and class information will be available only on-line, students' skills on the internet should be enhanced as a result of this course.

Pedagogic Strategies: Lectures by multiple experts, video tapes, small group exercises, and individual projects will be used to provide a multi-faceted learning environment. Teams of students will engage experientially in the prime method of evidence gathering in cases of potential discrimination: paired testing. Multidisciplinary written resources and methods of analysis will be employed. Special attention will be paid to the Detroit region as a case study.

Intended Audience: Advanced undergraduates and first-year graduate students, primarily in Social Sciences, Urban Planning, Africana Studies, and Law

Evaluation Tools: There will be several ways in which students can demonstrate their mastery of the material:

- Paired Testing Exercise: two-person teams will conduct a simulated test of a rental apartment building, analyze the results and present them orally to the class
- Homework Exercises: assignments to illustrate/practice topics discussed in class
- Policy Position Paper: a 8-10 page paper will be assigned that asks students to articulate and defend a position related to: What is the Key Flaw(s) In the Current System of Fair Housing Enforcement, and How Can It Be Remedied?
- Mid-Term Examination: several short-answer and longer essay questions will provide opportunities to explain & apply basic concepts, issues and techniques
- Final Examination: a modified take-home exam will serve as a capstone evaluative exercise, asking students to integrate & synthesize a wide span of material
- Class Participation: actively responding to Socratic method, contributing to discussions, asking perceptive questions

Grades will be assigned based on the following weights:

- 10% Paired Testing Exercise and Homeworks (as a set)
- 25% Policy Position Paper
- 20% Mid-Term Examination
- 35% Final Examination
- 10% Class Attendance and Participation

Expectations of Students

I expect the following of all students, so that the maximum educational benefit and intellectual stimulation can be gained from this course:

- use Blackboard to access many class materials and read course announcements
- attend all classes; after one absence the student's class participation grade will be reduced by one quality point for each subsequent absence
- participate actively in class, by asking questions, engaging in discussions, etc.
- submit all assignments when they are due; no late assignments will be accepted, so planning to avoid unforeseen contingencies is imperative
- read all assigned material before the class for which they are assigned; given a TTh schedule this means keeping AHEAD of the reading schedule assigned for Th
- maintain academic integrity, especially with regard to plagiarism and inappropriate collaboration, by following these guidelines:
 - cite all sources (including internet) for facts and ideas used in papers and oral presentations, at the point in the text where information was used (not simply at end in "references"); follow any standard, consistent citation style
 - do not consult or collaborate (via phone, email, writing or in person) with anyone about any aspect of projects, homework assignments or papers, unless you have been explicitly teamed with the person(s) by the professor

Required Texts: [available at WSU – Barnes and Noble bookstore]

John Yinger, Closed Doors, Opportunities Lost: The Continuing Costs of Housing Discrimination. NY: Russell Sage Foundation, 1995. ISBN 0-87154-967-0 (cloth)

Stephen L. Ross and John Yinger, *The Color of Credit: Mortgage Discrimination*, *Research Methodology, and Fair-Lending Enforcement*. Cambridge, MA: MIT Press, 2002. ISBN 0-87154-968-9 (paper)

Supplementary Texts: [for those seeking deeper, more advanced understanding; must be ordered or downloaded on your own]

Citiscape: Celebrating the 30th Anniversary of the Fair Housing Act, HUD, (vol. 4, #3, 1999) (multiple articles on variety of fair housing topics; available free at): http://www.huduser.org/periodicals/cityscpe/vol4num3/current.html

John Goering and Ron Wienk, eds. *Mortgage Lending, Racial Discrimination, and Federal Policy.* Washington, DC: Urban Institute Press, 1996

Thomas Sugrue. *Origins of the Urban Crisis*. Princeton, NJ: Princeton University Press, 1996. (paper available)

Douglas Massey and Nancy Denton, *American Apartheid*, Cambridge, MA: Harvard U. Press, 1993 (paper available)

Gregory Squires, ed. *Insurance Redlining*. Washington, DC: Urban Institute Press, 1997.

