

# **Criminalization, Empowerment, and the End of Public Housing as We Knew It, 1969-2000**

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## **Dissertation Abstract**

In my dissertation, “Criminalization, Empowerment, and the End of Public Housing as We Knew It, 1969-2000,” I explore how race, poverty, and gender interact in the context of public housing policy. My dissertation argues that during this time period the two seemingly contradictory forces of empowerment and criminalization dominated federal public housing policy, local housing authority practice, and tenant activism. Congress, the Department of Housing and Urban Development (HUD), local housing authorities, and tenant activists all used the language of empowerment to advance their policy agendas. But these philosophies of empowerment collided with the criminalization of impoverished communities of color, such that by the end of the twentieth century, the federal government retreated from traditional multifamily public housing as a viable anti-poverty program. Through examinations and close readings of congressional hearings, HUD publications, print and television journalism, and prerecorded oral histories, my work shows that during the last thirty years of the century, conservative and centrist politicians popularized public housing budget cuts by appropriating the language of the Left, pushing for tenant empowerment and community control as a form of personal responsibility. In doing so, these policymakers shifted the meaning of the word empowerment from a structural to an individual connotation. As a result, tenant empowerment became a central idea through which the federal government abandoned multifamily public housing.

While a variety of governmental and social entities had long associated low-income Blackness with criminality, throughout the last decades of the 20<sup>th</sup> century the expanding carceral state increasingly targeted public housing tenants, disproportionately Black women and their families. Mainstream journalists wrote sensationalist accounts of crime in public housing, contributing to a sense of urgency among policymakers. Politicians and public housing administrators also heeded residents’ calls for greater security by pushing to undermine the due

process rights of tenants, in large part by streamlining or eradicating grievance procedures for tenants accused of drug-related activities. The criminalizing of public housing tenants crested with the 1996 passage of the One Strike Act, which mandated that housing authorities immediately evict entire families when a family member or guest had been implicated in drug-related activity on or off of public housing premises. These punitive policies unduly impacted impoverished Black women and their families and served as a gendered form of punishment. Ultimately, the interplay between the criminalization of public housing tenants as a class and the increasingly individual meaning of empowerment amongst policymakers at the end of the twentieth created the political space in which the federal government, under the Clinton administration, withdrew from its commitment to housing impoverished citizens.

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## Introduction

In late 1997 and early 1998, the Oakland Housing Authority began eviction proceedings against Pearlie Rucker, Willie Lee, and Barbara Hill. All three women were Black and had lived in public housing for years, if not decades. The Oakland Housing Authority (OHA) attempted to evict them based not on their actions, but on the actions of Rucker's daughter and Lee's and Hill's grandsons. Rucker's daughter was—unknown to Rucker—caught “with cocaine and a crack cocaine pipe three blocks from Rucker's apartment.” Willie Lee's and Barbara Hill's grandsons were caught smoking marijuana together in a parking lot of the apartment complex. Hill, Lee, and Rucker denied any knowledge of their relatives' drug use. However, according to the 1996 One Strike Act, the Housing Authority was well within its rights to evict these women. The One Strike Act mandated that public housing authorities evict tenant families when a tenant, their family member, friend, or guest participated in criminal activity, especially if it was drug related. The act did not stipulate that leaseholders had to know about guests or family member's illicit activities in order to be eligible for eviction.<sup>1</sup>

Rucker, Lee, Hill, and another tenant, Herman Walker, sued the OHA and the Department of Housing and Urban Development (HUD) in 1998. They took particular issue with a “no-fault” clause of the lease. The clause rendered them responsible for other people's behavior despite their lack of knowledge. Housing authority administrators added it to public housing leases as a result of the One Strike Act. These residents argued that the lease's clause constituted an unreasonable restriction of rights which led to the evictions of innocent tenants neither accused nor aware of

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<sup>1</sup> Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010) 146-147. *Department of Housing and Urban Development v. Rucker*, 535 U.S. 125 (2002).

alleged criminal activity.<sup>2</sup> The residents' suit challenged the constitutionality of the no-fault clause and the One Strike Act as a whole.

On March 26, 2002, the Supreme Court reversed an appellate court ruling in favor of tenants and stated that the Oakland Housing Authority could legally evict Rucker, Hill, Lee, and Walker. They found that both the One Strike Act and the no-fault clause were constitutional. In other words, the Court ruled that "tenants could be held civilly liable for the nonviolent behavior of their children.... They could be tossed out of public housing due to no fault of their own."<sup>3</sup> The Court's decision meant that all three branches of the federal government explicitly supported the punitive measures targeting public housing residents at the turn of the twenty-first century.

This ruling, and the fact that three out of the four complainants were Black women who had lived in public housing for years, reflected the culmination of decades of public housing policies and practices that had increasingly implicated tenants of traditional multifamily public housing in the growing carceral state. In what historians have called the age of mass incarceration, state and federal governments adopted legislation that led to targeted practices of policing, surveilling, and arresting unprecedented numbers of Americans.<sup>4</sup> While these policies tended to lead to the arrests of Black men, Black women often faced punishment in the context of low-income housing. As Rucker's, Lee's, and Hill's stories reveal, legislation like the One Strike Act implicated Black women in this larger phenomenon that transformed Americans' conceptions of poverty, race, and gender.

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<sup>2</sup> Alexander, 147. Significantly, Herman Walker's case differed from that of his co-complainants. Walker was disabled and the caretaker he hired to help him was caught with cocaine multiple times. The fourth time, Walker fired the caretaker, but also was subjected to eviction proceedings by the OHA.

<sup>3</sup> Alexander, 147.

<sup>4</sup> Alexander, *The New Jim Crow*. James Forman, Jr., *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Straus and Giroux, 2017). Ruth Gilmore, *Golden Gulag: Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2019). Elizabeth Hinton, *From the War on Poverty to the War on Crime* (Cambridge: Harvard University Press, 2016) Eds. Deborah McDowell, Claudrena Harold and Juan Battle, *The Punitive Turn: New Approaches to Race and Incarceration* (Charlottesville: University of Virginia Press, 2013). Jonathan Simon, *Poor Discipline: Parole and the Social Control of the Underclass* Chicago: University of Chicago Press, 1993. Jonathan Simon, *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (Oxford University Press, 2007). Heather Thompson, "Why Mass Incarceration Matters," *Journal of American History*, December 2010, pp.703-734. Bruce Western, *Punishment and Inequality in America* (New York: Russel Sage Foundation, 2006).

The tenants' decision to file suit against the housing authority, however, also represents a longstanding tradition of public housing residents fighting for greater power within their housing developments and their lives. In 1969, tenants in St. Louis organized a rent strike that brought the St. Louis Housing Authority to the brink of bankruptcy and forced Congress to pass legislation capping tenant rents at 25 percent of their incomes. Tenants organized for this legislation, called the Brooke Amendment, within the context of movements for Black Power, Woman Power, and welfare rights.

However, over the following decades, tenant power became tenant empowerment. This shift in language, from active to passive, mirrored a shift in which politicians and governmental institutions institutionalized and coopted the ideas of power to the people through less radical formulations of the "empowerment"<sup>5</sup> of individual tenants. The focus on the individual, a product of the rise of political conservatism, hampered structural critiques of inequality. Just as individualism constrained and/or altered the aims of social movements like Black Power and welfare rights, so too did tenant power suffer from a shift away from group empowerment. Individualist rhetoric allowed the government to divest itself from its lofty promises; empowering individuals resulted in less funding, oversight, and political support. Encouraging people to pull themselves up by the bootstraps conveniently required fewer governmental resources and effort on the part of politicians.

Tenants testified to their experiences within and their vision for public housing in a variety of mediums. The National Tenants Organization, the premiere advocacy organization for public housing tenants, established in 1969, published a monthly newsletter, *Tenants Outlook*. In this newsletter, they provided their readers with updates on salient legislation, advocacy initiatives, and

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<sup>5</sup> Jessica Ann Levy, in her dissertation, "Black Power, Inc.: Global American Business and the Post-Apartheid City," Johns Hopkins University, 2018, also explores the shift from Black Power to Black empowerment in the context of transnational business in the late twentieth century.

more. Public housing residents also served as witnesses in Congressional hearings and as sources in the mainstream media. The transcripts of Congressional hearings constitute a particularly important source base for this project, as they offer insight into how politicians responded in real time to what tenants thought and said about their homes. These hearings reveal the selective hearing of some politicians. They indicate how politicians understood the issues within and debates around public housing. Often, statements Congresspeople made in introducing bills demonstrate what a representative took away from a related hearing. Sometimes, in introducing a bill, a Congressperson would refer to sensational articles regarding crime in public housing, revealing a sense of urgency and a responsibility to their constituency, even if that constituency in their eyes did not include public housing residents. Finally, HUD publications provide evidence for how the Cabinet tasked in part with serving public housing authorities and their tenants understood their mission. These sources reveal that the impulses of empowerment and criminalization played a critical role in shaping public housing policy in the end of the twentieth century.

In my dissertation, I argue that from 1969 through 2000 the two seemingly contradictory forces of empowerment and criminalization dominated federal public housing policy, local housing authority practice, and tenant activism. Congress, HUD, local housing authorities, and tenant activists all used the language of empowerment to advance their policy agendas. Understandings of empowerment differed amongst various constituents, yet the philosophies of empowerment collided with the criminalization of impoverished communities of color enabling the federal government to retreat from traditional multifamily public housing as a viable anti-poverty program at the end of the twentieth century. My work shows that during the last thirty years of the century, conservative and centrist politicians popularized public housing budget cuts by appropriating the language of the Left, pushing for tenant empowerment and community control as a form of personal responsibility. In doing so, these policymakers shifted the meaning of the word empowerment from a structural to an



individual connotation. As a result, tenant empowerment became a central idea through which the federal government abandoned multifamily public housing.

While a variety of governmental and social entities had long associated low-income Blackness with criminality, throughout the last decades of the twentieth century the expanding carceral state increasingly targeted public housing tenants. Mainstream journalists wrote sensationalist accounts of crime in public housing, contributing to a sense of urgency among policymakers. Politicians and public housing administrators also heeded residents' calls for greater security by pushing to undermine the due process rights of tenants, in large part by streamlining or eradicating grievance procedures for tenants accused of drug-related activities. The criminalizing of public housing tenants crested with the 1996 passage of the One Strike Act, which mandated that housing authorities immediately evict entire families when a family member or guest had been implicated in drug-related activity on or off of public housing premises. These punitive policies unduly impacted impoverished Black women and their families. Ultimately, the interplay between the criminalization of public housing tenants as a class and the increasingly individual meaning of empowerment amongst policymakers at the end of the twentieth century created the political space in which the federal government, under the Clinton administration, withdrew from its commitment to housing impoverished citizens.

### **A Brief History of Public Housing until 1969**

In order to understand the context in which my dissertation begins, it is essential to understand some of the history of public housing until that moment. What follows is a very brief accounting of significant moments in this history that most impacted the story my dissertation tells. Public housing officially began in 1937 as a Depression Era project aimed at creating jobs and clearing slums. Policymakers and administrators envisioned the program as a stopgap to house the morally upright working (primarily white) poor during the Depression until they could find employment and provide

for their own housing needs. At the time of its enactment, those in the federal government as well as most who voted for its passage did not see themselves taking on responsibility for housing poor Americans.<sup>6</sup>

The Housing Act of 1949 expanded the government's commitment to housing American citizens, stating that through this program they hoped to “realiz[e]... the goal of a decent home and a suitable living environment for every American family.”<sup>7</sup> But this legislation did not prompt policymakers or administrators to rethink the structure of the program nor did it expand the government's financial role. Still, the language within this legislation provided a key foundation from which tenants could advocate for programs that would make the idea of a decent home for every American family a reality.<sup>8</sup>

As a result of deindustrialization, suburbanization, and federal support for the creation of the Sunbelt, during the late 1940s and 1950s, white people and blue-collar industries began leaving cities on an increasingly greater scale. This occurred during the Great Migration, in which millions of African Americans migrated to more northern urban centers. Together, these political and demographic changes in the country contributed to a transition in the makeup of public housing resident families, which became poorer and Blacker.<sup>9</sup>

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<sup>6</sup> U.S. Department of Housing and Urban Development, Office of Personnel and Training, “History and Overview of the Performance Funding System: Evaluation of the Performance Funding System” Edward White, Sally R. Merrill, Terry Lane, May 1979, 15. For more on the creation of public housing, the program's initial structure, and how various stakeholders influenced the legislation, see Eds. John Bauman, Roger Biles, Kristin M. Szylvian, *From the Tenements to the Taylor Homes: In Search of an Urban Housing Policy in Twentieth Century America* (University Park, PA: The Pennsylvania State University Press, 2000). Joseph, Heathcott. “The Strange Career of Public Housing: Policy, Planning, and the American Metropolis in the Twentieth Century.” *Journal of the American Planning Association* Special Issue Vol. 78, No. 4, Autumn, 2012. D. Bradford Hunt, *Blueprint for Disaster: The Unraveling of Chicago Public Housing* (Chicago: University of Chicago Press, 2009). Wendell Pritchett. *Robert Clifton Weaver and the American City: The Life and Times of an Urban Reformer* (Chicago: University of Chicago Press, 2008).

<sup>7</sup> History and Overview of the Performance Funding System: Evaluation of the Performance Funding System, 7-8 emphasis original. See also, Bauman, Heathcott, Hunt, Pritchett.

<sup>8</sup> Hunt, 16.

<sup>9</sup> Rhonda Williams, *The Politics of Public Housing: Black Women's Struggles Against Urban Inequality* (Oxford: Oxford University Press, 2004), 93.

The changing demographics of public housing diminished its popularity among both policymakers and mainstream (white) Americans. As with other programs, white backlash to government programs heightened as Black Americans gained access to them. The 1953 case *Banks v. San Francisco Housing Authority* heightened antipathy toward public housing and its tenants. In the case, the Supreme Court granted a writ of certiorari and in doing so ruled that segregation in public housing was unconstitutional.<sup>10</sup>

This ruling made the threat of potential contamination by public housing tenants and their pathologies of poverty all too real for many white urban families. One neighborhood association asked that their mayor “safeguard our community and our homes, by protecting them from invasion. If it is a social experiment that is being tried all over the country, please, preserve us from this trial.” This letter belied the fact that this neighborhood association, and many other white suburban families feared that “invasion” of public housing tenants into their communities could lead to a spreading of vices and pathologies tied to what would come to be known as the “culture of poverty.” Thus, in this era of urban renewal and desegregation, new public housing construction became increasingly contentious, with middle- and upper-class white communities fighting tooth and nail against the construction of new public housing complexes in and adjacent to their homes.<sup>11</sup>

Many of the concerns about Blackness and what was becoming known as “cultures of poverty” were both shaped and encapsulated by assistant secretary of the Department of Labor Daniel Patrick Moynihan’s notorious 1965 report, “The Negro Family: The Case For National Action.” The Moynihan Report, commissioned by the President for a conference on Civil Rights, borrowed from, synthesized, and misconstrued socio-historical work by intellectuals including E. Franklin Frazier

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<sup>10</sup> Stephen Grant Meyer, *As Long As They Don't Move Next Door: Segregation and Racial Conflict in American Neighborhoods* (Lanham: Rowman & Littlefield, 2000), 141-143.

<sup>11</sup> Williams, 61. On the histories of pathologizing Blackness, see Daryl Michael Scott, *Contempt & Pity: Social Policy and the Image of the Damaged Black Psyche, 1880-1996* (Chapel Hill: University of North Carolina Press, 1997). Kevin Mumford, Khalil Muhammad, Kali Gross, Cheryl Hicks, Talitha LeFlouria, Michael Katz.

and Stanley Elkins, among many others.<sup>12</sup> In the report, Moynihan argued that the disproportionate tax on society and government posed by impoverished Black urban families could all be traced back to the breakdown of the Black family—more specifically, the problems of female-headed households.<sup>13</sup> Of particular concern was the matriarchal structure of low-income Black families. In the chapter called “The Tangle of Pathology,” Moynihan quoted psychologist Thomas Pettigrew:

The Negro wife... can easily become disgusted with her financially dependent husband, and her rejection of him further alienates the male from family life. Embittered by their experiences with men, many Negro mothers often act to perpetuate the mother-centered pattern by taking a greater interest in their daughters than their sons.<sup>14</sup>

By 1965, female-headed Black households represented a disproportionate number of families living in public housing developments. Thus, policymakers, academics, and mainstream media sources who relied on “The Case For Action” as a starting point for addressing race and urban policy in the aftermath of the Civil Rights and Voting Rights Acts associated the “Tangle of Pathology” and purported overdependence on welfare directly with public housing tenants and public housing as an institution.

The exception to increased concern over and criticism of public housing was the construction of elderly public housing, which began in 1956 and represented by far the greatest percentage of public housing construction from its inception. Elderly tenants were more immune from the pejorative stereotypes of public housing tenants and welfare recipients. The percentage of overall public housing units specifically provided for the elderly rose by 36 percent between 1956 and 1984. Furthermore, the overwhelming majority of elderly public housing applicants spent little to no time on waiting lists; “only 1 to 2 percent of elderly household” applicants “were on a waiting list for

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<sup>12</sup> Kevin Mumford, “Untangling Pathology: The Moynihan Report and Homosexual Damage, 1965-1975,” *Journal of Policy History* 24(1) January 2012, pp. 53-73. James T. Patterson, *Freedom Is Not Enough: The Moynihan Report and America's Struggle Over Black Family Life from LBJ to Obama* (New York: Basic Books, 2010). Daryl Michael Scott, *Contempt & Pity: Social Policy and the Image of the Damaged Black Psyche, 1880-1996* (Chapel Hill: University of North Carolina Press, 1997).

<sup>13</sup> Scott.

<sup>14</sup> U.S. Department of Labor, Office of Policy Planning and Research. *The Negro Family: The Case for National Action*. Daniel P. Moynihan, 1965, 34.

public or subsidized housing. By contrast, 13 to 18 percent of younger households were on such a waiting list. This imbalance reflects the generally greater acceptability of public housing for the elderly.”<sup>15</sup> Many Americans found elderly public housing more acceptable as the elderly residents tended to be whiter, but also because there was less stigma associated with struggling to make ends meet as someone who had aged out of the workforce. Elderly public housing tenants also tended to live in whiter and less poor areas and tended to have slightly higher incomes than their multifamily housing tenant counterparts.<sup>16</sup> While elderly public housing began to account for an increasing percentage of overall units, my dissertation is interested only in traditional multifamily public housing.

By the late 1960s, even before the Department of Housing and Urban Development (HUD) had officially become a cabinet department, public housing—particularly large public housing developments—was already in or approaching financial crisis. “By 1968, all of the 80 largest PHAs were unprofitable; half had only moderate deficits; 15 were near bankruptcy.”<sup>17</sup> These most insolvent public housing developments were located primarily in major metropolitan areas and in the Northeast. In an effort to minimize their financial difficulties, these public housing authorities raised the rents on their increasingly low-income, Black, female-headed households.

The 1960s also saw the Black Freedom Struggle reach new heights, as Black people took their demands to the streets and made significant advances. Although the most well-known areas of housing advocacy during the Civil Rights Movement include, at best, pushes for open-occupancy housing, or an end to residential segregation (Rev. Dr. King’s march in Chicago, for example), public

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<sup>15</sup> U.S. Department of Commerce, Bureau of the Census, A. Goldstein, “How Are the Elderly Housed? New Data from the 1984 Survey of Income and Program Participation,” April 23, 1988, p10. *Developments in Aging: 1986* (Washington, DC: US. Government Printing Office, 1987), Volume I, p. 295-296.

<sup>16</sup> U.S. Department of Housing and Urban Development, Office of Policy Development and Research. *Location and Racial Composition of Public Housing in the United States: An Analysis of the Racial Occupancy and Location of Public Housing Developments*. John Goering, Amy Kamely, Todd Richardson. Dec. 1994. 20-24

<sup>17</sup> “History and Overview of the Performance Funding System,” 15.

housing residents also fought for increased rights and for fair rents. Rent strikes proliferated across the country during the early- to mid-1960s, prompting lawyers and policymakers to examine the legal ramifications for tenants withholding rent in protest of their living conditions.<sup>18</sup> Emboldened by the Civil Rights and Black Power Movements, Black women in public housing forcefully advocated for their right to safe housing, fair rents, and a seat at the table of their local housing authority boards. The rising costs of public housing, politicians turn toward law and order politics in response to urban uprisings, and Black women's greater sense of their own power and efficacy laid the foundation for the 1969 rent strike where my story begins.

### **Historiographical Interventions**

Housing policies and ideas of home have been central to many major domestic political developments in the United States since the Great Depression. The creation of the Federal Housing Administration, federally insured mortgages and the system of redlining through the Home Owners' Loan Corporation, and public housing, all contributed to the significant accumulation of power and resources among working- and middle-class white Americans. These programs also started to have a profound impact on the physical landscape of the country. In the wake of World War II, white homeowners developed a politics and discourse of rights and entitlements largely based on their homeownership and their payment of taxes. Across the country, these homeowners—as individuals, in homeowners' associations, and in more explicitly political organizations—enacted this praxis so as to prevent those whom the New Deal and G.I. Bills had excluded, especially African Americans, from the same rights and entitlements. The politics of the home as developed by these white families helped popularize and implement conservative policies and ideologies well beyond the scope of the

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<sup>18</sup> Michael Karp, "The St. Louis Rent Strike of 1969: Transforming Black Activism and American Low-Income Housing," *Journal of Urban History*, 40(4), 2013, 650.

home. Ultimately, the rise in conservatism led to the retrenchment of the welfare state, particularly as it served nonwhite and impoverished Americans.<sup>19</sup>

However, a decidedly more radical politics of the home also emerged amongst impoverished Americans seeking a decent place to live and a living wage. Welfare rights organizers, public housing residents, and the American Indian Movement, all marshaled ideas of the home in advocating for rights and freedom. Yet, historians have attended less to how beliefs about the home shaped liberatory movements in the second half of the twentieth century. This is likely due to the great and sustained success of more conservative ideologies. In the case of public housing, the concept of home is, by nature, foregrounded to an extent. Still, unlike historians of the rise of the Right, public housing scholars have often siloed public housing from other political developments. In general, scholars have failed to explore how the politics of public housing impacted and were shaped by cultural and policy debates on other aspects of American life. In recent years, some twentieth century historians have attempted to bridge discussions of public housing with other policy arenas. Even these, though, often include such discussions as passing notes on public housing's connection to the Great Society programs, to "Not in My Back Yard" (NIMBY) activists, to welfare rights organizing, or to the emergence of the carceral state. Moreover, the best articulations of how public housing relates to broader political contexts almost across the board neglect to consider how gender

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<sup>19</sup> Joseph Crespino, *In Search of Another Country: Mississippi and the Conservative Counterrevolution* (Princeton: Princeton University Press, 2007). Lily Geismer, *Don't Blame Us: Suburban Liberals and the Transformation of the Democratic Party* (Princeton: Princeton University Press, 2015). Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (New York: WW Norton & Company, 2005). Matthew Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2006). Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2001). Robert O. Self, *American Babylon: Race and the Struggle for Postwar Oakland* (Princeton: Princeton University Press, 2003). Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996). Keeanga-Yamahtta Taylor, *Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership* (Chapel Hill: University of North Carolina Press, 2019). Chloe N. Thurston, *At the Boundaries of Homeownership: Credit, Discrimination, and the American State* (Cambridge: Cambridge University Press, 2018).

operates as an analytical category central to understanding both the wider context and the evolution of public housing policy and practice in particular.<sup>20</sup>

This project explores the history of public housing policy and practice from a national perspective, placing the decline of public housing in conversation with the end of the welfare state and the rise of the carceral regime in the late twentieth century. Most public housing histories are local. My dissertation shows, though, that while location-based differences mattered for tenants' lives, the impulses of criminalization and empowerment existed nationwide and led the government to retreat from traditional multifamily public housing. Furthermore, a gender analysis is essential to understanding each of these intertwined histories—the history of the fall of the New Deal and Great Society welfare state, the massive retreat of the federal government from supporting traditional multifamily public housing, and the emergence of the carceral state. Close readings of gender help us to understand how middle-class and wealthy white Americans deployed ideas of motherhood and manliness to demean recipients of government subsidies aimed at serving those in poverty. Furthermore, several scholars have demonstrated the ways in which journalists, policymakers, and mainstream Americans engaged harmful and dehumanizing analyses of the nexus of poverty, Blackness, and motherhood to cast welfare recipients as the undeserving poor whose failures of mothering resulted in criminal sons.<sup>21</sup> The consequences of the politics of retrenchment and the building of a carceral state to replace welfare structures are also gendered as well as raced and

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<sup>20</sup> Eds. Nicholas Dagen Bloom, Lawrence J. Vale, Fritz Umbach, *Public Housing Myths: Perception, Reality, and Social Policy* (Ithaca: Cornell University Press, 2015). Edward Goetz, *New Deal Ruins: Race, Economic Justice, and Public Housing Policy* (Ithaca: Cornell University Press, 2013). Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016), represent the beginning of a thrust of scholarship attempting to ameliorate this oversight. However, none of the authors have applied a gender analysis to their admittedly very important works.

<sup>21</sup> Marisa Chappell, *The War on Welfare: Family, Poverty, and Politics in Modern America* (Philadelphia: University of Pennsylvania Press, 2010). Michael Katz, *The Undeserving Poor: America's Enduring Confrontation with Poverty* (Oxford: Oxford University Press, 2013). Julilly Kohler-Hausmann, "Welfare Crises, Penal Solutions, and the Origins of the 'Welfare Queen,'" *Journal of Urban History*, 2015, Vol 41(5). Felicia Kornbluh, *The Battle for Welfare Rights: Politics and Poverty in Modern America*. Philadelphia: University of Pennsylvania Press, 2007. Premilla Nadasen, *Welfare Warriors: The Welfare Rights Movement in the United States*. New York: Routledge, 2005. Daryl Michael Scott, *Contempt & Pity*. Keeanga-Yamahtta Taylor, *Race for Profit*.



classed. However, by putting public housing residents at the center of an analysis, my project demonstrates how the end of the welfare state was articulated through the scaffolding of a new, gendered regime of punishment both within and beyond the traditional structures of the criminal justice system. The federal government's withdrawal of financial and political support for public housing, which developed alongside increasingly criminalizing legislation directed toward public housing residents, punished low-income Black women heads of households in these developments.

Historians of the decline of the welfare state have provided several explanations for the revanchist political shifts of the mid-to-late twentieth century that ultimately led to the dismantling of the welfare state created by the New Deal and the Great Society. Many, such as Jill Quadagno and Jennifer Mittelstadt, have pointed to the limits built into these welfare programs, particularly exclusionary provisions that prohibited African Americans and other nonwhite people from receiving the full benefits of the program. Recently, historians including Nathan D. B. Connolly and Keeanga-Yamahtta Taylor have explored the limits of racial liberalism and the boon of racial capitalism among landlords, policymakers, bankers, real estate brokers, and the construction industry. Other scholars have revealed the tenuous nature of the New Deal coalition and questioned if coalition is even the correct term to describe the loosely aligned configuration of groups who supported the New Deal. They have shown that the conservatives who succeeded in weakening and finally ending the welfare state always had a presence in American life and politics, even when they exerted less influence on policy. Jefferson Cowie and Nick Salvatore have argued, for example, that the "postwar era was the 'long exception' to the norm of American politics" and the tradition of individualism. Historians of the rise of the Right have also shown that conservatism was a movement that included both grassroots organizing at the local level and highly strategic political maneuvering among those with significant power in the halls of the federal government. Contributors to *Shaped by the State* have questioned the usefulness of thinking in terms of

partisanship differences and the ways in which the undoing of the welfare state reflected a bipartisan undertaking that troubles our notions of the rise of the Right as the same as the rise of the GOP. Finally, scholars have also increasingly noted that the end of the welfare state did not mean a reduction in government appropriations, but instead, a shift in terms of which programs and which people the government allocated money for. Historians including Donna Murch, Alex Lichtenstein, Elizabeth Hinton, Julilly Kohler-Hausmann, and Heather Thompson have argued in part that the decline of the welfare state was intimately connected to the rise of the carceral regime of the late twentieth century.<sup>22</sup>

My dissertation reveals that the weakening of traditional multifamily public housing occurred due to efforts orchestrated by both major political parties. While at times governmental officials and politicians on both sides of the aisle acted in order to undermine public housing, sometimes the undermining was the result of unintended (though at times foreseeable) consequences. Moreover, politicians encouraged a transition toward Section 8 housing vouchers, which allocated subsidies on an individual basis to tenants rather than to a housing authority. Ironically, though, reports had indicated that Section 8 was *more* expensive than traditional public housing. My work therefore aligns with that of historians who have shown that the decline of the welfare state was not so much about the end of big government, but about which parts of the government could be “big.”

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<sup>22</sup> Eds. Brent Cebul, Lily Geismer, and Mason Williams, *Shaped by the State: Toward a New Political History of the Twentieth Century* (Chicago: University of Chicago Press, 2019). Nathan D. B. Connolly, *A World More Concrete: Real Estate and the Remaking of Jim Crow South Florida* (Chicago: University of Chicago Press, 2016). Melinda Cooper, *Family Values: Between Neoliberalism and the New Social Conservatism* (New York: Zone Books, 2017). Jefferson Cowie & Nick Salvatore, “The Long Exception: Rethinking the Place of the New Deal in American History,” *International Labor and Working-Class History*, 74 (Fall 2008), 3-32. Joseph Crespino, *In Search of Another Country*. Kevin Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton: Princeton University Press, 2005). Matthew Lassiter, *Silent Majority*. Nancy MacLean, *Democracy in Chains: The Deep History of the Radical Right’s Stealth Plan for America* (New York: Penguin Random House, 2017). Jennifer Mittelstadt, *From Welfare to Workfare: The Unintended Consequences of Liberal Reform, 1945-1965*. (Chapel Hill: University of North Carolina Press, 2005). Bethany Moreton, *To Serve God and Wal-Mart: The Making of Christian Free Enterprise* (Cambridge: Harvard University Press, 2009). Kim Phillips-Fein, “Conservatism: A State of the Field,” *Journal of American History* Dec. 2011, 723-742. Jill Quadagno, *The Color Of Welfare: How Racism Undermined the War on Poverty* (Oxford: Oxford University Press, 1994). Tom Sugrue, *Origins of the Urban Crisis*. Keeanga-Yamahatta Taylor, *Race for Profit*.

Historians who have examined the dismantling of the welfare state as it corresponded to the growth of the carceral regime have shown that from the late 1960s through the turn of the century, federal resources went increasingly toward the militarization of police departments, prison construction, hiring more police and prison guards, and other mechanisms of the carceral regime. However, as my dissertation reveals, the connection between the disassembling of New Deal and Great Society welfare programs and the formation of new mechanisms and technologies of punishment existed both within and beyond the apparatuses of the traditional criminal justice system. In fact, the Black women who held many of the leases in multifamily public housing authorities across the country faced punishment both in terms of the diminishing support for public housing as an anti-poverty program as well as the punishment of criminalizing practices including, but not limited to, evictions.

Scholars of mass incarceration in the late twentieth century have done critically important work in examining the developments that enabled the dramatic growth of the prison population, particularly among Black and Brown men. Academics including Heather Thompson, Jonathan Simon, Ruth Wilson Gilmore, Michelle Alexander, Donna Murch, and Bruce Western provide important insights using a range of methodologies including political history, sociology, and cultural studies. Their work demonstrates that federal, state, and local governments implemented policies and practices that increasingly criminalized low-income people of color and their behaviors as well as the spaces they inhabited. They show that governmental policies and institutions supported punitive regimes with fast-tracked school-to-prison pipelines and systematic attacks on employment opportunities and labor. In these spaces beyond prison walls, state or state-approved actors outside of traditional police forces gained policing powers and coordinated with the conventional criminal justice system to expand the numbers of incarcerated peoples. Because men continue to be imprisoned in much greater numbers than women, it makes sense that the scholarship to date has

predominantly focused on men, particularly in terms of studies of the mid-late twentieth century. However, in the early twenty-first century, Black women (especially low-income Black women) represented the fastest growing population of incarcerated people.<sup>23</sup>

Accordingly, this dissertation begins to answer the question of where Black women are in the history of mass incarceration. I contend that public housing tenants, many of whom were Black women and their children, faced criminalization and punishment through a variety of mechanisms within their homes including evictions, denial of legal representation, intentional use of late fees to exploit tenant income, and more. Housing authorities, police departments, and private security firms used civil procedure to punish public housing tenants without arresting them or holding them in jails or prisons. Often, the women in public housing were punished for their mothering and grandmothering, held to a much higher level of responsibility over their children and grandchildren than their middle-class and non-Black counterparts. Thus, my project not only adds women into the history of the carceral regime, but also considers gendered forms and implications of punishment. In doing so, I build on the work of scholars who have already considered gender and femininity in relation to the imprisonment of Black women at the end of the nineteenth and beginning of the twentieth century, including Kali Gross, Sarah Haley, Cheryl Hicks, Lindsey Jones, Talitha LeFlouria, and others.<sup>24</sup>

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<sup>23</sup> Michelle Alexander, *The New Jim Crow*. Ruth Gilmore, *Golden Gulag*, Donna Murch, “Crack in Los Angeles: Crisis, Militarization, and Black Response to the Late Twentieth-Century War on Drugs,” *Journal of American History Special Issue: Historians and the Carceral State*. June 2015, Vol 102(1) 162-173. Jonathan Simon, *Poor Discipline: Parole and the Social Control of the Underclass*. Jonathan Simon, *Governing Through Crime*. Bruce Western, *Punishment and Inequality in America*. Heather Thompson, “Why Mass Incarceration Matters.” Heather Ann Thompson, *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy* (New York: Pantheon Books, 2016).

<sup>24</sup> Kali Gross, *Colored Amazons: Crime, Violence, and Black Women in the City of Brotherly Love, 1880-1910* (Durham: Duke University Press, 2006). Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity* (Chapel Hill: University of North Carolina Press, 2016). Cheryl Hicks, *Talk with You Like a Woman: African American Women, Justice, and Reform in New York, 1890-1935* (Chapel Hill: UNC Press, 2010). Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016.) Lindsey Jones, Dissertation, “‘Not a Place of Punishment’: the Virginia Industrial School for Colored Girls, 1915-1940,” The University of Virginia, 2018. Talitha LeFlouria, *Chained in Silence: Black Women and Convict Labor in the New South* (Chapel Hill: UNC Press, 2015). Khalil Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge: Harvard University Press, 2010).

In the United States, scholars, politicians, pundits, journalists, and many mainstream Americans often have widely and wildly differing opinions on domestic issues of political importance. Yet, the vast majority of these policy stakeholders and producers of knowledge agree on the notion that traditional multifamily public housing was a failed venture that has mostly come to a necessary end in the early twenty-first century. As scholars and public housing experts Nicholas Dagen Bloom, Fritz Umbach, and Lawrence J. Vale wrote in the introduction to their 2015 edited volume, *Public Housing Myths: Perception, Reality, and Social Policy*, “If American urbanists and politicians share any conventional wisdom across political divides, it is the idea that public housing failed in every possible dimension.”<sup>25</sup>

Scholars,’ policymakers’, and journalists’ beliefs in the inevitable decline of public housing are rooted in declension narratives that pinpoint different moments from which the decline began. Some have argued that public housing was doomed from its the start. For example, as early as 1978, urban policy analyst Eugene Meehan argued that public housing was “programmed to fail” because of the funding mechanisms of the initial program which made it hard for the housing authorities to stay solvent while effectively managing the developments. In *Making the Second Ghetto*, historian Arnold Hirsch cited the racism of Chicago’s local powerbrokers in the 1940s and throughout the middle-decades of the century as essential to the inborne inequities and policy failures in the city’s housing, public housing chief among them.<sup>26</sup> Historian D. Bradford Hunt, in *Blueprint for Disaster*, confusingly argues both that “contingent and compounding policy choices made by actors at the federal and local level led public housing in Chicago down an unsustainable path” throughout the course of his study, but then also contends that “public housing, as conceived by reformers in 1937,

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<sup>25</sup> Eds. Nicholas Dagen Bloom, Fritz Umbach, and Lawrence J. Vale, *Public Housing Myths*, 1.

<sup>26</sup> Eugene Meehan, *The Quality of Federal Policymaking: Programmed Failure in Public Housing*, Columbia: University of Missouri Press, 1979. D. Bradford Hunt, *Blueprint for Disaster*, 290. Arnold Hirsch, *Making the Second Ghetto: Race and Housing in Chicago, 1940-1960* (Cambridge: Cambridge University Press, 1983).

was a blueprint for disaster and could not have survived the postwar housing boom without fundamental changes.”<sup>27</sup> Hunt cites legislative compromises made to pass the program in the first place as well as a widespread assumption that public housing must never interfere with the private housing market fundamentally doomed it. Then, when people acknowledged issues within the program, no one intervened forcefully enough to change things on either a local or federal level, Hunt says.

Others have marked the turning point at integration and the demographic transition that occurred in public housing during the 1950s and 1960s. Through this shift, public housing families became more nonwhite, more impoverished, and more likely to be led by an unmarried woman. The changing makeup of public housing families reflected and resulted from large-scale political and economic change through deindustrialization, suburbanization, and Black freedom struggles and welfare rights organizing. Some scholars have called this public housing’s transition to “welfare housing.” This transition not only made it harder for local housing authorities to remain financially solvent, but also coincided with a national discourse about Blackness, poverty, and behavior that led many Americans to stigmatize both the people in and the physical spaces of public housing. Many historians who have contended that this time period represented the beginning of the end have, using the language of social critique of the 1990s and early 21<sup>st</sup> century, rued the “concentration of poverty” in public housing that began to emerge in this period. The increased poverty of public housing families certainly made it much harder for housing authorities to make enough money from rent collections to keep up maintenance and other managerial duties. This lack of income mix, as some including Hunt, Sudhir Venkatesh, Lee Rainwater, and others have claimed, also resulted in

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<sup>27</sup> Hunt, 8, 12-13.

