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United States v. Black Jack: Poverty and Welfare in the St. Louis Courts

Kyle Melles

The 1974 *United States v. City of Black Jack, Missouri* case and the rhetoric around welfare, race, and “white flight” showed how racial attitudes contributed to poverty in St. Louis. Residents incorporated Black Jack, a small town in North St. Louis County, in 1970 with a demographic of 98.8% white and .2% black. The Citizens for the Incorporation of Black Jack pushed for township to block the Park View Heights plan for a federal Section 236 housing development cosponsored by St. Mark’s Methodist Church of Florissant and the United Methodist Ministry in St. Louis to provide low to middle-income residents with housing in the suburbs. The American Civil Liberties Union (ACLU) and the cosponsors of Park View Heights sued the City of Black Jack. They argued that the project’s rejection violated the 1968 Fair Housing Act, which provided for equal real estate practices based on race and ethnicity.

Black Jack residents revolted through the legal system, racial violence, and the local government system which allowed white St. Louisans to resist integration. The Black Jack case sparked furor among residents in Black Jack who feared that an influx of black residents would lower property values and ruin their school systems. After violent protest, including arson and a mayor candidacy for a KKK official, failed to get results, these residents eventually moved out of Black Jack as part of a trend known as “white flight.” In its prime during the early 20th century, St. Louis was America’s fourth-largest city and a strong economic center as a major industrial hub for manufacturing and port jobs. As automation removed labor from working-class St. Louisans, the wealthier, typically white population began to leave the city. Many of these white, affluent citizens fled to the suburbs, leaving the black population in a city with less revenue from tax collection. “White flight” left some neighborhoods in St. Louis affluent, or even more wealthy with an influx of

residents, especially in the suburbs like Black Jack. But this migration of white families left many neighborhoods economically weak. A 1970 study showed that most of the St. Louis' low-income population cited poor housing conditions as the biggest "ghetto problem."¹ "White flight" has drained resources from the city of St. Louis while providing the suburbs with renewed economic activity, creating a region with racial inequalities and economic problems which have persisted into the present day. The multitude of options with which white Black Jack residents mobilized against integration enabled the continued impoverishment of black St. Louisans.

The institutions of governance in twentieth century St. Louis allowed for segregation to persist in areas like Black Jack after *Brown v. Board of Education* ended the legality of segregation in education systems in 1954. As federal desegregation initiatives began in St. Louis in the 1950s, white families began to move out of the city and into the suburbs. From 1950 to 1970, the time of Black Jack's incorporation, close to 60% of the white population as calculated in 1960 had fled the city for the suburbs.² In 1970, St. Louis reached the nadir of its poverty levels, with black residents making up the majority of residents below the poverty line.³ The suburbs provided a way for white families to continue segregation through private choice rather than public action, which courts rarely decided against.⁴ In St. Louis County suburbs, the incorporation of townships allowed citizens to group by similar economic classes and make racialized decisions under the guise of private choice.⁵ Often, these decisions benefitted the

¹ Carl E. Block et al, "The Badge of Poverty: The St. Louis Report," *Regional Rehabilitation Research Institute*, University of Missouri-Columbia, 1970.

² Colin Gordon, *Mapping Decline: St. Louis and the Fate of the American City*, Philadelphia: University of Pennsylvania Press, 2008, pg. 25.

³ Tim Lloyd and Kameel Stanley, "White Flight and Reclaimed Memories," in *We Live Here*, produced by St. Louis Public Radio, podcast, 17 October 2017.

⁴ Amy Stuart Wells and Robert L. Crain, *Stepping over the Color Line: African American Students in White Suburban Schools*, New Haven: Yale University Press, 1997, pg. 3.

⁵ Todd Swanstrom, "Equity Planning in a Fragmented Suburban Setting: The Case of St. Louis," in *Advancing Equity Planning Now*, edited by Norman Krumholz and Kathryn Wertheim Hexter, Cornell University Press, 2018, pg. 101.

white families in the suburbs at the expense of black communities left in St. Louis City. In Black Jack, citizens expressed worry about the burden that the hypothetical addition of new students would add to the nearby Hazelwood School District, though in reality the number only amounted to an increase of half of one percent.⁶ The citizens of St. Louis chose to incorporate Black Jack, among other neighborhoods, to preserve white education systems and neighborhoods against growing integration efforts.