Other Readings:

All other *required* readings assigned are available online, either at WSU's electronic reserves [ERes] or the relevant publisher's website (as noted on syllabus). My goal is to provide students with the most user-friendly access as possible to all course materials. Instructions for access ERes is provided on a separate handout.

An oft-cited journal is *Housing Policy Debate*. Full text, downloadable files of all articles in *HPD* can be freely accessed at: http://www.fanniemaefoundation.org/programs/hpd.shtml

Another website with substantial relevant materials is the US Department of Housing and Urban Development's (HUDUser): http://www.huduser.org/publications/hsgfin.html

Other supplemental readings are listed FYI to provide more thorough references.

A Request to Students Regarding Readings in This Course

A broadly inter-disciplinary course places special demands on students. Students need to be willing to read materials from many disciplines that may employ discursive styles and technical language with which they may not be familiar. I recognize that this can pose difficulties, but I request that you accept this challenge positively, try your best on all required readings and not be afraid to ask questions.

A Biographical Sketch of the Professor

George Galster is the Clarence Hilberry Professor of Urban Affairs at the College of Urban, Labor, and Metropolitan Affairs, Wayne State University. He earned his Ph.D. in Economics from M.I.T., with a dissertation on housing discrimination. He has published over 100 scholarly articles, primarily on the topics of racial discrimination and segregation in housing, community lending and insurance patterns, neighborhood dynamics, residential reinvestment, and urban poverty. His authored and edited books include Homeowners and Neighborhood Reinvestment, 1987, The Maze of Urban Housing Markets, 1991, The Metropolis in Black and White, 1992, and Reality and Research: Social Science and American Urban Policy since 1960, 1996, and Why NOT in My Back Yard?: The Neighborhood Impacts of Assisted Housing, 2003.

Dr. Galster provides a wealth of practical experience in governmental, non-profit, and for-profit circles. He has been a fair housing consultant to the U.S. Department of Housing and Urban Development, U. S. Department of Justice, numerous municipalities, community organizations, and civil rights groups, and private organizations like the National Association of Realtors, American Bankers Association, Fannie Mae, and Chemical Bank Corporation. He served on the Consumer Advisory Council of the Federal Reserve's Board of Governors, the group mandated by the Equal Credit Opportunity Act to monitor fair lending activities. He has experience as an expert witness in over a dozen housing, lending, insurance, and municipal discrimination suits, and regularly lectures at Chicago's John Marshall School of Law and other fair housing training workshops across the nation.

Dr. Galster has held positions at Harvard University, the University of California at Berkeley, the University of North Carolina - Chapel Hill, and the College of Wooster. He served as Director of Housing Research at the Urban Institute in Washington, DC before coming to Wayne State University in 1996.

<u>Discrimination and Fair Housing: Topical Outline and Reading Assignments for 3</u> <u>Credit Hour Course (14 sessions @ 3 hours each, plus final exam)</u>

Part I: Conceptual and Historical Context of Housing Discrimination

Session 1. Course Introduction, Key Concepts and Issues

A. Definitions of Key Terms: race, ethnicity, prejudice, discrimination, illegal discrimination (differential treatment and disparate impact), segregation

[Assess class' knowledge of Federal Fair housing Act provisions using scenarios]

Required Reading:

Yinger, Closed Doors, pp. 3-14

Supplemental Reading:

How Much Do We Know? Public Awareness of the Nation's Fair housing Laws, Urban Institute report to HUD, 2002; www.huduser.org/publications/fairhsg/hmwk.html

B. Illegal Discrimination: How Can We Uncover It?

Discussion of strengths and weaknesses of alternative forms of "evidence:" victim observation of actions, third-party observation of actions (paired testing), documentary evidence of policies and practices, statistical analyses of results of actions

[Show videotape of paired testing with undercover camera: ABC Prime Time]

Session 2. The Historical Legacy of Housing Discrimination and the Emergence of Fair Housing & Lending Laws

A. Real estate industry policies & practices, restrictive covenants, homeowners associations, blockbusting, federal and local governmental policies (HOLC & FHA, public housing authorities, municipalities); examples from pre-Fair Housing Act era