“social disorder” in public housing developments, characterized by vandalism and crime, which further contributed to the difficulties of housing authority management.<sup>28</sup>

Finally, some have cited policy decisions in the Nixon administration as the nail in the proverbial coffin of this anti-poverty program. In 1969, the Brooke Amendment ushered in the implementation of a new system of determining rents which made housing authorities much more reliant on government largesse. In 1972, St. Louis demolished two of the buildings in their most notorious public housing development, Pruitt-Igoe. In 1973, the Nixon administration declared moratorium on federal support of all subsidized housing programs. Urban Studies scholar Joseph Heathcott, in his article, “The Strange Career of Public Housing,” underscores the importance of historical contingency and rejects what he calls the “inexorable arc of decline,” as the framework through which journalists and scholars have interpreted the failure of public housing. Heathcott argues, though, that the “long devolution” of public housing started with the “implosion of two tower blocks at Pruitt-Igoe in 1973 [sic],” symbolizing the end of the conventional phase of public housing, which Congress and the Nixon administration reinforced by passing legislation creating Section 8. In her critical, insightful, and incisive book, *Race for Profit*, Keeanga-Yamahtta Taylor, notes almost in passing, and without reference to any previously existing scholarship, that, “by the end of the 1960s, public housing had become politically untenable, with endless jousts over its maintenance, location and inhabitants.” This, she states, created the space in which the low-income housing policies at the center of her work emerge and replace traditional multifamily public housing.<sup>29</sup>

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<sup>28</sup> Lawrence J. Vale, *From the Puritans to the Projects: Public Housing and Public Neighbors* (Boston: The President and Fellows of Harvard College, 2000). Sudhir Venkatesh, *American Project: The Rise and Fall of A Modern Ghetto* (Boston: The President and Fellows of Harvard College, 2000). Hunt, in *Blueprint for Disaster*, does this somewhat too, in terms of his discussion of Brooke, as does Bloom, *Public Housing That Worked*. While she does not cite it as a moment of demise, Rhonda Williams also discusses this demographic shift in *The Politics of Public Housing*.

<sup>29</sup> Heathcott, “The Strange Career of Public Housing,” 360. Keeanga-Yamahtta Taylor, *Race for Profit*. Brad Hunt also cites the Brooke Amendment as a turning point. He argues that while the “modernization program of 1967 and the special subsidy of 1968 represented the first unraveling of the fiscal compact of the Housing Act of 1937,” it was “the

The arguments about flaws built into the program in early legislation and practice, or how a changing population in public housing led to diminished political support, to a good extent hold up under scrutiny. There were compromises in the original legislation that undermined the efficacy of the program and allowed local administrators to use public housing to create and exacerbate racial segregation. The shift in public housing demographics at the mid-century did enable politicians and mainstream Americans to fall back on racist tropes that posited low-income African Americans as pathologically dependent upon governmental aid while their white counterparts exhibited independence despite receiving governmental support through less visible programs.<sup>30</sup> The 1969 Brooke Amendment, which capped tenants' rent at 25 percent of their income, coupled with the increasing poverty of tenants, made it much harder for housing authorities to run smoothly without ever-increasing federal subsidies. Nixon's moratorium on federal support for housing and the creation of Section 8 were intentionally devastating blows to traditional multifamily public housing. However, locating each of these moments as the beginning of the end of public housing shuts off any historical contingency and possibility in subsequent years.

My dissertation argues, therefore, that contingency in this period matters for a number of reasons. Many politicians and conservative activists were invested in weakening public housing as an anti-poverty program in the last decades twentieth century. These actors catalyzed this period of retrenchment, marked by the assault on the welfare state of the New Deal and the Great Society, the rise of conservatism, and the increasingly popular ideas of personal responsibility as essential to good citizenship. Yet, if public housing had already succumbed to its failed fate, it seems to me there would not have been such a focus on the program in the 1970s, 1980s, and 1990s. During these

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Brooke Amendments of 1969-1972 [that] cemented a disastrous dependency relationship between local housing authorities and Washington." Hunt, 209.

<sup>30</sup> See Suzanne Mettler, *The Submerged State: How Invisible Government Policies Undermine American Democracy*. (Chicago: University of Chicago Press, 2011). Daryl Scott, *Contempt & Pity*. Kevin Mumford, "Untangling Pathology".



years, Congress held hearing after hearing to determine how to improve public housing, what tenants' roles should be in relation to public housing management, and what to do about crime in the developments. Moreover, at each point in the period of my dissertation, from 1969 through the end of the twentieth century, there were always other visions for the possible future of public housing. Tenants and their advocates articulated different ideas for what public housing could look like, who it could serve, and what it could entail, to Congressional hearings, tenant newsletters, public housing authority officials, and journalists throughout the late twentieth century. Significantly, many of the politicians and powerbrokers who contributed to policies that ultimately undermined public housing did so with the intention of improving it rather than ending it.

To neglect contingency in the history of public housing at the end of the twentieth century is also to neglect the role tenants themselves played in shaping policies that deeply impacted their lives. Top-down accounts of public housing histories at both the local and the federal level often intentionally lack reference to tenant organizing efforts as beyond the bounds of the project. And of course, tenants often had significantly less power than their policymaking and implementing counterparts. Still, many housing authority administrators as well as legislators understood themselves as, at least in part, responsible for serving tenant populations. They frequently sought tenant opinions whether or not they followed tenants' recommendations. Especially in the years before 1995, tenant organizers came before Congress and testified according to their wishes for public housing policies in Washington on a regular basis. Those who have argued about the inevitable failure of public housing in any time before the last years of the twentieth century then not only lose a sense of historical contingency but they also fail to take seriously the efforts of tenants to improve their lives, and the efforts of both sympathetic and antagonistic politicians to respond to these concerns.

On the other hand, many of the bottom-up histories of public housing provide essential correctives to the historiography. However, some of these books also have inconsistently applied their analysis, falling into important descriptions of resident life without making a clear argument about what is at stake in their story. At times some of these books also lose sight of how macropolitical and economic developments, including federal legislation specifically targeting public housing, shape the experiences and ideologies of tenants who are attempting to make change in their developments.

My dissertation therefore, attempts to engage the best of both methodologies. I have taken a top-down, federal approach that takes seriously the impact tenants themselves have had on the trajectory of public housing policy and practice in the last decades of the twentieth century. Moreover, I take seriously the goals motivating residents to organize. Many historians have used the language of politicians in bemoaning the concentration of poverty. Others have seen mistakes in the preponderance of multi-bedroom units available in large housing developments. Many have also understood the Brooke Amendment as a well-intentioned but ultimately failed and ineffective policy. My work recognizes the many shortcomings of public housing during this time. There is legitimacy to examining the difficulty of running public housing with inadequate federal subsidies and extremely low-income residents with many children. However, I also think that it is imperative to acknowledge the reasons why tenants fought for Brooke, for public housing that served the poorest of the poor, for units big enough to accommodate single women and their children, and for the importance of traditional multifamily public housing in the first place, even in spite of all its problems. The concentration of poverty was a problem not because a considerable group of poor people lived proximal to one another, but because the federal, state, and local governments intentionally divested from these people and the areas in which they lived. Decrying Brooke as a poor policy decision essentially blames tenants for self-advocating and for their intense poverty. It

implies that public housing's serving the poorest of the poor—those who needed it most—made it an untenable governmental program. Moreover, it overlooks the fact that the funding system of public housing was already demonstrating considerable strain; established methods of funding were already proving unsustainable before the Brooke Amendments were implemented. Finally, legislation that has prohibited private landlords from discriminating against families with multiple children has never been enforced. While having a skewed ratio of children to adults in public housing likely added physical strain to the buildings, those who critique the provision of multi-bedroom units to families fail to consider that these families often had literally nowhere else to go.

## **Chapter Breakdown**

I begin my dissertation in 1969 as in this year public housing tenant activists forced the federal government to pass an amendment to the U.S. Housing Act that capped public housing rents at twenty-five percent of tenant income. The Brooke Amendment ushered in a fundamental change in public housing policy, but—like other civil rights victories—public housing tenants had to fight to ensure HUD and their local housing authorities enforced it according to both the letter and the intent of the law. In my first chapter, which follows, I explain how the passage of the Brooke Amendment marked a moment in which tenants became newly engaged in a battle to make their power and their political victory mean something in their day-to-day lives. At the same time, the images around public housing became increasingly criminalized as the demographics of public housing shifted more towards impoverished Black families headed by single women.

My second chapter starts in late 1972, when tenants fought against the Nixon administration's attempts to end public housing by prohibiting the release of federal funds to housing authorities and by experimenting with privatization. At stake in these conflicts was the fundamental question of who public housing should serve. While tenants fought for public housing, all three presidential administrations from 1972 through 1980 worked to implement Oscar

Newman's philosophy of defensible space, which argued that changing the physical characteristics of public housing would improve the character traits of its residents. I argue that the Ford Foundation and HUD saw tenant management as a way of creating defensible space, meant to prevent crime as much as to empower residents. Finally, I examine the policy experimentation in which HUD, Congress, and tenants tested new programs for low-income housing, including Section 8, tenant management, and the demolition of high-rise public housing.

In the third chapter, I argue that during the Reagan presidency, HUD championed local housing authorities that implemented increasingly punitive practices. This led to a growing overlap between the everyday functioning of housing authorities and institutions of law enforcement, dragging tenants into the punitive turn. The punitive turn is scholars' term for the implementation of federal, state, and local government policies and practices that criminalized low-income people of color and their behaviors as well as the spaces they inhabited. Simultaneously, tenants and some legislators fought for tenant management corporations to become a central feature of public housing management. Finally, while Reagan and Congress slashed HUD's budget, HUD Sec. Sam Pierce, Jr., opened the department to GOP operatives who fraudulently profited from poverty.

In the fourth chapter, I discuss how public housing became the epicenter of the Reagan-Bush Era War on Drugs in the late 1980s and early 1990s. During this time, public housing administrations and law enforcement agencies across the country began implementing public-housing-specific directives of the Anti-Drug Abuse Act of 1988. Legislators sought to limit residents' due process rights in an effort to empower or protect the "good" tenants while evicting the "problem" tenants. Simultaneously, Jack Kemp, in his position as HUD Secretary tried to reinvigorate public housing as part of his push to implement a conservative war on poverty that would mitigate poverty and racial inequality and bring Black voters back to the GOP.

In the fifth chapter I discuss Congress and the Clinton administration's attempts to shape public housing for the next century. In 1993-1994, mainstream concerns over crime crested anew, though public housing tenants won a federal due process case that forced local housing authorities and police departments to conduct criminal sweeps in a more circumscribed manner. Simultaneously, in hearings and studies, Congress and the administration listened to testimony from public housing administrators and tenants but ultimately chose to disregard their input.

My final chapter begins in 1995 and 1996 with Clinton's pledge to "end welfare as we know it," which contained an often-overlooked corollary for public housing. During this time period, the Clinton administration cited empowerment as a key policy goal but defined empowerment as an individual achievement not attainable through policy prescriptions. At the same time, the One Strike Act mandated the eviction of public housing residents—overwhelmingly Black women—and their families if they or someone they knew was accused of drug-related activity. The impact of this legislation was to fully ensconce low-income Black women into the carceral state, even if beyond the mechanisms of the traditional criminal justice system. Moreover, the Clinton administration's support of HOPE VI public housing redevelopment resulted in the demolition of many thousands of public housing units. Thus, by defining empowerment in individual terms but criminalizing public housing residents as a class, the Clinton administration enabled the federal government to end its commitment to traditional multifamily public housing.

When I say the "end" of public housing, then, I mean the end of traditional, multifamily public housing. Public housing, including elderly and disabled housing, now serves only 2.7 million people total. Currently, elderly and disabled housing constitute a plurality of public housing units. As of 2019, only 36 percent of the units in public housing serve families where there is one or more adult with children. Most are for elderly households and for households in which the leaseholder or a dependent has a disability. The average household size is 2.2 people and the average number of

bedrooms is 1.89. This means that families with multiple children, who face the most discrimination on the private rental market, are also shut out of public housing. These families, as sociologist Matthew Desmond has shown, are disproportionately vulnerable to predatory landlords who provide inadequate housing at unaffordable rents. While traditional multifamily public housing certainly failed its tenants in many ways, residents had a prescient understanding of what would befall them without the program at all. These tenants were, by and large, right.

## Chapter 1: Battles Over Brooke: Public Housing from 1969 to 1972

On Christmas Eve, 1969, after a months-long rent strike and years of on-and-off organizing, public housing activists in St. Louis achieved a landmark success when President Richard Nixon signed what became known as the Brooke Amendment. Named after Republican Senator Edward Brooke of Massachusetts, the first Black senator to grace the halls of the Capitol since 1881, this amendment stipulated that public housing tenants' rents were to be no higher than 25 percent of their income. Tenants achieved this victory through organized protests that included withholding hundreds of thousands of dollars in rent and testifying before Congress and the media. Tenants from several St. Louis Housing Authority (SLHA) developments, including Cochran Gardens, Carr Square, and Pruitt-Igoe, began the rent strike as a means of protesting "unfair rent increases, a lack of social services, and dilapidated living conditions." The success of the strike made significant material changes for the lives of the increasingly poor and minority tenants who lived in public housing across the country. However, public housing tenants, their advocates, and their allies had to fight for years with local housing authorities (LHAs), Congress, and presidential administrations to ensure that LHAs implemented the Brooke Amendment in a way that followed both the letter and the spirit of the law. They defended the passage of Brooke and their right to live in public housing at reasonable rents. Thus, like other civil rights movement victories, the Brooke Amendment started a back-and-forth between politicians and public housing administrators to determine the nature and extent of public housing tenants' power.<sup>1</sup>

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<sup>1</sup> Michael Karp, "The St. Louis Rent Strike of 1969: Transforming Black Activism and American Low-Income Housing," *Journal of Urban History*, vol 40, no. 4, 2013, 654. Jacquelyn Dowd Hall, "The Long Civil Rights Movement and the Political Uses of the Past," *The Journal of American History*, Vol. 91, No. 4 (March 2005), 1233-1263. Nancy MacLean, *Democracy in Chains: The Deep History of the Radical Right's Stealth Plan for America* (New York: Penguin Random House, 2017).

The Brooke Amendment marked a critical turning point in the history of public housing. Some scholars and Department of Housing and Urban Development (HUD) administrators have argued that the Brooke Amendment represented the beginning of the end of public housing due to the exponential increase in the federal resources required to keep public housing functioning that occurred in the late 1960s and early 1970s.<sup>2</sup> This analysis has merit but ultimately is too simple. I argue instead that the Brooke Amendment—and the forceful tenant organizing that led to its passage—signaled a critical turning point in the history of public housing for a different reason. I find that the success of the 1969 Brooke Amendment propelled a marked shift in the tenor of tenant activism, public housing policy, and mainstream discourse about public housing. Following the passage of this legislation, interventions to public housing policy and practice revolved primarily around the constructs of empowerment and criminalization. Over the course of the remainder of the twentieth century, the definitions of what constituted empowerment and beliefs about what constituted a crime and who counted as a criminal would shift, overlap, and collide in mainstream discourse and in public housing policy and practice. Ultimately, the evolving political philosophies of empowerment and criminalization interacted in ways that enabled the federal government to withdraw from its commitment to traditional multifamily public housing.

During the period from 1969 to 1972, the scope of this chapter, public housing tenant activists learned that in order to achieve success with their efforts to improve public housing and to empower themselves, they would have to simultaneously target several governmental entities at multiple levels of government. Many tenants expressed the belief that they would have a better chance at holding the federal government rather than a private landlord accountable to them, and

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<sup>2</sup> D. Brad Hunt, *Blueprint for Disaster: The Unraveling of Chicago Public Housing* (Chicago: University of Chicago Press, 2009). Todd Richardson interview with the author; Department of Housing and Urban Development, “History and Overview of the Performance Funding System: Evaluation of the Performance Funding System” Edward White, Sally R. Merrill, Terry Lane, 1979.



this was likely true. Still, tenant organizers, mainly as part of the National Tenants Organization (NTO), secured major victories to change the operation of public housing across the country but all the while had to fight constant battles to make these policies and practices change the material realities of tenants. Critically, when tenant activists fought to keep tenant empowerment initiatives meaningful, they frequently battled the same entities that had passed the changes in the first place: HUD, local housing authorities, Congress, and the Nixon administration.

In addition to fighting for policy change in public housing, residents also pushed for management, in which tenants held some or primary responsibility for the day-to-day management of their housing authorities, as a new form of tenant power. In Boston, Baltimore, Philadelphia, and St. Louis, especially, tenants advocated for their ability to manage their homes, referencing Black Power notions of community control. Tenants who wanted to participate in tenant management saw themselves as the foremost experts on public housing and its issues. While HUD ultimately supported the creation of Tenant Advisory Boards (TABs) as well as tenants' abilities to serve on housing authority governing boards, the incorporation of these bodies into the organizational structures of public housing authorities (PHAs) in many cases diminished tenants' ability to demand radical change from PHAs.<sup>3</sup>

Finally, politicians' and their constituents' support for public housing diminished somewhat during this period, in large part due to racialized ideologies of pathologies of poverty. Throughout

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<sup>3</sup> For histories and historiographies of community control and Black Power, see: Peniel Joseph, *Waiting 'Til the Midnight Hour: A Narrative of Black Power in America* (New York: Owl Books, 2007). Peniel Joseph, *Neighborhood Rebels: Black Power at the Local Level* (Blasingstoke: Palgrave Macmillan, 2010). Komozi Woodard, *A Nation within A Nation: Amiri Baraka (LeRoi Jones) and Black Power Politics* (Chapel Hill: University of North Carolina Press, 1999). Rhonda Williams, *Concrete Demands: The Search for Black Power in the 20<sup>th</sup> Century* (New York: Routledge, 2015). Matthew Countryman, *Up South: Civil Rights and Black Power in Philadelphia* (Philadelphia University of Pennsylvania Press, 2006). Clarence Lang, *Grassroots at the Gateway: Class Politics and Black Freedom Struggle in St. Louis, 1936-1975*. Bettye Collier-Thomas and V. P. Franklin, eds. *Sisters in the Struggle: African American Women in the Civil Rights-Black Power Movement* (New York: New York University Press, 2001). William VanDeburg, *New Day in Babylon: The Black Power Movement and American Culture, 1965-1975* (Chicago: University of Chicago Press, 1992). Nikhil Singh, *Black Is a Country: Race and the Unfinished Struggle for Democracy*. (Cambridge: Harvard University Press, 2004). Leigh Raiford, *Imprisoned in a Luminous Glare: Photography and the African American Freedom Struggle*. (Chapel Hill: University of North Carolina Press, 2011).

the late 1950s and into the 1960s, the mainstream press in particular grew increasingly concerned with the criminality of impoverished Black people. By the time public housing tenants pushed Congress to pass the Brooke Amendment in 1969, the mainstream press, as well as some scholars, housing administrators, and politicians used language that criminalized public housing and the people who lived there. The cost of public housing for the federal government had begun climbing dramatically even before the Brooke Amendment, with white Americans' hostility toward racial and economic justice organizing increasing in lockstep. The skyrocketing costs of public housing laid the foundation for the trope of the "Welfare Queen," and, as historian Rhonda Williams has shown, for arguments that low-income public housing tenants' reliance on federal subsidies rendered them "social transgressors who have to pay restitution to the state" in some form.<sup>4</sup>

### **Battles over Brooke Begin**

1969 was not the first year in which St. Louis's public housing developments and their tenants made national news. In 1956, St. Louis's newest public housing development, Pruitt-Igoe, garnered international press as an exemplar of modernist architecture. The city of St. Louis commissioned Pruitt-Igoe following the passage of the Housing Act of 1949, which, among other things, opened up federal monies for the construction of public housing. Pruitt-Igoe was designed by Minoru Yamasaki (who later designed the World Trade Center) and opened its doors to its first tenants in 1956. The project featured 33 eleven-story buildings on a 57-acre plot in northwest St. Louis. Initially, architects, city officials, and journalists all praised Yamasaki's design, inspired by modernist architecture pioneer Le Corbusier. Commentators particularly liked the buildings' cost-efficiency and high-density tenant capacity. Cost-saving skip-stop elevators stopped only at the first,

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<sup>4</sup> Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016); Rhonda Williams, *Politics of Public Housing: Black Women's Struggles against Urban Inequality* (Oxford: Oxford University Press, 2004), 232.

fourth, seventh and tenth floors and opened into galleries meant to foster neighborly relationships between building residents.<sup>5</sup>

When the city commissioned the development in 1950, they had envisioned it as racially segregated. White families would live in Igoe—named for former St. Louisan Congressman William Igoe—and black families would live in Pruitt—named after St. Louisan World War II fighter pilot Wendell Pruitt. However, in the 1953 case *Banks v. San Francisco Housing Authority*, the Supreme Court, by granting a writ of certiorari, ruled that segregation in public housing was unconstitutional. Moreover, the 1949 Housing Act required that public housing be built only alongside the clearance of slums. Accordingly, when a St. Louis neighborhood called Mill Creek was designated as a “slum” to be razed by city planners implementing the 1949 Housing Act, the overwhelmingly Black families who had lived there were to be rehoused in Pruitt-Igoe. Mandatory integration and the impending relocation of African American families into Pruitt-Igoe made the development appear much less attractive to low- and middle-income white families. Additionally, many of these white families benefited from the GI Bill and FHA loans, which for the most part allowed them to move to other neighborhoods. Thus, by the time of the 1969 rent strike, Pruitt-Igoe “housed a population whose median annual income was \$2,300” and “was 98% black, of which only 10% were adult black males.” Women headed about two-thirds of the households.<sup>6</sup>

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<sup>5</sup> Elizabeth Birmingham, “Reframing the Ruins: Pruitt-Igoe, Structural Racism, and African American Rhetoric as a Space for Cultural Critique” *Western Journal of Communication* June 1999, 292-306. As Birmingham notes, the SLHA ultimately had to jettison some of the amenities Yamasaki envisioned, and used cheaper materials, as well.

<sup>6</sup> Colin Gordon, *Mapping Decline: St. Louis and the Fate of the American City* (Philadelphia: University of Pennsylvania Press, 2008), 99. Mary C. Comerio, “Pruitt-Igoe and Other Stories,” *Journal of Architectural Education*, Vol 34, no 4, Summer 1981, 27. On the GI Bill, the FHA, and more, see Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth Century America* (Princeton: Princeton University Press, 2011). Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (New York: WW Norton & Company, 2005). Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996). Keeanga-Yamahtta Taylor, *Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership* (Chapel Hill: University of North Carolina Press, 2019).

As with Pruitt-Igoe, public housing tenants in the late 1960s, especially in big cities on the East Coast and in the Midwest, were disproportionately Black, female, and more impoverished than earlier generations of residents. During the 1960s and into the 1970s, tenants participated in and benefited from civil rights, Black Power, welfare rights, and second wave feminist organizing. Activists in these movements articulated various and interrelated analyses of power and marginalization. Public housing tenants contributed to, borrowed from, and revised these analyses based on their own experiences. The leaders of the St. Louis rent strike—Mattie Trice, Jean King, Loretta Hall, Ivory Perry, and Buck Jones, among others—many of whom were women, had been inspired in part by SNCC chairman and Black Power advocate H. Rap Brown, who had come to St. Louis in 1967. During their strike, the women embraced what they and others called “Woman Power,” a concept that borrowed greatly from Black Power but also rejected some of Black Power’s masculinist underpinnings. As St. Louis’s Black newspaper, the *St. Louis Argus*, reported, advocates of Woman Power insisted that “the involvement of Negro women in meaningful community projects... can be undertaken and accomplished without unnecessary reliance upon other community organizations.”<sup>7</sup>

In October 1969, well into the St. Louis rent strike, public housing tenant activists from across the country came together to create the National Tenants Organization, a national organizing body that coordinated local affiliate groups of residents organizing to improve the public housing that they called home. The NTO often partnered closely with the National Welfare Rights Organization (NWRO) to empower their tenants, many of whom relied on welfare. NTO and the NWRO both worked locally and nationally to empower their overlapping constituents, to reframe

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<sup>7</sup> Karp, 653. For more on this strike and male figurehead of the strike, Ivory Perry in particular, see George Lipsitz, *A Life in the Struggle: Ivory Perry and the Culture of Opposition* (Philadelphia: Temple University Press, 1995).

mainstream narratives around poverty, and to pursue major structural reforms in the economy, the government, and in social relationships.

Both the NTO and NWRO, like other organizations in the late 1960s, were headed by men at the national level despite the fact that women often served as local leaders and constituted a disproportionate share of participants. NWRO director George Wiley, who led the organization with Johnnie Tillman, was that organization's most prominent figurehead. Anthony Henry served as the first Director for the NTO between 1969 and 1972. Henry was born in 1938 and grew up mostly in Texas. In 1961, he joined the longstanding interracial peace and social justice advocacy organization, the American Friends Service Committee. Henry had coordinated food and transportation for Martin Luther King, Jr.'s 1968 Poor People's Campaign until King's assassination in April of that year. The organization's second director, Jesse Gray, brought years of tenants' rights organizing experience to his role at the NTO. Gray cut his teeth organizing tenants to fight deplorable living conditions in Harlem in the 1950s, and he led a nationally-recognized rent strike there in 1963. After an unsuccessful campaign to unseat Congressman Adam Clayton Powell, Jr. during the early years of the NTO, Gray was elected to the New York State Assembly in 1972 and served through 1974.<sup>8</sup>

The 1969 passage of the Brooke Amendment represented a huge win for public housing tenants and the fledgling NTO, demonstrating that impoverished Black and brown people, especially women, could force policy change at the federal level. Moreover, the Brooke win came eleven months after the Supreme Court decided in favor of Joyce Thorpe in January 1969. Thorpe, a Black woman public housing resident and activist in Durham, North Carolina, had sued the Durham

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<sup>8</sup> Anthony Ray Henry Obituary in Houston Chronicle, January 11, 2008. For more on Johnnie Tillman, George Wylie, and the National Welfare Rights Organization, see: Martha Davis, *Brutal Need: Lanyers and the Welfare Rights Movement, 1960-1973* (New Haven: Yale University Press, 1983). Felicia Kornbluh, *The Battle for Welfare Rights: Politics and Poverty in Modern America* (Philadelphia: University of Pennsylvania Press, 2007). Premilla Nadasen, *Welfare Warriors: The Welfare Rights Movement in the United States* (New York: Routledge, 2005). Annelise Orleck, *Storming Caesar's Palace: How Black Mothers Fought Their Own War on Poverty* (Boston: Beacon Press, 2005). Guida West, *The National Welfare Rights Movement: The Social Protest of Poor Women* (New York: Praeger Publishers, 1981).

Housing Authority for evicting her without cause or prior notice. As a result of the Court's decision, in early 1969 HUD and all local housing authorities became constitutionally obligated to provide prior notice to public housing tenants stating the reason for a proposed eviction.<sup>9</sup> Eleven months later, Black public housing tenants in St. Louis pushed Congress to pass Brooke, making national changes for the empowerment and protection of public housing tenants nationwide. This win also solidified the NTO as a legitimate organization capable of leading public housing tenants in their efforts to create change.

As Congress deliberated the Brooke Amendment in late 1969, HUD Secretary George Romney conferred legitimacy on the NTO by inviting them and National Association of Housing and Redevelopment Officials (NAHRO), the leading body for public housing authority administrators, to attend a joint meeting with HUD. HUD held this initial meeting, which included NTO, NAHRO, Romney, and Assistant Secretary for Housing Assistance Lawrence Cox, in order to begin a negotiation process for instituting a new "model lease" and eviction grievance procedures that would both adhere to the provisions mandated in *Thorpe* and include the input of both tenants and administrators.<sup>10</sup> However, the NTO and its members quickly realized that they would have to force those in power to make the new laws meaningful and permanent.

In the May 1970 issue of its newsletter, *Tenants Outlook*, the NTO informed its members that the passage of the Brooke Amendment heralded a new fight against HUD. The headline on page one declared that on April 1<sup>st</sup> of that year, NTO had filed a class action suit against HUD and called for an injunction against HUD's implementation of the Brooke Amendment. In their newsletter,

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<sup>9</sup> For more on Joyce Thorpe see Christina Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina* (Chapel Hill: University of North Carolina Press, 2005).

<sup>10</sup> George Romney, father of future politician Mitt Romney, was the former Republican Governor of Michigan when he became HUD Secretary. He ran for the Republican nomination for president in 1968 against Richard Nixon, who appointed him to HUD. Nikole Hannah-Jones discusses more about his early tenure as HUD Secretary in [this article on the failure to enforce the Fair Housing Act of 1968](#). Lawrence Cox worked in the Norfolk, Virginia, Redevelopment and Housing Authority before serving at HUD under Romney.

NTO explained that Romney and Cox planned to implement Brooke in a way that would force many public housing tenants to pay more in rent. HUD had released a Circular giving LHAs directions on how to implement Brooke. The Circular failed to define income, which gave LHAs implicit leeway to define income more expansively than in the past. In response, some LHAs decreased the deductions families could make on their incomes and dependents. Thus, for some families, fewer deductions meant that 25 percent of their income, the maximum allowable proportion of rent per Brooke, was a higher rent than they had paid before. NTO and their attorneys argued that Romney and Cox would violate their “constitutional and statutory obligations” should they implement Brooke in this manner. In their suit, NTO stated, “unless prevented by (the) Court, they [HUD] will cause grievous and irreparable injury to tenants in low-rent public housing projects.” Moreover, NTO contended that if LHAs implemented Brooke according to the Circular, the most vulnerable tenants with the lowest incomes would be most harmed.<sup>11</sup> Thus, while public housing tenants had successfully forced Congress to take legislative action months before, tenant activists and NTO in particular learned almost immediately that they had to maintain constant vigilance in order to prevent HUD and Congress from perverting their successes in such a way as to negate them entirely.

NTO’s lawsuit also revealed that while Congress had passed the Brooke Amendment, legislators had not accounted for how local housing authorities would make up the income they lost by transitioning to a new model for rent collection. In particular, LHAs immediately struggled to keep up with maintenance and even general operating costs. Many LHAs attempted to maneuver

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<sup>11</sup> “NTO Sues HUD; Calls for Court Injunction,” *Tenants Outlook*, vol 2 no. 5, May 1970, 1.1-2, 3.1. NTO further indicated that they had received information alleging that HUD had asked the National Capital Housing Authority (NCHA)—the housing authority in Washington, D.C., in which all the plaintiffs who added their names to NTO’s suit lived—to go through their files to try to find “something detrimental to the tenant-plaintiffs” so as to “force them to withdraw from the suit.”

around the Brooke Amendment in part because they did not have sufficient appropriations from Congress nor were they able to collect rental income sufficient for the costs of good management.

Over the summer of 1970, NTO, HUD, and PHAs went back and forth with each other in attempts to determine the extent and nature of public housing tenants' power through Brooke and other public housing policies. In June of 1970, the NTO reported that HUD began requiring local housing authorities to provide cash refunds to tenants who had overpaid for their rents based on the Brooke Amendment. This was in direct response to the NTO's lawsuit against HUD. However, that same month, NAHRO backed out of the model lease and grievance procedures that NTO and NAHRO had developed together with HUD. NTO reported, "In an eleventh hour change-of-face NAHRO representatives moved to gut basic protections for tenants in a model lease which it had endorsed," taking both the NTO and HUD by surprise. Still, HUD seemed ready to make the model lease a recommendation rather than a requirement. HUD's capitulation infuriated the NTO leadership. NTO director Anthony Henry said, "HUD is once again sheepishly following the orders of those who for decades have denied tenants of [sic] their basic rights." In August, NAHRO came back to the negotiating table, stating that they would allow for parts of the model lease to be mandatory, "but only if new national mandatory responsibilities were applied to... tenants." Unsurprisingly, NTO refused, and the three parties continued to go back and forth for several months.<sup>12</sup>

Meanwhile, NTO also critiqued several provisions in the proposed Housing and Urban Development Act of 1970 during the summer of 1970. Anthony Henry testified in Congress regarding NTO's position on the pending legislation in July 1970. Henry expressed particular concern with an amendment in the bill that would standardize a rent-to-income ratio for all recipients of housing subsidies, including low-income public housing tenants as well as higher-

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<sup>12</sup> "NAHRO Backs Down on Model Lease," *Tenant Outlook*, vol 2 no 9, Sept. 1970, 6.1-3



income recipients of other forms of housing assistance. Henry declared, “NTO rejects HUD’s reasoning as an effort to cloak a zeal for statutory simplification, bureaucratic convenience... with attractive sounding rhetoric. HUD’s proposed standardization of rent to income ratio,” he continued, “would, if enacted, be a fatal blow to the low-rent public housing program which is already weakened by rising costs, deteriorating facilities and disaffected tenants.”<sup>13</sup>

In his testimony, Henry pointed out the apparent contradiction in passing legislation like the Brooke Amendment and then drafting new legislation that would greatly undermine Brooke. He saw this as “the Federal government... trying to find better ways of placing more money in the hands of the poor,” and then “proposing new ways to take it away.” “At stake” in the Housing and Urban Development Act of 1970, Henry said, using language from the U.S. Housing Act of 1949, “is your commitment to provide ‘a decent home and suitable living environment for every American family.’” Henry argued that the Act would result in the eviction of poor tenants in favor of moderate and middle-income tenants, which would represent a massive failure to live up to the promise of the 1949 legislation.<sup>14</sup>

When Nixon finally signed the Housing and Urban Development Act of 1970 on the last day of the year, the bill represented the tensions between Congress, HUD, LHAs, and NTO over who had the power to make and realize public housing policy and practice. The various components of the legislation revealed both the strengths and limits of NTO’s organizing. In reporting on the passage of the legislation, NTO told its membership the bad news first. They said that while the Senate bill had contained a measure that would prevent “welfare departments from lowering grants when rents were reduced,” this had ultimately been stricken from the compromise version with the House. Thus, welfare departments could continue to legally diminish the level of assistance they

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<sup>13</sup> “The Rent to Income Ratio/The HUD Bill of 1970,” *Tenants Outlook*, vol 2, no 8, August 1970, editor F. Dee Lewis, 8.1-3

<sup>14</sup> “The Rent to Income Ratio/The HUD Bill of 1970,” *Tenants Outlook*, vol 2, no 8, 8.1-3

provided to public housing tenants who benefited from the Brooke Amendment, a practice which negated the benefit. Still, the House and Senate did agree to “study the problem” and left it open as to whether they would consider passing a similar provision in the Senate bill in the future, based on the results of the study. However some, including leaders of the NTO, believed that those who did not support this measure wanted to encourage public housing to shift their primary demographic away from the most impoverished and back to the working poor, the original benefactors of public housing as created during the Great Depression.<sup>15</sup>

An amendment in the bill, which became colloquially known as “Brooke II,” perhaps represented NTO’s greatest lobbying success in the HUD Act of 1970. Through this Amendment, Congress overrode the definition of income Romney had used after the first Brooke Amendment had passed. The definition of income Congress put forth in this Amendment reduced rents for most tenants and ensured that low income public housing families would not be punished through PHA’s or HUD’s punitive implementations of the first Brooke Amendment. Brooke II also contained language that clarified Congress’s “directions to HUD... and instructed that federal monies could be used to achieve and maintain adequate operating and maintenance services.” In other words, Congress told HUD to provide funds to make up the difference between operating costs and rent collection in public housing authorities. As NTO noted, this Amendment, and the allocation of \$175 million for fiscal year 1972, would only be maximally effective if “HUD utilizes all the money Congress has authorized for public housing, something which it has not done in the past.” Thus,

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<sup>15</sup> “Report on the HUD Act of 1970,” *Tenants Outlook*, Vol 3, No 2, February 1971, 2.1. For more on the importance of the HUD Act of 1970, particularly in terms of low-income homeownership programs, see Keeanga-Yamahtta Taylor, *Race for Profit*. The Third Circuit Court handed their decision on *Shannon v HUD*, the day before, Dec. 30, 1970. The decision set an important precedence which bolstered the protection of civil rights in housing discrimination cases by compelling HUD to assess the racial impacts of its developments moving forward. This precedence also meant that HUD had to attend not only to discriminatory intent, but also discriminatory effect. “[Racial Impact of Federal Urban Development](#),” The Public Interest Law Center.

even as Congress laid the groundwork with legislation and appropriations, HUD maintained an important degree of power in terms of implementing Congressional dictates.<sup>16</sup>

Shortly after Nixon signed the Housing and Urban Development bill of 1970, though, Nixon and the Office of Management and Budget (OMB) declared that they planned to drastically cut funding to public housing in fiscal year 1972. In fact, the OMB “recommended to the President that HUD not be allowed to obligate the \$150 million” to local housing authorities.<sup>17</sup> OMB made this recommendation in part to give Nixon room to begin advocating for his revenue sharing plan—part of his vision for a New Federalism, in which localities would receive federal monies broadly earmarked for public assistance and allocate them as they saw fit. While the Nixon administration argued that revenue sharing would increase flexibility and efficiency in administering public assistance programs and public services, several leaders of major cities as well as recipients of public assistance expressed great concern over the fact that revenue sharing would certainly mean a drastic cut in federal funds for their cities and/or programs.<sup>18</sup> Even as NTO told members that they were going to have to hold HUD and their LHAs accountable for spending the money Congress had allocated, Nixon and the OMB moved to take most of that money away. The costs of public housing had skyrocketed from \$4.8 million to \$102.8 million in the three years between 1968 and 1971, so Nixon’s decision to change how federal dollars were allocated proved extremely punitive to

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<sup>16</sup> “Report on the HUD Act of 1970,” *Tenants Outlook*, Vol 3, No 2, February 1971, 2.1-3

<sup>17</sup> Nixon had appointed many of the higher-ups at the OMB, meaning that the OMB likely made this recommendation with a sense of Nixon’s support for such a measure.

<sup>18</sup> Historians have only just begun to seriously examine the Nixon administration’s New Federalism. As Keeanga-Yamahatta Taylor notes, the Nixon administration described New Federalism as “the flow of ‘power, funds, and responsibility’ from ‘Washington to the States and the people.’” This language reflects conservatives’ appropriation of the rhetoric of the Left as a means of marshalling support for conservative policies. Taylor shows that the Nixon administration posited New Federalism as a means of mitigating the “urban crisis.” Elizabeth Hinton, on the other hand, reveals how crime policy represented one major area in which the Nixon administration did not want to relinquish power to the states. Instead, they increased the repressive apparatus of the federal government through increased surveillance and policing in urban Black communities. For public housing tenants, New Federalism not only threatened to diminish overall governmental support for public housing, but it also threatened to create shifting goal posts in terms of which entities tenants could look to in seeking accountability for decent housing. See Keeanga-Yamahatta Taylor, *Race for Profit*, 95, 99-100, 151, 213-214, 244, 246; Elizabeth Hinton, *From the War on Poverty to the War on Crime*, 135-137, 146, 173, 150, 177-178, 315.

public housing authorities and tenants.<sup>19</sup> Nixon and the OMB's action provided stark evidence that tenants had to fight for their rights and empowerment through improved public housing on multiple fronts. Tenants had to stay attuned to political developments at different levels of government and even within different entities of the federal government. Success in Congress did not guarantee that the executive branch, or local housing authorities, would follow suit and vice versa.