The Citizens for the Incorporation of Black Jack organized against the welfare and integration programs which aimed to bring minority communities out of poverty in the 1960s and 1970s. Throughout the 1960s, as “white flight” left housing tenements vacated and black communities impoverished, activists and government officials recognized the need for low-income housing. Leading up to the passage of the Fair Housing Act in 1968, St. Louis acted to implement fair housing in anticipation. The University City Civic Association passed a “Memorandum in Support of Fair Housing Legislation” in efforts to allow black families to live anywhere in the township.⁷ The Urban League of St. Louis began Operation Equality, a 1968 initiative “to create better housing opportunities for low to middle income families.”⁸ The head leadership of the National Urban League even recognized the need for greater housing in St. Louis. In this setting, the St. Mark’s Methodist Church of Florissant and the United Methodist Ministry in St. Louis sought to create the Park View Heights housing project adjacent to Black Jack, an unincorporated subdivision in 1969.

⁶ Walter Johnson, *The Broken Heart of America: St. Louis and the Violent History of the United States*, New York: Basic Books, 2020, pg. 135.

⁷ University City Civic Association, “Memorandum in Support of Fair Housing Legislation,” 1964-1965, Washington University Special Collections.

⁸ Statement by William E. Douthit, Executive Director of the Urban League of St. Louis, 8 May 1968, Washington University Special Collections.

To shut down this housing, the citizens incorporated Black Jack and passed zoning laws which would prevent the Park View Heights housing from being built by allowing single-family tenancies rather than the multi-family tenancies of section housing. Though they cited rising property costs as the reason, in meetings the citizens directly attributed their reasoning to the fear of an influx of black residents.⁹ New York lawyer Lawrence G. Sager headed the ACLU's civil suit in the St. Louis U.S. District Court. The ACLU argued that the zoning laws had violated the 14th Amendment's equal protection and due process clauses. Richard Nixon's Department of Justice (DOJ) argued that the zoning laws violated the equal protections for housing under the Fair Housing Act, and the precedent set by *Jones v. Mayer*, a St. Louis case where the Supreme Court decided the government could interfere in private property sales to block racial discrimination.

While the Eighth District Court threw out the DOJ's case, the Eighth Circuit of the US Court of Appeals ruled in December 1974 that racial discrimination played a large role in the case. The case introduced the idea of "disparate impact," where the intent to discriminate mattered less than the actual effect of discrimination that the zoning laws created. The US Supreme Court allowed the Eighth Circuit's decision on Black Jack to stand when Black Jack sought an appeal.¹⁰ The ACLU eventually reached a settlement where Black Jack paid the developers \$450,000. While framed as a victory for the poor, most of this cost compensated the price of purchased land in Black Jack and was not used to fund subsidized housing. The city councilman George W. Ulrich expressed satisfaction in this deal as the land would go back to the

⁹ Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America*, New York, NY: Liveright Publishing Corporation, 2018.

¹⁰ New York Times, "Advocates of Minority Housing Win Hollow Victory," 14 January 1976, Washington University Special Collections.

city at a similar price that they sold it for in 1970 to Park View Heights Corporation.¹¹ Through legal delay and public protest, Black Jack had successfully retained its segregated neighborhood for the time being.

The residents of Black Jack viewed themselves in opposition to national welfare initiatives and aimed to create for themselves a haven for white prosperity and the strong education system which acted as an opportunity of mobility for middle-class white Americans. This put their goals in direct contrast with the building of federally subsidized section housing, which would attract minorities to the white enclave of Black Jack, Missouri. Some residents expressed hopes that the Department of Justice would see to it that low-income housing be allowed in Black Jack.¹² While it is impossible to tell which was the majority opinion in Black Jack, the mayor's stance and press reactions indicate that many, if not most, opposed welfare and subsidized housing.