Required Reading:

Sugrue, *Origins of the Urban Crisis*, pp. 34-47, 63-81, 181-197, 209-218, 231-234 [ERes]

Supplemental Readings:

Massey and Denton, American Apartheid, ch. 2

Arnold Hirsch, Making the Second Ghetto. Cambridge: Cambridge U. Press, 1983

B. Legal Responses Pre-1968 (key racial zoning, restrictive covenant, and local anti-fair housing referenda cases)

Required Reading:

Robert Schwemm, *Housing Discrimination: Law and Litigation*. West Group, 2001: ch. 3 [ERes]

C. Legal Responses Post-1968: Intro. to: FaHA '68, ECOA '74, HMDA '75, CRA '77 (& FIRREA '89), & FaHAA '88; what the laws cover and omit (unprotected classes, enforcement powers & penalties; regulatory environment of lenders; limited coverage of HMDA, treatment of home insurance industry)

Required Readings:

Yinger, Closed Doors, Opportunities Lost, ch. 10: pp. 187-200; 204-205

Robert Schwemm, *Housing Discrimination: Law and Litigation.* West Group, 2001: ch. 11 sects. 11:1-2 only [ERes]

Daye, Hetzel, et al. *Housing and Community Development* (3rd ed.) Durham, NC: Carolina Academic Press, 1999: pp 545-561 [ERes]

Ross and Yinger, Color of Credit, sections 2.1-2.3; 10.1-10.2

Gregory Squires, ed. *Insurance Redlining*. Washington, DC: Urban Institute Press, 1997, ch. 2 by Steve Dane [ERes]

Supplemental Readings:

Daye, Hetzel, et al. *Housing and Community Development* (3rd ed.) Durham, NC: Carolina Academic Press, 1999: pp. 561-612 and 648-671 [ERes]

Part II: The Nature, Prevalence, and Causes of Housing Discrimination

Session 3: Contemporary Patterns of Discrimination by the Public Sector in Housing Markets

Actions by public housing authorities, (Chicago Housing Authority-*Gautreaux* and subsequent cases); local government zoning & permitting policies (Yonkers, Parma, Chicago Heights, Taylor) and redevelopment policies (Addison). Discussion of claims based on intentional acts vs. policies having disparate impacts, and significance of *Mt. Laurel* case.

Required Readings:

Daye, Hetzel, et al. *Housing and Community Development* (3rd ed.) Durham, NC: Carolina Academic Press, 1999: pp 585-600; 612-616 [ERes]

A series of reports from Fair Housing-Fair Lending (Aspen Law and Business):

"Court Allow Municipality to Allow Group Home," v. 16 no. 6, p.3

"Texas Community Violated Fair Housing Act's Zoning Restriction," v. 15 no 11, p. 4

"Illinois Village Settles Race Discrimination Claim for \$4.3 million," v. 12 no.10

"Michigan City Ordered to Permit Day Care Facility for 9 Disabled Persons," v. 12, no. 4, p.3-4

"Michigan City Agrees to \$550,000 Settlement in Group Home Case," v. 12, no 7, p. 2

Supplemental Readings:

John Goering (ed.) *Housing Segregation and Federal Policy*. Chapel Hill, NC: U. North Carolina Press, 1986: Intro. to section IV and ch. 12

Baseline Assessment of Public Housing Desegregation Cases: Cross-Site Report, HUD, 2000 (section 1.1 only):

http://www.huduser.org/publications/pubasst/baseline.html

J. Stern. "Yonkers Gives In," *Planning* 57: 8-11.

Dennis Keating, *The Suburban Racial Dilemma*. Philadelphia: Temple U. Press, 1994: ch 8 pp. 140-143. [ERes]

Leonard Rubinowitz and James Rosenbaum, *Crossing Class and Color Lines*. Chicago: U. Chicago Press, 2000.