In February of 1971, while policymakers and tenant activists and advocates responded to Nixon and the OMB, NTO scored a couple major victories for tenant empowerment with HUD. That month, acting HUD Assistant Secretary of Housing Management, Norman Watson, signed three circulars—a Model Lease Circular, a circular prohibiting unfair management practices, and a Model Grievance Procedure Circular—making them requirements. NTO called these “about the biggest and best things that have come around to public housing tenants.” Because there had been a significant back and forth between NAHRO and NTO members, HUD attempted to find a middle ground by making the basic provisions of both the Model Lease and Model Grievance Procedures mandatory, but allowed each PHA to come up with its own language if they liked, so long as that language did not change the meaning of the requirements. Moreover, they did not include all of the measures to protect tenants that NTO had recommended. Still, HUD's distribution of these new circulars represented a “landmark event” for NTO and public housing tenants more generally.<sup>20</sup>

The Model Lease contained several significant changes for LHAs and the families they served, many of which served to protect tenants and to give them greater power in relation to housing authority management. For example, one provision included a requirement that leases be

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<sup>19</sup> “Nixon Puts Politics Above Poor People—Chops \$150M Off Public Housing Budget,” *Tenants Outlook*, Vol 3, No 2, February 1971, 1.1-2; “The History and Overview of the Performance Funding System,” 2. The dramatic rise in the cost of public housing resulted from a number of reasons. First, during the late 1960s and early 1970s inflation increased substantially. Also, the cheap materials used to construct public housing were beginning to require greater upkeep and maintenance. As noted, tenant incomes also decreased, meaning that the housing authorities could not rely on rental collections to cover management costs.

<sup>20</sup> “The Background: The Making of the HUD Circulars,” *Tenants Outlook*, Vol 3 No 6, June 1971, S-2.1; “The P.H. Model Lease Is Finally Released,” *Tenants Outlook*, Vol 3, No 4, April 1971, 1.2-3. As a result of the Model Lease Circular, LHAs could only require a security deposit that cost up to but not over one month's rent.

perpetual rather than month-to-month, as was the case with most LHAs at that time. Management now had to give 30-day termination notices and provide good cause for the termination of a family's lease. If a tenant wrote a report for hazardous conditions and the housing authority took no action for over 72 hours, tenants had the right to rent abatement. The Model Lease also prevented LHAs from evicting tenants for nonpayment of damage fees. Moreover, families now had the right to inspect their units before and after they moved in to ensure they were not held accountable for damages that they did not cause. Before the Model Lease, when a family in public housing changed in size, housing authorities could evict them rather than re-house them in a new, different-sized unit. Under the Model Lease, PHAS had to relocate families within the development rather than evict them. Finally, if a family's income decreased, they had the right to have their rent immediately recalculated, but had to report income increases only after three months.<sup>21</sup>

In the second circular, entitled the "Prohibited Clauses Circular," HUD made it clear which lease provisions would under no circumstances continue to be acceptable. The circular forbade confession of judgment clauses, in which tenants signed a lease and agreed to accept liability for some or all damages, giving up their right to later dispute damages in court. HUD also prohibited rent dstraint, meaning that LHAs could no longer seize public housing residents' assets (such as televisions, radios, jewelry, etc.) when they were delinquent on rent. Landlords of private low-income housing often pursued this practice against their tenants. These changes were designed to prevent LHAs from using lease agreements that would limit their liability for failure to provide decent, safe, and sanitary housing. Additionally, public housing leases could no longer include

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<sup>21</sup> "The Background: The Making of the HUD Circulars," *Tenants Outlook*, Vol 3 No 6, June 1971, S-2.1; "The P.H. Model Lease Is Finally Released," *Tenants Outlook*, Vol 3, No 4, April 1971, 1.2-3; "HUD Circulars on Lease and Grievance Procedure.... Your New Rights and How to Organize to Get Them," Jeffrey B. Schwartz, NTO Counsel, *Tenants Outlook*, Vol 3 No 6, June 1971, S-1.1-3, S-3.1-3, S-4.1-2.

clauses that waived the right to legal proceedings or the right to appeal LHA decisions. Finally, LHAs could not include clauses that would require tenants to pay court costs.<sup>22</sup>

The final circular, the Model Grievance Procedure, provided tenants with the right to call a hearing when they had an issue with a housing authority action or policy. The circular, in part, implemented components of the 1969 Supreme Court ruling on *Joyce Thorpe v Housing Authority of the City of Durham*, mandating that all public housing authorities provide tenants with written justifications for eviction and with a chance to participate in a grievance procedure before the LHA could evict them. More broadly, the circular stipulated that “Every tenant must be allowed a hearing before an impartial body any time the tenant disagrees with any action or failure to act of the housing authority.” For every member of the housing authority on the panel adjudicating the hearing, there had to be a corresponding tenant representative chosen by the tenants, and vice versa. Tenants who requested hearings had to notify the housing authority and relevant bodies as to the nature of their complaint. The circular demanded that those in charge of the hearings provide tenants with all rules and regulations governing the hearings. Furthermore, once at the hearing, “the tenant must be given a full chance to tell his or her side of the story.” Tenants would be able to bring another tenant leader and/or an attorney with them to a hearing, as well as their own witnesses, and would have the right to cross-examine any or all opposing witnesses. After the hearing, the adjudicating body and the housing authority would be responsible for providing a written decision with the reasoning behind the decision. Both the tenant and the housing authority would be held to the decision unless they brought the matter to court.<sup>23</sup>

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<sup>22</sup> “HUD Circulars on Lease and Grievance Procedure.... Your New Rights and How to Organize to Get Them,” Jeffrey B. Schwartz, S-1.1-2. Significantly, just 13-14 years later, HUD would publish a study advocating for restraint as best management practices in public housing.

<sup>23</sup> “HUD Circulars on Lease and Grievance Procedure.... Your New Rights and How to Organize to Get Them,” Jeffrey B. Schwartz, S-1.3, S-3.1.

In the months after Watson signed the circulars, NTO dedicated significant space in their newsletters to discussing not only the specific provisions of the circulars, but also tenants' responsibility in forcing LHAs to implement the changes within them. One article in NTO's June 1971 newsletter made clear, by its title alone, that the circulars themselves were not the end of the battle: "HUD Circulars on Lease and Grievance Procedure.... Your New Rights and How to Organize to Get Them." NTO's attorney, Jeffrey Schwartz wrote the article. He opened it with a bold and clear statement that indicated that only tenants could ensure that the circulars improved their lives: "What are the new rights you will have as a public housing tenant? *None*. That's right, none, unless you as tenants mobilize to insist that the new HUD protections are put into effect by your housing authority."<sup>24</sup> He then explained the provisions of each of the circulars, which NTO attached in their complete forms in an appendix along with their newsletter.

In the article, Schwartz noted that the circulars did not include all of NTO's suggestions for leases, and recommended that tenants push their PHAs to implement other lease clauses, such as eradicating late fees for late rental payments. Schwartz wrote, "You should view the HUD 'model' as the minimum and get as many better provisions as possible adopted by your own housing authority." He reiterated that tenants themselves had to make the LHAs implement the new provisions, stating that, "Once a new lease and grievance procedure is put into effect in your local housing authority, you should take advantage of them. Local tenants organizations should undertake the difficult, but very important job, of informing all the tenants about the new procedures." Schwartz recommended providing simplified pamphlets, which local tenant groups could write themselves or could purchase at the price of \$10 per 100 copies from NTO. While HUD had mandated that LHAs inform tenants about any and all changes that would result from the new

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<sup>24</sup> "HUD Circulars on Lease and Grievance Procedure.... Your New Rights and How to Organize to Get Them," Jeffrey B. Schwartz, S-1.1-3, S-3.1-3, S-4.1-2.

circulars, Schwartz's article made clear that he and NTO believed that only tenants could truly ensure that these changes occur. In particular, Schwartz encouraged tenants to use the grievance procedure to prevent emerging problems from growing into bigger issues. He wrote, "Remember, the purpose of the grievance procedure is to get problems solved promptly and fairly. Don't let something that is bothering tenants go unsettled."<sup>25</sup> The article revealed again, that tenants understood that an organizing success with HUD did not guarantee that same success with their local housing authorities.

NTO soon found how right they were in assuming they would have to fight to maintain these victories. Shortly after HUD disseminated the circulars, they faced opposition from housing administrators, who "formed an organization called Authorities for Local Autonomy (ALA)... to develop opposition to the Model Lease and Grievance Procedure and to challenge HUD's authority to issue such Circulars" in court. Federal Judge Robert Vernon Denney in Omaha ruled in favor of the ALA, agreeing that HUD did not have the authority to issue the circulars. HUD, joined by NTO, appealed the decision to the Federal Court of Appeals in Missouri. The Court of Appeals ruled in favor of HUD and NTO. In 1973, the Supreme Court "refused to hear the case, and thus upheld" the decision of the Court of Appeals. PHAs and the ALA were then legally required to follow the directives contained in HUD's circulars.<sup>26</sup>

Even in the face of Nixon's dramatic public housing budget cuts, Congress moved again to improve public housing tenants' material realities by passing Brooke III, the last of the Brooke Amendments in late 1971. Brooke III "made it clear that the 25 percent limitation applied to families receiving public assistance," and forbade welfare departments from undoing the benefits of

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<sup>25</sup> "HUD Circulars on Lease and Grievance Procedure.... Your New Rights and How to Organize to Get Them," Jeffrey B. Schwartz, S-1.1-3, S-3.1-3, S-4.1-2.

<sup>26</sup> Jesse Gray, "A Review of NTO's Struggle in the Year 1972-1973," *The Housing Struggle in Crisis* (NTO National Conference Packet) August 1973.



Brooke by diminishing assistance to public housing tenants. This Amendment reaffirmed the commitment Congress made to public housing tenants in 1969 with the first Brooke Amendment, ensuring that public housing tenants would not have to pay undue percentages of their, by definition, meager incomes in order to live in public housing. Yet, even as Congress passed this final Amendment, legislators knew that Nixon and OMB had planned to prevent the disbursement of federal funds to PHAs, which would make it incredibly difficult for PHAs to continue to function.

### **The Beginnings of Tenant Management**

While NTO members fought to make tenants' organizing victories around Brooke and the circulars impactful, others were advocating for tenants to take on increasingly powerful roles in the day-to-day management of their housing developments. St. Louis was not the only city where public housing tenant activists successfully forced innovations in the operation of public housing. In fact, tenants in Boston's Bromley-Heath began working toward tenant management in 1968 when they secured a five-year grant from the Office of Economic Opportunity (OEO) to participate in a pilot project to assess its feasibility. In 1970, tenant leaders received training from a Boston Community Development group in order to learn how to manage the operation of their development.

At the same time, HUD published a circular in August of 1970 that urged local housing authorities to include tenants on their governing boards. "The HUD directive was only a recommendation, but is viewed as a major policy shift for the federal government, which has until now maintained a neutral position on the issue of tenant participation in management," NTO reported in *Tenants Outlook*. The language of the HUD circular indicates that it was a response to successful tenant advocacy. The circular stated, "The rapidly mounting desire by tenants of low-rent public housing to make their voices heard, to share in the decision-making process, and to achieve a feeling of belonging," as well as the "sharp" difference in background between public housing tenants and administrators, led HUD to encourage tenant representation on public housing

governing bodies. This circular not only responded to the success of NTO organizing and advocacy, but also to continued activism by St. Louis and Boston public housing tenants who were pushing for a greater role in management.<sup>27</sup> Tenant organizing was reaping hard-won gains that could and did empower tenants. Still, in order for these gains to improve tenants' lives in a sustained manner, tenants had to continuously fight to ensure that the responsible governmental parties followed the policies and directives tenants had won.

In the December 1970 HUD Act, Congress used some of the language and ideas behind the War on Poverty as they created new sections in the legislation aimed at increasing tenant participation in and control of low-rent public housing. Section 903(c) "provide[d] for the 'financing of tenant programs and services for families residing in low-rent projects, particularly where there is maximum feasible participation of tenants in the development and operation of... tenant programs and services,'" including tenant management. While this section was new in the history of public housing legislation, NTO noted that a similar provision in the law already existed but Congress had never included funding for it, so it had been merely a show of support for such initiatives rather than meaningful policy. Another section in the new law encouraged public housing authorities to put tenants on their boards and made it illegal to bar a tenant from participation on a public housing governing board based on their tenancy. NTO warned its readership, however, that these successes depended on tenants holding their local housing authorities and HUD accountable. For example, Congress appropriated funds for tenant organizations through the annual contribution contract that HUD disbursed to PHAs. In the past, HUD and local housing authorities had also substantially underutilized these federal monies. Accordingly, NTO told its members that it was incumbent upon them to "act as a watchdog at the local level to insure that the benefits of the new legislation are put into effect." They closed their article by arguing that, "Responsible tenants should insist that the

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<sup>27</sup> "HUD Calls for Tenants on P.H. Boards," *Tenant Outlook*, vol 2, no 9, Sept 1970, 7.2-3

projects are adequately maintained, that rents are properly adjusted, that tenant organizations are funded through the local housing authority, and that tenants are placed on the Boards of housing authorities.”<sup>28</sup> NTO leaders not only understood that tenants had to organize to make these legislative changes have tangible benefits for their lives, but also that growing tenant power in public housing required an inordinate amount of consistent work on the part of residents.

In February 1971, tenants in the Bromley-Heath development, the third largest development in Boston, created the nation’s first public housing Tenant Management Corporation (TMC). Six months later, the tenants of Bromley-Heath elected representatives to serve as the development’s board of directors. Tom Weeks, the director of the Bromley-Heath TMC, said to the press that the early success of Boston tenants’ efforts toward trying to manage their own homes reflected two important realities: first, that “public housing tenants have proven that they do have an interest in maintaining their own residences and that” they “can do business with” their housing authorities “on a contractual basis... [and] negotiate with them to perform services for ourselves.”<sup>29</sup>

Other cities with strong public housing activist groups including St. Louis, Baltimore, and Philadelphia also began experimenting with giving tenants a greater degree of power in management decisions for their public housing complexes. In these cities, tenants created tenant or resident advisory boards (TABs and RABs), to which public housing tenants elected representatives who would participate in local housing authority policymaking and help to improve management services. These RABs represented to many tenant activists opportunities to realize greater community control—a key goal of Black Power and Black Freedom Struggle organizing in the late 1960s and early 1970s. However, though some of these RABs served as stepping-stones to tenant management

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<sup>28</sup> “Report on the HUD Act of 1970,” *Tenants Outlook*, Vol 3, No 2, February 1971, 2.1-3, 3.3.

<sup>29</sup> Manpower Demonstration Research Corporation for the U.S. Department of Housing and Urban Development office of Policy Development and Research, Office of Housing, William A. Diaz, “Tenant Management: An Historical and Analytical Overview,” March 1979. “Tenants Manage Housing Project,” *Tenants Outlook*, Vol 3, No 4, April 1971, 1.1, 4.3

corporations, many of them became incorporated into the larger management structure of a city's local housing authority. As historian Rhonda Williams wrote, "Local housing and community development officials' decisions to incorporate residents within the housing bureaucracy provided structured, controllable outlets for dissent," which were easier to control than more confrontational protest.<sup>30</sup> In other words, PHAs were incorporating understandings of empowerment that often provided important opportunities for tenants to participate in policymaking, but that also limited the radical potential of tenant activism. Moreover, as tenants gained greater power in the decision-making process in some PHAs, the Nixon administration continued to prevent PHAs from receiving their total Congressional allocation, further undercutting tenants' new power.

### **Defensible Space, Criminalization, and the Public Execution of Public Housing in the Media**

Journalism covering crime in public housing during this time revealed that many in the mainstream media and in the country understood crime in public housing as the result of the nexus of pathologies of poverty and Blackness or cultures of poverty among Black people in urban centers. It was not the fact that public housing residents survived disproportionate rates of crime that journalists tended to focus on; rather, they emphasized the notion that public housing tenants, or their children, perpetuated high rates of crime.

Historians have documented fairly extensively the longstanding history of scholars, journalists, and mainstream white Americans who criminalized and pathologized Blackness in general, and low-income and impoverished Black Americans in particular. Kali Gross, Cheryl Hicks, and Khalil Muhammad have all examined how statisticians and criminologists mapped criminality onto Blackness in gendered ways in the late nineteenth and early twentieth centuries. Scholars of the mid- to late twentieth century have also charted the evolving ideologies of race, poverty, and

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<sup>30</sup> William A. Diaz, xxiv; Williams, *Politics of Public Housing*, 176.

criminality. Jennifer Mittelstadt's *From Welfare to Workfare*, for example, revealed that from 1945 to 1965, federal policymakers and Aid to Dependent Children (ADC) administrators believed that unmarried mothers experienced poverty not only because they lacked money, but also because of underlying psychological and social pathologies that made single mothers the "thorniest of America's poverty problems." As Daryl Michael Scott argued in his examination of the ideologies reflected in and around the Moynihan Report, in the mid-century, scholars and activists increasingly argued that racial discrimination resulted in psychological damage and social pathology among African Americans. Recently, Elizabeth Hinton has argued that policymakers in the 1960s and 1970s "recognized poverty as the root cause of crime, but also" believed that "community behavior and not structural exclusion... cause[d]... that poverty." Moreover, "growing numbers of policymakers and law enforcement officials came to view" African American men between the ages of fifteen and twenty-four "as prone to rioting and, by extension, criminality."<sup>31</sup> Accordingly, during the 1960s and 1970s, legislators and politicians enacted policies at local, state, and the federal level that enhanced the surveillance and punishment of these citizens. This corresponded with national conversations about crime, Blackness, poverty, and pathology, all of which shaped and reflected popular discourse surrounding public housing and its tenants.

The reporting around Pruitt-Igoe in St. Louis perhaps contained the starkest and most frequent examples of such discourse in the late 1960s and through the mid-1970s. By the late 1960s, Pruitt-Igoe's leaseholders had become overwhelmingly Black, unmarried women and their families.

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<sup>31</sup> Khalil Muhammad, *Condemnation of Blackness: Race, Crime, and the Making of Modern Day Urban America* (Cambridge: Harvard University Press, 2010). Cheryl Hicks, *Talk With You Like A Woman: African American Women, Justice, and Reform in New York, 1890-1935* (Chapel Hill: University of North Carolina Press, 2010). Kali Gross, *Colored Amazons: Crime, Violence, and Black Women in the City of Brotherly Love, 1880-1910* (Durham: Duke University Press, 2006). Mittelstadt, Jennifer. *From Welfare to Workfare: The Unintended Consequences of Liberal Reform, 1945-1965*. Chapel Hill: University of North Carolina Press, 2005), 4. Daryl Michael Scott. *Contempt and Pity: Social Policy and the Image of the Damaged Black Psyche, 1880-1996* (Chapel Hill: University of North Carolina Press, 1997). Elizabeth Hinton, "'A War within Our Own Boundaries': Lyndon Johnson's Great Society & the Rise of the Carceral State," *Journal of American History Special Issue: Historians and the Carceral State* June 2015, Vol 102(1), 100-112.

Moreover, the St. Louis Housing Authority's failure to maintain the buildings became more apparent in the late 1960s and 1970s, when frequent elevator breakdowns, unlit hallways and stairwells, and inadequate heating plagued public housing residents. Journalists and scholars became increasingly interested in what the circumstances at the development—including its architecture, its crime rate, its costs, and its residents—revealed about impoverished Black families headed by unmarried women. Reporting on Pruitt-Igoe became a way for journalists to explore whether public housing that served the most vulnerable could work in contemporary America.

The reporting around Pruitt-Igoe in St. Louis perhaps contained the starkest and most frequent examples of such discourse in the late 1960s through the mid-1970s. By the late 1960s, Pruitt-Igoe's leaseholders had become overwhelmingly Black, unmarried women and their families. Moreover, the St. Louis Housing Authority's failure to maintain the buildings became more apparent with frequent elevator breakdowns, unlit hallways and stairwells, and inadequate heating in the late 1960s and 1970s. Journalists and scholars became increasingly interested in what the circumstances at the development—including its architecture, its crime rate, its costs, and its residents—revealed about impoverished Black families headed by unmarried women. Pruitt-Igoe became a way for journalists to explore whether public housing that served the most vulnerable could work in contemporary America.

For example, in 1971, Richard Cooper argued in a *Los Angeles Times* article that “poor architectural design, false economies, [and] short-sighted policies that flooded the project with unsuitable tenants” had led to the demise of the public housing complex. Cooper interviewed SLHA director Tom Costello, who gave a clearer indication of who constituted the “unsuitable tenants.” Costello said, “The bulk of the project's population has been on welfare, most families have no fathers, and the percentage of young children has been unmanageably high.” Costello continued, arguing—correctly—that public housing had not been envisioned for the “utterly destitute.” In the

wake of the combination of the Great Migration in the 1930s and 1940s and urban renewal in the 1950s in St. Louis, Black “welfare recipients could only go one place [Pruitt-Igoe],’ ... and Pruitt-Igoe’s troubles began almost immediately,” Cooper reported, quoting Costello.<sup>32</sup>

These problems, according to Cooper, Costello, and many other journalists and St. Louis political figures, included high crime rates, joblessness, hopelessness, vandalism, and violence. In fact, in the article Cooper implied that public housing residents were as destructive as the violence of WWII. He wrote that valuable equipment had been stolen “by scavengers seeking valuable pipe fittings.” “The desolations, staggering in magnitude,” he continued, “recall images of London during the Blitz or Berlin in the final days of the Third Reich.” In this article, Cooper and Costello agreed that Black mothers who received public assistance, and the children in whom they failed to inculcate white middle-class values, were criminally negligent of the public housing property and responsible for the failures of public housing overall.<sup>33</sup>

Another article in the *Washington Post* implied the same thing—that the housing authority had stopped adequately screening residents, leading the population of the development to disproportionately include single parent households with mothers dependent on welfare who were unable to properly raise their children. The article quoted a police officer who formerly patrolled the area. The officer said that in Pruitt-Igoe, “the only security there is for the thief. It is the easiest place I know of to escape arrest. You merely have to flee there, go up the stairs and a door will open by preconceived arrangement.” A reporter from the *New York Times* wrote of Pruitt-Igoe that “Robbers, burglars, narcotics pushers and street gangs roamed at will through the buildings.”<sup>34</sup>

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<sup>32</sup> Richard T. Cooper, “St. Louis Housing Disaster: Lessons for All Big Cities: Poorly Designed, Ineptly Administered Project for the Poor Faces Demolition,” *Los Angeles Times*, 8-30-1971, p1.

<sup>33</sup> Richard T. Cooper, “St. Louis Housing Disaster: Lessons for All Big Cities: Poorly Designed, Ineptly Administered Project for the Poor Faces Demolition,” 8-30-1971, p1.

<sup>34</sup> Wilson, Andrew B. “Demolition Marks Ultimate Failure of Pruitt-Igoe Project.” *Washington Post* 27-8-1973 A3. Richard T. Cooper. John Herbers, “The Case History of a Housing Failure” *The New York Times*, 11-2-1970, p1; Cooper makes clear that the only people left in Pruitt-Igoe by the time he’s publishing are unmarried Black women and their families.

These statements implied that public housing tenants in Pruitt-Igoe either participated in crime directly or harbored criminals, making them complicit and therefore undeserving of homes funded by the federal government.

While many agreed that welfare recipients were causing the demise of large public housing developments in major urban centers, there was some debate among journalists and scholars about whether the apparently destructive nature of public housing tenants arose from pathologies of poverty, from the architectural environment in which they lived, from living within areas of concentrated poverty, from lack of political power, or from some combination of all of the above. Sociologist Lee Rainwater, who wrote a book on social issues plaguing public housing residents in Pruitt-Igoe called *Behind Ghetto Walls*, told Cooper in an article, “Pruitt-Igoe condenses into one 57-acre tract all the problems and difficulties that arise from race and poverty and all the impotence, indifference, and hostility with which our society has so far dealt with these problems.” As Rainwater understood it, the high population density of Pruitt-Igoe, as well as the concentration of poverty, exacerbated issues among people whom the government and middle- and upper-income Americans had intentionally abandoned. A 1971 *Washington Post* article declared that, “Much has been said and written about the disastrous consequences of piling large, poor families—most without male heads—on top of one another in so-called ‘vertical slums’ like Pruitt-Igoe.” Embedded within that statement was a critique of concentrating poverty, of the nature of “large, poor families” headed by unmarried women, and of high-rises as an architectural design. A *New York Times* article reported that “Housing experts... said... high-rise design was improper for housing large families and supervising children.” Such statements implicitly attributed the failures of public housing both

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Everyone else, Cooper says, have “fled.” This fact underscores the significant marginalization of unmarried Black mothers, and that they often had the least amount of choice and power in regard to their housing.



to architecture and to the problematic nature of impoverished families who could not accommodate themselves to life in high-rise developments.<sup>35</sup>

In the spring of 1971, in the immediate aftermath of major gains for public housing tenants, Roger Starr—one of the foremost leaders of “neoconservative” thought—published his thoughts on the future of public housing in *The Public Interest*, a public policy journal created by Starr’s fellow neoconservative thought leaders Irving Kristol and Daniel Bell. Starr began by citing conservative social scientist Anthony Downs, who argued that there were five types of “urban” poor people. According to Downs, the first two types of poor people in major metropolitan areas—the “working poor”—included male-headed households where the breadwinner worked but did not earn a living wage and the elderly. The second category, per Downs, was the “dependent poor.” Three types of female-headed households constituted the “dependent poor”: those who worked part-time, those who worked full-time, and those who did not work at all, but relied presumably upon Aid to Families with Dependent Children (AFDC). Echoing parts of the Moynihan Report, Starr argued that “the difference between... the working poor and the dependent poor... is not merely economic: the difference finds expression in a whole set of attitudes toward work and life, in different patterns of behavior.” Starr declared that the dependent poor were responsible for the issues facing public housing in New York City and in other major metropolitan areas. “It is the fatherless households that cause the most vandalism, are responsible for the greatest amount of crime, both on the streets and inside the housing projects,” he wrote. Public housing tenants, he claimed, had told him that AFDC families were replete with “alcoholics, junkies, and young delinquents,” who “disfigured” public housing.<sup>36</sup> By arguing that children of impoverished,

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<sup>35</sup> Richard T. Cooper, “St. Louis Housing Disaster: Lessons for All Big Cities: Poorly Designed, Ineptly Administered Project for the Poor Faces Demolition,” 8-30-1971, *Los Angeles Times*, p1; “Costly St. Louis Housing ‘Monster’ to be Cut Down to Size: Approval in Doubt.” *Washington Post* 5-12-1971 A2. “St. Louis Closes Housing Project: 33 Buildings Fenced Off—Demolition Scheduled,” *New York Times*, p34 5-13-74.

<sup>36</sup> Roger Starr, “Which of the Poor Shall Live in Public Housing?” *The Public Interest*, No. 23, Spring 1971, 116-124; For analyses on the pathologizing of poor Black families, see: Cathy Cohen, “Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer

unmarried women—predominantly Black women—committed the preponderance of crime in public housing, Starr criminalized low-income Black women’s mothering and contributed to ideas about the pathology of Black poverty.

Starr’s argument, however, went beyond his premise that low-income and impoverished unmarried Black mothers and their children were disproportionately pathological and criminal. The larger point of his article was, in fact, that the growing percentage of public housing families headed by unmarried Black women would wreak such havoc on public housing that the federal government and voters would soon withdraw their support for public housing as an assistance program. Starr wrote, “If the trend to welfare tenancy continues, and the working families stay out of New York City Public Housing, there will be a consequent deterioration of the projects.” As a result, Starr contended, “There will be... a growing unwillingness of the federal government to build more low-cost housing.” Thus, Starr argued that housing authorities across the country should be able to re-implement screening processes such that housing authorities could target nuclear families of low-income working adults to populate their developments, while screening out “welfare families” and households headed by unmarried women. This, Starr implied, would save public housing as a program.<sup>37</sup> In some ways, Starr predicted with prescience how public housing policy would play out, though he oversimplified and flattened the back and forth between public housing resident activists and the public authorities. Because neoconservatives had a great impact on American politics at the end of the twentieth century and because politicians across the political spectrum tended to at least

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Politics?,” *GLQ* Vol 3, pp. 437-465. Kevin Mumford, “Untangling Pathology: The Moynihan Report and Homosexual Damage, 1965-1975,” *Journal of Policy History* 24(1) January 2012, pp. 53-73. Daryl Michael Scott, *Contempt & Pity: Social Policy and the Image of the Damaged Black Psyche, 1880-1996* (Chapel Hill: University of North Carolina Press, 1997).

<sup>37</sup> Roger Starr, “Which of the Poor Shall Live in Public Housing?,” 116-124. Starr’s argument blames the decline of public housing on the victims of that decline, and failed to foresee how shifts in the economy and politics shifted and shaped public housing policy. More importantly, Starr did not take the organizing and efforts and lives of public housing tenants themselves into account in his policy forecast. Instead, he blamed mainstream distaste for housing the most marginalized rather than on systems and structures of inequality based on race, gender, and class.

in part blame impoverished people for their marginalization, political support for public housing—never particularly strong—withered as the twentieth century drew to a close.

At least one tenant also argued that the problems of public housing, particularly crime, resulted from the demographic makeup of the developments. Given the high crime rate in Pruitt-Igoe, it should not be surprising that a tenant expressed concerns regarding that issue. A journalist for the *Los Angeles Times* reported that tenants called the public spaces in their buildings “gauntlets” that they had to hurry through in order to avoid “violent youth and drug addicts.” The first tenant in Pruitt-Igoe, Mrs. Frankie Mae Raglin, told a reporter that the first five years of living in Pruitt-Igoe had been “fine living.” But, “then the welfare people started pressuring [the] Housing [authority] to take all these families with no man in the house,” which started the decline of the development, Raglin implied. Thus, both scholars and some tenants made arguments about cultures of poverty and the attendant anti-social behaviors that could result amongst impoverished public housing tenants.<sup>38</sup>

While some tenants decried the relaxed standards for admission into public housing and the increased proportion of unmarried mothers dependent on welfare, others pointed to the architectural design and the lack of political will for housing and helping impoverished Black people. Activist Jean King, who had helped lead the St. Louis rent strike, argued that all large public housing developments were just as bad as Pruitt-Igoe. She said, “It’s wrong for people to be stacked up like that.” The lack of resources and the physical layout of the developments, King said, rendered them into “concentration camp[s].” According to an article in the *New York Times*, “Residents tended to attribute to the project’s demise to a history of poor management and official unconcern for the

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<sup>38</sup> Wolf Von Eckhardt, *Los Angeles Times*, “City of Future Dies in Housing Project Blast,” 7-16-1972, pK1; “CityLife: St. Louis Project Razing Points Up Public Housing Woes: At First It Was ‘Perfect’” *New York Times* p.72. Oscar Lewis, “Culture of Poverty,” in Daniel Moynihan, ed., *On Understanding Poverty: Perspectives from the Social Sciences* (New York: Basic Books, 1969).

poor.” One resident told a reporter that yes, he was worried about the safety of his wife and his children living in the high-crime developments of Pruitt-Igoe, but he said, “It won’t do no good to fix up this place if we’re still treated like animals.... [W]e want to be considered like human beings.”<sup>39</sup> Crime represented a major concern for many tenants. Still, a significant percentage of tenants understood crime as one of many critical issues in public housing that resulted from longstanding inequalities created by governmental policy and practices.

Thus, those who participated in criminalizing discourses around public housing and the people who lived within it did so from a range of motivations and concerns. Neoconservative thinkers like Starr were invested in a political agenda that would shrink the federal government’s role in welfare programs serving impoverished and nonwhite people. Housing authority administrators may have shared Starr’s and others’ racist beliefs or they may not have. The actions they took in supporting tough-on-crime policies and the increase in police patrols of developments reflected their desire to swiftly mitigate what they saw as a major problem in their ability to manage their properties and tenants. These actions also provided support for racist policies that had gendered implications in which men often faced arrest and imprisonment and women’s homes became increasingly precarious. Policymakers selected soundbites from the testimony of tenants like Raglin, who expressed a desire to have a safer living environment, to legitimize their law and order policy initiatives—while ignoring these same tenants’ accompanying structural critiques of racism and inequality. Ultimately, these criminalizing ideas and policies worked to diminish support for public housing as a viable anti-poverty program.

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<sup>39</sup> Robert Maynard, “Public Housing: ‘It Makes Animals Out of People’” *Washington Post*, A8 12-16-1969. “St. Louis Closes Housing Project: 33 Buildings Fenced Off—Demolition Schedules,” *New York Times* p34, 5-13-1974; Vincent Hovanec, “Public Housing Precedent: St. Louis Housing Authority Sets Huge Outlay to Rejuvenate Project,” *Wall Street Journal*, 9-26-66;

On March 16, 1972, the criminalizing ideas about Pruitt-Igoe and those who lived within it resulted in the razing of some of the development's high-rises. In the years leading up to this first demolition, St. Louis Housing Authority officials as well as many city leaders referred to the development as "The Monster," invoking fear of not only the physical space of the complex but also of those who lived within it. HUD's decision to continue demolishing the last of Pruitt-Igoe's high-rises in 1976 resulted in the destruction of thousands of homes.

The first demolition, televised across all major news networks and attended to by large crowds—including former tenants as well as many curious onlookers—represented in stark relief the federal punishment of public housing and its residents. *Washington Post* journalist Andrew Wilson remarked that it was a "public execution" likely to be attended by thousands, though he did not state who or what was being executed. Given the benefit of hindsight, the demolition served as a public execution of the welfare state as it served impoverished Black and Brown people. The demolition dramatically displayed the local and federal turn from redistribution of resources to punitive policies, what Elizabeth Hinton called the transition from the War on Poverty to the War on Crime. The destruction of Pruitt-Igoe's buildings symbolized the beginning of the end of public housing and social welfare for the country's most impoverished citizens. Moreover, this demolition served as a visual representation of the collisions of empowerment and criminalization in public housing. It hardly seems coincidental that the first major demolition occurred in the same city whose public housing rent strike just three years earlier forced the federal government to substantially increase its investment in public housing and its residents.<sup>40</sup>

Although tenants of Pruitt-Igoe and other public housing complexes had voiced discontent with their homes and public housing management using language as strong as "concentration

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<sup>40</sup> Andrew B. Wilson, "Demolition Marks Ultimate Failure of Pruitt-Igoe Project." *Washington Post* 27-8-1973 A3. Elizabeth Hinton, *From the War on Poverty to the War on Crime*. Deborah McDowell, Claudrena Harold & Juan Battle, eds. *The Punitive Turn: New Approaches to Race and Incarceration* (Charlottesville: Virginia: University of Virginia Press, 2013).

camps,” many had fought against the demolition of their homes. Mrs. Ruby Russell, who served on Pruitt-Igoe’s Tenant Advisory Board, told a journalist that she doubted that the St. Louis Housing Authority would keep their promise to relocate families displaced by the demolition. She said, ““They’ve promised so much so many times... They haven’t solved any problems by deciding to tear this place down.... The real problem is that nobody wants to spend millions of dollars just so poor people, and especially those with big families, can have decent housing.”” Mrs. Russell’s comments and the fact that public housing tenants in St. Louis attempted to dissuade the SLHA and HUD from demolishing their homes reveals the extent to which those who lived in public housing—particularly in dilapidated public housing in cities from which federal and local governments as well as middle- and upper-income populations had divested—often had very few options for securing housing. This was especially true for unmarried Black women and their children, who constituted the overwhelming majority of residents left in Pruitt-Igoe at the time of the demolitions. Moreover, tenants who fought to preserve public housing levied a critique of public housing management with the understanding that other communities did not want them. Public housing tenants believed that they could hold the federal government more accountable than private landlords and that public housing could work if given enough support. Perhaps more importantly, public housing tenants expressed a fundamental conviction that they had a right to housing.<sup>41</sup>

Still, the demolition of Pruitt-Igoe reflected the antipathy the Nixon administration and many others felt toward public housing as a program. Over the remaining years of the 1970s, public

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<sup>41</sup> Andrew B. Wilson. Another significant result of the demolition of Pruitt-Igoe was that the almost entirely Black population of the complex were forcibly relocated because of a governmental decision. Many of these same residents ended up in Pruitt-Igoe in the first place because of earlier urban renewal projects in St. Louis. Many families, then, had been dis- and re-located by the federal government at least two times in one generation. The result of these dislocations was that governmental decisions at the local and federal level prevented impoverished Black families in St. Louis from putting down roots in a particular community. The policies that led to displacement reflected the fact that governmental agencies treated these very-low-income Black families as expendable at best, if not unwanted, particularly given the increasingly bad economy in the early 1970s. See Mindy Thompson Fullilove, *Root Shock: How Tearing Up City Neighborhoods Hurts America, And What We Can Do About It* (New York: Random House, 2004).

housing tenants would reassert their right to public housing. Residents' assertions of rights and attempts at building resident power would be challenged as the Nixon, Ford, and Carter administrations, along with Congress and HUD officials, reconsidered what public housing should look like, how it should operate, whom it should serve, and what role tenants should take. Accordingly, residents would continue holding governmental officials at all levels of the government accountable to them as they articulated their own visions of how public housing should serve citizens.

## Chapter 2: Public Housing in the 1970s: Budgets, Privatization, and Tenant Management as Defensible Space

On September, 19, 1973, President Richard Nixon gave a speech in which he declared his ultimate goal to “get the Federal Government out of the housing business.” Nixon delivered this speech in the midst of a moratorium on new commitments to public housing that he had called nine months earlier.<sup>1</sup> In this address, Nixon discussed public housing tenants as burdens to taxpayers. Public housing tenants, the president argued, needed the freedom and responsibility of “choice,” in order to become self-reliant, productive citizens who contributed to their society. Nixon’s speech foreshadowed much of what politicians and public housing administrators would say and do over the last years of the century in terms of public housing reform.