After the settlement and ACLU case, as the citizens continued to revolt against welfare, the tax revolts, rising interest rates, and skyrocketing inflation made section housing in Black Jack all but impossible.¹³ The price of building housing projects had tripled in just a few years. Additionally, developers feared stoking the backlash that had occurred previously in Black Jack. When Park View Heights Corp. announced they would not be building housing in Black Jack, many city officials and citizens rejoiced. While some residents did not quite understand the legal deal that brought the arrangement, many expressed happiness that they would not have to flee

¹¹ Sheila Rule, "Relief in Black Jack Over Dropping Of Housing Project," St. Louis Post-Dispatch, 14 January 1976, Washington University Special Collections.

¹² Webster Groves Citizens for Fair Housing, Executive Board, St. Louis Post-Dispatch, 12 February 1971, Washington University Special Collections.

¹³ Wells and Crain, *Stepping Over the Color Line*, pg. 56.

Black Jack due to “another Pruitt-Igoe.”¹⁴ Black Jack residents vehemently opposed welfare for low-income residents when they perceived that it would negatively affect their area.

Yet efforts to integrate Black Jack and provide low-income housing for St. Louis residents continued. The mayoral race of April 1979 in Black Jack reflected the tensions of the white residents opposed to the housing project. Incumbent Mayor Harold Evangelista represented a “moderate” position, opposing the housing due to the fear of “white flight.” Evangelista, touting the town’s now 10% black population, stated that they had “built a good integrated community and [would] hate to see people begin to abandon it because of outside influences.”¹⁵ Mary E. Carr, the “grand genie” of the Ku Klux Klan in Missouri, posed in her white KKK robes for advertisements to run as the opposition to Evangelista in Black Jack. Herself and other Black Jack residents believed that her promise to “ship the Blackies out of our community” would succeed among residents disgruntled with the ten years of legal costs in keeping poor black residents out of the township. While Carr lost the election, the popularity of a KKK leader and former Nazi party member among Black Jack residents displayed the racial tensions present in the battle to stop federally funded housing.

The case, now stretching into multiple decades by 1982, reached a turning point when the ACLU pushed for housing or compensation equivalent to what potential residents would have enjoyed from the Park View Heights project had they been built. Lawrence Sager argued that the city still held responsibility to provide low-income housing for a certain percentage of the population. As early as 1972, a new developer, Professional Equities, came in to develop the Kennelwood Apartments complex. In 1979, Professional Equities began development of the

¹⁴ Sheila Rule, “Relief in Black Jack Over Dropping of Housing Project,” St. Louis Post-Dispatch, 14 January 1976, Washington University Special Collections.

¹⁵ Barbara Briggs, “Black Jack to ask Volkmer to help them in their flight,” Globe-Democrat, 15 June 1979, Washington University Special Collections.

Kennelwood project. Lawrence Sager of the ACLU originally demanded that Black Jack either adopt new zoning laws or waive existing ones to allow low-income housing development. But after seeing the proposed plan, Sager believed that the Kennelwood project could act as just compensation for the wrongdoings of the previous zoning laws with a few expansions.¹⁶

The white residents of Black Jack violently opposed this project as an idea of redistribution for poor families who never received fair housing. A citizen wrote to Lawrence Sager on March 8, 1982, expressing a feeling of villainization among many Black Jack community members. This anonymous resident compared the original proposal from 1969 to Park View Corporation's Pruitt-Igoe Housing, another housing structure for low-income St. Louisans that had to be torn down due to abysmal conditions and high crime rates. They also expressed outrage that the Kennelwood apartments included a pool and spacious outdoor area which the resident themselves felt they could not afford. The resident wanted to protect Black Jack from "vandals, drug-addicts, and welfare recipients" who "are handed everything free from day one in their lives."¹⁷ The resident also discussed the "white flight" trends of the 1970s. They shared that most of their friends and families had moved out of Black Jack into the suburbs to avoid the crime associated with housing projects like Kennelwood and said that their family would soon move too. Letters like this in the op-ed section of the Post-Dispatch and written to the ACLU and developers of land showed vehement opposition to welfare and a feeling of wasted tax money. While many of these opines avoided deliberate racial rhetoric, their characterization of welfare recipients as "vandals" and "moochers" is nonetheless revealing of the mentality of "white flighters" in the 1970s.