[Training for the Paired Testing Exercise]

Session 4: Contemporary Patterns of Discrimination by Private Agents in Housing Rental and Sales Markets

Current evidence on discrimination in home sales & rental markets, as shown by Housing Discrimination Studies of 1989 and 2000. Discussion of paired testing method's strengths & weaknesses for uncovering systematic patterns of discrimination.

Required Readings:

Yinger, Closed Doors, Missed Opportunities, chs. 2-4

Discrimination in Metropolitan Housing Markets: Phase 1, HUD, 2002:

http://www.huduser.org/publications/hsgfin/phase1.html

Discrimination in Metropolitan Housing Markets: Phase 2, HUD, 2003:

http://www.huduser.org/publications/hsgfin/hds phase2.html

[there is an underscore mark after hds above]

Supplemental Readings:

Michael Fix and Raymond Struyk (eds.) Clear and Convincing Evidence: Measurement of Discrimination in America. Washington, DC: Urban Institute Press, 1992: chs. 1-3

Session 5: Contemporary Patterns of Discrimination by Private Agents in Home Insurance Markets

Review of limited legal case study evidence & paired testing studies related to home insurance discrimination. Discussion of problems of analyzing the industry with little publicly available data and ambiguous federal statutory & regulatory regime. Are patterns observed due to risk or race?

Required Readings:

Gregory Squires, ed. *Insurance Redlining*. Washington, DC: Urban Institute Press, 1997, ch. 1 [ERes]

George Galster, Douglas Wissoker and Wendy Zimmermann, "Testing for Discrimination in Home Insurance," *Urban Studies* 38 (No. 1, 2001): 141-156 [ERes]

Supplemental Readings:

Testing for Discrimination in Home Insurance, HUD, 1998:

http://www.huduser.org/publications/fairhsg/discrim.html

Michael Fix and Raymond Struyk (eds.) Clear and Convincing Evidence: Measurement of Discrimination in America. Washington, DC: Urban Institute Press, 1992: ch.7

Gregory Squires, ed. *Insurance Redlining*. Washington, DC: Urban Institute Press, 1997. Chs. 3 -8

Session 6: Contemporary Patterns of Discrimination by Private Agents and Institutions in Home Mortgage Markets

A. Current evidence on mortgage lending discrimination, including redlining and predatory lending. Discussion of alternative methods for assessing lending discrimination (HMDA data-based comparisons, multivariate analyses of loan files, analysis of default rates, paired testing) and veracity of findings produced in each.

Required Readings:

Ross and Yinger sections 1.1-1.3; 2.4-2.5; 3.5-3.6; 7.3-7.5; 8.1-8.2.1; 9.1-9.3.1, 9.5

All Other Things Being Equal: A Paired testing Study of Mortgage Lending Institutions,

HUD, 2002: http://www.huduser.org/publications/hsgfin/aotbe.html

Supplemental Readings:

What We Know About Mortgage Lending Discrimination in America, HUD, 1999: http://www.huduser.org/publications/fairhsg/lending.html
Goering and Wienk, Mortgage Lending, Racial Discrimination and Federal Policy, part 1.

Session 7: Contemporary Patterns of Discrimination by Private Agents and Institutions in Home Mortgage Markets (continued)

B. Special Issues Related to Predatory Lending

Required Readings:

Curbing Predatory Home Mortgage Lending, HUD, 2000: http://www.huduser.org/publications/hsgfin/curbing.html

Supplemental Reading:

Unequal Burden: Income & Racial Disparities in Subprime Lending in America, HUD, 2000: http://www.huduser.org/publications/fairhsg/unequal.html
 Engel, Kathleen and Patricia McCoy, "A Tale of Three Markets: The Law and Economics of Predatory Lending," *Texas Law Review* 80 (#6, May 2002): 1259-1381.
 National Community Reinvestment Coalition, "Anti-Predatory Lending Toolkit" available: www.ncrc.org

Session 8: Motivations for Housing Discrimination

[presentation of Paired Testing Exercise results due]

Factors that generate discrimination in housing, mortgage, and insurance markets (animus, profit motives, presumed prejudices of others, market information asymmetries). Discussion of how motivations might be inferred from observed patterns of discrimination. Implications for fair housing enforcement.