For its part, the National Tenants Organization (NTO) expressed profound concern with the moratorium. Like some journalists and politicians critical of the president, NTO leaders believed that the administration intended to use the moratorium to shift the balance of power in overseeing public and assisted housing programs from the federal government to state and local governments as part of the revenue-sharing program of New Federalism. Jesse Gray, the new director of NTO, stated in an April 1973 interview that the revenue-sharing plan the Nixon administration championed was just a new name for the “old states’ rights program,” which Gray and his forebears had been fighting since the 1930s. The revenue sharing plan, Gray said, would result in great harm to impoverished people across the country, particularly Black people. In a later *Tenants Outlook* article on tenants’ views on the housing crisis, NTO declared, “Local autonomy means no rights for tenants. Local autonomy means other restrictive admissions standards. Local autonomy means *not* to meet the needs of poor people, black people, or other minorities.” Accordingly, “Local autonomy...

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<sup>1</sup> Nixon, “[Special Message to the Congress Proposing Legislation and Outlining Administration Actions to Deal with Federal Housing Policy](#),” September 19, 1973. This moratorium also included a moratorium on all low-income housing subsidies.



is abdication of the federal responsibility. If... the federal government is serious about implementing housing programs through local autonomy, we must indeed repeal our national housing goals.” The NTO argued that the moratorium was making low-income people, particularly women and minorities, increasingly housing insecure and vulnerable. As NTO saw it, the moratorium represented the more totalizing threat of returning to a system of governance that had proven to have violent ramifications for the same groups.<sup>2</sup>

The ideological conflict between the Nixon administration and the NTO was informed by three central questions that politicians, administrators, tenants, and voters considered in regard to public housing from 1972 to 1980. What was public housing, and how should public housing be structured, if it should exist at all? Whom should public housing serve? What role should tenants play in public housing? These questions lay at the heart of policy debates, legislation, Department of Housing and Urban Development (HUD) and local housing authority (LHA) practices, and tenant organizing during this time.

Whom would public housing serve? NTO organizers continued to fight to make their victories—particularly the Brooke Amendments—meaningful. They worked to hold the Nixon administration and housing authorities accountable to implementing the Brooke Amendments and the HUD circulars in ways that respected both the letter and the intent of the policies. They worked to keep public housing available for the most vulnerable Americans. To do so, NTO leaders drew upon the language of the U.S. Housing Act of 1949, which promised a decent home for every American. The Nixon administration responded by undercutting tenants and public housing in general by freezing funds for the anti-poverty program. Nixon’s response reflected his desire to get the federal government out of the business of housing—a goal which NTO members had

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<sup>2</sup> “An Interview: Jesse Gray on the Housing Crisis and Nixon Housing Policy,” *Tenants Outlook*, Vol 5, No 4, April 1973, 8.1-8.3.; “NTO on Federal Housing Programs,” *Tenants Outlook*, Vol. 5, No 7, July 1973, 4.3, 6.2.

understood implicitly, but that Nixon made explicit to all Americans during the remainder of his presidency.

Should public housing exist, and if so, what would it look like? Congress, alongside the Nixon, Ford, and Carter administrations, pursued policies that would attempt to start privatizing public housing. Nixon introduced his Housing Allowance Plan, which ultimately helped shape Section 8—a program in which the government provided vouchers to landlords, theoretically allowing low-income tenants the opportunity to choose their own housing and neighborhoods. The HUD paid landlords—either private landlords or local housing authorities—the difference between the rents that tenants could afford according to the Brooke Amendment and the fair market value of the property. Undoubtedly, many members of Congress voted for Section 8 in order to try to help low-income American renters. However, because Congress did not appropriate additional funds for affordable housing overall, the legislation ultimately disempowered public housing tenants and undermined public housing as a viable anti-poverty program.

As Congress and HUD debated what public or subsidized housing for low-income people might look like, they also considered what future roles tenants might play within public housing developments. Tenant activists had long pushed for greater power over their developments as a mechanism for achieving community control, a key goal of Black Power organizing in the late 1960s and 1970s. Seeing early signs of success in tenant-initiated management of public housing developments in Boston and St. Louis, Congress, HUD, and the Ford Foundation created a tenant management demonstration in 1975, which the Ford Foundation would assess over the course of five years. The Ford Foundation and HUD wanted to determine through this demonstration whether tenant management would lead to a decrease in crime in public housing and an increase in security as well as greater tenant employment and other benefits for tenants. HUD connected tenant

empowerment efforts with a concurrent ramping-up of federal anticrime initiatives specifically targeting crime in public housing.

Central to the federal government's and local housing authorities' augmentation of anticrime and security measures in public housing was architect-turned-city planner and criminologist Oscar Newman's articulation of defensible space. During the Nixon administration, the Law Enforcement Assistance Administration and HUD funded Newman's research on crime in public housing. Through his research, Newman came up with the idea of defensible space, which he defined as a concept that helped to explain and provide a solution to the problem of crime and vandalism in public housing—particularly in large public housing authorities. According to Newman, the physical layouts of public housing, especially high-rises, did not nurture a feeling of ownership and hominess amongst residents. Instead, they created a favorable atmosphere for young people to commit crime. To solve this problem, Newman advocated installing extensive surveillance equipment and changing the physical orientation of the developments. He argued that this equipment might foster residents' sense that they are always being watched. Moreover, Newman thought smaller communal spaces might facilitate residents' developing a greater sense of ownership over their spaces. Increased surveillance and a greater sense of ownership of the property, Newman contended, would diminish tenants' desire and opportunity to commit crimes.<sup>3</sup>

Many people have seen Newman's philosophy of defensible space as architectural determinism, and that critique is valid.<sup>4</sup> Newman's belief in architectural determinism, however, was also tied to beliefs about the pathologies of public housing residents. His research on crime and

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<sup>3</sup> Oscar Newman, *Defensible Space: Crime Prevention Through Urban Design* (New York City: The Macmillan Company, 1972).

<sup>4</sup> B. Hillier, "City of Alice's Dreams," *The Architects' Journal* 9, July 1986. B. Hillier, *Space is the Machine: A configurational theory of architecture* (New York: Cambridge University Press, 1996). Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016). Fritz Umbach, *The Last Neighborhood Cops: The Rise and Fall of Community Policing in New York Public Housing* (New Brunswick: Rutgers University Press, 2011).

public housing began in reference to Pruitt-Igoe, the public housing development notorious across the country for its high crime rates and the extreme poverty of its overwhelmingly Black residents. Newman saw the high incidence of crime—particularly as committed by young residents of public housing—as the result of improper and inadequate mothering by mostly Black, single mothers who failed to watch their children. The lack of supervision, Newman argued, as well as the difficulty police officers had in patrolling high-rises, made it easy and almost inevitable for children in public housing to engage in criminal activity within their homes. Thus, for Newman, it was “the criminogenic forces of housing project architecture combined with residents’ own cultural pathologies” that necessitated his articulation of defensible space.<sup>5</sup> The idea of defensible space therefore emerged as a matter of governmental prerogative that depended upon Newman’s (and much of the larger public’s) criminalization of public housing residents.

Moreover, what my analysis of the tenant management pilot program reveals is that as HUD administrators understood it, tenant management could enhance tenants’ capacity to police themselves, thereby making tenant management a vehicle for defensible space. This is not a far cry from what Newman himself argued. He believed that architectural formations would either encourage or discourage public housing tenants from policing themselves and their neighbors and protecting “their” property. HUD expanded upon this idea through the tenant management program, which argued that not only the physical design of the buildings but also the organization of a housing authority’s management structure would facilitate crime control. In other words, HUD administrators believed, at least to a degree, that public housing tenant’s control of management—tenants’ greater empowerment—would also encourage them to control crime or to police themselves. In using the language of defensible space, though, HUD and the Ford Foundation blurred the line between crime control and criminalization. As a result, public housing tenant

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<sup>5</sup> Hinton, *From the War on Poverty to the War on Crime*, 289.

management represented one of the first significant instances in which legislators and some tenants explicitly connected tenant empowerment with criminalization.

When Jimmy Carter came into office in 1977, his administration and Congress became more concerned with preventing or mitigating crime in public housing through policies beyond tenant management. This was particularly true for public housing complexes that housed the elderly alongside younger families. Congresspeople, tenants, and HUD began to consider, largely through Congressional hearings, what HUD's role should be in dealing with crime in public housing. Though HUD argued that local law enforcement agencies should carry sole responsibility for policing, Congress began appropriating more money to HUD specifically earmarked for anticrime initiatives. Carter ultimately made public housing the center of his anti-crime initiatives, arguing that tough-on-crime policies in public housing would automatically empower tenants—further entrenching the links between criminalization and empowerment in public housing policy and practice.

### **Battles over Budgets and Brooke Continue**

In late 1972, NTO organized a campaign to ensure that the Office of Management and Budget (OMB) and HUD would release the monies Congress had allocated under the Brooke Amendment to cover the difference between rental income and operating costs. Throughout the previous fiscal year (October 1971 to October 1972), LHAs across the country—particularly large LHAs—struggled mightily to keep operating and providing services to their tenants. As fiscal year 1972 drew to a close, some authorities threatened to file for bankruptcy, others stopped maintenance, and still others laid off employees. Rapidly rising inflation and costs exacerbated the extent of the crisis for housing authorities, especially those with many hundreds of units. In response, HUD released another circular, the “Income-Mix Circular,” encouraging LHAs to admit more applicants with higher levels of eligible incomes as a means of addressing the financial crisis LHAs faced. This Circular encouraged LHAs “to seek higher income tenants, and to limit the

number of poor tenants, welfare families, and single female headed families” moving forward. Thus, after impoverished single women had played a significant role in forcing Congress to take action through the Brooke Amendment in 1969, various governmental entities at the local and federal levels continued to try to undermine both this legislation and the tenant activists who had championed it. Even as HUD officials moved to enforce the Brooke Amendments, they responded to the resource scarcity resulting from the Nixon administration’s disdain for public housing by attempting to return to the original model of public housing that had served working-class families rather than the destitute. As NTO saw it, HUD and LHAs were threatening to make public housing relinquish its commitment to the most vulnerable citizens.<sup>6</sup>

NTO realized in August 1972 that the OMB would continue to prevent HUD from using federal funds allocated for public housing in fiscal year 1973, which began October 1, 1972. In September, then, NTO and The National Association of Housing and Redevelopment Officials (NAHRO) came together to form a coalition that would “pressure [the Nixon administration] for the release of” the operating subsidies Congress had appropriated for LHAs. Jesse Gray declared that “This political struggle was clearly a victory for the tenants movement, in that for the first time, public housing officials had formally joined forces with public housing tenants in protesting the Nixon Administrations [sic] illegal impounding of the additional operating subsidizes [sic].” Tenants, with some help from sympathetic NAHRO officials, organized a demonstration to try to force OMB to release the Congressionally-allocated funds by directing media attention to the dire straits of public housing. NTO leaders wanted to take advantage of the impending presidential election to broadcast their demands to the country. Accordingly, they organized their “OMB Day” for Monday, October 16<sup>th</sup>. On Friday, October 13<sup>th</sup>, the Office of Management and Budget decided to undercut

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<sup>6</sup> Jesse Gray, “A Review of NTO’s Struggle in the Year 1972-1973,” *The Housing Struggle in Crisis*, (NTO National Conference packet) August 1973, 7.3, 8.1. Circular HM 7465.12: Housing a Cross-Section of Low-income Families.

the NTO protest by announcing that it would release \$100 million in operating subsidies to LHA. NTO's organizing had forced OMB administrators' hands. Still, Jesse Gray noted that, "\$100 million was only part of the total amount needed." Therefore, while the NTO had secured another victory through organized protest, the limited nature of this victory demonstrated that the federal government, at least under the Nixon administration, had no desire to implement the Brooke Amendments.<sup>7</sup>

NTO disseminated a press release breaking seriously bad news for public housing residents just over two months after they had successfully pushed the OMB to release some monies. The press release correctly reported that the Nixon administration planned to implement "an eighteen month moratorium upon the issuance of new commitments for all public housing and interest subsidy programs," starting on January 5, 1973. Using the language of the U.S. Housing Act of 1949, Jesse Gray recounted the struggles for public housing tenants in 1972 and 1973. He said he realized that getting OMB to release some of the funds Congress had allocated that October would constitute only the first step in the "continuing struggle to keep the Federal government from abandoning its responsibility to provide a 'decent home for every American Family at a price they can afford to pay.'"<sup>8</sup>

Sure enough, on January 5, 1973, the Nixon administration "suspended all subsidized housing programs and issued strict new guidelines for urban renewal." The administration gave two reasons for the moratorium. First, they said that they halted federal subsidies for housing programs because of widespread waste and corruption within HUD and local housing authorities. Second, the

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<sup>7</sup> Jesse Gray, "A Review of NTO's Struggle in the Year 1972-1973," 8.1, 8.3

<sup>8</sup> National Housing Conference Press Release, December 21, Washington, D.C.; Jesse Gray, "A Review of NTO's Struggle in the Year 1972-1973," 8.3

administration cited a need to study what worked and did not work in the existing programs in order to come up with a new policy proposal, which they planned to submit in September of that year.<sup>9</sup>

Those familiar with the Nixon administration's housing policy agenda, however, believed that they had issued the moratorium for other purposes, including promoting New Federalism and undermining the public housing as a legitimate antipoverty program. In fact, Philadelphia Democrat and House Banking and Currency Committee chairman William A. Barrett declared that the Nixon administration was ““using the moratorium on new HUD subsidies as ‘Blackmail’ to force congressional passage of” the Administration’s revenue-sharing plan. Democratic Senator from Wisconsin, William Proxmire, also spoke out against the moratorium. Proxmire implied that President Nixon’s priorities were out of whack, given that the Nixon administration was spending billions of dollars to bomb Asian countries while cutting the housing budget by billions at home. Proxmire noted that both of these decisions would have dire consequences for impoverished people in Asia and in America. A *New York Times* article published just three months after Nixon declared the moratorium revealed that it had an immediate and adverse impact on tens of thousands of low-income people’s housing circumstances and threatened public housing going into the future, as many housing authorities struggled to continue operating.<sup>10</sup>

In the April 1973 issue of *Tenants Outlook*, editor F. D. Lewis and NTO director Jesse Gray staged a conversation for their readership regarding the full meaning and impact of the moratorium for public housing tenants and their low-income neighbors. The first question Lewis asked got straight to the point. He asked Gray, “Is the housing moratorium a means to bide time to restudy

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<sup>9</sup> Agis Salpukas, “[Moratorium on Housing Subsidy Spells Hardship for Thousands](#),” Special to the *New York Times*, April 16, 1973, p30. For more on the moratorium, and particularly how it impacted low-income homeownership programs, see Keeanga-Yamahatta Taylor, *Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership* (Chapel Hill: University of North Carolina Press, 2019).

<sup>10</sup> Agis Salpukas. NTO Memo “To Tenants and Friends” “RE: Moratorium on New Subsidized Housing Construction and the End of Rent Controls,” Jan 22 1973, 1.



the housing subsidy programs or is it a master scheme to terminate federal support to housing?” Gray responded, “I think you raised the real question. I think it’s the real master scheme to take the government out of housing altogether... to kill off the concept of public housing in its present form... and to leave all housing to private industry.” Gray noted that public housing had always had powerful detractors, and that this moratorium represented a chance for those detractors to undercut the political legitimacy of the program.<sup>11</sup>

In July 1973, Gray received confirmation that his assessment had at least elements of truth when NTO had a meeting with HUD in which H. R. Crawford, Assistant Secretary for Housing Management, said that HUD would ultimately take one of three options for the future of public housing. According to Crawford, HUD could “(1) decide to modernize the existing units and say that this is all HUD will do to provide public housing, (2) sell existing housing units to the residents, and (3) continue the program,” though he told NTO that the third option was unlikely and that they should be prepared for the fact that there may be no new public housing ever.<sup>12</sup>

As NTO had believed, the moratorium threatened to establish a new set of answers to the questions of what is public housing and whom should it serve. Ultimately, the Nixon administration did not end public housing. But it did weaken public housing considerably, both by slashing governmental support and by undermining political support for the program.

### **Getting the Federal Government out of the Housing Business**

Just two months after NTO discussed public housing with Crawford, Nixon gave his speech about getting the federal government out of the business of housing. In the speech, Nixon declared his intention to dramatically transform how families received housing assistance. Nixon portrayed

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<sup>11</sup> “An Interview: Jesse Gray on the Housing Crisis and Nixon Housing Policy,” *Tenants Outlook*, Vol 5, No 4, April 1973, 8.1-8.3.

<sup>12</sup> “HUD Officials Say Public Housing Program May End,” *Tenants Outlook*, Vol 5, No 8, August 1973, 1.1. Significantly, the NTO despised H.R. Crawford as a slumlord and a race traitor. They actively petitioned against his appointment in Congress and tried to advertise Crawford’s abusive past as a landlord in *Tenants Outlook*.

public housing as a program in which taxpayers generously gave increasing percentages of their incomes to tenants in “run-down, overcrowded, crime-ridden” public housing complexes which were “falling apart” at the seams. He argued that the concentration of poverty in public housing developments led tenants to “feel cut off from the mainstream of American life.” Furthermore, Nixon contended that the current delivery of housing subsidies was both wasteful and unequal. The new construction of public housing neglected available housing, thereby wasting taxpayers’ monies. Next, Nixon stated that public housing “reward[ed] dependence” and impeded self-reliance, as “recipients often lose their eligibility... when they exceed a certain income level.” This concern would resurface repeatedly amongst both Republicans and Democrats throughout the end of the twentieth century, as ideologies of personal responsibility became increasingly ubiquitous. Nixon then reiterated tenant activists’ critiques of public housing by stating that “the Federal Government has become the biggest slumlord in history.” But whereas tenant activists made this critique in the hopes of increasing federal support for public housing and gaining greater empowerment in the policy process, Nixon coopted this language to argue that public housing had “failed” and that the government needed to figure out a new mechanism for housing impoverished Americans.<sup>13</sup>

Nixon’s statement helped set the tone for future public housing reform, articulating a new vision for what public housing might be in a way that privileged collaboration between the government and private sector entities. In his statement, Nixon proposed an early iteration of what would become Section 8 housing, in which the government would provide cash to low income families directly, rather than constructing new housing. “The ... underlying assumption that the basic problem of the poor is a lack of housing rather than a lack of income,” Nixon said, was incorrect. Instead, Nixon proposed a plan in which “the Federal Government would provide

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<sup>13</sup> Nixon, “[Special Message to the Congress Proposing Legislation and Outlining Administration Actions to Deal with Federal Housing Policy](#),” September 19, 1973. Roughly two months before Nixon delivered this message, a federal judge ruled that HUD had to end the moratorium, a decision that HUD sought to appeal before Nixon took action.

qualified recipients with an appropriate housing payment and would then let them choose their own homes on the private market.” The benefit of this plan, which Nixon called the Housing Allowance Plan (HAP), was that it “would give the poor the freedom and responsibility to make their own choices about housing.” More importantly, while Nixon said that he and HUD would agree to build new public housing sparingly, the President boldly proclaimed that, “the Federally subsidized housing approach has failed.” Therefore, the goal of the Housing Assistance Program, Nixon said, was to “get the Federal Government out of the housing business.”<sup>14</sup>

From the Nixon presidency through the end of the Clinton administration, while some national leaders, legislators, and HUD Secretaries would continue to express support for keeping public housing, others made arguments similar to those in Nixon’s September 1973 address regarding the failure of public housing. The Nixon administration consistently underfunded and disparaged public housing and those who lived within it.<sup>15</sup> Several members of presidential administrations, including presidents themselves, as well as legislators and public housing administrators, would follow the Nixon administration’s lead in underfunding HUD and

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<sup>14</sup> Nixon, September 19, 1973. This belief that ending public housing would, in theory, empower current and would-be public housing tenants by giving them “choice” and instilling “responsibility” would undergird many empowerment initiatives in public housing policy at the federal level on and off through the rest of the twentieth century. See Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century* (Princeton: Princeton University Press, 2017). Kevin Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton: Princeton University Press, 2005). *White Flight*. Matthew Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2006). Daniel T. Rodgers, *Age of Fracture* (Boston: Belknap Press of Harvard University Press, 2011). Keeanga-Yamahtta Taylor, in *Race for Profit*, also discusses housing policy development during the Nixon administration. In part, her work reveals exploitative and discriminatory practices enabled by the federal government but obscured under the banner of “public-private” partnership.

<sup>15</sup> Significantly, the crisis of the underfunding for public and assisted housing loomed all the larger against the backdrop of the energy crisis and the attendant inflation for consumer items in 1973 and 1974. The massive increase in energy-related costs, especially, made the moratorium take on greater significance for public housing authorities that were already struggling to operate effectively in the early 1970s in the wake of Nixon’s and the OMB’s budget cuts. In some instances, PHAs tried to charge their tenants more for utilities to make up some of the cost differentials, but the low-income tenants in public housing generally did not have the capacity to meet those costs. For renters who did not participate in housing assistance programs across the country—particularly low-income renters—the energy crisis had a devastating impact on their housing and food security. Ostensibly, as a result of the crisis more families may have turned to public housing, but with the moratorium in place, they could not pursue this option. “Tenant Organizers on the Energy Crisis,” *Tenants Outlook*, March 4 1974, 1; On the energy crisis, see Karen R. Merrill, *The Oil Crisis of 1973-1974: A Brief History with Documents* (Boston: Bedford, 2007).

characterizing public housing and those within it as problems requiring fixing. Moreover, Nixon's Housing Allowance Program, by promoting collaboration between the government and private sector landlords, laid the ideological and policy foundation for the reliance on privatization that would characterize the majority of public housing reforms until the end of the twentieth century. During this time, both Democrats and Republicans became increasingly enamored with the idea of privatization and reliance on "the market" as the best method to ameliorate the country's societal ills. Critically, Nixon's appropriation of tenant activists' designation of the federal government as the "biggest slumlord in the world" also laid the groundwork for conservative politicians' (from both major political parties) appropriation of the language of the Left. Finally, the Nixon administration used the language of "choice" and "responsibility" to describe the benefits of the federal government withdrawing its commitment to housing impoverished families, while failing to address the structural factors that contributed to families' need for housing assistance in the first place.<sup>16</sup>

Many of the points Nixon made in his September 1973 speech emanated from a draft of a report HUD officials wrote based on studies they conducted during the moratorium. This report, "Housing in the Seventies: A Report of the National Housing Policy Review," was officially published in late 1974. It discussed the history of federal housing programs and assessed the efficacy of public housing and other housing subsidy programs according to their equity, impact, and efficiency. Significantly, the report's analysis of the recent history of public housing argued that the problems public housing faced in the 1970s resulted from the increasingly impoverished and

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<sup>16</sup> Kruse, *White Flight*. Grace Hale, *A Nation of Outsiders: How the White Middle Class Fell in Love with Rebellion in Postwar America* (Oxford: Oxford University Press, 2011). Jacquelyn Dowd Hall, "The Long Civil Rights Movement and the Political Uses of the Past," *Journal of American History*, March 2005, 1233-1263. Matthew Lassiter, *The Silent Majority*. Nancy MacLean, *Democracy in Chains: The Deep History of the Radical Right's Stealth Plan for America* (New York: Penguin Random House, 2017). Bethany Moreton, *To Serve God and Wal-Mart*. Gary Gerstle, *American Crucible*. Andrew J. Diamond, *Chicago on the Make*. Lisa McGirr, *Suburban Warriors*. Jefferson Cowie, *Stayin' Alive*.

increasingly nonwhite population of public housing recipients.<sup>17</sup> The authors wrote, “the ever poorer status of public housing tenancy has been the single greatest contributing factor to the financial plight of local housing authorities, and, in turn, to the pressure for larger Federal operating subsidies.” This argument essentially blamed the impoverished people who relied upon public housing for the potential non-viability of public housing as a policy program.<sup>18</sup>

“Housing in the Seventies” cited the passage of the Brooke Amendment as an important moment in the history of public housing, arguing that it had helped some tenants but also contributed to a decline in the quality of public housing. The authors of the report wrote that the Brooke Amendment, by assuring federal operating subsidies to local housing authorities, disincentivized “sound management of public housing” and “made it easier for some States and localities to ignore their responsibilities for effectively serving the poor, with welfare assistance, in public housing within their governmental boundaries.”<sup>19</sup> This contention that the Brooke Amendment—which public housing tenant activists had pushed Congress to pass as a means of protecting and empowering tenants—implicitly blamed public housing tenant activists for public housing authority officials’ inadequate management of public housing. Moreover, the notion that the Brooke Amendment made it hard for states and localities to provide welfare to public housing families missed the point of the addenda to the Brooke Amendment, which clarified Congress’s intent to reduce public housing tenants’ financial burden by capping rent without denying or diminishing other forms of assistance.

HUD researchers stated that they measured equity according to whether subsidized housing programs served the “appropriate people.” The study found that public opinion generally believed

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<sup>17</sup> U.S. Department of Housing and Urban Development, “Housing in the Seventies: A Report of the National Housing Policy Review,” 1974, 154-155. The report also indicated that the population of elderly public housing recipients had dramatically increased, from 13 percent of the total population of public housing in 1960 to 41 percent in 1972.

<sup>18</sup> “Housing in the Seventies,” 154.

<sup>19</sup> “Housing in the Seventies,” 154

that the lowest income recipients should receive a greater percentage of subsidies than their more moderate-income counterparts. At the same time, however, the report noted that “Government-subsidized housing has acquired a poor reputation in many communities, especially in suburban areas, where it is often perceived as a negative social influence that lowers educational and property values and transplants the social problems of the inner cities to the suburbs.” This claim relied on the racially- and class-coded language of “the suburbs” versus the “inner city,”—disregarding the fact that the problems impoverished inner city residents of color faced resulted from federal and local divestment and economic transition, and instead characterizing the people themselves as “problems.”<sup>20</sup>

The report made clear the racialized meaning of the previous statement as it revealed that public housing residents were disproportionately nonwhite. Moreover, “Almost seven of every 10 households in public housing and rent supplement programs are headed by females. These households are more likely to be poor than are their male counterparts, and are generally subject to discrimination in the housing market.” Thus, the report both acknowledged that highly vulnerable populations relied disproportionately on public housing while casting public housing recipients as “problems” themselves. Interestingly, though, the researchers noted that HUD’s Income-Mix Circular “has meant that fewer very low income tenants can be served,” implying that this transition away from the most indigent meant that the federal government was in some ways abandoning families with the greatest need for housing assistance. The concerns raised in this report reflected the larger question various stakeholders were debating at this time: whom public housing should serve.<sup>21</sup> As a New Deal policy, public housing had originally been created for working-class, mostly white families. Before and during the Great Society, the program transitioned, serving more

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<sup>20</sup> “Housing in the Seventies,” 5-6, 17-23, 87-89, 92-93, 99, 101.

<sup>21</sup> “Housing in the Seventies,” 1974, 5-6, 17-23, 87-89, 92-93, 99, 101.

nonwhite and impoverished families. The Nixon administration's ideological commitments meant that it was increasingly up for debate whom public housing would benefit moving forward—if the program moved forward at all.

Finally, HUD's policy researchers determined efficiency according to the relationship between the costs incurred versus the benefits for recipients. The report found that generally the federal public housing programs tended to be cost-inefficient. The authors of the report emphasized that new construction of public and assisted housing units, in particular, contributed to the cost inefficiency. Accordingly, they recommended that HUD should increasingly provide housing assistance in cash rather than in kind, and require recipients of housing assistance to find housing in existing units. However, this suggestion relied upon the denial of the report's finding that many, particularly white families in the suburbs, "viewed... government-subsidized housing... as a potential social burden because it may overload schools, highways, sewage facilities, and other community services." In any case, the report argued that providing housing assistance to tenants rather than building new housing developments would save the government and taxpayers money and mitigate concentrations of poverty and/or racial segregation.<sup>22</sup> This specific recommendation led to the development of the Housing Allowance Program, which in the Housing and Community Development Act of 1974 became Section 8 housing.

Less than two weeks after Nixon resigned from the office of the Presidency in ignominy, Gerald Ford signed the Housing and Community Development Act of 1974. This legislation included a number of significant policy changes for public and assisted housing. The establishment of Section 8 housing assistance constituted one of the most important new policies in this landmark

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<sup>22</sup> "Housing in the Seventies," 1974, 5-6, 17-23, 87-89, 101. This study did not include mortgage programs, federally backed low interest rates, tax credits, or incentives to homeowners as a form of housing subsidy, which would have greatly skewed the numbers in favor of those with high incomes. Keeanga-Yamahtta Taylor, in *Race for Profit*, discusses the disadvantages of using existing housing for low-income subsidy programs.

legislation. Under Section 8, HUD would provide landlords with subsidies to cover the difference between fair market rent and the amount of rent a family who qualified for housing assistance could pay based on the Brooke Amendment rental calculations. Section 8 subsidies could be both “project-based,” in which a specific property holder, including a local housing authority, would receive funds directly from HUD, or “tenant-based,” in which a tenant would provide an individual voucher directly to a landlord. The legislation also allowed Congress to allocate funds to HUD for the construction of new Section 8 units, although legislators assumed that the most cost-efficient method of Section 8 delivery would be via vouchers to tenants who found existing units to rent.

As Keeanga-Yamahtta Taylor discusses in *Race for Profit*, Section 8 was appealing to both liberals and conservatives in large part because, in theory, it would employ a greater reliance on the private sector to distribute people geographically according to race and class. However, Taylor reveals that limits built into Section 8 ensured that impoverished people would be unable to move out of poor neighborhoods. Because fair market rates were determined on a regional basis, the values of rent vouchers were depressed. At the same time, the cost of homeownership was rising, which meant that more families entered the rental market, which then “drove up... rents[s]. The end result was that the Section 8 vouchers were too small to help their users move out of the poor neighborhoods they lived in.” Moreover, Taylor argues that while President Ford and others paid lip service to fair housing within the Housing and Community Development Act of 1974, Section 8 rendered fair housing “a mere afterthought.” In fact, Taylor writes, “... the entire thrust of the legislation was toward the preservation of residential segregation.” Thus, while some legislators may have had good intentions, others clearly intended Section 8 to undermine both public housing and efforts at desegregation by class and by race.<sup>23</sup>

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<sup>23</sup> Taylor, 246-248.



Though Section 8 impacted public housing indirectly, some provisions in the Housing and Community Development Act of 1974 showed that few legislators and administrators were interested in serving primarily the lowest-income families eligible for public housing. The legislation allowed PHAs to set their own occupancy income limits and rents within a set framework. This provision was tied to the HUD Income-Mix Circular and to another legislative provision that mandated that PHAs “establish tenant selection criteria which would assure an ‘income mix’ in projects. In this way the earlier practice of ‘first come, first served’ tenant selection was abandoned and an effort was made to avoid admission of only” the poorest families. Still, the law required that at least twenty percent of PHAs’ tenants have very low income, making less than 50 percent of the area median income. Furthermore, the law specified “that PHAs could not meet the income mix criterion by waiting for higher income households to apply and rejecting lower income applicants.”<sup>24</sup> In shifting priority towards families that were slightly less vulnerable, the Housing and Community Development Act of 1974 narrowed the success of the Brooke Amendment and weakened tenant efforts to empower the most precarious among them.

The 1974 act also compelled HUD to assess the current funding mechanisms for public housing and to create a new funding system so that Congress could appropriate funds to HUD based on a clear, consistent formula. HUD administrators had begun researching effective management practices and the corresponding costs of operating public housing in 1972. In April 1975, HUD implemented the Performance Funding System (PFS) to implement what officials had learned as well as comments that NAHRO and NTO had provided. Under the PFS, HUD would provide appropriations recommendations to Congress for each PHA based on the number of units and the cost of operating a “well-managed” housing authority. Local housing authorities could apply for more funds based on a range of circumstances. Many housing officials and tenants saw the PFS

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<sup>24</sup> “History and Overview of the Performance Funding System,” 53.

as a mixed bag; they thought it was better than earlier, more haphazard funding models. However, the PFS' first year of recommendations were based on the costs of housing in 1974, which meant that some of the funding inequities and inadequacies in operation in the early 1970s were built into the PFS.<sup>25</sup>

HUD's implementation of the Performance Funding System came in the midst of a dramatic increase in the operating costs of public housing. During the ten-year period from 1968 to 1978, federal operating subsidies skyrocketed from \$4.8 million to \$661.6 million. This increase resulted primarily from skyrocketing inflation, increasing energy costs, buildings in need of maintenance, and housing authorities' diminished capacity to operate from rental income. Moreover, these cost increases did not reflect any significant increase in recipients or in new construction. The rising costs caused a great deal of concern among several legislators, including some who had spoken out against the moratorium. Many politicians who expressed distress at the rapidly growing costs associated with public housing voiced their concern, as Nixon had, through the language of taxpayers' burdens.<sup>26</sup>

### **Tenant Management as Defensible Space**

As Congress and the Nixon and Ford administrations considered the privatization of public housing and what to do about the rising costs, they also considered whether they might relinquish some of the duties of daily management of public housing developments to tenants. In theory, this would accede to tenant demands for community control. However, greater tenant control over the day-to-day functioning of their housing developments also created more space for detractors of public housing to blame tenants if things went wrong.

In September 1972, HUD circulated a pamphlet on the role of tenants in public and subsidized housing which revealed the beginning of a convergence between ideas of empowerment

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<sup>25</sup> "History and Overview of the Performance Funding System," 53.

<sup>26</sup> Suzanne Mettler, *The Submerged State: How Invisible Government Policies Undermine American Democracy*. (Chicago: University of Chicago Press, 2011).

and criminalization. The pamphlet, “Why Tenant Organizations? A Role for Residents of Rental Housing,” defined a tenant organization as “a group of residents in a housing complex who join together to fulfill common needs and to accomplish particular goals.” The pamphlet explained that tenant organizations can be beneficial because they give tenants a vehicle through which to express their positions on pertinent issues, to take control of aspects of public housing operations, and to articulate potential solutions to widespread problems. While the publication did not fully endorse tenant control of day-to-day management, it did declare that, “A tenant organization, whether it is project-by-project or ‘Authority-wide,’ can be a big help to management.”<sup>27</sup> Thus, HUD understood tenant organizations as one means of securing the role of housing authority administrators in positions of ultimate power while helping tenants to improve their lives.

Notably, HUD argued that empowering tenants by ensuring that they have “a voice” would lead tenants to “help control vandalism, give aid on security problems, and in general, make any HUD-assisted housing a better place to live.” This statement indicates that HUD administrators thought that empowering tenants to play a greater role in management would result in a decrease in crime. In fact, HUD recommended that LHA officials champion tenant organizations in part so that they could “enlist... all interested tenants” and encourage them to play a bigger role in reducing crime by policing their neighbors. This pamphlet supporting tenant organizations predicted other benefits from having an empowered tenant body in their authority. HUD employees imagined these benefits to potentially include the potential for tenants to create small businesses through their organization, which would then help some tenants find employment.<sup>28</sup> Thus, while HUD officials supported tenants forming their own organizations to give them a greater platform from which to voice their concerns, HUD also, from the start, tied this increased empowerment to crime control.

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<sup>27</sup> U.S. Department of Housing and Urban Development, “Why tenant organizations? A role for residents of rental housing,” September 1972.

<sup>28</sup> “Why tenant organizations?”

HUD administrators' emphasis on decreasing crime suggests that they saw at least some public housing residents as predisposed to committing crime.

In all likelihood, tenants also saw a correlation between having a safer home environment and their overall wellbeing. Scholars including Fitz Umbach have shown that, of course, tenants were very interested in living in safe and secure neighborhoods. My research supports this as well. However, tenants' desires for security were rooted in inherently human desires to live well, and were often expressed in relation to the idea of community control—the redistribution of power and resources to tenants. In theory, tenant organizations could facilitate this redistribution to some extent. However, what is not totally clear is to what extent HUD officials were also interested in improving tenants' material realities while attempting to mitigate crime. And clearly, HUD administrators had significantly more power than public housing residents.

At about the same that HUD circulated the pamphlet on tenant organizations, the National Urban Coalition (NUC), an organization created in 1967 by civil rights, business, labor, and religious leaders concerned about the recent urban uprisings, also published an article on tenants as resources for improving public housing. Al Hirshen, director of the National Housing and Economic Development Law Project, and Vivian Brown, a planning associate with the National Urban Coalition and former *New York Times* writer, wrote the article for the NUC. In it, they argued that tenant involvement in public housing policymaking in St. Louis, Philadelphia, and other cities showed that generally, tenants constituted a “neglected resource” in public housing. They also reported that in housing authorities with significant tenant participation, both crime and rent delinquency had decreased. The authors noted that in some instances, tenant organizations created skills training workshops which contributed to higher levels of tenant employment both within and

outside the authority. Accordingly, Brown and Hirshen's arguments in favor of tenant participation relied, in part, on the same narrative as HUD.<sup>29</sup>

Critically, Brown and Hirshen stated that not all tenant advisory boards wielded equal power. "[U]nless tenants can help make decisions or veto the rulings of the authority, they are not really participating in the formulation of policy," they wrote. According to Brown and Hirshen, while St. Louis and Philadelphia's housing authorities had functionally remodeled their entire frameworks to incorporate tenants, Boston and New York had attempted to fold tenants into the existing structures, which ultimately ensured that tenants in these authorities had a harder time influencing policy decisions.<sup>30</sup>

Brown and Hirshen noted that independent tenant management corporations could result in tenants' frustration if they took over the day-to-day management without having the power to make policy decisions or without control of how the authority should spend money. At the time of publication, HUD officials believed that their LHA administrators should still be in charge of allocating expenditures. Brown and Hirshen argued that while tenant participation in the housing authority would be beneficial for a number of reasons, including empowering tenants and improving public housing, "An expanded tenant role will not resolve the acute problems caused by inadequate funding, spiraling costs, etc. But just as surely, they will not be solved without it."<sup>31</sup>

Finally, Brown and Hirshen observed that the vast majority of tenants who took part in tenant organizations were women who worked low-income jobs or depended upon Aid to Families with Dependent Children (AFDC). They noted that many of the participants in tenant organizations were members of the National Tenants Organization, which they called "a burgeoning federation of

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<sup>29</sup> "Paul Delaney, "[Urban Coalition Will Meet Today](#)," May 30, 1973, p23, Special to the *New York Times*; Al Hirshen and Vivian Brown, "Public Housing's Neglected Resource: The Tenants. A review of the positive payoffs of their involvement in policy making in St. Louis, Philadelphia, and other cities." The National Urban Coalition, Fall 1972

<sup>30</sup> Hirshen and Brown.