¹⁶ Letter from Lawrence Sager to Roy Bergmann, New York Civil Liberties Union, 15 May 1980, Washington University Special Collections.

¹⁷ Letter from Black Jack resident to Lawrence Sager, March 8, 1982, Washington University Special Collections.

Black Jack residents eventually resorted to physical violence to prevent the Kennelwood project from completion, showing their strong opposition to welfare as a solution to poverty. On May 3, 1981, an arsonist ignited a two-alarm fire at the construction site of the Kennelwood project in Black Jack. Residents of Black Jack believed this fire “was started by someone who opposes the construction of the apartments in Black Jack.”¹⁸ The fire destroyed a partially built structure at the Kennelwood site, setting back construction of the low-income housing project. A second arson incident affected Kennelwood on June 17th, 1981, but had minimal damage done to the property. These separate incidents of arson, joined with the open racism of Black Jack residents, show that the township strongly feared the expansion of welfare into their community. This resistance to low-income housing and welfare amounted to resistance against integration in one of America’s most segregated communities.

Ironically, all this discourse against the housing projects cost the residents of Black Jack more than it would have had they allowed federally subsidized housing to enter their community in 1969 as originally planned by Park View Heights. The damage from the arson incidents cost the city around \$500,000. Black Jack also paid at least \$400,000 in legal fees over the course of a decade. In 1976, the city had to pay \$450,000 to the developers of the failed Park View Heights project. In all, opposition to low-income housing cost Black Jack over \$1 million, and a low-income housing project was eventually finished after thirteen years of litigation at a more expensive price than its valuation in 1969.¹⁹ As with other efforts to police welfare recipients in the 1980s, the Black Jack community chose to pay more money to prevent fair housing than they would have spent to safely house low-income families.

¹⁸ Lawrence Sager, NYCLU Letter to Department of Justice, May 13, 1981, Washington University Special Collections.

¹⁹ George Curry, “Lawyer Cites Costs of Black Jack Resistance,” *St. Louis Post-Dispatch*, 24 February 1982, Washington University Special Collections.

While it seemed as though the Kennelwood projects represented a victory for low-income housing, the trends of “white flight” in St. Louis left the projects with a transformed Black Jack that was far from an integrated community. In the present day, the township of Black Jack reflects a complete demographic reversal from its 99 percent white population in 1970. Most of Black Jack’s population is African American, as many white St. Louisans fled to the wealthier suburban areas. Discrimination against welfare for low-income families persists as a problem. In 2006, the ACLU filed a lawsuit based on the city’s zoning laws’ definition of “family.” The Black Jack definition does not allow more than three people to live together unless they have relation through “blood, marriage, or adoption.”²⁰ A mother wanting to live with an unmarried man and her children from a previous marriage legally cannot receive an occupancy permit, or she must pay \$500 a week for living without an occupancy permit. This could be interpreted as a form of racial segregation, as many African American families do not fall under the nuclear family structure required of zoning laws in Black Jack, Missouri. The continued legacy of housing discrimination in Black Jack and St. Louis at large prevents the city government from addressing the blight of its poorest citizens.

Black Jack’s decades-long, violent opposition to welfare displayed the extent to which racial attitudes allowed segregated poverty to continue throughout the 20th century and into the present day. The residents who opposed the low-income projects acted in ways that created more costs to their community than low-income housing development would have cost in 1969. The white residents impeded on efforts to integrate communities in St. Louis through political power and organization which poorer residents could not access as easily. While the ACLU acted as a legal defendant of the poor, the deferral of power to local governments insulated white residents

²⁰ ACLU, “ACLU challenges denial of housing permit to unmarried couple in Black Jack, Missouri,” *ACLU.org*, 10 August 2006, Washington University Special Collections.

from the desired effect of the courts. When the legal system did not side with white residents, they resorted to violent protest, including arson, and eventually they simply moved to areas where black St. Louisans could not afford to move. The legacy of white resistance to integration in St. Louis explains the racialized poverty existent today not only in St. Louis but in America's cities nationwide.

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