Required Readings:

Yinger, Closed Doors, Missed Opportunities, ch. 9
George Galster, "Racial Steering by Real Estate Agents: Mechanisms and
Motivations," Review of Black Political Economy 19 (Summer, 1990): 39-63. [ERes]
Ross and Yinger, Color of Credit, sections 7.1-7.2

Supplemental Reading:

Jan Ondrich, Stephen Ross, John Yinger, "Geography of Housing Discrimination," Journal of Housing Research 12 (no. 2, 2001): 217-238: http://www.fanniemaefoundation.org/programs/jhr/pdf/jhr 1202 ondrich.pdf

Session 9 Mid-Term Examination

Part III: The Individual & Societal Consequences of Housing Discrimination

Session 10: Housing Discrimination and Residential Segregation

Presentation of data on residential segregation in US metro areas, 2000, and trends over time. Analysis of significance of discrimination in causing residential segregation, as opposed to other forces, like personal preferences or interracial income differences

Required Readings:

Lewis Mumford Center, Ethnic Diversity Grows, Neighborhood Integration Is at a Standstill. Albany U. 2001:

http://mumford1.dyndns.org/cen2000/WholePop/WPreport/page1.html

W. A. V. Clark, "Residential Segregation in American Cities," *Population Research and Policy Review* 5 (1986): 95-127. [ERes]

George Galster, "Residential Segregation in American Cities: A Contrary Review," Population Research and Policy Review 7 (No.2, 1988): 93-112. [ERes]

George Galster, "Assessing the Causes of Residential Segregation: A Methodological Critique," *Journal of Urban Affairs* 10 (November, 1988): 395-407. [ERes]

Supplemental Readings:

Massey and Denton, American Apartheid, ch. 4

Session 11: The Costs of Housing Discrimination

Analysis of direct individual costs (psychic damages, higher search costs, reduced chances for homeownership, segregation, minority-owned home appreciation) and indirect social costs (key link in mutually reinforcing system of segregation, prejudice & racial-ethnic inequalities)

Required Readings:

Yinger, Closed Doors, Opportunities Lost, chs.6-8

Supplemental Readings:

Massey and Denton, American Apartheid, chs. 5, 6

Melvin Oliver and Thomas Shapiro. *Black Wealth/White Wealth: A New Perspective on Racial Inequality.* New York: Routledge: 1995.

Part IV: Legal and Policy Strategies for Ending Housing Discrimination

Session 12: Fair Housing Enforcement: Mechanisms and Challenges

Private fair housing organizations, HUD, DOJ, civil rights commissions, federal bank regulators, and state offices of insurance commissioners as enforcement institutions. Can fair housing enforcement premised on victim-initiated complaints create an effective

deterrent? Do federal & state regulators have sufficient tools to stop discrimination? Are there adequate resources and political will?

Required Readings:

George Galster, "Federal Fair Housing Policy: The Great Misapprehension," pp137-155 in L. Keyes and D. DiPasquale (eds.) *Building Foundations: Housing and Federal Policy*. Philadelphia: U. Pennsylvania Press, 1990 [ERes] pp.142-155 only for this session

Citiscape: Celebrating the 30th Anniversary of the Fair Housing Act, HUD, (vol. 4, #3, 1999) (pp.35-57 only):

http://www.huduser.org/periodicals/cityscpe/vol4num3/current.html

Ross and Yinger, *Color of Credit*, sections 10.4-10.5

Supplemental Readings:

Massey and Denton, American Apartheid, chs. 7, 8

An Evaluation of the FHIP Private Enforcement Testing Initiative Demonstration, HUD, 1996: http://www.huduser.org/publications/fairhsg/fhip.html

Making Fair Lending a Reality in the new Millennium, Proceedings of Fannie Mae Foundation conference, 1999:

http://www.fanniemaefoundation.org/programs/pdf/proc_0699_fairlending.pdf

Goering and Wienk, *Mortgage Lending, Racial Discrimination and Federal Policy*, part 2. *Curbing Predatory Home Mortgage Lending*, HUD, 2000:

http://www.huduser.org/publications/hsgfin/curbing.html

B. Challenges in successfully implementing court-ordered remedies for Municipal or Public Housing Authority Discrimination