<sup>31</sup> Hirshen and Brown.

tenant groups that includes scores of welfare mothers among its most active and articulate spokesmen.” The authors stated that the opportunity for the women in public housing to “make decisions that will determine what their homes and community will be like” would be particularly important, with significant advantages for both the women themselves as well as “the community at large, because it can provide an outlet for a vast and neglected reservoir of human capability.”<sup>32</sup>

About two years after the NUC article and the HUD publication on tenant organizations, during Gerald Ford’s presidency, the Ford Foundation, in partnership with HUD, decided to fund a demonstration of public housing management. The demonstration emerged in 1975 as a result of the early successes of tenant management efforts in St. Louis public housing developments (and to a lesser extent in Boston). The Ford Foundation’s nonprofit research organization, the Manpower Demonstration Research Corporation (MDRC), would assess this demonstration periodically over the course of five years and report their findings to HUD. MDRC would assess not only the tenant management efforts started as a result of the 1975 demonstration, but the extant tenant management sites in Washington, D.C., St. Louis, and Boston.

The sites chosen were all multifamily public housing sites with disproportionate concentrations of non-white and female-headed households. The housing developments ranged from small to large, although most did not include high-rise developments. According to the MDRC, while the sites chosen for tenant management demonstrations were generally representative of the nation’s multifamily public housing stock, they tended to have slightly more physical deterioration than reported at other sites, especially over the few years directly leading up to the

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<sup>32</sup> Hirshen and Brown. On low-income women organizers, see: Felicia Kornbluh, *The Battle for Welfare Rights: Politics and Poverty in Modern America* (Philadelphia: University of Pennsylvania Press, 2007). Premilla Nadasen, *Welfare Warriors: The Welfare Rights Movement in the United States* (New York: Routledge, 2005). Annelise Orleck, *Storming Caesar’s Palace: How Black Mothers Fought Their Own War on Poverty* (Boston: Beacon Press, 2005). Rhonda Williams, *The Politics of Public Housing*. These authors and others explore the nexus of gender and organizing for low-income women’s dignity and empowerment, noting how the women they study often used the language of motherhood.

program. “The demonstration site residents were... less satisfied with overall management and maintenance... and they believed to a greater extent that these conditions had deteriorated over the past few years.” Moreover, the selected sites had higher rates of rent delinquency, vacancy, and vandalism.<sup>33</sup>

While crime control was not the Ford Foundation and HUD’s only goal, it was one of the central factors in their support of tenant management demonstrations. In a 1977 report on the activities of the selected demonstration sites, the MDRC listed the five objectives they shared with HUD for the possibilities of tenant management. The first objective was to “improve operating performance in public housing in such matters as vacancies, rent collections, ... and maintenance.” The second objective was to increase public housing residents’ satisfaction with their homes. MDRC’s next listed objective was to “Reduce the incidence of crime and vandalism.” Fourth, MDRC saw tenant management as a means of increasing employment opportunities for tenants. The last objective was both to enhance the community spirit within public housing and to improve the image of public housing in mainstream America.<sup>34</sup>

The introduction to this report underscored the fact that crime control represented a principal reason for undertaking tenant management. The introduction declared, “The underlying notion” behind tenant management “is straightforward: that expanded tenant involvement in the management and operation of public housing will lead, in time, to improved maintenance and general operations, less vandalism, greater security and a feeling on the part of the tenants that this is *their* housing and that, by working together, *their* efforts can continue to make it better.” This mission statement revealed an emphasis on crime control without using the word “crime.”<sup>35</sup>

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<sup>33</sup> Manpower Demonstration Research Corporation for the U.S. Department of Housing and Urban Development Office of Policy Development and Research, Thomas Seessel, “First Annual Report on the National Tenant Management Demonstration,” March 1979, 18.

<sup>34</sup> Seessel, 13.

<sup>35</sup> Seessel, 13.

Critically, the language of enabling tenants to feel ownership over their housing and agency over their ability to make it better reflected both radical organizers' calls for community control as well as Oscar Newman's notion of defensible space. A central tenet of defensible space was that if public housing tenants felt greater ownership over their homes, they would be more likely to take greater care of the property. Thus, the sequence of the objectives listed later in the report, from resident satisfaction to a decrease in crime, also followed the ideology of defensible space. The language the MDRC—backed by HUD—used, then, suggests that HUD and the Ford Foundation understood tenant empowerment through tenant management as a *form of* defensible space. Through tenant management, tenants themselves would become the mechanism to protect their own property and surveil one another. By conceptualizing tenant empowerment in this way, HUD and the Ford Foundation conflated a limited conception of community control with crime control, and vice versa.

I find that, despite some degree of overlap, criminalization and crime control differed from one another in important ways. Crime control initiatives may or may not have involved police or policing, and, in general, were directed toward criminal acts rather than perpetrators of crimes. They included afterschool programs, job trainings, living wages, community-building exercises, and more. Crime control initiatives as such were geared toward helping people to not commit crimes rather than creating more mechanisms for punishing crime. Punitive crime control that included the militarization of police forces and the installation of thousands more police officers in areas where impoverished and non-white people lived, though, were forms of governmental and institutional criminalization of these people. Criminalization, then, was inherently punitive and was based on the belief that a group of people had innately criminal characteristics and therefore had to be punished rather than reformed or helped.



Because Newman's idea of defensible space relied on the criminalization of impoverished Black public housing families, HUD and MDRC's articulation of tenant management through the framing of empowerment as at least somewhat coterminous with defensible space ultimately limited what tenant management could accomplish. It blurred the lines between positive measures for crime control which could in theory map more logically onto empowerment—such as job creation—and criminalization, which was rooted in dehumanization and therefore inherently disempowering. In doing so, this represented the first moment in which HUD undertook a program that explicitly mapped tenant empowerment and the criminalization of tenants onto each other. This, then, reflected and reinforced an ongoing shift in how politicians understood the meaning of empowerment as it related to impoverished, often single-female-headed Black families in public housing. By defining empowerment in the context of criminalization, politicians and public housing administrators began disconnecting ideas of empowerment from their origins in welfare rights and Black Power ideologies. Ultimately, these powerbrokers put the notion of empowerment to use within a neoliberal framework of individualism and punishment.

By 1979, the MDRC expressed doubts as to whether tenant management could work or under what conditions it would work. Several sites that had gotten tenant management off the ground either before or as part of the demonstration no longer had tenant management. Sometimes this was because tenants trusted the housing authority to make good decisions for them, or because tenants simply did not have the physical or temporal bandwidth to take on the tasks of managing a housing authority on a daily basis. Lack of sufficient funds hampered some tenant management attempts, as did the retirement or relocation of leaders who had been central to the successful operation of a tenant management corporation. Overall, however, the MDRC found that tenant apathy and/or divisiveness between tenants as well as lack of housing authority support and lack of financial resources constituted the three biggest threats to the success of public housing tenant

management. Still, neither HUD, nor MDRC, nor tenants themselves were ready to give up on tenant management going into the 1980s.<sup>36</sup>

### **Criminality, Privatization, and Security in Public Housing**

The criminalization of public housing tenants under the auspices of defensible space corresponded with the increasing criminalization of all low-income Black and Brown people. In fact, public and political concern over the increased cost of public housing to the federal government and taxpayers dovetailed with the mounting public distress over the rising costs of welfare and the supposed prevalence of welfare fraud amongst recipients. Historian Julilly Kohler-Hausmann has shown that over the course of the 1970s conservative politicians—Ronald Reagan foremost among them—and their constituents expressed heightened concern with the costs of welfare. These concerns had been amplified by the successful organizing of welfare rights activists, which had also contributed to an increase in governmental expenditures on AFDC. In response to the success of welfare activists, conservatives engaged in their own form of activism, stigmatizing welfare recipients, disproportionately pictured as Black women, “as criminally suspect, financially secure, and morally unworthy.” Following California’s lead, several states across the country in the 1970s undertook welfare-specific anti-fraud campaigns looking to root out “criminal” parents, remove them from state welfare rolls, and pursue criminal prosecution. One significant result of these anti-fraud campaigns was that increasingly politicians and mainstream Americans understood “that the entire welfare program was *robbery*—an unjust and forcible transfer of resources from worthy, hardworking Americans to undeserving, unproductive poor people.” Moreover, “These campaigns drastically expanded the population subject to formal criminal scrutiny” and, in so doing, expanded

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<sup>36</sup> William A. Diaz. Elizabeth Hinton writes in *From the War on Poverty to the War on Crime* that in fact, there was little to no evidence to support any defensible space-based policy. She writes, “by the late 1970s, it became clear that the defensible space had failed to improve the violent circumstances that characterized many urban communities. Rather than scrapping the unsuccessful plan entirely, federal policymakers decided that the earlier security measures had not gone far enough.” 291.

the authority of law enforcement in neighborhoods segregated by race and class, including public housing developments. Finally, the criminalization of AFDC recipients contributed greatly to the creation of the trope of the “Welfare Queen,” whose criminal defrauding of the state then reinforced the criminality of all AFDC recipients, but particularly Black women.<sup>37</sup>

The overrepresentation of people reliant on AFDC in public housing at a time when Americans increasingly believed that welfare recipients (whom they understood to be Black single mothers) were defrauding the state thus reinforced ideas about the “inherently” criminal nature of many public housing residents. Given the extent of overlap and the connection many journalists, politicians, and mainstream Americans made between welfare recipients and public housing, when Reagan and others implied that welfare recipients defrauded the state through their laziness and their fraudulent attempts to be supported by hardworking taxpayers, they also implicated public housing residents.

An emphasis on fraud in federal programs for low-income people also contributed to mainstream Americans’ lack of faith in the federal government and the welfare state specifically. As Kohler-Hausmann notes, the anti-fraud campaign and the criminalization of AFDC recipients that resulted also “became evidence for the general incompetence of the state.” The narrative around AFDC then played a major role in garnering support for politicians who campaigned to get the government off the backs of the American people.<sup>38</sup> While politicians’ dismay over the escalating

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<sup>37</sup> Julilly Kohler-Hausmann, “Welfare Crises, Penal Solutions, and the Origins of the ‘Welfare Queen,’” *Journal of Urban History*, 2015, Vol 41(5), 756, 762, 766, emphasis original. The “Welfare Queen” was not the only character in Reagan’s narratives about the problems of big government. The “slum-dweller” lived the good life on the cheap in public housing, too. Premilla Nadasen, *Welfare Warriors*. Annelise Orleck, *Storming Caesar’s Palace*. Daryl Scott, *Contempt and Pity*. Felicia Kornbluh.

<sup>38</sup> “Welfare Crises, Penal Solutions, and the Origins of the ‘Welfare Queen,’” 766, Hinton, 276. The notion that poor people’s receipt of federal funds constituted fraud also contributed significantly to the punitive turn, scholars’ term for the implementation of federal, state, and local government policies and practices that increasingly criminalized low-income people of color and their behaviors as well as the spaces they inhabited. See McDowell, Deborah, Claudrena Harold & Juan Battle, Harold, eds., *The Punitive Turn: New Approaches to Race and Incarceration*, (Charlottesville: University of Virginia Press, 2013). Significantly, the final demolition of Pruitt-Igoe occurred contemporaneously with the Supreme Court’s decision on *Gautreaux et al. v. Chicago Housing Authority*. The Court ruled that “HUD could be required to use the entire Chicago metropolitan area to remedy its past discriminatory Conduct in Chicago.” [“The Gautreaux Lawsuit,”](#)

costs of federal public housing subsidies did not result in widespread anti-fraud campaigns, it did result in consistent underfunding of public housing modernization while greater resources were provided to LHAs for fighting crime in public housing.

The belief that there were some societal problems that were so intractable that the government could not ameliorate them corresponded with a growing understanding that some *people* had unsolvable problems and were unreformable. In the early to mid 1970s, three related factors collided and resulted in a new national concern with the “underclass.” These factors included the criminalization of poverty; the understanding of the problems of poor Black and Brown people as the result of a culture of poverty and individual choices; and, finally, the decades-long process of transition from an industrial economy to a service economy, white flight, and residential segregation. While many of the ideologies undergirding the concept of the underclass pre-dated the term, this more conservative recapitulation of some of the same notions from the Moynihan Report contributed significantly to the growth of the carceral state in the 1970s, as well as to political debates about the role and responsibility of the state in providing welfare.<sup>39</sup>

Still, Jimmy Carter entered the office of the Presidency with the belief that crime resulted from structural causes rather than individual behaviors. Accordingly, he expressed a commitment to considering federal policies that would address institutional racism and class inequality. “Yet, Carter’s approach” to solving these issues, according to historian Elizabeth Hinton, “turned the debate about the root causes of crime on its head. If Johnson officials had argued that ‘warring on

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Business and Professional People for the Public Interest. The demolition of Pruitt-Igoe suggests that HUD and local housing authorities were perhaps uninterested in remedying that past.

<sup>39</sup> Marisa Chappell, *The War on Welfare: Family, Poverty, and Politics in Modern America* (Philadelphia: University of Pennsylvania Press, 2010), 139-155. Hinton, *From the War on Poverty to the War on Crime*. Michael Katz, ed, *The “Underclass” Debate: Views from History* (Princeton: Princeton University Press, 1993). Adolph Reed, *Class Notes: Posing as Politics and Other Thoughts on the American Scene* (New York: New Press, 2000). William Julius Wilson, *The Declining Significance of Race: Blacks and Changing American Institutions* (Chicago: University of Chicago Press, 1978). William Julius Wilson, *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy* (Chicago: University of Chicago Press, 1987). Charles Murray, *Losing Ground: American Social Policy, 1950-1980* (New York: Basic Books, 1994). Taylor, *Race for Profit*.

poverty is warring on crime,' Carter's attempt to" mitigate crime in depressed urban areas "was premised on crime prevention and control as a means to address the issues of poverty and inequality." Carter believed that public housing was central to the urban anticrime initiatives of his administration.<sup>40</sup>

Throughout 1978, Congressional subcommittees called hearings on federal appropriations for housing programs in fiscal year 1979 and on security in public housing. In these hearings, legislators, administrators, and, in the latter case, tenants commented on the Carter administration's vision for public housing. In a Senate hearing during March and April 1978, many senators from both parties articulated concerns over the low appropriations HUD requested for fiscal year 1979. In his opening statement, Senator Edward Brooke declared, "I am very disappointed with the funding levels in the budget." He expressed significant concern over the fact that "your budget proposes no increase in public housing activities over fiscal year 1978." Senator Brooke's Republican colleague from Pennsylvania, Senator John Heinz, also expressed dismay over the insufficient funding to address housing as well as the concerns tied to housing in urban areas. "Of specific concerns to me are the levels of funding requested for public housing operating subsidies and modernization of public housing," Heinz said. Overall, Heinz found "the first annual legislative proposal of the Carter administration for HUD developed entirely ... during President Carter's administration" to be "a major disappointment." Perhaps surprisingly, the only Senator who expressed a concern that HUD had requested too much in appropriations was Wisconsin Democrat William Proxmire, who had spoken out against the moratorium on federal housing subsidies just years earlier.<sup>41</sup>

HUD Secretary Patricia Harris, the first Black woman cabinet Secretary, testified before the hearing, stating that the Carter administration had put forth a "lean" budget with "no fat." Harris,

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<sup>40</sup> Hinton, 277-279

<sup>41</sup> "Housing and Community Development Amendments of 1978" Subcommittee on Housing and Urban Affairs, Committee on Banking, Housing, and Urban Affairs, Senate, 95-2, March 6, 13, 14, April 26, 1978, 1-2, 10-11, 4,

the first Black woman to serve as a Cabinet secretary, declared that HUD's mission included three basic imperatives: to increase production of decent, safe and sanitary housing for low- and moderate-income families; to assist in the revitalization and preservation of neighborhoods and communities; and to preserve subsidized housing developments for low- and moderate-income families facing financial difficulties.<sup>42</sup> The budget HUD put forth, however, did not include any increase in funding for public housing activities over the previous fiscal year. Instead, the budget reflected a shift away from prioritizing conventional multifamily public housing as a primary form of housing assistance. Harris discussed HUD's request for increased appropriations for Section 8. Moreover, Harris expressed particular excitement over the possibility of expanding the urban homesteading program as a means of stoking "the spirit of self-help, individual enterprise and a commitment to community improvement." These words revealed continuity between the Nixon and Carter administrations. Like her predecessor, Harris saw public housing tenants' reliance on the state as undermining their self-sufficiency and as burdensome to the rest of the country.<sup>43</sup>

Another new federal policy first legislated on the national level in the 1974 Housing and Community Development Act, the urban homesteading program, proposed that federal or local governments transfer publicly-owned, abandoned properties to individuals or families in exchange for their commitments to repair, occupy, and maintain the properties.<sup>44</sup> While ostensibly the Carter

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<sup>42</sup> Patricia Harris was an attorney who had worked for the Democratic Party and the federal government in a variety of capacities for years before becoming the first Black woman Cabinet secretary.

<sup>43</sup> "Housing and Community Development Amendments of 1978" 16-19, 33-34; "Evaluation of the Urban Homesteading Demonstration Program," Prepared for HUD by Urban Systems Research & Engineering, Inc. Anthony J. Blackburn, Molly Beals Millman, Ann B. Schnare, March 1981, 1.

<sup>44</sup> "Housing and Community Development Amendments of 1978" 16-19, 33-34; "Evaluation of the Urban Homesteading Demonstration Program." This document assessing the Urban Homesteading program alluded to the original program for which it was named, in which the federal government paid for families to settle the Midwest and West. As this report said, the original Homesteading program helped America "settle the frontier." Of course, the frontier had already been settled and resettled by indigenous people that Europeans in America and then white Americans had violently pushed off land in the East. The original Homesteading policy enabled white Americans to extract resources from the frontier and further violently displace indigenous people. In naming this 1970s program the same thing and focusing it on "decaying" inner cities, legislators exposed the violence of what Black Power activists called internal colonialism, in which the federal government, Banks, realtors, and homeowners understood impoverished inner cities both as empty and also as spaces ripe for extraction and exploitation. While in its original form this

administration was committed to ameliorating poverty and racial inequality, the “lean” budget which they put forth for HUD reflected a continuation from previous administrations that sought to turn away from conventional multifamily public housing in favor of greater privatization.

Congress also continued the efforts of previous administrations in pursuing an abiding interest in public housing security. About a month after the Senate hearing ended, in May 1978, the Select Committee on Aging held a hearing in Cleveland, Ohio, to discuss “Security in Public Housing for the Elderly.” The hearing occurred across multiple days and housing developments as committee members heard from housing administrators, local politicians, law enforcement officials, and residents. Congresswoman Mary Rose Oakar, the first woman representative from Ohio and first Arab-American representative, convened the hearing. Oakar opened the hearing by noting that she and her colleague, Louis Stokes—another Ohio representative and the brother of Cleveland’s first Black mayor, Carl Stokes—had introduced legislation that would “mandat[e] federal dollars be used expressly for security measures in public housing.” Oakar and Stokes recommended that HUD allocate \$150 million of its budget for security expenses. This money, per the bill, would go toward “tenant organizations, better security devices, better law enforcement..., and building and maintenance repairs.” Effective use of these funds would help PHAs to increase security. Oakar defined security in the hearing as both protection against a threat and freedom from apprehension or fear about it, for residents. In her testimony, Oakar noted that higher levels of crime occurred in public housing and that elderly public housing residents were disproportionately victimized by crime. Oakar also attributed most of the perpetration of crime to teenagers and children. Public housing tenants in Cleveland and elsewhere skewed both young and old, and, according to Oakar,

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assumption most harmed indigenous Americans, in the 1970s this disproportionately targeted areas of extreme racial segregation and poverty amongst African Americans in particular.

Stokes, and many public housing residents themselves, this created an environment in which elderly people feared for their bodily safety as well as the safety of their goods.<sup>45</sup>

Many of the residents who testified had been victimized by crime on or near the premises of their homes. All of the residents asked for federal and local support to enhance their physical and often emotional security. Willa Mae Singleton, a resident of Lakeview Towers, asked the politicians before whom she testified to “please get the money so that we can feel safe in our homes.” The co-chairwoman of the Cuyahoga Metro Housing Authority (CMHA) residents’ central advisory council, Clara Bell, argued, “We, the residents of public housing, under the leadership of” the CMHA, “do hereby declare our estates unsafe for our emotional, physical, and spiritual development.” Carolyn Tidwell, a resident of Bellaire Gardens, agreed, stating that the developments needed “much better lighting, playgrounds for recreation, and many more security guards.” Another resident, Rodney Hall, argued that he and his neighbors should create programs to “encourage residents to get involved in reporting criminal activities, that will encourage them to prosecute criminals.”<sup>46</sup>

Several residents who testified blamed governmental institutions and officials for their lack of security and understood their marginalized race and class status as central to governmental disregard for their safety. Ollie Mayson, president of the tenants council for the Carver Park development, declared, “Security ain’t worth nothing. The Government, that’s one of the worst run-down landlords in the United States. The security is nothing.” Mayson argued that the lack of security and the general deterioration of public housing buildings reflected the fact that the public housing administrators did not care about the tenants. She said that she had visited and lobbied

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<sup>45</sup> “Security in Public Housing for the Elderly,” Select Committee on Aging, House 95-2, May 12-13, 1978, Cleveland, Ohio, 2-3. For a recent treatment of Carl Stokes as Cleveland’s first Black mayor, see David and Richard Stradling, *Where the River Burned: Carl Stokes and the Struggle to Save Cleveland*, Ithaca: Cornell University Press, 2015. D. Bradford Hunt discusses age as a category of analysis shaped public housing in his book, *Blueprint for Disaster: The Unraveling of Chicago Public Housing* (Chicago: University of Chicago Press, 2009). Hunt argues that the high ratio of children to adults in Chicago’s public housing played a major role in the failure of the city’s public housing.

<sup>46</sup> “Security in Public Housing for the Elderly,” 10, 50, 78-80, 34.



several of her elected representatives and felt that her activism and those of others, rather than any concern by the PHA officials, had resulted in this hearing. Shirley Vernon, a resident of Woodhill Estates, said that she felt that she was just a number to the PHA administrators. In her testimony, she said, “Who am I? [Someone] who has been oppressed, suppressed, and depressed for such a long time. I have no name, no color, with little or no rights as far as society and the government is concerned.” She continued, saying, “I am here in these projects, which in reality is a concentration camp.... I know not a moment’s peace.” By arguing that her home was akin to a concentration camp, Vernon implied that the government was responsible for the systematic torture of public housing tenants.<sup>47</sup>

Willa Mae Singleton told those at the hearing that the belief that recipients of public assistance and public housing did not do anything, were shiftless, lazy, and/or criminal, was wrong. She wanted increased security, but also wanted lawmakers to understand that the need for greater security did not provide proof of racist and classist stereotypes about public housing tenants and welfare recipients. Carolyn Tidwell testified that she knew the children who had stolen some of her items. Tidwell said that she was not scared of them nor did she want to file charges against them. She said, “... as far as our American juvenile system and corrections, in dealing with juveniles, I feel that it is very inadequate. To prosecute the kids... wouldn’t have been to my advantage, because I got my things back, and... I am in total disagreement” with how the American juvenile system functions. Tidwell said that in order to help public housing youth, the PHAs should allocate more toward creating recreational spaces for young residents as well as creating job programs for teenagers and young adults.<sup>48</sup> Thus, while tenants urgently wanted greater security in their housing developments, they also argued that many of the problems public housing tenants faced emanated at

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<sup>47</sup> “Security in Public Housing for the Elderly,” 48-49, 77-80

<sup>48</sup> “Security in Public Housing for the Elderly,” 48-49, 77-80

least in part from governmental policies and practices that rendered public housing residents more vulnerable on a number of levels.

CMHA housing and security officials as well as HUD representatives and local law enforcement also testified in these hearings, revealing that at least in Cleveland, there was a bit of a security vacuum, with law enforcement and HUD each claiming that it was not their responsibility to ensure security in public housing. In his opening statement, Louis Stokes revealed that “One of the basic problems of providing adequate security to those of you who reside” in public housing “is the fact that HUD has always taken the position that they are in the business of management, and therefore, security is not one of the elements of management.”<sup>49</sup>

Lieutenant Edward Hocevar of the Cleveland Police Department declared in the first sentence of his testimony that, “There is no way that the Public Law Enforcement, as we are presently staffed, equipped, and deployed, can provide much more than token or minimal protection.” Instead, he said that the housing developments really needed “a private security force” which with the “public law enforcement can and should work closely together... in their efforts to control crime.” Hocevar’s statement implied that public housing tenants committed too many crimes for the Cleveland PD to effectively ensure the security of the elderly and non-criminal public housing tenants. Despite Hocevar’s claim, the CMHA did in fact already have a private security force. Initially, the CMHA’s creation of their own force had strained the relationship between the CMHA and the Cleveland PD, but by the time of the hearing seemed to have improved.<sup>50</sup>

In many cities across the country, local law enforcement institutions and private security corporations set up shop in public housing developments with federal support during the late 1960s

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<sup>49</sup> “Security in Public Housing for the Elderly,” 5, 25-26, 46, 6-8.

<sup>50</sup> “Security in Public Housing for the Elderly,” 5, 25-26, 46, 6-8. Significantly, the local fire department in Cleveland had, in the past, disregarded fire emergencies in impoverished Black neighborhoods of the city during the Carl Stokes administration, so there was a history of local law enforcement agencies underserving their Black constituencies.

and early 1970s, often leading to an overabundance of surveillance for public housing residents. However, the experience of Cleveland's public housing residents indicated that at least in some cities, public housing residents continued to be both over- and under-policed—neither served nor protected. Moreover, this hearing addressed the security of elderly residents in particular and allocated blame to young public housing tenants, revealing the centrality of age as a category related to notions of criminality and to worthiness of receiving both security and public assistance. Since the 1956 designation of some public housing for elderly populations, elderly public housing was the only public housing that middle-class and white neighborhoods did not fight having in their vicinity as a matter of course. As a result, an increasing percentage of overall public housing developments became assigned specifically for heads of households over 62 years old. However, younger Black mothers and their children faced the brunt of the criminalizing impulse both within public housing and beyond, both in terms of media portrayal but also in terms of whom police officers arrested most frequently.<sup>51</sup>

### **Defensible Space as Tenant Empowerment**

On July 19, 1978, about two months after the hearings on security for the elderly in Cleveland's public housing, President Carter announced his Urban Initiatives Anti-Crime Program (UIAC), declaring that public housing would be central to his urban policy. Two months later, in October 1978, Congress passed the Public Housing Security Demonstration Act. This marked the first major piece of national legislation with federal resources aimed specifically and solely at ameliorating crime in public housing. According to Elizabeth Hinton, this act “sought to address the needs of the majority of public housing tenants” by “linking crime prevention with urban redevelopment.” Through the act, Congress appropriated \$41 million, to which local governments

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<sup>51</sup> History and Overview of the Performance Funding System: Evaluation of the Performance Funding System” Edward White, Sally R. Merrill, Terry Lane for the Department of Housing and Urban Development.

and organizations added \$8 million through 1980 in order to “make public housing ‘more attractive and less crime-ridden.’” The legislation “resembled the programs of the Kennedy and Johnson administrations” insofar as it represented the federal government intervening directly in local politics aimed at “comprehensive social welfare and punitive interventions.” As Carter, HUD, and Congress envisioned the legislation, it would contain anti-crime measures as well as other measures to address the causes of criminality, including “‘inner human motivations and environmental factors.’”<sup>52</sup>

The act specifically targeted what HUD and Congress were now designating as “troubled” housing authorities. Troubled authorities were those with public housing developments located almost exclusively in impoverished Black and Brown neighborhoods and that housed tenants who experienced high rates of poverty and incidences of crime. Authorities designated as troubled, per the legislation, were to receive federal resources specifically allocated for law enforcement, surveillance, and security. The legislation’s focus on punitive policing measures reflected the Carter administration’s belief that anti-crime initiatives—more than other antipoverty initiatives such as jobs programs, for example—would solve the problems of public housing. The disproportionate allocation of funds toward punitive measures was all the more important as a result of the “slim” budget for other public housing funds in fiscal year 1979. On the whole, then, Carter’s public housing policy resulted in a “vastly enhanced ... scope and power of punitive authorities in the most deteriorated and segregated public housing sites in the country.”<sup>53</sup> Public housing policy aimed at

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<sup>52</sup> Hinton, 286-288, 418 note 17. Designating deteriorating public housing authorities that overwhelmingly served incredibly impoverished Black and Brown families led by unmarried mothers as “troubled” and in need of extra crime prevention resources and programs served to criminalize these populations and the buildings in which they lived. While many of these housing developments were indeed troubled in many capacities, the designation of troubled by HUD ultimately meant that HUD, Congress, local law enforcement, and the mainstream media, criminalized and allocated more resources toward punishing the residents of troubled housing authorities rather than implementing policy changes that would have ameliorated the physical deterioration of these developments and mitigated the structural inequalities these residents faced, which the transition to a service-based economy was exacerbating. Significantly, Hinton might argue that Nixon and Ford attempts to implement defensible space was the first anti-crime public housing policy, but this was more ad hoc and local and was not implemented through national Congressional legislation.

<sup>53</sup> Hinton, 286-288, 418 note 17.

diminishing the rate of crime in public housing in the late 1970s therefore contributed significantly to the increasing incorporation of public housing residents within the emergent carceral state.

The Public Housing Security Demonstration Act required that PHAs collaborate both with law enforcement entities and community organizations that included resident groups and programs in order to receive funds. This, in theory, would mean that tenants would be required to be able to provide their input and therefore maximize the potential for success in mitigating crime.

Criminologists called such programs “software” as opposed to the “hardware” of surveillance equipment, locks, etc. However, community organizations had to get approval from their city’s elected officials or from the federal government in order to receive funds for their programs. Moreover, the act “required all neighborhood groups to include delegates from the mayors’ office and local police court, and corrections officials in their decisionmaking,” which effectively meant that, as a result of the legislation, “law enforcement and criminal justice institutions could involve themselves in virtually any community-based effort.”<sup>54</sup> The Carter administration used the language of empowerment in discussing grassroots communities helping to improve their housing authorities with funds from the Public Housing Security Demonstration Act. In doing so, the Carter administration explicitly tied the empowerment of public housing residents to the expanding carceral apparatus put in place to enhance public housing security.

The Carter administration also encouraged local housing authorities, law enforcement entities, and private security firms to hire teenagers who lived in public housing. This, authorities thought, would empower young public housing residents by incorporating them into newly enhanced and expanded security programs. Accordingly, many housing authorities included in their application for funds a small program to train public housing youth in security. Tenants of all ages also formed or worked in tenant patrols of their housing developments or worked as building

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<sup>54</sup> Hinton, 291-292. In terms of tenant patrols in New York City, see Fritz Umbach, *The Last Neighborhood Cops*.

security managers. These security-oriented empowerment initiatives meant that public housing tenants in the most deteriorated housing authorities with the poorest and most disproportionately non-white communities interacted daily with law enforcement officials in the mundane activities of entering or leaving their homes.<sup>55</sup>

The need for omnipresent, omniscient surveillance of public housing residents and their homes constituted another key component of Newman's articulation of defensible space. Tenant patrols and involvement in security, then, in which tenants were given and/or took on the power to police and surveil each other, represented a different means through which HUD and PHAs could employ tenants to enact defensible space while using the language of empowerment.

Whereas, in theory, the tenant management demonstration was more about empowerment than criminalization (despite the ideological slippage betrayed by the language the creators of the program used in describing it), the UIAC shifted priorities more fully toward criminalizing public housing tenants. In other words, whereas the MDRC and HUD demonstration sought a decrease in crime through empowerment as defensible space, the Carter administration understood empowerment as a result of enhanced criminalization enacted through the framework of defensible space. This made public housing tenants particularly vulnerable to the expanding carceral regime. It also disempowered tenants and made them less safe—both in terms of their physical wellbeing and because the criminalization of public housing tenants and their homes made public housing a more precarious and less politically popular anti-poverty program.

The overlap in how HUD administrators and politicians articulated criminalization and empowerment in public housing in the late 1970s did not represent the last word on either of these

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<sup>55</sup> Hinton, 296-298. Hinton argues that framing employment in security fields as the best or only means of empowering tenants in troubled public housing insidiously enclosed young people in public housing more solidly within the mechanisms of the carceral state. Ultimately, Hinton contends that young public housing tenants' participation in the surveillance and policing of their homes rendered them partially complicit in the governmental practices aimed at least in part at the social control of these teenagers and their families.

ideas. Public housing residents continued to articulate an understanding of empowerment that depended upon adequate federal investment of resources into their communities and their homes. Sometimes these tenants were supported by unlikely friends, including Republican Congressman Jack Kemp, who fought vociferously to support tenant management throughout the 1980s (even if he did so under the auspices of fiscal conservatism). In places like Charlotte, North Carolina, residents also pushed for a more holistic definition of security. Residents in Charlotte would come together to create programs that enhanced their neighbors' security in innovative ways, including assessing whether elderly neighbors had picked up their mail, providing clinics for residents facing legal trouble, and more. Still, tenants also faced grave disempowerment as the Reagan administration dramatically cut the budget for public housing while allowing republican operatives to use HUD as a way to fraudulently profit from poverty. Thus, while the HUD and MDRC tenant management program marked a critical moment in which the federal government first explicitly connected empowerment and criminalization within the context of public housing residents, the future of public housing and of tenant management in particular, was, to some degree, still up for debate by the end of the 1970s.

Also up for debate were the answers to the three central questions that guided public housing policy development from 1972 through 1980. in the face of mounting political disapproval from the conservative coalition that had elected Ronald Reagan into the presidency in 1980, tenants and their advocates continued to fight for traditional multifamily public housing over and above Section 8 or other privatization schemes. Tenants fought to keep public housing available to the most indigent among them and for rent collection to stay within the framework provided by the Brooke Amendment even as public housing administrators, politicians, and journalists increasingly bemoaned the concentration of poverty and the unsustainability of Brooke. Finally, tenants like Shirley Wise of Baltimore attempted to grow tenant power through tenant advisory boards and

tenant management corporations despite those who argued that tenant management was too expensive and did not work.



### Chapter 3: Public Housing in the Reagan Years, 1980-1987

During the Reagan administration, tenants and politicians began to define tenant empowerment through the increasingly popular ideologies of personal responsibility and self-sufficiency. Reagan had risen to political prominence in part due to his antigovernment ideology and his emphasis on personal responsibility. He and other conservatives of the time often railed against welfare as anathema to the patriotic value of self-sufficiency. Democrats and those who voted for them generally took a less antigovernment approach, but they also promoted personal responsibility. Low-income Americans, public housing tenants included, were of course, not immune from this newly pervasive ideology in American culture. However, public housing tenants tended to seek self-determination rather than self-sufficiency. Generally, tenants understood self-determination as a level of independence that resulted from adequate governmental support. Particularly through resident management corporations in which tenants held primary responsibility for the day-to-day management of their housing authorities, tenants attempted to make personal responsibility work for them. For example, tenants interested in managing their housing authorities tried to use management opportunities to enable residents to get jobs within the housing authority so that they would no longer rely on welfare. Tenants tended to have a more expansive vision of personal responsibility than policymakers and recognized that they had to hold themselves accountable for their actions while demanding support from the government to accomplish their goals. Ultimately, tenants wanted the chance to, as one tenant put it, “control our own destiny.”<sup>1</sup>

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<sup>1</sup> U.S. Congress, House, Committee on Banking, Finance, and Urban Affairs, *Tenant Management of Public Housing: Hearing before the Subcommittee on Housing and Community Development*, 99<sup>th</sup> Cong., 2<sup>nd</sup> sess., 17. Guian McKee’s *The Problem of Jobs: Liberalism, Race, and Deindustrialization in Philadelphia*. Chicago: University of Chicago Press, 2008, discusses the history of African American activists who “emphasized a strand of liberal ideology that most critics have missed: an embrace of self-reliance, self-help, and responsibility as core values that liberal policy could and should promote. The state, in this view, had a responsibility to make real resources available to citizens who had none, but those citizens too had a responsibility to improve themselves and their communities,” 10.

While tenants attempted to control their destinies, President Reagan and other politicians, mainstream journalists, and academics increasingly referred to public housing tenants and other low-income, primarily non-white Americans using terms like the “underclass” and “welfare queens.” These and related terms suggested poor nonwhite people, public housing residents included, were a criminal class of people who were beyond saving and had to be contained through a growing carceral state or within the divested inner cities with which they were associated. In other words, they had no destiny worth considering.

Public housing tenants also faced an escalation of policing in their developments. Together, these developments constituted the punitive turn in public housing. The punitive turn is scholars’ term for the implementation of federal, state, and local government policies and practices that increasingly criminalized low-income people of color and their behaviors as well as the spaces they inhabited.<sup>2</sup> During the Reagan presidency, the Department of Housing and Urban Development (HUD) and local housing authorities (LHAs) attempted to streamline both rent collection and eviction procedures to ensure that their developments ran smoothly and earned as much rental income as possible. In order to achieve that goal, local housing authorities, with HUD’s support, enhanced their collaboration with law enforcement entities. At times, LHAs took on the role and practices of law enforcement, surveilling tenants and doling out punishments when tenants did not comply with lease directives. Some LHAs partnered with law enforcement institutions such that police or sheriffs played a role in enforcing public housing tenants’ compliance with the terms of their leases. Other LHAs received data on alleged potential criminal activity of tenants from police departments or sheriff’s offices. In total, these practices reveal the mechanisms through which the

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<sup>2</sup> McDowell, Deborah, Claudrena Harold & Juan Battle, Harold, eds., *The Punitive Turn: New Approaches to Race and Incarceration*, (Charlottesville: University of Virginia Press, 2013). Marisa Chappell, *The War on Welfare: Family, Poverty, and Politics in Modern America*, Philadelphia: University of Pennsylvania Press, 2010. 139-155; Katz, Michael, ed, *The “Underclass” Debate: Views from History*. Princeton: Princeton University Press, 1993. William Julius Wilson, *The Truly Disadvantaged*; *The Declining Significance of Race*. Adolph Reed, *Class Notes*. Charles Murray, *Losing Ground*.

punitive turn—the specific shape criminalization took in this time period—functioned in public housing.

