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The Family As Racial Project: Understanding the Real Lessons of Moore v. City of East Cleveland

This year marks the 40th anniversary of the U.S. Supreme Court's decision in *Moore v. City of East Cleveland*, which narrowly invalidated a zoning ordinance criminalizing certain extended family configurations. *Moore* has become a mainstay in all major family and constitutional law texts. Yet, the true story of that case remains unknown. This Article corrects this omission, drawing on archival materials and the original case file. It engages issues of race and inequality that even the Justices in the plurality refused to confront and, in doing so, achieves several important goals. First, the Article offers an alternative narrative about Inez Moore, the heroine in the case, that better delineates the intersecting barriers of race and place that she had to scale in order to win the right to have her young grandson stay under her roof. Second, by contesting the whitewashed account of family autonomy advanced in Justice Powell's influential opinion in the *Moore*, it surfaces the underappreciated role of family law cases in inscribing a norm of color-blindness in the Court's race cases. It also underscores the extent to which family law decisions, as well as the notions of family that they invoke, function as a "racial project," one that promotes normative whiteness and indifference to racial discrimination and inequality. Finally, building on these insights, the Article identifies lessons from the *Moore* decision that can be deployed to improve doctrinal approaches to race and ensure the flourishing of *all* families.