Required Readings:

Daye, Hetzel, et al. *Housing and Community Development* (3rd ed.) Durham, NC: Carolina Academic Press, 1999: pp. 616 (bottom)-622 [ERes]

Susan Popkin et al. "Obstacles to Desegregating Public Housing," *Journal of Policy Analysis and Management* 22 (no. 2, 2003): 179-199 [ERes]

Dennis Keating, *The Suburban Racial Dilemma*. Philadelphia: Temple U. Press, 1994: ch 8 pp. 143-151. [ERes]

Supplemental Readings:

Analysis of Attitudes Related to the Residential Desegregation of Public Housing in Allegheny County, PA, HUD, 1996:

http://www.huduser.org/publications/pubasst/attitude.html

Baseline Assessment of Public Housing Desegregation Cases: Cross-Site Report, HUD, 2000: http://www.huduser.org/publications/pubasst/baseline.html

Mark Hughes and Peter VanDoren, "Social Policy through Land Reform: New Jersey's Mount Laurel Controversy," *Political Science Quarterly* 105 #1 (1990): 97-111

Session 13: Fair Housing, Desegregation, and Integration Maintenance

Analysis of alternative goals of civil rights advocates (non-discrimination and stable neighborhood integration) and means to achieve them. Are they conflicting or complementary? Can integration maintenance be pursued in a manner consistent with fair housing principles? Practical, legal, and ethical challenges to integration maintenance programs; & their potential advantages.

Required Readings:

Yinger, Closed Doors, pp. 200-203

Robert Schwemm, *Housing Discrimination: Law and Litigation.* West Group, 2001: ch. 11 sects. 11: 3-9 only [ERes]

George Galster, "Federal Fair Housing Policy: The Great Misapprehension," pp137-155 in L. Keyes and D. DiPasquale (eds.) *Building Foundations: Housing and Federal Policy*. Philadelphia: U. Pennsylvania Press, 1990 [ERes] pp.137-142

Donald DeMarco and George Galster, "Pro-Integrative Policy and Practice," *Journal of Urban Affairs* 15 (No.2, 1993):141-160 [ERes]

Daye, Hetzel, et al. *Housing and Community Development* (3rd ed.) Durham, NC: Carolina Academic Press, 1999: pp. 648-654 [ERes]

Mittie Olion-Chandler, "Obstacles to Housing Integration Program Efforts," pp 286-305 in G. Galster and E. Hill, eds. *The Metropolis in Black and Whi*te. New Brunswick, NJ: Rutgers/CUPR Press, 1992 [ERes]

Supplemental Readings:

Dennis Keating, *The Suburban Racial Dilemma*, 1994 Juliet Saltman, *A Fragile Movement*, 1990.

Session 14: What Needs to Be Done to Achieve Fair Housing?

How can we more effectively fight housing discrimination? Do we have adequate institutional, regulatory, and financial resources to enforce the laws? Do we need new or expanded laws or other policy initiatives? Do we need a new strategy for enforcement?

Required Readings:

Yinger, Closed Doors, Opportunities Lost, ch. 11

Citiscape: Celebrating the 30th Anniversary of the Fair Housing Act, HUD, (vol. 4, #3, 1999) (pp. 147-196 only):

http://www.huduser.org/periodicals/cityscpe/vol4num3/current.html

Ross and Yinger, Color of Credit, sections 10.3 & 10.6

[roundtable discussion among key enforcement, legal, civil rights representatives: Saul Green, esq. of Miller Canfield, and former U.S. Attorney Staff of State of Michigan Civil Rights Office (TBA) John Mogk, Professor of Law, WSU Cliff Schrupp, Executive Director, Fair Housing Center of Metropolitan Detroit]

[Policy Position Paper Due: above readings should all be completed before writing this paper]

Session 15: Final Examination