The 1980s constituted critical period in the federal government’s turn away from public housing, in which the empowerment took on an increasingly individualized connotation while the punitive turn began to criminalize public housing tenants as a class. Three major developments during the Reagan presidency shaped the future of public housing in that direction. The first change was the dramatic cut in funding for HUD as well as the deliberate mismanagement of HUD funds. During the eight years of the Reagan administration, Congress cut federal allocations for low-income housing by over fifty percent and for public housing in particular by close to eighty percent. Thousands of HUD employees were laid off.<sup>3</sup> Moreover, Reagan continued to regale American audiences with stories of chiseling welfare queens and slum-dwellers who often lived in public housing while defrauding the state and American taxpayers of undeserved funds from the government’s public assistance programs. Meanwhile, HUD Secretary Sam Pierce, Jr. allowed HUD to become a front through which Republican elites profited from HUD contracts and programming, defrauding both the recipients of public assistance and the taxpayers who paid for these programs.

Second, HUD contracted out studies to private firms to assess the best and most effective public housing management practices in a variety of programmatic and administrative arenas.<sup>4</sup> These studies differentiated between small, medium, and large public housing authorities (PHAs). Yet, the takeaway from many of these studies was that in fact, at PHAs of all sizes, the best practices were those that were the most punitive. The studies emphasized the advantages of working closely with

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<sup>3</sup> Johnson, Haynes, *Sleepwalking Through History: America in the Reagan Years*, (New York: W. W. Norton and Company 1991), 180-181; “Public Housing and Section 8 Programs” hearings; Mar 7, 1990; Subcommittee on Housing and Community Development, committee on Banking, Finance, And Urban Affairs. House; Session 101-2, 40-41.

<sup>4</sup> While the studies were contracted out, HUD informed the research questions and the scope of the research and after receiving the results, based decisions off of them. Essentially, these contracted researchers acted as an extension of HUD’s Office of Policy Development and Research.

receptive sheriff's departments and local judges and magistrates in order to ensure decisions favorable to LHAs such as swift eviction of "problem tenants." These studies also advocated that LHAs employ various security measures based on their size. Together, the studies show that by the 1980s, new harsher practices increasingly blurred the distinction between public housing authorities and police departments.

The third major development extended political debates on tenant empowerment through tenant or resident management corporations (TMCs or RMCs). Throughout the decade, HUD officials, Congressional representatives, and tenants themselves discussed the relative merits and assessed the successes of TMCs at public housing authorities (PHAs) across the country.<sup>5</sup> Many tenants came before Congress to express their support for such programs and to delineate the ways in which this work of self-determination improved the lives of most if not all residents in their communities. Still, some tenants and legislators expressed wariness about tenant management because they did not trust that these programs would be fully funded. These tenants voiced concern that if they failed—whether due to inadequate resources or not—HUD, policymakers, and the general public would blame public housing residents as not only unable to run their own homes, but as criminally responsible for misuse of state monies. While some cases of failed tenant management in the 1980s did lead legislators and PHA officials to see tenants as inept and at times, as criminal, this view of RMCs and the tenants who ran them was not the overwhelming consensus at the end of the 1980s. In fact, in the middle of the decade, tenant management received a new wave of support from both sides of the aisle as a program that promoted personal responsibility. Still, for those legislators and public housing administrators who saw tenant management as a last-gasp effort to save public housing, tenant management failures led them to question the validity of public housing

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<sup>5</sup> HUD and public housing administrators, politicians, and tenants used the acronyms TMC and RMC interchangeably. I will do the same.

and to reconsider whether the federal government should be in the business of providing housing for low-income Americans.

Together, these three developments, which mapped onto and into political impulses at the time to empower and criminalize public housing tenants played a critical role in moving the federal government away from its commitment to housing low-income citizens. This chapter examines how ideologies of personal responsibility and self-sufficiency in tandem with the punitive turn shaped and ultimately eroded support for public housing and for the rights of public housing tenants.

### **Who's Zoomin' Who?: Welfare Chiselers and Poverty Profiteers During the Reagan Administration**

During his first presidential campaign in 1976, Reagan popularized the term “welfare queen,” which initially appeared in either *Jet* or the *Chicago Tribune* as a description of an exceptional woman who participated in a wide array of illegal activities and received various forms of public assistance under a number of aliases. Reagan famously described this character as fraudulently amassing a state-provided income of \$100,000 or \$150,000, which allowed her to live in luxury and drive a Cadillac. On the eve of his 1980 election, Reagan reminded his audience of the work he had done to in California “construct... a welfare program that put cheaters off the rolls.”<sup>6</sup> Less than three weeks into his presidency, Reagan told a joint session of Congress that he intended to save \$520 million in the following fiscal year by implementing strict work requirements for welfare recipients, “tighten[ing] welfare,” and paying “more attention to outside sources of income when determining the amount of welfare that an individual is allowed.” Without explicitly saying it, Reagan inferred that welfare recipients relied on welfare due to laziness and unscrupulousness that enabled

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<sup>6</sup> In this chapter and the rest of the dissertation, unless otherwise specified, my use of the word “welfare” refers to what it meant for the majority of Americans then and now—SNAP, AFDC, WIC—programs that served very low-income people. I recognize that deciding to use the term this way may reify these problematic understandings of welfare that look past the many ways in which the state provides financial assistance and other resources to those with significantly more wealth and higher incomes.

them to lie to the government about their sources of income. Five years later, his rhetoric on the evils of welfare had not diminished. During a 1986 radio address from his Santa Barbara County ranch, Reagan opined, “Perhaps the most insidious effect of welfare is its usurpation of the role of provider. In states where payments are highest, ...public assistance for a single mother can ... pay for her to quit work.” For Reagan, welfare recipients inherently lacked the sense of personal responsibility he valued so highly. More than that, Reagan’s anti-welfare rhetoric conjured images of Black women lying to the government in order to take advantage of it and hard-working taxpayers. Stereotypes or what Patricia Hill Collins has called “controlling images” like these facilitated the punitive turn by criminalizing the poor in general and poor Black mothers in particular.<sup>7</sup>

But the welfare queen wasn’t the only villain in Reagan’s anti-government stories. She existed alongside the “young Buck” (later “young fellow,” when some objected to the overtly racial overtones of “Buck”) who stood in front of the hard-working (read: white) men and women buying hamburgers in the grocery store while he bought a T-bone steak on food stamps. Then there was the “slum-dweller” who, through public housing, [could] get an apartment with 11-foot ceilings, with a 20-foot balcony, a swimming pool and gymnasium, laundry room and play room, and the rent begins at \$113.20 and that includes utilities.”<sup>8</sup> Together, these three characters represented for Reagan the problems with big government. But more importantly, they provided compelling examples of issues that touched nerves among two of Reagan’s key constituencies: working class

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<sup>7</sup> “‘Welfare Queen’ Becomes Issue in Reagan Campaign,” *New York Times* Feb. 15, 1976; Ronald Reagan, “[Election Eve Address: A Vision for America](#),” Nov. 3, 1980; Ronald Reagan, “[Address Before a Joint Session of Congress on the Program for Economic Recovery](#),” Feb. 18, 1981; on controlling images see Collins, Patricia Hill. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York: Routledge Classics, 2000), 67-90. Julilly Kohler-Hausmann, “Guns and Butter: The Welfare State, the Carceral State, and the Politics of Exclusion in the Postwar United States,” *Journal of American History Special Issue: Historians and the Carceral State*. June 2015 Vol 102(1). Julilly Kohler Hausmann, *Getting Tough: Welfare and Imprisonment in 1970s America*. Princeton: Princeton University Press, 2017. Julilly Kohler-Hausmann, “Welfare Crises, Penal Solutions, and the Origins of the ‘Welfare Queen,’” *Journal of Urban History*, 2015, Vol 41(5). For more on Linda Taylor, whose life inspired the creation of the term “Welfare Queen,” see Josh Levin, *The Queen: The Forgotten Life Behind an American Myth* (New York: Little, Brown and Company, 2019).

<sup>8</sup> “‘Welfare Queen’ Becomes Issue in Reagan Campaign,” *New York Times* (New York City, NY) Feb. 15, 1976.

white voters who were fed up with what they perceived to be the government's largesse to undeserving African Americans and conservative voters of all incomes and races who opposed welfare programs because of their economic ideologies (which often masked ideologies of racial difference).

With his voters as his protagonists and these characters as antagonists, Reagan created a story that showed how the hard-earned tax dollars of white middle- and working-class voters were going to the lazy and criminal welfare queens, young bucks, and slum-dwellers. These social loafers, by gaming the flaws in the implementation of welfare, defrauded the state—and by extension, the deserving American taxpayers—of billions of dollars. In a message to Congress written in 1987, Reagan wrote that the “labyrinth” of welfare included 59 program that “cost more than \$132 billion in FY 1985.” He continued, “Welfare spending has soared since the 1960s so that today some 52 million Americans, or one in five, benefit from welfare.” In saying that twenty percent of Americans received welfare, Reagan implied that not all people who received welfare needed or deserved it. “All told, this spending is more than twice as great as the ‘poverty gap,’ or the amount it would take to lift all Americans above the official poverty level,” he concluded. Reagan’s statement indicated both that not everyone who received welfare depended on it and that the federal government was wasting money on bureaucratic and administrative costs. In other words, welfare was a waste of money. While there was significant room for improvement in terms of the efficiency of the various public assistance programs and their delivery systems, Reagan’s previous reference to the tropes of the welfare queen, the young buck, and the slum-dweller, as well as to general “welfare chiselers” to whom he sometimes referred, loaded the notion of waste with racialized and gendered meanings in terms of who was at fault and who was undeserving of assistance.<sup>9</sup>

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<sup>9</sup> Ronald Reagan, “[Message to the Congress Transmitting Proposed Low-Income Opportunity Legislation](#),” February 26, 1987.

As part of his mission to diminish the size and role of the federal government, Reagan appointed people to Cabinet positions such as the Environmental Protection Agency, HUD, and OSHA, who shared his lack of commitment to the mission at the heart of these agencies. Reagan then saw to it that the budgets of these departments and others he did not support were dramatically slashed. HUD in particular became a frequent target of anti-government rhetoric and its budget was cut from \$33 billion to \$14 billion between 1981 and 1987. The Secretary of HUD during the Reagan administration was Sam Pierce, Jr., an African American lawyer who had advanced far in the corporate legal world and served in the Department of the Treasury under Nixon. According to historian Michael Schaller, Pierce had “little familiarity with public housing programs and seemed selected for the post largely because Reagan wanted a pliant minority represented in the Cabinet.” Reagan in fact was so unfamiliar with Pierce that he mistook him for a mayor at the United States Conference of Mayors in Washington, D.C. Pierce was both Reagan’s only Black cabinet member and the only Cabinet member of Reagan’s to serve the full eight years of his presidency.<sup>10</sup>

Under Pierce’s stewardship, HUD became a front for transferring government funds to already wealthy Reagan supporters. As journalist Haynes Johnson has written, while Congress, the executive branch, the press, and HUD officials looked away, “HUD became the personal vehicle for the rich and politically well-connected to exploit low-income housing programs designed to help the poor.” HUD officials signed contracts with companies that relied upon consultants tied to the Republican Party—who in turn received kickbacks for landing those contracts. Among the vast number of people who benefited from such scheming were Republican strategist Lee Atwater, former HUD Secretary Carla Hills, and Paul Manafort. However, “Dozens of former officials, many from HUD and others with close ties to the Reagan White House, earned millions of dollars in

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<sup>10</sup> Schaller, Michael. *Reckoning With Reagan: America and Its President in the 1980s*, (New York: Oxford University Press, 1992), 116.



consulting fees in return for their efforts in winning HUD housing subsidies and grants for their clients.” For example, Philip Winn served as assistant Secretary at HUD under Pierce. He also was “a cofounder of the Winn Group, which secured HUD backing for a housing rehabilitation project in Colorado.” Winn was one of three panelists who selected which PHAs received modernization funds. While he was on this panel, “The Winn Group received \$133 million in federal rent subsidies and \$29 million in federal tax credits.” The undersecretary at HUD, Philip Abrams, served with Winn on the panel and also worked with the Winn Group. HUD paid Abrams \$100,000 in consulting fees.<sup>11</sup>

To make matters worse, these fraudulent deals were occurring while HUD’s congressional budget was being significantly cut. The cuts in federal funding for the Department coincided with substantial cuts in personnel, which accounts in part for the virtual silence around the widespread misuse of federal monies. Many non-political HUD employees were primarily concerned with keeping their jobs, while many HUD political appointees and their friends were literally and “knowingly profit[ing] from poverty.”<sup>12</sup> The officials mentioned above and many others made in many cases significantly more than \$100,000 from their dealings with HUD—at a total cost of over \$1 billion dollars for taxpayers in the long run.

That members of the Republican Party and Reagan officials in particular were fraudulently benefitting from the welfare programs they so despised was especially ironic. So much of their platform had emphasized the wastefulness of these programs, their inefficient use of taxpayers’ dollars, and most importantly, the fraudulent behavior of those who received public assistance money. Yet, through the duration of Reagan’s presidency, government officials and their powerful political supporters were the ones wasting and stealing taxpayer money and using federal funds

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<sup>11</sup> Johnson, 180; Dehaven, Tad, “[HUD Scandals](#),” *Downsizing the Federal Government*, June 1, 2009,

<sup>12</sup> Johnson 180-181. As Keeanga-Yamahatta Taylor writes, in *Race for Profit*, “The ‘Hood [was] good’ for exploitative business practices.

inefficiently. In other words, the very people who were being accused of defrauding the state—welfare recipients and public housing tenants (two widely overlapping groups of people)—were actually being defrauded *by* the state, by the very people charged with helping them.

### **Public Housing Best Practices: The Punitive Turn in Public Housing**

While Republican officials were taking advantage of lax oversight at HUD, HUD administrators in the Office of Policy Development and Research (PDR) directed some private research companies to assess best management practices for small, medium, large, and sometimes very large public housing authorities. HUD commissioned a research company with whom HUD administrators had worked previously for this task early in the 1980s, soon after Reagan had taken office. The results of the studies were published in six volumes from November 1985 to summer 1986. They included reports on: “Procurement and Inventory;” “Maintenance and Control;” “General Administration;” “Finance and Accounting;” “Rental and Occupancy;” and “Security.”

Collectively, these reports revealed that broadly speaking, the punitive turn operated in public housing via three mechanisms. These management studies lifted up as paradigmatic examples of good management PHAs that: extracted from public housing residents and exploited their poverty; that evicted entire families based on one tenant’s alleged behavioral problems; and that surveilled and policed their tenants in collaboration with law enforcement at every level from police departments, to sheriff’s departments, to judges and magistrates. Moreover, the report’s authors selected most of the models of punitive best practices that relied on the criminalization of public housing residents from housing authorities in the U.S. south. The reports highlighted punitive policies developed in states and cities with long histories of segregation and legal and extralegal practices of racialized and gendered punishment of African Americans seeking governmental benefits available to their white counterparts. In some cases, the report underscored practices, such as collaboration by local housing administrators and law enforcement entities, that had long been in

place as a means of maintaining a racial caste system. In some ways, then, these reports reflected the federal government's desire to export these practices to housing authorities across the country.

Management policies stressed in these volumes often revealed PHA administrators' criminalization of public housing tenants; the language the authors of the studies used and the fact that they praised such practices as the best and most effective revealed that they, too associated public housing tenants and criminal behavior. Together, the volumes show a significant, and increasing, blurring of the boundaries between PHAs and local law enforcement institutions. In the "Finance and Accounting" volume, for example, the authors consistently praised "vigorous"—i.e., punitive—rent collection practices and eviction policies. This volume also strongly encouraged PHAs to work closely with their housing authorities and local law enforcement, as their examples had done. Recommendations throughout the volumes implied that tenants were likely to be delinquent unless hounded by PHA administrators—that most tenants were at best irresponsible or lazy and at worst criminally evasive.

The volume on "Finance and Accounting" highlighted the practices of the PHA in Beaufort, South Carolina (BHA) as the emblematic ideal for small sized PHAs and potentially for larger ones, too. The researchers argued that "a vigorous collection and eviction process" was key to the financial viability of the BHA. Moreover, the report stated that the BHA model was particularly effective due to, "1) active, in-person follow-up by project managers; 2) the use of 'warrants of distress' to seize delinquent tenants' valuables; 3) very responsive local courts; 4) charging tenants stiff penalties for overdue rents; and, 5) very streamlined eviction procedures." The first point likely meant in practice that housing authority development administrators hassled their tenants for late rents. Then, if unsuccessful, administrators used the local sheriff's office to seize "valuables" from their impoverished tenants such as televisions and cars. Because these tenants could not pay their rent, the housing authority could (legally) steal their goods. In effect, the housing authority's (and

sheriff's office and local judges') thinking seemed to suggest that people who can't pay their rent don't deserve a television. This is particularly noticeable given that twelve years before this study was published, HUD and the National Tenants Organization had collaborated on a model lease, which HUD then circulated as a rule, which forbade rent distraint. The BHA's good relationship with "responsive local courts" enabled them to swear out "warrants of distress," which made their seizure of tenants' property legal. Significantly, while the authors of the report recommended other LHAs adopt the "vigorous" rent collection and eviction processes of the Beaufort Housing Authority, they also noted that other housing authorities may struggle to do so given a strong probability that warrants of distress would not be legal outside of the specific jurisdiction in Beaufort.<sup>13</sup> The uncertainty of the study authors as to the applicability and legality of warrants of distress in other locations indicates the extreme nature of the recommendation.

Still, the authors of the finance and accounting management report selected the Meridian, Mississippi housing authority (MHA)—a PHA whose rent collection and eviction processes closely mirrored those of the BHA—as its paradigmatic medium sized housing authority in matters of finance and accounting. As in Beaufort, the Meridian Housing Authority's practices included "vigorous personal follow-up of delinquent accounts by project managers, their supervisor, and by on-site project maintenance works." The MHA also made "vigorous attempts to garnishee wages of tenants who have" been delinquent on their rent. This "vigor" included encouraging tenants to report on each other's incomes and administrators' attempts to listen in on tenant conversations to informally gather information. The PHA project operations officer would also keep his eyes and ears open for new businesses in the area that might employ former tenants who owed money to the MHA in an attempt to garnish wages from them. HUD, through this study they commissioned,

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<sup>13</sup> Decision Information Systems Corporation for Office of Policy Development and Research, U.S. Department of Housing and Urban Development, *Case Studies of Effective Management Practices Within Public Housing Agencies Volume 4: Finance and Accounting*, by Llewellyn Toulmin and Carol Shapiro. November 1985, I-4.

therefore sanctioned stalking current tenants to learn whether they were criminally underreporting their income as well as former tenants to ensure they were not getting away with prior unpaid rents.<sup>14</sup> This type of behavior on the part of the MHA represents a striking example of the punitive turn in public housing. The authors' repeated use of the word vigor underscores the extreme and punitive practices the MHA employed. Moreover, the authors' suggestion that all PHAs adopt such "vigorous" practices implies that the authors—and by extension HUD—believed that tenants' action *required* vigorous (i.e., punitive) management practices.

The volume emphasized the importance of MHA's streamlined eviction process, which they painstakingly detailed so as to provide a blueprint for other local housing authorities. Significantly, the report found that "MHA petitions the county court, rather than the local Justice of the Peace, in order to minimize the delays caused by appeals." The report further noted that as in Beaufort, the judges in Meridian were inclined to side with the housing authority in matters brought before them.<sup>15</sup> Thus, the Meridian Housing Authority used their knowledge of the courts system and their relationship with local judges to curtail tenants' rights to appeals processes and to facilitate swift evictions. The researchers'—and by proxy, HUD officials'—strong focus on building relationships with local sheriffs and judges reveals their underlying view that many of their tenants needed to be overseen with an iron fist, lest they criminally take advantage of the PHA in which they lived.

In addition to the punitive practices of drawing up warrants of distress for late-paying tenants or garnisheeing wages, the Beaufort Housing Authority and Meridian Housing Authority both levied significant late fees that tenants who hoped to remain in the housing authority had to pay on top of their rent. While it follows that housing authorities like these would want to collect the

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<sup>14</sup> *Case Studies, Vol. 4*, II-3; II-33-34.

<sup>15</sup> *Case Studies, Vol. 4*, II 18-29. The report cited statistics from 1983, in which forty court hearings related to public housing tenants with delinquent rents came before the courts. While most of the cases resulted in a specified repayment plan (that would end in eviction if the tenants failed to adhere to it), eight resulted in evictions. "In none of the ... hearings did the judges reject MHA's case or rule in favor of the tenants."

rent tenants owed to them, the practices the MHA and BHA engaged in were punitive and part of a larger issue of making poverty more expensive for the poor. These fees punished public housing tenants for being too poor to pay their rent and other bills and made them even poorer. The MHA, BHA, and other housing authorities with similar practices tried to find a balance between eviction of tenants who struggled to pay their rents and squeezing out late fees from tenants who sometimes had enough cash to pay their rents but on other months were short. As reported in the finance and accounting volume, “although MHA’s enforcement is quite vigorous, a substantial number of tenants delay paying until well past the due date.... [L]ate fees were assessed and ...collected, providing a substantial source of revenue for the MHA.” The MHA never evicted tenants who regularly paid their rent late, as they relied on the extra income.<sup>16</sup> The housing authorities here presented as the most successful and efficient and thus the worthiest of imitation, like Republicans who worked for HUD, profited from the poverty of their low-income tenants.

The MHA and BHA’s aggressive pursuit of rents and late fees were all the more punitive given the racialized economic transitions happening during the Reagan administration. During his first term, Reagan dramatically cut the budgets for antipoverty programs and enacted harsh anti-labor union policies. The administration’s pursuit of Reaganomics led them to purposefully create economic recessions in the early 1980s, which, as with globalization and the corporate transfer of capital and labor overseas, disproportionately impacted low-income workers. All of these developments resulted in a “72 percent increase in the number of African Americans among the ‘long-term unemployed’—those who had been out of work for six months while actively looking for a job.” “By 1985,” the year that this study was published, “36 percent of all black Americans

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<sup>16</sup> *Case Studies, Vol. 4*, II-29-33. The practice of extracting extra capital from poor Black families based on their circumscribed housing choices in a racially tiered housing market has a long history. See Nathan D. B. Connolly, *A World More Concrete: Real Estate and the Remaking of Jim Crow South Florida* (Chicago: University of Chicago Press, 2014) and Keeanga-Yamahtta Taylor, *Race for Profit: How the Banks and the Real Estate Industry Undermined Black Homeownership* (Chapel Hill: University of North Carolina Press, 2019).

were living in poverty, more than at any time since the Census Bureau began collecting that data in the 1960s.” The Beaufort Housing Authority had a population that was 70 percent nonwhite and 70 percent led by a single parent. The Meridian Housing Authority was 88 percent “minority” and 49 percent of their households were led by single parents. Thus, the populations of these housing authorities were incredibly vulnerable on a number of fronts. These housing authorities’ forceful efforts to attain as much of their residents’ income as possible, then, likely exacerbated the difficulties faced by families who were already disproportionately impacted by the economic downturns in the early-mid 1980s.<sup>17</sup>

In volume 5 of the study—on “general administration”—the authors again emphasized “a strong set of eviction policies and procedures” in tandem with friendly local courts as a critical component of turning around “troubled” public housing. In this volume, such a process proved successful for the medium-sized agency example, the New Albany Housing Authority (NAHA) in Indiana, just across the river from Louisville, Kentucky. The report notes that in the 1970s NAHA had been “in severe financial [and physical] distress.” But NAHA turned things around by restructuring management and imposing strict eviction policies that they updated yearly, with the support of the local judiciary. The “strict eviction policies” employed by NAHA specifically targeted what HUD, PHAs, and the report called “problem tenants.” HUD and the company conducting the study defined problem tenants as “tenants such as vandals, those involved in criminal activities, and tenants that repeatedly display behavioral problems.” Often, however, the entire families of “problem tenants” would be evicted with them whether or not they had actually been implicated in crimes. These tenants often found themselves evicted and ineligible to return to public housing

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<sup>17</sup> Annelise Orleck, *Storming Caesar’s Palace*, 269. *Case Studies, Vol. 4*, I-5, II-5.

before any court could or would consider criminal charges.<sup>18</sup> Thus, NAHA took on an explicitly punitive policy in which tenants faced extreme repercussions for alleged criminality or their association with somebody accused of it.

In New Albany, the local police department helped NAHA administrators to evict tenants more effectively. “The executive director [of NAHA], through formal and informal channels with the local police department, receives information on drug-related activities involving tenants.” This type of collaboration had been sanctioned by the Carter administration, which, as historian Elizabeth Hinton writes, “establish[ed] stronger partnerships between social and law enforcement institutions” and “enhanced the scope and power of punitive authorities in the most deteriorated and segregated public housing sites in the country.” Because the strict lease provisions prohibited “Association with drug-related charges or activities,” NAHA could and did use this information to evict tenants identified by the police. But NAHA administrators did not rely solely on the police intelligence; NAHA managers thought of themselves as “the eyes and ears” of the development and tried to maintain constant vigilance.<sup>19</sup>

The report in fact specifically recommended that large PHAs with “large or diverse family populations”—i.e., PHAs that tended to house the highest percentage of impoverished Black residents—look to NAHA as an exemplar of management practices. The study’s description of NAHA’s practices centered around their methods of building local relationships with courts and police in order to deal with “problem tenants.” By recommending that PHAs most likely to house

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<sup>18</sup> Decision Information Systems Corporation for Office of Policy Development and Research, U.S. Department of Housing and Urban Development, *Case Studies of Effective Management Practices Within Public Housing Agencies Volume 5: General Administration*, by Harvey Dickerson, vii, 3-4.

<sup>19</sup> *Case Studies*, Vol. 5, II 7, 27, 31-32. The relationship between the courts and NAHA had not always been good. When a new manager came in to turn NAHA around, they tried to start a conversation with relevant “judicial authorities” to figure out a way to “streamline the eviction procedures.” Initially the judiciary was “unsympathetic” but with time they “agreed to a more streamlined administrative process for evicting tenants,” which soon thereafter led five tenant families to be evicted. Moreover, following the implementation of the stricter eviction policies, most families moved out before sheriffs were called for their evictions, meaning that the numbers of actual evictions at NAHA was kept down by a technicality. *Case Studies*, Vol. 5, II-7, II-4. Elizabeth Hinton, *From the War on Poverty to the War on Crime*, 288.



Black tenants—Black mothers and their children, specifically—follow the example provided by NAHA, the authors of this study and HUD implied that these women and their children were the problem.<sup>20</sup> Just three years after this report was published, during the expansion of Reagan’s war on drugs, Congress and the Reagan administration would encourage all public housing authorities to adopt the strict prohibition of drug-related activity through the Anti-Drug Abuse Act of 1988.

The volume on security proved particularly significant in terms of understanding the nexus between criminalization and empowerment of the residents who lived in public housing. Public housing residents often did face more crime than residents of other parts of the city. In many cities public housing residents were actually both over- and under-policed. While some police departments would avoid neighborhoods with public housing developments, others would devote extra resources to patrolling developments. Both practices betrayed police departments’ notions of resident criminality. Moreover, sometimes even when police did regularly patrol public housing developments looking for criminal activity, they would fail to respond to calls from residents who had been victims of a crime. But residents and administrators of public housing—particularly multifamily public housing—did have legitimate concerns about crime rates in and around their homes. In Charlotte, for example, public housing tenants had the highest incidence of crime victimhood in the city. Those who lived outside public housing also had legitimate concerns regarding crime in housing developments, though often a lack of familiarity with the developments and a skewed media perspective shaped the concerns of people who lived beyond public housing’s walls. Even if mainstream American notions of crime in public housing were problematic, increasing security in some capacity was necessary at many sites and did improve some tenants’ quality of life. Still, empowering some public housing tenants by increasing their security often meant criminalizing

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<sup>20</sup> *Case Studies, Vol. 5, II 7, 27, 31-32. Case Studies, Vol. 5, II-7, II-4.*

others. The security volume was written within the context of these larger conversations around public housing and crime in the mainstream media and in policy circles.

The small, medium, and large public housing developments chosen for the security volume emphasized different approaches to security, but their successes all hinged on one key factor. Each PHA had a good relationship with the local municipal police department that enabled them to collaborate on a security plan. This relationship in all cases led police departments to allocate resources specifically for increasing security in various public housing sites in their city. While each PHA also had leadership who were centrally focused on improving security at their developments, their ability to reach out to their local police departments and develop a plan played a major role in accomplishing their goals.

The study's small PHA example, the Charlottesville Redevelopment and Housing Authority (CRHA) in Charlottesville, Virginia, chose mostly to add police and surveillance in order to diminish crime in their public housing. The CRHA developed a plan in 1977—called the Community Service Operators Program (CSO)—in collaboration with the Charlottesville Police Department (CPD), following “racial unrest” in 1976 that damaged the already tenuous relationship between the primarily Black residents of the Westhaven development and the police department. The CSO program's goals included decreasing and deterring crime with the well-publicized presence of CSOs on development grounds, improving the relationship between CPD and Westhaven residents, and helping these residents keep crime down and protect themselves.<sup>21</sup>

CSOs patrolled the areas within the developments with the highest crime rates. While on the one hand, it makes sense to increase police presence in a high-crime area, on the other, patrolling only or even primarily neighborhoods police considered high-crime by its very nature reinforces the understanding of that space as criminal. This was particularly true in Charlottesville, as prior to the

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<sup>21</sup> *Case Studies, Vol. 6*, I-6-7, 9.

implementation of the security program neither the CPD nor the CRHA measured criminal activity in the city. Of course, the CPD had experience that informed their assessment of what neighborhoods were high-crime, but without the data to back themselves up, they left themselves open to greater bias in their policing. The CPD did begin to collect statistical information after the onset of the program, which they provided to CRHA administrators upon request.

The CSOs helped the Charlottesville Redevelopment and Housing Authority police their residents to ensure that residents acted in strict accordance with their leases. While they could not issue arrest warrants, they did report to the police department any pertinent information. CSOs also issued “warning notices” telling residents who violated CRHA rules or city codes that they would be issued a court summons if the violations occurred again.<sup>22</sup> These violations included, for example, allowing one’s children to play in the street (or not knowing it was happening). If CSOs or CRHA personnel found children playing in the streets repeatedly their parents could be summoned to court and evicted from their homes—a fairly punitive response to children’s leisure activities. Across the country, kids played in streets with or without supervision but certainly without major repercussion for the parents. In Charlottesville’s public housing, though, parents—disproportionately Black mothers—could lose their homes for allowing their children to play outside in the streets. Policies like these (in the CRHA and elsewhere), while likely intended as a safety measure for residents, operated in part to criminalize parenting in public housing—mothering in particular. Moreover, the authors of the volume and, by proxy, HUD, included the CRHA and their practices as constitutive of good management—an example for other small PHAs to follow. HUD participated in the criminalization of public housing residents and encouraged PHAs to do so as well.

CSOs also filled out “community work sheets” to keep track of resident’s health, legal, financial, and/or behavioral problems. The community worksheets allowed CSOs and CRHA

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<sup>22</sup> *Case Studies, Vol. 6*, I-9, 12-13.

administrators to be more tapped into the community, more aware of tenants' situations and needs, and therefore more supportive. On the other hand, intimate knowledge of tenants' goings ons enabled CSOs to more quickly alert the CRHA to delinquencies. These community worksheets at times corresponded with logs the CSOs kept that listed tenants' "unacceptable behavioral problems." The CRHA would then call in CSOs "to handle... direct violations of the lease agreement" and asked CSOs to bring their logs, which helped the CRHA to evict "problem families."<sup>23</sup> The CRHA relied on the CSOs—who represented the Charlottesville Police Department—to both closely watch their tenants and to alert the housing authority to any problems or lease violations, blurring the line between spying on and supporting the tenants. The CRHA's reliance on the CSOs indicates a particular level of overlap in function between the CRHA and the CPD. This overlap suggests that, to a degree, the CRHA and CPD acted as though public housing tenants were generally a criminal population in need of surveillance and discipline.

The authors of the security volume selected the Fayetteville Metropolitan Housing Authority (FMHA) in North Carolina as their medium-sized public housing example. As in Charlottesville, the police and residents in Fayetteville had a particularly poor relationship with the local police (FPD) prior to the implementation of their security initiative. This led the FMHA's executive director to create a "Safety and Security Division to address the security needs of residents and staff" in 1979. Unlike the CRHA, the FMHA made efforts to incorporate residents into their new security program. The division also worked closely with both the police department and other social service organizations.<sup>24</sup> The FMHA's security program resulted in the housing authority taking on some of the role of law enforcement. The emphasis on policing as a means of promoting safety and decreasing crime, while not extraordinary in theory, in practice marked public housing sites like the

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<sup>23</sup> *Case Studies, Vol. 6*, I-13. This data collection allowed the CSOs to surveil public housing tenants, but it also violated tenants' rights to privacy. The CRHA and the CPD had no right to know the health status of CRHA residents.

<sup>24</sup> *Case Studies, Vol. 6*, II-5-6.

FMHA as spaces of discipline for impoverished tenants. The assumption of criminality plus the deliberate collaboration between police and the housing authority for surveilling, policing, and disciplining residents rendered the housing development a carceral space connected to, but not totally within, the traditional institutions of criminal justice.

The security division employed two former Fayetteville Police Department officers who remained auxiliary officers while performing their duties as public safety coordinators on housing authority property. As public safety coordinators, these men “coordinat[ed] public safety and crime prevention programs and activities for FMHA residents and staff.” The use of former police officers as the public safety coordinators was one aspect of many in terms of FMHA and FPD collaboration following the creation of their security program. The increasingly interdependent relationship between the two institutions reveals that more and more, the duties of FMHA administrators included what had been previously separated as police work. Public safety coordinators shared notes with FMHA administrators, who also had access to police radios and FPD-generated statistics. Each morning, public safety coordinators started their work day by collecting information from the police department about incidents that had occurred in the developments overnight. The Fayetteville police chief influenced policymaking for the authority, discussing policy options regularly with the FMHA executive director and board of commissions.<sup>25</sup> At the time the study was published, the most recent addition to the board of commissioners was actually a major within the FPD. Thus, police officers’—both current and former—played a growing role in the leadership of the FMHA and its decision-making processes, blurring the boundaries between the two entities. The intimate involvement of the FPD with the FMHA indicates that the FMHA acted based on an assumption—conscious or not—of their residents as criminals.

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<sup>25</sup> *Case Studies, Vol. 6*, II-6-7, 3, 5,10.

In 1984, the FMHA and FPD increased the involvement of residents through two programs: “Operation ID/Community Watch” and the “Community Crime Prevention Workshop Series.” The first implemented the same Neighborhood Watch program that had proliferated across the U.S. alongside “law and order” policies and practices. The community crime prevention workshop series met weekly to help residents prevent crime.<sup>26</sup> The inclusion of tenants, while a step in the right direction, occurred primarily as a means of inviting them to join in on policing practices rather than asking them to contribute ideas regarding how to secure their homes. By encouraging residents to join Neighborhood Watch, the FMHA and FPD asked residents to police each other. Certainly, the residents who went to the workshops learned helpful tools for maintaining their safety. However, residents participated in a program whose policies implied they were prone to crime.

The researchers chose Charlotte, North Carolina Housing Authority (CHA) as their example of a successfully run large public housing security program. In Charlotte, public housing residents were at least 99.4 percent nonwhite, with 86 percent single-parent households. Children represented about half of the CHA population. Interestingly, the CHA had by far the most resident-involved security program. The CHA had a “Public Safety Department” that “emphasize[d] ‘shared ownership’ of all program elements.” Those who ran the programs “actively include[d] residents at each step and [sought] to create partnerships whereby residents are the principal ‘owners’ of program results.” This resident-focused security program grew out of a failed attempt mitigate crime with heavy police presence only. The “resident-run, self-help demonstration program” implemented at the six major developments of the CHA, however, did significantly decrease crime. The primary crime-prevention programs implemented by CHA residents included “neighborhood watch; operation identification; volunteer assistance; substance abuse intervention and referral; a building captains program; an elderly watch; and a letter carrier alert.” The Charlotte Housing Authority

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<sup>26</sup> *Case Studies, Vol. 6*, II-10-11, 13-14.

crime-prevention programs revealed the difference between criminalization and crime control.<sup>27</sup>

Whereas the Charlottesville and Fayetteville examples emphasized punitive policies that disciplined residents assumed to be criminal, the CHA security program included an infrastructure meant to holistically address security concerns such that residents would not face undue discipline without first receiving help.

Critically, in 1980 the CHA received a \$700,000 grant from HUD solely for the purpose of improving security. These funds were in later years augmented by funds from the City of Charlotte. The substantial financial backing through the CHA, the city of Charlotte, and the CPD played an important role in promoting the success of the security programs. The CHA board of commissioners also supported resident and planning committees' efforts to fundraise and apply for grants. With these monies the CHA hired a public safety coordinator and nine residents—five full-time and four part-time—as “crime prevention outreach aides” spread out over the six CHA sites. These residents encouraged their neighbors to participate in the planning committees, setting up crime prevention programs, and volunteering for programs.<sup>28</sup> Between the board, the CHA, the resident employees and volunteers, the public safety coordinator, the CPD, and the range of social service agencies outside of the CHA, the CHA residents created a whole new infrastructure to support their work to make their homes safer.

The crime prevention staff and public safety coordinator, along with resident volunteers, relied on notions of self-help and self-determination. The security programs initiated across the six developments in Charlotte did reflect the residents' work to make their homes safer. But the way that the residents structured various programs demonstrated that the resident empowerment model of personal responsibility really involved quite a significant amount of outside resources—financial

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<sup>27</sup> *Case Studies, Vol. 6*, III-3-4.

<sup>28</sup> *Case Studies, Vol. 6*, III-8-10.

and otherwise. Residents created programs that connected the public safety groups—and therefore their fellow residents—with alcohol and drug abuse centers, employment counseling and referrals, court assistance, and other social service agencies. Without diminishing the central role residents played in strategizing and developing these programs, the programs they created under the banner of self-sufficiency in many cases relied on their access to financial and interpersonal resources that helped residents receive the social services to which they were entitled. They certainly were helping themselves, but they also had the financial backing of the city of Charlotte and the support of various social service agencies behind them.

The safety programs in the Charlotte Housing Authority, and to a lesser extent in FMHA, demonstrate how resident involvement can complicate the line between empowerment and criminalization. Residents at all housing authorities featured in the security volume were encouraged to police each other to varying degrees—whether through formal channels including Neighborhood Watch, or informally to CSOs or public safety officers. In Fayetteville and Charlotte, however, the security programs featured both increased resident participation and support from outside social service agencies. In fact, based solely on these three examples, it seems that the more resident participation there was in a security program, the more broadly a housing authority defined security. In Fayetteville, where there was a moderate level of resident participation, the FMHA’s improved security program coordinated residents with each other in the Neighborhood Watch and weekly workshop series. They also coordinated with outside institutions including the county sheriff’s office, courthouses, and the Alcoholic Beverage Control Board. This fairly hierarchical security program with substantial overlap in FMHA and FPD personnel seems to have shaped the nature of the collaboration with outside entities; all of the non-FMHA institutions mentioned in the report functioned to police or enforce the criminal justice system in some regard. Considering that this program was supposed to support a safer and more secure environment at FMHA sites, this makes



sense. But, in Charlotte, where residents had significantly greater input and power, the many programs addressed a fairly wide range of issues relating to security. The FMHA's programs, particularly when compared to those in Charlotte, show that the FMHA administrators conceived of security in a fairly narrow, punitive sense.

The Charlotte Housing Authority residents' broad approach to security demonstrated a balance between programs and practices meant to promote safety through policing as well as those meant to facilitate access to other forms of security. According to the authors of the security volume, public safety coordinators spent significant time dealing with residents who were implicated in the criminal justice system or were violating their lease. The public safety coordinator and the resident outreach coordinators therefore invested considerable energy ensuring that residents understood "what constitutes a violation."<sup>29</sup> Sometimes, the public safety coordinator would deal with residents' lease violations by taking substantive action through the court assistance and diversion and/or the victim/witness Assistance programs. The CPD would alert the public safety division of a CHA site of any "residents who are potentially involved in court matters." CHA staff and volunteer residents could then help familiarize these residents with court procedures and help them access any other resources they may need. For those residents who had been witness to or victim of a crime, crime prevention outreach aides would help them complete the sometimes laborious "follow-through activities required after a crime has occurred." The security volume noted that, "this is especially of concern regarding the victim because his or her cooperation is essential for the public housing agency to take corrective actions when the suspect is another resident or a guest of another resident."<sup>30</sup> Thus, with residents in charge, victim assistance went hand-in-hand with

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<sup>29</sup> Lease Violations tended to "fall into four categories: 1. Illegal activities of residents and their guests; 2. Disturbances; 3. Unauthorized residents; and 4. Unreported sources of income." *Case Studies, Vol. 6*, III-17-18.

<sup>30</sup> *Case Studies, Vol. 6*, III-25, 28. Interestingly, the security volume does not indicate whether these residents received this assistance as they were also being put through an eviction process by the CHA at the same time, given that illegal activities of residents and/or their guests constituted lease violations.

holding the perpetrators of crime accountable for their actions in courts or through eviction procedures. The residents in Charlotte seemed to have designed their security programs to enable them to empower themselves by providing community members with different forms of support while also seeking consequences for residents who flagrantly violated the law or their leases.

The substance abuse intervention and referral program also worked to help residents before moving to evict them right away. Outreach coordinators helped residents who struggled with controlled substances as users or illegal sellers by offering them counseling and/or access to the relevant social service agency that could serve them. However, when crime prevention staff felt the situation required it, police would get involved and eviction proceedings could begin.<sup>31</sup> At least in theory, the substance abuse, court assistance, and victim assistance programs represent the nexus of empowerment and criminalization; crime prevention staff would help to the extent they thought they could, but there was a point at which a resident would become subject to both legal consequences and eviction. It may be that these programs also helped the CHA and CPD to keep a closer eye on residents they had concerns about. But if residents were successfully aided through the CHA courses of action, then CHA residents' security plans show how residents' living environments could be made safer without casting aside "problem tenants" as criminal and therefore, potentially unredeemable.

The CHA security policies aimed to empower residents through a holistic understanding of security. Residents and CHA staff understood that the high "unemployment among residents in public housing developments in Charlotte is an acute problem." Thus, the employment counseling and referral program sought to help employ residents through various training programs as well as temporary and long-term employment with the CHA. The CHA security division also offered a dispute settlement program that provided mediators to help address disputes between residents in

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<sup>31</sup> *Case Studies, Vol. 6*, III-23.

response to either police reports indicating that mediation may be necessary or to residents expressing concerns. Finally, residents began a letter carrier alert that involved the US Postal Service in trying to keep an eye on the safety and health of elderly residents. Letter carriers learned signs of trouble including overflowing mailboxes, porch lights left on, and newspapers piling up. If they came across these indications, mailmen and women would make a report and the CHA would send someone to check on the resident.<sup>32</sup>

The existence of these programs—which residents envisioned and shaped—demonstrated that though the CHA definitely had a level of residents policing each other, part of this policing among residents served as a means of looking out for the safety and health of other residents. Moreover, the Charlotte Housing Authority’s residents and managers knew that by addressing economic security, a safety and security program could ameliorate some of the underlying issues rather than just the symptoms. With the success of the resident programs, CHA’s experience “validated the notion that significant reductions in crime will result with low-income residents are empowered to run their own crime prevention programs.”<sup>33</sup> Moreover, the resident-run security programs in Charlotte seemed to be almost as much about creating a security net for residents as using formal policing activities to diminish or expel criminal activities (and those committing them) that threatened the security of all residents. While Charlotte’s Housing Authority mirrored those in Charlottesville and Fayetteville in terms of a blurring of the boundaries between housing authority and law enforcement, in Charlotte, under the leadership of tenants, this occurred in a much less punitive way. Critically, CHA residents were able to do this effectively due in large part to being properly funded by the federal government and various supportive entities in the community. These residents rose to the task of personal responsibility in large part due to their access to resources that

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<sup>32</sup> *Case Studies, Vol. 6*, III-26, 24, 27, 30.

<sup>33</sup> *Case Studies, Vol. 6*, III-26, 24, 27, 30.

helped ameliorate the longstanding and deep impacts of structural inequalities that had prevented such “responsibility” in the first place.

Charlotte represented an anomaly in terms of their broad notion of security and crime prevention, their access to resources, and the leadership of residents. But all three featured housing authorities adopted many policing practices as part of their management activities and invited their local police and sheriff’s departments to play a more significant role in policymaking and management of their housing authorities. Local police departments communicated daily with all three housing authorities regarding incident reports and other statistics that they generated and analyzed collaboratively. Thus, not only did these institutions overlap in terms of administrative responsibility and resident accountability, but they also worked together to create new knowledge about public housing and those who lived in it from a criminal justice perspective.<sup>34</sup> To some extent, collaboration between the housing authorities and their respective police department makes sense—this study was after all, about security. But in all three cities, the nature of the housing authorities’ relationships with varying policing entities demonstrate a blurring of the boundaries between public housing administrator and police official on an individual level and between the local housing authority and police department more generally.

In fact, the considerable overlapping of housing authorities and entities responsible for policing or enforcing the law constitutes a theme across the volumes dealing with the resident-housing authority interactions. And it was not only the presence of law enforcement in the day-to-day management of public housing that constituted the punitive turn in action in public housing; the “vigorous” enforcement of lease provisions and rent collection also contributed to the punitive treatment of public housing tenants. These volumes show that throughout the 1980s, PHAs increasingly functioned in a way that mirrored the law enforcement entities with whom they

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<sup>34</sup> *Case Studies, Vol. 6*, III-40-41.

interacted daily. Under Pierce's leadership, HUD sanctioned this trend and endorsed punitive practices by highlighting them as the most effective management strategies. Housing authorities were not just following the national movement toward punishment of poor people of color; HUD was, in fact, promoting this movement.

### **Tenant Management in the Reagan Era**

While the studies on effective management ultimately revealed the complicity of local and federal governmental bodies in criminalizing public housing tenants, the volume on security did consider the advantages to resident participation in addressing matters of security. Outside of these studies, a more general notion of resident participation in management had already been in practice in select public housing developments for a handful of years with varying degrees of success. resident management corporations had a basic structure across PHAs. The tenant population of a particular PHA would popularly elect the board of the TMC from residents who volunteered their services. "The board of directors, in turn, hires a resident manager and a supporting staff, to manage the property and carry out the day-to-day management tasks." Such tasks included maintenance, rent collection, security, leasing, and more. Significantly, the boards had responsibility for "overseeing their own operating budgets within the broad limits set by the housing authorities." Housing authorities, however, maintained the overall responsibility for the health of their development.<sup>35</sup>

Early on, tenant management corporations tended to receive support from tenants and policymakers alike for three primary reasons. First was the notion that, "tenants are an untapped resource in the management of public housing, and if they are not made part of the solution they are likely to remain or become part of the problem."<sup>36</sup> The second thought, promulgated by many

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<sup>35</sup> U.S. Congress, House, Committee on Banking, Finance and Urban Affairs, *Housing Act of 1985: Hearings Before the Subcommittee on Housing and Community Development*, 99<sup>th</sup> Cong., 1<sup>st</sup> sess., Mar 13-14, 1985, 3114.

<sup>36</sup> A NAHRO study prepared for submission to The Office of Policy Development and Research United States Department of Housing And Urban Development *What Happens When Tenants Manage Their Own Public Housing*, by Robert Kolodny, August, 1983, 3. This quote of course belies the fact that many who were interested in revamping the

tenant activists, was that, “tenants have insight into their needs and incentives to work at improving public housing not shared by non-residents.” Finally, the third impulse, also popular among tenant leaders, was based on the theory that, “the problems of some segments of the public housing system will not be solved even by adequate resources and good management, important as they are; solutions must be found in approaches which deliver services, generate jobs, and promote broader forms of community development.”<sup>37</sup> While reasons for supporting tenant management would shift over time, these three reasons for support continued to resonate with many tenants and some policymakers throughout the 1980s.

Still, not everyone bought into these reasons or others for promoting tenant management. In 1980 the Manpower Demonstration Research Corporation (MDRC), tasked with assessing the HUD and Ford Foundation's 1975 tenant management demonstration, published a report on the pilot program. The report underscored the significant cost of jumpstarting tenant management and argued that “overall it was not a significant improvement over regular public housing management.” HUD and Congress began to evaluate these programs at the beginning of the decade as part of their broader desire to assess best management practices and to take stock of public housing as a program more generally. These assessments—both of tenant management and of the program more generally—continued throughout the decade. At the beginning of the 1980s tenant management had, according to The National Association of Housing and Redevelopment Officials (NAHRO) researcher Robert Kolodny, already fallen “out of favor” with many in both politics and the housing industry.<sup>38</sup> However, throughout the 1980s and 1990s tenant management would continue to gain and lose support from sometimes-unexpected sources in waves and with differing underlying

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management of public housing saw residents as the problem—as hopelessly culturally flawed and/or criminal and thus undeserving of government largesse.

<sup>37</sup> *What Happens When Tenants Manage Their Own Public Housing*, 4.

<sup>38</sup> *What Happens When Tenants Manage Their Own Public Housing* 4, 1.

reasons. In fact, in the second half of the decade and continuing into the 1990s, a contingent of Republican and Democratic legislators and administrators would take on tenant management as a means of empowering and/or promoting self-sufficiency among tenants in an attempt to “save” public housing by allowing the federal and local governments to step back a little from their day-to-day involvement with the program.

At the outset of the Reagan administration, Congress began to evaluate tenant management with heightened scrutiny. Both the House and the Senate repeatedly invited tenants, housing policy experts, and housing administrators to discuss the merits of tenant management throughout the 1980s. During a presidential administration in which budgets for social programs were being dramatically slashed, Congresspeople expressed interest in ascertaining whether tenant management cost or saved the government and taxpayers money. Moreover, ideologies of self-sufficiency and personal responsibility became increasingly prominent during the Reagan administration, particularly among conservatives looking to dismantle the welfare state. The notion of self-sufficiency appealed to many people, ideologies aside, whether as a deeply held value, for political expedience, or anything in between. For some tenants, tenant management appealed to many as a means of self-determination; others worried that should they face any failures or difficulties, the federal government, HUD, and/or their local housing authority would turn their failures into justifications for demolishing their homes or ending public housing as a program entirely. Tenant management as a concept in many ways fit neatly into this ideology for politicians on both the Left and the Right. The question for Congress then, was: did it work?

Just four months after Reagan assumed office, the House Committee on Government Operations called in public housing experts to assess problems with funding and management of public housing. Shirley Wise, who grew up in Baltimore public housing, served as the president of the Baltimore public housing resident advisory board (RAB) and as a representative of the National

Tenants Organization (NTO) testified for the committee on behalf of tenants. She began her statement on tenant councils with a biting indictment of both public housing authority management and inactive public housing tenant bodies. Wise testified, “First, let me point out that those tenant populations that abdicate their decisionmaking powers to housing management will find that the management becomes paternalistic, capricious, and that they become the victims of the process.” Wise’s believed that PHAs tended to victimize rather than support their residents, but that tenants were complicit in allowing management personnel to do so. When asked to elaborate on that point, she said that having visited public housing authorities up and down much of the east coast, she had witnessed such management styles and their effects first hand. She continued, declaring, “We have to fight the plantation-boss mentality in management” by building “popular representative and effective tenant organizations.” Based on her experiences, Wise thought that tenant participation in democratic processes for tenant leadership—tenant self-determination—offered a preventative measure against PHA administrators’ feeling of total power over the developments and those who lived in them. She argued that the efficacy of tenant councils hinged on both the support from administrators as well as the quality of the leaders of the tenant organization.<sup>39</sup>

Once she concluded her statement, Wise faced telling questions from the hearing committee members. In addition to questioning the validity of her condemnation of PHA management, committee members expressed particular interest in tenant efficacy regarding rent collection, preventing vandalism, and preventing or discovering residents’ fraudulent behavior. Clark Broderson, the primary staff person for the Republican Party on the Committee, asked Wise if she

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<sup>39</sup> To read more about Shirley Wise, her life, and the process through which she became an activist as well as her early activist work, see *The Politics of Public Housing*, by Rhonda Williams. While Wise was ostensibly discussing tenant councils rather than tenant corporations, Rhonda Williams’ work and HUD documents demonstrate that in Baltimore, the Resident Advisory Board was intimately involved with many aspects of management and functioned similarly to TMCs in more ways than not. U.S. Congress, House, Committee on Banking, Finance and Urban Affairs, *HUD’s Support of Local Public Housing Authorities: A Hearing Before the Subcommittee on Housing and Urban Development*,” 90<sup>th</sup> Cong., 1<sup>st</sup> sess., May 19-20, 1981, 30, 33-34, 32, 30.



had seen a difference in vandalism following the creation of Baltimore's tenant council. When Wise responded affirmatively, he followed up asking if "tenants [were] policing their own areas?" Wise responded, "I would not say they are policing their own areas but I think they are looking closely at their own areas." Like many of the tenants in the Charlotte Housing Authority, Wise negotiated the nuances between policing each other and looking out for each other while holding each other accountable to one's community. Chairwoman of the hearing, Democratic Congresswoman Cardiss Collins of Illinois, continued by asking if the decrease in vandalism corresponded with a decrease in vacancy rates. To this point, Ms. Wise then shrewdly suggested that, "some of what people might be considering to be vandalism is really a lack of the Federal Government's awareness of the need to maintain or repair them [public housing developments and units] like they are supposed to." In doing so, Wise asked Congress to reconceptualize notions of responsibility and vandalism in public housing. While Wise encouraged full tenant participation in the processes shaped their home lives, she also made it clear for committee members that their desires to criminalize public housing residents (in this case, as vandals or as unfit parents who let their children vandalize their housing developments) were at least in part misdirected.

As the question and answer period continued, the staff director of the committee, Joseph Luman, cut in to discuss "the difficulty of balancing the rights of tenants with the rights of management." Luman had particular concerns about tenants misleading PHA administrators about the number of people living in the apartment, and administrators' abilities to "catch anybody" given the requirement that management notify the tenant before entering their unit. Wise responded, "Why do you have to catch anybody?" She reaffirmed the rules that tenants must follow, implicitly letting Luman and the committee know that this was not a valid line of questioning.<sup>40</sup> Luman's question indicated his sense of public housing tenants as criminal—in need of "catching" and

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<sup>40</sup> HUD's *Support of Local Public Housing Authorities*, 37-39.

“punishing.” Wise’s response showed that she took issue with this implication and, by asking why anybody needed to be caught, implicitly asked why public housing policy was punitive.

Wise knew what was at stake with her testimony and in terms of the future of public housing writ large. She declared, “there are no easy solutions or ‘quick fixes’” for public housing, which she said “will always be grinding work.” She ended her official statement before the subcommittee with this prescient thought: “There are strong opponents of public housing in the current administration who would undersubsidize housing authorities to guarantee their ruination. These people have always opposed public housing and will attempt to make their prophesies of collapse self-fulfilling.” Wise contended that should the Reagan administration achieve the “ruination” of public housing, not only would the country have essentially lost the substantial capital investments it had made investing in housing for the poor, but also that such a loss would be “catastrophic... in the millions of lives it would distort and scar.”<sup>41</sup>

Roughly two years after Wise’s testimony, another type of public housing insider, a researcher for NAHRO and HUD’s Office of Policy Development and Research (PDR), also defended Tenant Management Corporations. Robert Kolodny published his report “What Happens When Tenants Manage Their Own Public Housing,” in August 1983. Kolodny called himself a “sympathetic but critical observer.” He wrote, “It is not a detached study, but it endeavors to be an objective one—that is, seeking the true nature of social arrangements through careful and open-minded review of the pattern of events.” The report profiled four of the six public housing authorities included in the initial HUD pilot program—the four that, at the time of the report, were still under tenant management.<sup>42</sup>

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<sup>41</sup> HUD’s *Support of Local Public Housing Authorities*, P 32.

<sup>42</sup> *What happens when tenants manage their own public housing*, 1-4.

Kolodny opened his report in an almost wistful, wry tone with a broadly sweeping characterization of the life of the TMC to date. He wrote,

Tenant management of public housing shares characteristics with many of the vogues that have swept public policy over the past two decades. The concept is first heralded as a dramatic new solution by some citizen advocates and high officials. It is then tested at a few demonstration locations, often against the best judgment of the veteran line staff. Because it is new and untried, and because established interests tend to rally against it, it proves difficult to implement. There are delays. Public commitment becomes increasingly half-hearted and the effort is slowly abandoned. Where there is a responsible attempt at evaluation, it is often inconclusive.... Unless the reform is promoted as a success and widely adopted, it is gradually labeled a failure. Its concepts or principles are widely thought of as discredited.

While he acknowledged that this was a “caricature” of the life of tenant management, he emphasized that it was “not an essential distortion” of it. Kolodny’s report indicated that on the whole, most of the TMCs operated at least on par with their PHA administration corollaries. Moreover, Kolodny wrote that “some of the shortcomings... in each TMC’s management performance are primarily the result of factors beyond the control of the management corporations” including dilapidated buildings, heavy turnover, and more.<sup>43</sup>

Generally, however, Kolodny indicated a few common themes in terms of how TMCs could improve and how HUD could re-envision the scope of the program. Within and across the PHAs, the participants in the program had unclear goals that made it hard for him to assess the TMCs and also made it hard for those involved to maintain a united vision to shape their decision-making processes. Kolodny also found that the structure of funding and training needed revision. The TMCs received a substantial lump sum payment at the outset of the program to pay for funding. The funding did not account for turnover or necessary continued training opportunities. While attempting to hire an able and complete staff, some board members took on roles of the staff and got burnt out. Moreover, when the TMC boards struggled with staff personnel issues, residents

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<sup>43</sup> *What happens when tenants manage their own public housing*, 4, 1, 1, 34.

could sour on the TMCs. The TMCs sometimes had trouble pointing out their successes to other residents. While the residents noticed if the TMCs had not been able to accomplish particular goals, they did not often see when the TMCs fixed management issues that improved PHAs. Because TMCs struggled to publicize their victories, residents outside the management process lacked clarity on what exactly TMCs were doing and whether or not they were doing it well.<sup>44</sup>

Public housing residents were not the only people unsure about the TMCs; Kolodny found that PHAs also clearly failed to fully support the TMC's development. Kolodny referred in his report to the "specter of a runaway tenant board disrupting the housing authority, constantly seeking confrontation, and trying to discredit the whole system," which he felt likely haunted some PHAs with TMCs, as well as those worried about tenants who were pushing for them. But the more important issue for Kolodny was that PHA administrators failed to afford the TMCs a level of professional respect. "By not treating the TMC in a businesslike and professional way, all of the PHAs to some extent have betrayed a perception that the TMCs are really not up to the task... [and] their unspoken doubts." By lack of professionalism, Kolodny meant that PHA administrators failed to treat the contract they signed with the TMCs as such, choosing to neglect it or enforce it as they saw fit. Moreover, neither the TMCs nor the PHAs maintained their commitment to meet or evaluate agreed upon performance standards, making it hard for TMCs to defend themselves against accusations of poor performance. Given that Kolodny also found (as had the MDRC) that housing authority support and cooperation was essential to the success of a given TMC, the uneven support PHAs provided could prove potentially fatal to TMCs.<sup>45</sup>

While PHA support of TMCs tended to be uneven, legislators on both sides of the aisle began to shift to renewed support for TMCs in the middle of the decade. Both Republican and

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<sup>44</sup> *What happens when tenants manage their own public housing*, 12.

<sup>45</sup> *What happens when tenants manage their own public housing*, 54-56

Democratic legislators introduced bills that offered varying motivations and levels of support for tenant management. The bills introduced by Republican and Democratic sponsors mirrored each other and reflected what seemed to be an emerging consensus that tenant management was preferable where desired by tenants themselves. Their similarities demonstrated bipartisan consensus that tenant management required various steps including but not limited to the formation of a democratically elected resident council which would vote on whether or not to form a TMC, yearly audits, and bonding to protect HUD and the PHA “against loss, theft, embezzlement, or fraudulent acts on the part of the resident management corporation or its employees.”<sup>46</sup> In fact, some iterations of tenant management bills introduced in the 1980s had bipartisan, bicameral sponsors. Still, political support for tenant management varied—though primarily in emphasis—across party lines.

In 1986, Republican representative from New Jersey, Dean Gallo, introduced a tenant management bill. The rhetoric Gallo employed in introducing his bill shows how, for some Republicans, tenant management became sexy again because it could be framed as part of the general push for personal responsibility and self-sufficiency, particularly among impoverished citizens. In introducing his bill, Gallo said, “For too long the prevailing attitude in this Congress has been that low-income people are not capable of taking care of themselves. Therefore massive bureaucracies have been erected to run their lives for them, resulting in inefficiency and waste of the taxpayer’s money.” What was particularly significant here is that as Gallo worded it, the real issue with the condescending notion that poor people cannot care for themselves is the waste of taxpayer money that resulted, rather than the harm to poor people themselves. Gallo continued to note that tenant management tended to fix what he considered to be the two major issues plaguing public

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<sup>46</sup> Housing Act 1987, p 77. The watchdog requirements in many ways make sense as at least in theory, PHAs were subject to audits other forms of inspection by HUD. While the mismanagement of PHAs in cities like Chicago and Cleveland ultimately revealed HUD’s lack of meaningful oversight (as well as the lack of meaningful oversight over HUD), these requirements reflect the tenants’ lack of real estate and financial management experience, and offered a form of accountability.

housing: bureaucratic mismanagement and tenant apathy. He argued that by cutting back on bureaucratic waste, tenant management corporations could put more money back into the developments themselves, thus promoting “a sense of pride and responsibility for their [tenants’] surroundings” and helping to lessen “government dependency.”<sup>47</sup> Introducing his bill, Gallo clearly aligned himself with the Reagan administration priorities of privatizing state functions or dramatically reducing the size of bureaucracies and of encouraging personal responsibility as the central issue preventing impoverished people from succeeding in America. He saw this bill as a means of achieving those ends in part through his support of public housing tenants taking responsibility for themselves and their homes.

In the same mid-1980s period, Washington, D.C. representative Walter Fauntroy and some of his Democratic colleagues in the House and Senate introduced various bills to encourage tenant management of public housing and provide broad financial support for tenant groups who took on such endeavors. Democratic Senator from Illinois Alan Dixon, like Gallo, indicated that tenant management could be a boon for taxpayers early on in his statement. He said that the bill he was co-sponsoring “authorizes an alternative to residents of public housing to manage their own housing conditions. It is intended to offer hope and improvements in their overall living conditions, while providing a valuable return on investment for taxpayers.” However, following this statement, Senator Dixon spent the next couple minutes indicating the various ways tenant management could help tenants themselves.<sup>48</sup> These differences in emphasis between Gallo and Dixon, despite some of the shared ideas, are representative of the ideological differences between Democrats and Republicans in support of tenant management. Both Democrats and Republicans agreed on the

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<sup>47</sup> Remarks, 132 Congressional Record E376; Vol 132, No 15, p376; Session 99-2, Feb. 19, 1986.

<sup>48</sup> Congressional Record March 31, 1987 Volume 133 Part 6 CR-1987-0331 Congress session 100-1 7433-7434

notion that tenants could and should take care of themselves; the difference was in what the priorities were behind their reasons for support.

Black congresspeople seemed to emphasize the importance of tenant self-determination and to try to humanize public housing tenants when discussing tenant management with their colleagues. Illinois Congresswoman Cardiss Collins took to the House Floor in 1986 to offer her support for Walter Fauntroy's tenant management bill, the corollary of which had been introduced in the Senate by Republican Jack Kemp. Throughout her remarks she consistently referred to tenant management as "self-rule." She said, "This expression of support for 'self-rule' comes at a time when tenants in housing projects are reeling from the lack of proper upkeep and maintenance in their buildings, and victimized by the lack of adequate security."<sup>49</sup> Collins, unlike her white male colleagues in the Senate, did not once bring up taxpayers and their stake in public housing. Instead, she focused on self-rule and what that could mean for the residents of LeClaire Courts in Chicago. She expressly turned the concept of personal responsibility that informed many of her colleagues' support for tenant management into a call for tenant empowerment through what she called self-rule.

Just a few weeks before Collins' statement, Fauntroy himself took the opportunity to remark on his bill. Fauntroy asserted, "one of the most commonly heard complaints about public housing residents is, 'Why don't they take better care of the properties we provide them?'" He then tried to get in front of critiques of public housing residents. "That is an understandable sentiment," Fauntroy said, "because most Americans espouse the virtues of tenants and home owners alike taking care of the units in which they live." He therefore made room for his colleagues' potential misgivings. Yet, Fauntroy averred, "residents of several public housing projects in our country have seriously embraced the virtue of pitching in to keep up the properties in which they live. They have said to their... [PHAs], 'By golly, give us a chance and we will go to work managing and maintaining

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<sup>49</sup> 132 Cong Rec E 2320 Session 99-2; June 26, 1986

our units, and we will do a better job than the bureaucrats.”<sup>50</sup> He then gave an example of successful tenant management from his district. Fauntroy addressed the concerns of his colleagues while denying their basis in truth. Moreover, he did so in a non-combative way that appealed to conservatives’ distaste for bureaucracies—a way that might garner his amendment to the U.S. Housing Act of 1986 more votes. Fauntroy’s statement cut against stereotypes of public housing tenants by insisting that they did want to exercise self-determination in terms of managing their housing authorities, and that his constituents had proven they were more than capable of doing so.

Finally, Major Robert Owens, a Black Democratic Congressman representing New York’s 11<sup>th</sup> district, which included parts of New York City, also rose to offer support for Fauntroy’s amendment, but with a warning for his colleagues. Owens reminded his colleagues that they were voting to help facilitate the creation of resident management pilot programs that would need the support of Congress as well as municipal officials and public housing administrators. Owens said, “I hope we are not back here in 5 years condemning resident management because the pilot project becomes a project where we dump responsibilities on residents and expect them to perform miracles.” Owens closed his warning by reminding his colleagues that residents are just as fallible as other people. He said, “I hope we will also understand there is no magic in management because it happens to be done by residents.... There will be cronyism. There will be nepotism. All those things have to be taken into consideration, too. There has to be some kind of mechanism where disputes are negotiated.”<sup>51</sup> Like Fauntroy, Owens humanized public housing residents.

While race played a role in shaping variations in political rhetoric around tenant management in the Democratic Party, Republican support of tenant management also varied in tone. Jack Kemp, former NFL football star and Republican Senator from New York, who co-sponsored the tenant

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<sup>50</sup> Housing Act of 1986, 132 Cong Rec H3490 June 11, 1986 99-2; vol 132, no 78, pg H3490

<sup>51</sup> Housing Act of 1986, 132 Cong Rec H3490 June 11, 1986 99-2; vol 132, no 78, pg H3490



management bill with Walter Fauntroy, represented a significantly more moderate position on public and low-income housing than Gallo. In June 1986, Kemp followed Fauntroy's remarks with some of his own: "this [amendment] is not antipublic [sic] housing. It is simply the recognition that ultimately if public and private housing are to succeed, it is going to take the interest of people who are involved at the community level." Kemp's argument spoke to critics on the right who opposed public housing and perhaps saw tenant management as a mechanism through which the federal government could eliminate its commitment to public housing. It also attempted to allay concerns of tenants and those on Kemp's left who worried that he and his Republican colleagues would attempt to use this program to end public housing. While the U.S. Housing Act of 1986 did not pass both the House and the Senate, the amendment regarding tenant management was introduced again in 1987 as part of the U.S. Housing Act of 1987, which did get enacted. Still, the passage of this law did not close the book on federal government legislators' debates about the merits or disadvantages of tenant management. The different ideologies and rhetoric espoused by members of the House and Senate in support for tenant management evinced how personal responsibility represented an almost universally attractive option across the political spectrum, but was not universally defined.

Tenant leaders with experience as part of TMCs also testified before Congress in support of tenant management in 1986 and made a strong case for self-determination. Tenants at this hearing included: Bertha Gilkey, a public housing tenant from Cochran Gardens in St. Louis widely regarded in the public housing world as the foremost tenant expert on TMCs; D.C. TMC president Kimi Gray; and Lena Jackson, the president of the new TMC at Lakeview Terrace in Cleveland. Their testimonies touched on a few themes regarding tenant management beyond the various successes and achievements of the individual TMCs represented. First, many of the TMC leaders emphasized the significance of controlling their own destiny through tenant management. Gilkey argued, "It is the attitude among the out of public that people in public housing are the do-nots, the don't-cares,

and I-can't-do, and we-won't-do. I would like to say to you this morning that we would like the opportunity to control our own destiny just like any other American.” Later in her testimony, Gilkey confirmed her support for Fauntroy’s bill. She remarked, “We are not saying that tenant management is the answer for every public housing site. We are saying that we have experienced everybody coming into our community telling us and doing for us. We see the opportunity in tenant management as a way to do for ourselves.” Lena Jackson agreed. Jackson said, “You are considering legislation that will allow residents of public housing to control their own destiny.”<sup>52</sup> These women’s emphasis on control aligned with Congresswoman Collins’ remarks regarding tenant self-rule and demonstrated their profound desire to determine the shape of their own lives.

Second, these tenants used their time in the spotlight to combat pejorative stereotypes of public housing and public housing tenants and to reiterate their desire and ability to control their own lives. Of her home in Cochran Garden, Gilkey said, “We [the TMC] didn’t think of Cochran as a public housing project. We thought of it as our home and neighborhood.” Like Fauntroy, Gilkey emphasized that the stigmas surrounding public housing tenants are generally inaccurate. She stated, “I have found 98 percent of the people in public housing do care, Mr. Chairman, only 2 percent don’t care.” Gilkey’s words attempted to distance Cochran Gardens (and public housing more generally) from the stereotypes that tended to characterize it and debunked myths of apathetic, lazy tenants. Part of the success that the TMC at Cochran Gardens had achieved, according to Gilkey, was the holding of their neighbors accountable and communicating with each other as neighbors to address issues of drug dependency and “antisocial behaviors” without kicking them all out of their homes. This success informed Gilkey’s support of Fauntroy’s bill.<sup>53</sup>

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<sup>52</sup> *Tenant Management of Public Housing*, 1986, 17, 21-22.

<sup>53</sup> *Tenant Management of Public Housing*, 13-17, 38.

Kimi Gray also testified to the potential significance of the legislation as a means of furthering the visions and ambitions of public housing tenants. She said, “We are tired of depending on other people. It is a myth around the country [that] low-income residents want to be unemployed, they want welfare, they want to tear up [their homes]. That is not so. We are the same as anyone else, we have dreams, we have visions, we have ambitions.”<sup>54</sup> Gray, like Gilkey, Jackson, and other tenants, wanted to control her own destiny and had found that running a TMC in Washington, D.C. had enabled she and her neighbors to do so to a certain degree. They had achieved some of the goals and ambitions they envisioned, so she, too, supported this bill as a means of debunking harmful stereotypes and promoting public housing tenant self-sufficiency.

Third, many of the TMC leaders emphasized the “holistic” approach tenant TMC participants took toward managing their housing developments and especially toward working on behalf of the people who lived in them. Gilkey remarked on the formation of her TMC, “We wanted to be able to couple good management practices also with a holistic view, because we live in a community.” Kimi Gray also emphasized TMC’s more holistic approach. She averred, “resident management does not only think of brick and mortar, as HUD does now, but we think of individuals.... You can put all the new windows, doors, roofs, and refrigerators you want in those units, it is the people that matter.”<sup>55</sup> Gray and Gilkey’s testimonies reveal their understanding that TMCs offered a fundamentally different management approach than PHAs and HUD. PHA and TMC administrators generally worked diligently to reduce vacancies, increase rent collections, and work towards particular financial goals. However, unlike HUD and local housing authorities, tenant management exerted these efforts as part of a means of achieving greater self-determination for themselves and their neighbors.

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<sup>54</sup> *Tenant Management of Public Housing*, 13-17, 38.

<sup>55</sup> *Tenant Management of Public Housing*, 13-17, 38.

Finally, tenants discussed difficulties that strained their relationships with their housing authorities. At one point in the hearing, Democratic Chairman of the committee Henry Gonzalez, a key champion of affordable and low-income housing who represented San Antonio, Texas, asked tenants to discuss some of the biggest barriers to the sustained success of TMCs. Bertha Gilkey responded by sharing that when PHAs with TMCs received funds through a HUD program called the Community Improvement Assistance Program (CIAP), the PHAs would skim some of the money off the top—generally for “administrative” needs that had already been accounted for in the budget. The TMCs then, would receive less money than had been appropriated for them and would sometimes be unable to successfully fund what they had received the money for or worse, would be accused of misappropriating funds when some discrepancies in the budget would appear. Lena Jackson and tenant leaders from New Orleans and Jersey City reiterated Gilkey’s concerns regarding CIAP funds. Democratic congresswoman Mary Oakar, whose district in Cleveland included the housing developments in the CMHA, expressed her particular frustration with CMHA mismanagement of CIAP funds and money in general, as well as her frustration with the CMHA’s animosity toward the Lakeview Terrace TMC. Jackson told Congress that, “we had no support from the housing authority.... They gave us all types of opposition and showed us why tenants should not run public housing.”<sup>56</sup> Though some of the other PHAs represented at the hearing were ostensibly more supportive, almost all of the six TMC leaders present specifically discussed the misuse of CIAP funds, which was particularly grievous given the dramatic cuts in HUD’s budget overall. While the Reagan administration and federal government were criticizing public housing tenants and

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<sup>56</sup> Interestingly, Congresswoman Oakar spent a good deal of time grilling NAHRO representative and former HUD assistant secretary Clyde McHenry about the exorbitant rates and consultant fees his corporation was charging HUD. Citing an audit by the inspector general at HUD, Oakar compared the costs of equal services provided by a TMC versus McHenry’s corporation. It’s unclear the name of this corporation from the hearing document as he came representing NAHRO, rather than his corporation. Eventually Chairman Gonzalez intervened, but her questioning indicates that perhaps some Congresspeople who were heavily invested in low-income housing perhaps did have an inkling on a much smaller scale of the wheeling and dealing going on at HUD during the Reagan administration. *Tenant Management of Public Housing*, 40-41; 51-52.

cutting the HUD budget, they were enabling local PHAs to skim funds off the top of CIAP grants. Moreover, this behavior by public housing administrators sometimes resulted in public housing residents being charged with wasting or fraudulently (mis)using federal money. PHAs therefore impeded tenants' capacity for self-determination and contributed to the criminalization of tenants as morally corrupt people who cheated the state and taxpayers of their money.

Tenant management corporations reflected tenants' desires for self-determination as a group while legislators articulated tenant management primarily as a vision and a vehicle for a more individual understanding of personal responsibility and self-sufficiency. The emphasis on tenant management as a means of promoting personal responsibility therefore constituted part of a larger political and cultural movement towards individualism at the time. The idea of "management" as a key goal for tenants to reach toward also made sense in an era in which mainstream culture lauded those with entrepreneurial spirits. Moreover, tenant management was limited in what it could achieve. In order for tenant management to systematically lead to tenant empowerment, public housing stakeholders had to have a much larger consideration about the ways in which incorporating marginalized tenants into a capitalistic system dependent upon systems of racial and gender inequality to create and preserve economic inequality could not alter the circumstances that rendered tenants less powerful in the first place.

This potential to twist a policy that on its face seemed to empower tenants into a test of morals and aptitude which tenants fail becomes clearer as the war on drugs in public housing—the subject of the following chapter—escalates. The politically popular emphasis on personal responsibility during the Reagan Era seemed to open the door to a kind of trap for public housing tenants interested in self-determination through tenant management. Of course, tenants wanted agency to empower themselves and lead their PHAs to success. They, like everyone else, wanted to control their own destinies. And yet, no one has the total capacity to self-determine their

own lives. We all exist and have individual agency within particular structures, frameworks, and interactions. Yet, when the results of tenant management revealed that tenants in fact did not have the complete ability to achieve self-determination, the consequences for tenants' rights and wellbeing were much graver than for their wealthier and more powerful counterparts. Still, while some tenants were wary of tenant management in part because they did not trust the government, the tenants who invested in tenant management had no way of foreseeing that criminalization could be the outcome of their attempts at empowering themselves.

The punitive turn represented the beginning of a period in which policies and practices in public housing punished and criminalized residents as a class while tenant management and other empowerment initiatives attempted to empower them on a more individual basis, in line with the idea of personal responsibility. The criminalization of public housing tenants during the Reagan administration was not new. However, the increasingly blurred boundaries between PHAs and police departments as well as HUD's explicit support for such management practices did represent a shift. The punitive turn in this period functioned by through increased collaboration between law enforcement entities and PHAs as a means of cracking down on tenants.

At first glance a central contradiction existed between the increasingly punitive operating mode in PHAs and HUD during this time and the bipartisan consensus among a significant portion of Congresspeople and Senators regarding the push for tenant management. And in some ways, there was. But for some policymakers, whether consciously or not, their support of tenant management constituted a final experiment to see if public housing could work; to see if public housing residents could take responsibility for themselves and save or redeem public housing. How does the punitive turn fit with the ideology for personal responsibility? For a growing number of legislators and the general American public, extreme poverty reflected pathology and laziness and constituted a criminal offense. In other words, failure to achieve personal responsibility increasingly

became an indicator of criminality. And yet, increasingly, politicians and journalists began to believe that the entire class of public housing tenants as a whole lacked personal responsibility. For many legislators and housing administrators who sanctioned both the blurred lines between police departments and housing authorities as well as efforts at tenant management, these were not necessarily contradictory positions.

For tenants, greater contradiction existed between the punitive practices of management and their efforts at self-determination through managing their own homes. Some TMC leaders attempted to rehabilitate tenants their PHA had deemed problems—whether due to addiction, antisocial behavior, or both—through resident employment programs and just by talking to them as neighbors. However, for some tenants, self-determination and empowerment meant kicking out “dopepushers” who lived in public housing and threatened the safety of their homes. For most tenants empowerment looked like a combination of the two; their ideologies of personal responsibility often contained more space than that of policymakers.

The experimentation with TMCs coupled with the machinations of the punitive turn in public housing left public housing as a program in a vulnerable position moving into the end of the 1980s. This position became more precarious as those fighting the war on drugs and gangs increasingly viewed public housing as a key battlefield. The Anti-Drug Abuse Act of 1988, a seminal piece of legislation in the war on drugs, stipulated that public housing authorities had to enforce their leases more strictly and called for PHAs to evict tenants who had engaged in criminal activity. Still, these debates did not end with the end of the Reagan administration. The incoming HUD secretary under President George H. W. Bush, Jack Kemp, had established himself as a staunch supporter of initiatives aimed at increasing tenant self-sufficiency. As a result, many tenant leaders went into the Bush years with high hopes about the future of public housing. The next chapter, then, explores the impact of anti-drug legislation as well as Kemp’s continued emphasis on tenant

management as a means for the GOP to bring conservative Black voters into their base through a conservative war on poverty.



## Chapter 4: War and HOPE in Public Housing, 1988-1993

In late April 1990, an unnamed public housing tenant living in an Ann Arbor, Michigan public housing development was feeding her baby breakfast when five men burst through her door and into the apartment. She reported to a local tenant advocacy magazine that, “Two of the men were uniformed policemen. Two of the men wore hoods. One man had a U.S. marshal’s jacket. The men were armed. One of the hooded men carried a camera and began filming my house.” The men gave her 10 minutes to “gather [her] belongings and get out.” She continued, “My daughter Renita woke up with three strange men, including a man with a hood, in her room. They were filming her in bed when she awoke.... She was forced to get up and dress with them present.” The Department of Social Services provided this tenant with a voucher for emergency housing in a nearby hotel after her eviction from public housing. However, the hotel did not allow her to keep her children with her so she had to leave them with a friend until she could find new housing.<sup>1</sup>

The Department of Housing and Urban Development (HUD), in concert with various law enforcement officers and the local housing authority, had evicted this woman as part of a pilot program for what a month later would become a nationwide program called the Public Housing Asset Forfeiture Project. This project reflected two of the major changes that occurred in public housing at the end of the Reagan administration and during the George H. W. Bush presidency. First, public housing developments had become central battlegrounds in the Reagan-Bush Era War on Drugs. Second, as the War on Drugs moved to public housing, civil evictions of public housing

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<sup>1</sup> This tenant emphasized the hoodedness of some of those who raided her apartment, clearly invoking the Ku Klux Klan and their history of racialized and gendered terrorism as well as their historically complementary relationship with official institutions of law enforcement. See Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South*, Chapel Hill: University of North Carolina Press, 2009, part III. Nancy MacLean, *Behind the Mask of Chivalry: The Making of the Second Ku Klux Klan*, Oxford: Oxford University Press, 1994. David Cunningham, *Klansville, USA: The Rise and Fall of the Civil Rights-Era Ku Klux Klan*. Oxford: Oxford University Press, 2013. Gregory W. Wiercioch, “Eviction Without Conviction: Public Housing Leasehold Forfeiture under 21 U.S.C. Section 881,” *Washington and Lee Law Review*, vol 48, Issue 4, Article 7, Sept. 1, 1991, 1409 footnote 1.

tenants became corollaries for criminal prosecution, implicating impoverished, disproportionately Black unmarried mothers, in multiple and overlapping forms of punishment.

In this chapter I argue that the combination of criminalization and empowerment during this period—a heightened emphasis on the War on Drugs alongside a continued emphasis on personal responsibility and self-sufficiency—served to disempower many residents and to undermine the security of public housing tenants as well as public housing as a federal program more broadly. While both tenants and George H. W. Bush’s HUD Secretary Jack Kemp worked for and supported tenant empowerment, they sometimes differed in how to achieve it. In the end, Kemp’s vision for tenant empowerment did not include enough resources for tenants who participated in his pet projects of resident management corporations (RMCs) and homeownership. Thus, Kemp’s programs had the opposite effect of what he intended; instead of bolstering public housing and its residents, they rendered the federal public housing program weaker and more vulnerable by the end of the Bush administration.

In the first part of this chapter, I discuss the processes and politics through which HUD and other branches of the government increased the criminalization of public housing tenants in the War on Drugs. The policies enacted put public housing developments in the center of this internal war and made evictions civil corollaries to criminal arrest—a form of punishment for tenants and tenant families whom the housing authority or police associated in some capacity with drugs.

Significantly, many politicians of varying ideologies used public housing residents’ calls for increased safety and security in their homes to justify the Reagan-Bush era War on Drugs. Indeed, public housing residents had good reasons to want to live in a drug-free environment, and many came before Congress and asked for increased policing and swifter evictions for drug-dealers. However, most of the time they also advocated for increased social services to help those addicted and for the maintenance of due process procedures for non-drug-related evictions. HUD and

Congress celebrated tenant calls for punitive anti-drug programs while usually failing to heed their demands for increased social services. Resident testimonies and organizing both resulted in further criminalization and also seemed to provide politicians a measure of justification for dividing tenants into two categories: “good” or “decent” versus “troubled” or “criminal.” Residents’ many positions on drugs, policing, and evictions in their homes, and their unwitting contributions to the punitive War on Drugs in public housing constitutes the second section of the chapter.

In 1988 Kemp ran for president against George Bush on a platform of fiscal conservatism. Bush, in his capacity as vice president, was in some ways the natural successor to Reagan. However, some—particularly political pundits—opined that Kemp’s fiscal conservatism and his commitment to the Laffer Curve as a theory of economics perhaps made him more apt to carry the GOP torch into the 1990s. Others saw Bob Dole as a greater challenge for Bush as frontrunner in the Republican primaries. Accordingly, Kemp’s campaign operatives told him to focus on issues the Moral Majority would support—particularly his strong religious position against abortion and his fervent support of a free market and supply side economics. Kemp lost conservative voters, though, who felt uncomfortable when he pushed for recognizing the individual rights of “minorities, women, blue-collar workers and even organized labor.” However, Kemp did not back away from this position, arguing that, “during the civil rights movement the Republican Party had ‘missed the opportunity’ to oppose racism.” Kemp saw his 1988 campaign and his tenure as HUD Secretary as his chance to exert influence on his Party at a critical juncture and to ameliorate the GOP’s relationship with people of color. “[F]rankly, . . . to miss this opportunity is to lose what history rarely grants—a second chance,” Kemp said.<sup>2</sup> Though Kemp failed to receive the Republican

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<sup>2</sup> Stanley, Alessandra, “Campaign Portrait: The Quarterback of Supply Side, Jack Kemp is propelled by ideas,” *Time*, Vol 129 (15) 4/13/1987. DeParle, Jason, “How Jack Kemp Lost the War on Poverty,” *New York Times Magazine*, Feb 28, 1993.

nomination, he was ready to try to seize this opportunity to widen the GOP base and serve impoverished nonwhite Americans from his Cabinet position at HUD.

Accordingly, the final section of the chapter focuses on Jack Kemp's vision for a new conservatism that would draw impoverished non-white voters to the Republican Party through a conservative war on poverty. Kemp, a former Republican Congressman who represented Buffalo, New York, had long supported resident management as a means through which public housing tenants could empower themselves and achieve a greater degree of personal responsibility. As HUD Secretary, Kemp pushed avidly for his brainchild, HOPE (Home Ownership for People Everywhere), as an extension of resident management. Kemp tried to use his position as HUD Secretary to demonstrate his commitment to public housing tenants and also to making the Republican Party more attractive to Black voters by pushing for fiscally conservative programs that would mitigate poverty and the effects of racial inequality. Unlike some of his Republican colleagues, Kemp was committed to maintaining public housing as part of his vision for a new and improved Republican Party. Public housing tenants also expressed a desire for greater self-determination, but unlike many politicians who promoted self-sufficiency, tenants believed that independence required adequate federal resources from the outset.<sup>3</sup> Tenants attended Congressional hearings and pushed for greater empowerment through fully-funded and HUD-supported resident management corporations, through which they could take at least partial ownership over the management of their homes. They also considered public housing homeownership and warned of the dangers of increasing public housing demolition for the stability of public housing as a program. However, Kemp was unable to win support from Bush or his Cabinet for a conservative war on poverty.

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<sup>3</sup> Guian McKee's *The Problem of Jobs: Liberalism, Race, and Deindustrialization in Philadelphia*, (Chicago: University of Chicago Press, 2008), discusses the history of African American activists who subscribed to ideologies of self-help. Keeanga-Yamahtta Taylor's *Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership* (Chapel Hill: University of North Carolina Press, 2019), discusses some of these already failed policies of low-income homeownership.

Ultimately, the policies Kemp and Congress put forth repurposed initiatives that had already failed to alleviate poverty and also resulted in a net loss of public housing units, rendering public housing as a program more precarious.

### **The War on Drugs in Public Housing**

As historian Donna Murch has argued, the “War on Drugs” was not so much a singular war but a series of wars or battles against drugs and gangs. Murch writes, “in reality the undertaking was neither a single coherent entity nor a true war but rather a succession of executive-sponsored domestic and transnational punitive campaigns spanning the postwar era.” Moreover, “The declaration of war mandated increased resources to fight the ‘drug crisis’ while also initiating a conflict without end.” At the same time, as Murch has argued, the crisis, particularly in the Reagan-Bush era iteration of the War on Drugs, obscured some of the geopolitical context of the time. For example, all levels of government and many corporations were continuing a process of divestment from urban centers and from impoverished communities of color. These communities were also still recovering from the recessions of the early 1980s brought on through the federal government’s implementation of “Reagonomics,” as well as from the decline in the power of labor, and the transition to a service-based economy. At the same time, the Reagan administration had underfunded mental health facilities and programs and drastically retrenched social services in general.<sup>4</sup>

Within the context of the War on Drugs, the growing, racialized concerns over crack cocaine especially led politicians and the mainstream media to increasingly look to public housing—and those who lived there—as a key source of the problem, a critical battleground. In 1988 in particular, various news outlets produced story after story of salacious drug-use and violence in public housing,

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<sup>4</sup> Donna Murch, “Crack in Los Angeles: Crisis, Militarization, and Black Response to the Late Twentieth-Century War on Drugs.” *Journal of American History Special Issue: Historians and the Carceral State*. June 2015, Vol 102, pp. 163, 171.

making public housing a flashpoint in the cultural imaginary in reference to the War on Drugs. Much of the moral panic over drug use that seemed to reach a fever pitch in 1988 emerged in response to an understanding of impoverished communities of color as the center of the so-called epidemic, an understanding reflected in Reagan's announcement of new "zero tolerance" drug policies. This panic was fueled by long-term white fears over Black criminality and heightened by politicians', mainstream media's and law enforcement officials' use of the language of "crack babies," "crack mothers," and the so-called "terrorism" wreaked by Black and Brown gangs of teenagers.<sup>5</sup>

And indeed, drug addiction hit impoverished communities hard. While research has indicated that in fact, white Americans tended to use and sell drugs at higher rates than their black counterparts, public housing residents repeatedly described feeling unsafe in their housing—a lack of security exacerbated by the presence of drugs and drug dealers in their developments. Often, drug dealers arrested on the premises of public housing developments did not live there. Still, many public housing tenants expressed great concern over the presence of drugs, crack cocaine in particular, and drug dealers in their neighborhoods. Impoverished people of color's fear over their physical wellbeing provided a rationale for the militarization of law enforcement, particularly in neighborhoods populated by impoverished people of color.<sup>6</sup>

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<sup>5</sup> Donna Murch, "Crack in Los Angeles: Crisis, Militarization, and Black Response to the Late Twentieth-Century War on Drugs," 167. On sensationalized reporting of drugs in public housing, see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, New York: The New Press, 2012, 53. For more on moral panics, see Stuart Hall, *Policing the Crisis: Mugging, the State, and Law and Order*. London: Macmillan, 1978. For more on the long history of the criminalization of Black Americans, see: Michelle Alexander, *The New Jim Crow*. David Farber, *Crack: Rock Cocaine, Street Capitalism, and the Decade of Greed* (Cambridge: Cambridge University Press, 2019). Kali Gross, *Colored Amazons: Crime, Violence, and Black Women in the City of Brotherly Love, 1880-1910* (Durham: Duke University Press, 2006). Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity* (Chapel Hill: University of North Carolina Press, 2016). Cheryl Hicks, *Talk with You Like a Woman: African American Women, Justice, and Reform in New York, 1890-1935* (Chapel Hill: UNC Press, 2010). Talitha LeFlouria, *Chained in Silence: Black Women and Convict Labor in the New South* (Chapel Hill: UNC Press, 2015). Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016.) Khalil Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge: Harvard University Press, 2010).

<sup>6</sup> Marc B. Stahl, "Asset Forfeiture, Burdens of Proof and the War on Drugs," *Journal of Criminal Law and Criminology*, Vol 83 (2), Summer 1992, 274 footnote 1. Heather Ann Thompson, "Why Mass Incarceration Matters: Rethinking Crisis,

The panic around drugs in public housing also contributed to a proliferation of hearings on public housing and drugs held on Capitol Hill and at specific local housing authorities. One 1988 hearing that ended up exerting significant influence in War on Drug legislation occurred in March at a local housing authority in White Plains, New York. The Subcommittee on Employment and Housing in the House of Representatives decided to travel to hold the hearings there in White Plains in part because of significant activism by tenants; one witness, Mildred Seegars, had started an organization called Mothers Against Crack. Moreover, the Director of the White Plains Housing Authority, Tony Tascione, had expressed great frustration with the inability of local housing authority (LHA) directors like himself to take meaningful and sustained action to rid his authority of drugs. In response, the subcommittee along with HUD General Counsel Michael Dorsey traveled to New York to discuss HUD programs to combat drug abuse in public housing.

During this hearing, LHA and HUD administrators expressed interest in legitimizing punitive eviction practices as a response to the crisis of the War on Drugs. HUD had heralded these harsh eviction practices as a means of ridding “problem” and “criminal” tenants and their families from PHAs in management studies published and disseminated in the mid-1980s. At the hearing, Dorsey emphasized that despite geographic differences in the War on Drugs across the country, “many, many expressed frustration at the difficulty and slowness of the eviction process.” He continued, “HUD regulations now require an administrative hearing by the housing authority prior to eviction from public housing.” Dorsey noted that this requirement arose after “several court decisions ... held that federal due process requirements were not always being met in local landlord tenant courts.” Still, Dorsey averred that, “The present policy undeniably makes eviction very

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Decline, and Transformation in Postwar American History,” *Journal of American History*, Dec 2010 Vol 97(3), p703-734. Lassiter, Matthew D. “Impossible Criminals: The Suburban Imperatives of America’s War on Drugs,” *Journal of American History Special Issue: Historians and the Carceral State*. June 2015, Vol 102, 128. Murch, 162-163. On drug dealers see Lisa Weil, “Drug-Related Evictions in Public Housing: Congress’ Addiction to a Quick Fix,” *Yale Law & Policy Review*, Vol. 9(1), 1991, pp. 169.

difficult and time-consuming” and that “HUD is now developing a regulation which will facilitate the eviction of problem residents from public housing through a more streamlined, but still legally acceptable procedure.”<sup>7</sup>

Remarking on what public housing authorities (PHAs) like his needed, Tascione brought up the dramatic slashing of the federal budget with regard to public housing and pushed for more funds while also demanding swifter evictions. He declared, “we need new regulations on eviction procedures.... We need the development of laws that deter drug dealing with the stringent jail terms that cannot be circumvented by lawyers in courts.” Echoing many PHA administrators and politicians, Tascione called for punitive sanctions on drug dealing that would stop defense attorneys from doing their jobs in using the law and the provisions of due process to fully serve their clients. Tascione did also acknowledge that PHAs needed greater help from social service agencies to support “families and individuals affected by drugs.” However, he emphasized that “Most of all, we need a commitment from those individuals and families living with these communities to rise up against drugs and speak out against those who are destroying their homes, their communities, and their lives.”<sup>8</sup> For Tascione as for many, the War on Drugs necessitated strong policing measures targeting public housing tenants.

The March 1988 hearing also showed that PHAs were using the dichotomy between “good” versus “bad” tenants as a means of justifying the denial of tenants’ due process rights in favor of swift evictions. Tascione complained that he “can’t evict because Federal regulations stop us.” He went on, stating that “Good tenants and community groups ask us what we are doing about people

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<sup>7</sup> U.S. Congress, House Committee on Government Operations, Subcommittee on Employment and Housing, *HUD Programs to Combat Drug Abuse in Public Housing*, 100<sup>th</sup> Cong., 2<sup>nd</sup> sess., 1988, p38-39. On problem tenants, see: Decision Information Systems Corporation for Office of Policy Development and Research, U.S. Department of Housing and Urban Development, *Case Studies of Effective Management Practices Within Public Housing Agencies Volume 5: General Administration*, by Harvey Dickerson, vii, 3-4.

<sup>8</sup> *HUD Programs to Combat Drug Abuse in Public Housing*, 96-97.



who get arrested.... [W]e are spending more and more time preparing and appearing in court than we are managing housing, and we are still not winning the war on drugs.” Tascione’s invocation of the “good tenant” contrasted with the “problem” or “troubled” tenants frequently cited in legislative hearings on public housing as well as in the mainstream media and in HUD publications. HUD defined problem tenants as “vandals,” those who engaged in criminal activity or who exhibited “behavioral problems.” HUD and LHAs had targeted “problem” tenants before the War on Drugs officially entered public housing.<sup>9</sup> As the War on Drugs ramped up, though, federal and local law enforcement entities also heightened their surveillance of so-called problem tenants.

Chief of the New York City Housing Authority (NYCHA) Police Department John Henry testified in the White Plains Hearings in March 1988 and revealed that public housing developments were already becoming central battlefields in the Reagan-Bush Era War on Drugs. Henry noted that the NYCHA PD was among the largest police forces in the country and that it shared “concurrent jurisdiction” with the New York City Police Department. In other words, public housing residents in New York City, where there was an undeniable crisis resulting from the increased distribution and use of crack cocaine, were (at least) doubly policed. This was true, even as Henry made clear that crack was having a significant impact not only on NYCHA public housing projects, but also on “the entire city and I might add the entire country.” Still, while Henry initially emphasized the universality of the crack epidemic, he went on to note that public housing developments in New York housed “large numbers of idle youth who are at the heart of the drug problem.” Henry’s assertion that young people in public housing held at least much of the responsibility for the proliferation and consumption of illegal drugs in the city aligned with the statements and the practices of law enforcement in big cities across the country who targeted young people and public housing both.<sup>10</sup>

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<sup>9</sup> *HUD Programs to Combat Drug Abuse in Public Housing*, 96-97.

<sup>10</sup> *HUD Programs to Combat Drug Abuse in Public Housing*, 66. Donna Murch, “Crack in Los Angeles.” Elizabeth Hinton, *From the War on Poverty to the War on Crime*.

Henry revealed the extreme levels of policing while describing the methods through which he and his colleagues confronted the problem of drugs in public housing. According to Henry, vertical patrols in public housing buildings “on average, netted between 400 and 500 arrests monthly on assorted charges of minor drug violations, loitering, and disorderly conduct.”<sup>11</sup> Henry also discussed NYCHA PD and NYPD success through Operation Pressure Point, a police program that targeted several public housing developments across the city in an effort to mitigate if not eradicate the presence of drugs and drug paraphernalia as well as to arrest those who disseminated these illicit materials. Henry said that pursuing Operation Pressure Point had “borne fruit” and led to the seizures of “more than 16,000 tins of cocaine; more than 16,000 vials of crack... assorted other drugs and paraphernalia; ... numerous automobiles; nearly a quarter million dollars; 57 handguns, 2 shotguns, 1 machine gun, and a rifle.” Moreover, Henry indicated that, “140 search warrants have been executed and over 1,800 persons arrested for felonies and nearly 600 for misdemeanors.” Henry recommended maintaining this high level of policing to stave off any reappearance of drugs and advocated for similar policing activities at other housing authorities across the country. He also encouraged a high degree of collaboration from law enforcement agencies and housing authorities. Henry further called for “housing administrators at the highest levels to follow up police intervention with ... eviction,” as a means of enacting punishment through a system that did not require a presumption of innocence nor the right to an attorney as well as through the criminal justice system, thereby punishing residents twice without subjecting them to double jeopardy as such.<sup>12</sup>

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<sup>11</sup> Amy Lerman and Vesla Weaver discuss law enforcement sweeps of public and low-income private housing in their book, *Arresting Citizenship: The Democratic Consequences of American Crime Control*, Chicago: University of Chicago Press, 2014.

<sup>12</sup> HUD *Programs to Combat Drug Abuse in Public Housing*, 66-67. On policing in NYCHA, see Nicholas Dagen Bloom, *Public Housing that Worked: New York in the Twentieth Century* (Philadelphia: University of Pennsylvania Press, 2008) and Fritz Umbach, *The Last Neighborhood Cops: The Rise and Fall of Community Policing in New York Public Housing* (New Brunswick: Rutgers University Press, 2011).

In June 1988, the Committee on Government Operations in Congress published a report based on the White Plains Hearings, entitled “Just Saying No Is Not Enough” that summarized for Congress the problems at HUD in relation to public housing and the War on Drugs. This document showed how policymakers picked which testimony to highlight from the White Plains hearing based on what was politically popular at the time—ignoring tenants’ calls for reinvestment in public housing and its people while underscoring pushes for increased policing. Almost immediately the report proclaimed “Nowhere is the problem of drug abuse more evident than in our Nation’s public housing.” During the summer of 1988, the White House and HUD also put forth a series of recommendations for the National Conference on a Drug Free America. One of the central recommendations was to “establish... and implement... procedures to ensure that PHA residents can be immediately evicted for being convicted of drug-related offenses or for allowing their units to be used for illegal activities.” The document explained that leases are key tools for “delineat[ing] standards of conduct” and thus for responding to drug use or dealing through swift evictions.<sup>13</sup> Thus, public housing authorities not only relied on law enforcement entities to police and punish residents, but also used evictions as another, civil, form of policing and punishment.

The White Plains hearing, the Congressional report, and the conference all contributed significantly to the enactment of the Anti-Drug Abuse Act of 1988, which Congress passed soon after the election of George H. W. Bush as president. The bill represented a bipartisan effort to respond to these hearings and to address the dire concerns of American voters reading stories in newspapers detailing the “reign of terror” drug “pushers” were imposing upon major cities. The Anti-Drug Abuse Act of 1988 contained several specific provisions aimed at fighting the War on Drugs in public housing. The bill “require[d] public housing agencies to use leases that prohibit

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<sup>13</sup> U.S. Congress, House, Committee on Government Operations, *Just Saying No Is Not Enough: HUD’s Inadequate Response to the Drug Crisis in Public Housing* 100<sup>th</sup> Cong., 2d sess., 1988. U.S. Department of Justice National Institute of Justice *White House Conference for a Drug-Free America* (Washington, D.C., 1988), 114.

public housing tenants or persons under their control from engaging in criminal activity on or near public housing premises.” Such activity became grounds for eviction. The act directed HUD to assess grievance procedures for public housing tenants facing evictions or other sanctions to determine how these procedures impacted (i.e., slowed) attempts to evict “tenants who engage in criminal activity.” Congress also used this act to authorize several grants tied to “eradicat[ing] drug-related crime in public housing.” The bill also stated that tenants convicted of drug trafficking would be ineligible for federal benefits including public housing for specific time periods based on the number of convictions. The first conviction made one ineligible for benefits for up to five years, the second for up to ten, and the third, indefinitely. In effect, the Anti-Drug Abuse Act of 1988 instituted a compounding of penalties for alleged criminal activity for public housing tenants, which matched the multiple jurisdictions of law enforcement policing most public housing authorities and tenants. This policy also mirrored “the three strikes and you’re out” sentencing requirements, which some states had begun implementing since the 1970s.<sup>14</sup>

Two months after entering office, Bush selected William Bennett, former Secretary of Education under Ronald Reagan, to be the first ever American “drug czar” in the War on Drugs. The creation of such a position reflected the increased federal commitment to pursuing the War on Drugs as well as the public clamor for such political commitment.<sup>15</sup> Bennett believed the world could be divided into two camps: those who used and abused drugs or enabled such activity, and

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<sup>14</sup> [Public Law No 100-690](#); Various monies could be allocated for projects and studies “including the hiring of security personnel, physical improvements designed to enhance security, training and supporting voluntary public housing tenant patrols, and employing persons to investigate drug-related crime on public housing property.” Title IV, Subtitle C: Preventing Drug Abuse in Public Housing, Chapter 1: Regulatory and Enforcement Provisions, Ch. 2: Public Housing Drug Elimination Pilot Program; Ch. 3: Drug-Free Public Housing. For coverage of crime in public housing, see Michelle Alexander, *The New Jim Crow*, 53. Three strikes laws or laws mandating sentence terms for habitual offenders already existed by the 1988 omnibus drug bill in some states, though the federal government would not implement the same policy until the 1994 Violent Crime bill under the Clinton administration.

<sup>15</sup> Significantly, “a 1989 Gallup Poll reported that more than 60% of Americans cited illegal drugs as the most important problem facing the nation... [However when] the economy soured, that number dropped to 30% in April 1990, and 18% in July 1990.” Stahl, 274 footnote 1.

those who did not. He supported swift and harsh punishment for any who fell into the former camp. In terms of public housing, Bennett championed immediate evictions for those suspected of drug use as well as their families. A good many Democrats, including Senator Joe Biden, responded to constituent concerns by quickly aligning themselves with Bennett and his proposals and pushed for a higher budget for anti-drug related efforts.<sup>16</sup>

Shortly after Bennett was sworn in as drug czar, in April 1989, Democratic Congressman from New Jersey, Frank Lautenberg, took to the House floor to shame his colleagues and the President into fully funding the housing-related provisions Lautenberg had included in the omnibus 1988 bill. Lautenberg noted that HUD had not allocated proper funds toward the anti-drug provisions and nor had Congress allocated funds for anti-drug activities in public housing for fiscal year 1989. In arguing for these funds, Lautenberg declared, “Too many public housing projects have deteriorated into virtual war zones. Occupied by armies of drug dealers, ... tenants live like prisoners of war, afraid to leave their apartments.” This echoed the language Lautenberg employed—that of “drug terrorism”—in seeking to get the public housing provisions he authored included in the 1988 bill.<sup>17</sup> Lautenberg and some other politicians deployed the language of war to create political will to provide extra monies for law enforcement to target public housing developments and those who lived within them.

Several politicians aside from Lautenberg seemed to respond to Bennett’s appointment by taking to the House or Senate floor in April 1989 to discuss fighting the War on Drugs in public housing. In these speeches, representatives and senators joined HUD and PHA officials in using the idea of “good” tenants’ protection or empowerment to justify the denial of other “criminal” or

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<sup>16</sup> Howard Kohn, “[Cowboy in the Capital: Drug Czar Bill Bennett](#),” *Rolling Stone* November 2, 1989.

<sup>17</sup> *Public Housing and Drugs* 101<sup>st</sup> Cong., 1<sup>st</sup> sess., Congressional Record 135 (April 4, 1989) S: 3267; U.S. Congress, Senate Committee on Governmental Affairs, Permanent Subcommittee on Investigations, 101<sup>st</sup> Cong., 1<sup>st</sup> sess., *Drugs and Public Housing* 1989, 34-38; *HUD Programs to Combat Drug Abuse in Public Housing*, 44.

“problem” tenants’ due process rights. While HUD had condoned efforts to target and evict “problem” tenants before the omnibus bill of 1988, the passage of this act marked a shift in which Congress and HUD were now requiring PHAs to do so.

In April 1989, Republican representative David Dreier of California introduced legislation co-sponsored by 25 of his colleagues entitled the “Public Housing Tenants Protection Act of 1989.” Dreier said the bill would “speed the eviction process for public housing tenants involved in the sale or distribution of drugs.” He noted that, “most public housing tenants support strong actions to evict drug dealers.” Dreier said that the legislation would aid Secretary Kemp in making public housing drug-free by granting HUD sole discretion in assessing whether states had sufficient due process protection. The proposed law would require HUD to respond within 30 days to LHA requests to waive federal administrative grievance procedures for the evictions of tenants accused of participation in drug-related activities. Another provision of the act would expand a requirement of the previous year by calling for the eviction of tenants when tenants, members of tenants’ households, guests or others “under tenants’ control” engaged in criminal activity not just on or near public housing property—but anywhere. Anticipating concerns on behalf of other congresspeople, Dreier concluded his statement by clarifying that the bill would be limited to drug-related evictions. According to Dreier, “It would insure adequate due process rights.... But *more important*, it will protect the rights and safety of public housing residents.”<sup>18</sup> Dreier’s proposal reflected a growing tendency among politicians to understand the denial of “bad” public housing tenants’ due process rights as a form of “good” tenant protection. The legislation did not pass. However, politicians

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<sup>18</sup> *Remarks on Public Housing Tenants Protection Act of 1989*, 100<sup>th</sup> Cong., 1<sup>st</sup> sess., *Congressional Record* 135 pt 44 (April 13, 1989) H: 1184, my emphasis. That Dreier would state that taking away disproportionately Black tenants’ due process rights would serve to protect these tenants is ironic almost to the point of absurdity. Due process was reinstated into the Constitution through the 14<sup>th</sup> Amendment specifically to protect Black Americans in the wake of the Civil War and southern states’ attempts to re-enslave black Americans or to reinstitute a racial hierarchy through the Black Codes. In reality, African Americans had (have) never had equality under the law. To argue that diminishing their statutory protections through a weakening of due process rights would serve to protect public housing tenants therefore rings particularly hollow.

would continue to use similar language and to introduce similar legislation in the years to come. Moreover, while drug dealing on public housing development sites did jeopardize the safety of some public housing tenants, limiting tenants' due process rights made all tenants vulnerable to unconstitutional evictions.

In the same May 1989 hearing, Delaware Republican William Roth clarified that tenants facing eviction from public housing were guaranteed civil due process rights rather than criminal, which Roth considered a "very important distinction." Roth's emphasis on distinguishing between civil and criminal due process rights implied that public housing tenants' civil due process rights were less important than their criminal rights; for Roth, tenants had less at stake in facing civil sanctions, and so it was less important for the government to protect such rights. Roth also pushed to extend ideas of personal responsibility to familial responsibility, arguing that entire families should be evicted due to the drug-related activities of one family member. Roth pressed Kemp to take the same approach to familial responsibility, which Kemp did somewhat reluctantly, calling for case-by-case eviction procedures while also acknowledging "a family's responsibility in the unit of public housing."<sup>19</sup>

Throughout these various hearings, several politicians and housing authority administrators used color-blind, "dog whistle" language that implicitly criminalized public housing tenants based on their disproportionate Blackness and their reliance on governmental aid. For example, Tony Tascione noted that politicians in the White Plains hearing had discussed public housing tenants' issues including teenage "pregnancy, the welfare syndrome, and that, along with the lack of education," which, Tascione said, made them perpetually reliant on governmental largesse. These people, Tascione continued, "are becoming a permanent underclass, consisting of people with all those social ills: a lack of education; minimum job skills; teen pregnancy; homelessness; child abuse;

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<sup>19</sup> *Drugs and Public Housing*, 18.

and drug use.” Tascione invoked the contemporary discourse that denigrated “cultural” poverty through his referencing “a permanent underclass” and possibly extended that discourse, implying that reliance upon welfare constituted a *syndrome* or disease that afflicted his constituency in public housing.<sup>20</sup> Historians including Julilly Kohler-Hausmann, Michael Katz, and others have discussed the ways in which politicians, journalists, academics, and many mainstream Americans understood that the underclass included mostly impoverished Black people who lived in central cities. These historians have shown that even if members of the so-called “underclass” did not commit crimes, many Americans saw their dependence on government “hand-outs” as criminally defrauding the state through their lack of desire to get a job, and by lying to governmental agencies about their incomes, sexual relationships, or more. This criminalization of the “underclass” represented a new iteration of a decades-long history of associating Blackness and poverty with criminality, as discussed by historians including Michael Katz, Khalil Muhammad, Kali Gross, and Cheryl Hicks, among others. Thus, when Tascione and others referred to reliance of welfare as a “syndrome” afflicting public housing tenants, his statement hearkened to long-term racist notions of white reformers who associated Black urban poverty with diseases that threatened both physical and moral health.<sup>21</sup>

Moreover, many politicians in particular used the language of war and racialized language calling public housing complexes barbaric and part of the “Third World” rather than part of the

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<sup>20</sup> HUD *Programs to Combat Drug Abuse in Public Housing*, 96-97.

<sup>21</sup> As I discussed in the previous chapter, during the Reagan administration politicians, mainstream journalists, and academics increasingly referred to public housing tenants and other low-income, primarily non-white Americans using terms like “underclass” and “welfare queens.” These and related terms suggested poor nonwhite people, public housing residents included, were a criminal class of people who were beyond saving and thus had to be contained through the growing carceral state or within the divested inner cities with which they were associated. See Michael B. Katz, ed., *The Underclass Debate: Views from History*, Princeton: Princeton University Press, 1993, 9. Marisa Chappell, *The War on Welfare: Family, Poverty, and Politics in Modern America*, Philadelphia: University of Pennsylvania Press, 2010. Julilly Kohler-Hausmann “Welfare Crises, Penal Solutions, and the Origins of the ‘Welfare Queen,’” *Journal of Urban History*, 2015, Vol 41(5). Julilly Kohler-Hausmann, *Getting Tough: Welfare and Imprisonment in 1970s America*, Princeton: Princeton University Press, 2017. Khalil Muhammad, *The Condemnation of Blackness*. Kali Gross, *Colored Amazons*. Cheryl Hicks, *Talk With You Like a Woman*. William Julius Wilson, *The Declining Significance of Race* (Chicago: The University of Chicago Press, 1978). William Julius Wilson, *The Truly Disadvantaged: The Inner City, The Underclass, and Public Policy* (Chicago: The University of Chicago Press, 1987).



“normal” United States. In doing so, these politicians helped create political support for legislation and policing practices that would move the epicenter of the Reagan-Bush War on Drugs to public housing. By saying that public housing developments were part of the “third world,” politicians implied that those who lived there were not actually citizens, and therefore not subject to nor guaranteed due process rights anyway. Historian Donna Murch has shown that in Los Angeles, law enforcement officials in police departments and prosecutors’ offices, as well as politicians defined “the war on drugs as a war on gangs.” In doing so, they “justified the criminalization of everyday life in black and brown Los Angeles.”<sup>22</sup> This resulted in the incarceration of thousands of young Black men and teenagers. Similarly, in public housing, when politicians deployed the language of war, they created space not only for extra monies, but also for more extreme, militaristic policing that encouraged police and law enforcement personnel to act first and ask questions later. In other words, by engaging the language of war, politicians rendered public housing into the battlefield they had argued it was.

For example, as historian Nicholas Dagen Bloom has written, “*Arrests on NYCHA grounds reached 28,860 in 1989.*” While the total number of arrests include multiple types of charges, this number suggests drug arrests in 1989 were significantly higher than the 6,000 drug arrests per year reported by Chief Henry the year before. This, according to Bloom, rendered “Rikers Island and Sing Sing... de facto annexes of NYCHA developments.” Chairman of NYCHA, Emanuel Popolizio, worked with the NYPD, the DEA, the NYCHA PD, U.S. attorney for the Southern District of New York, Rudolph Giuliani, and Mayor Ed Koch to strategize about how to fight the War on Drugs in NYCHA. Giuliani suggested using asset forfeiture in a way that Kemp would also ultimately pick up, seizing public housing leases from allegedly criminal tenants who would be

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<sup>22</sup> Donna Murch, “Crack in Los Angeles,” 167. Michelle Alexander in *The New Jim Crow* and Khalil Muhammad in *The Condemnation of Blackness* also discuss political uses of racialized language which results in policymaking and policing practices that target low-income Black people in the U.S.

prohibited from their units unless they won both criminal and civil cases in courts. They also tried to evict more tenants through already established methods, but found this quite burdensome, and lobbied Kemp to relax restrictions for evictions of drug-using or -selling tenants.<sup>23</sup>

As the War on Drugs moved to public housing as its central battlefield, Jack Kemp was frequently asked to speak to questions of swift evictions and the role of due process during his tenure as HUD Secretary. In a June 1989 hearing, Kemp stated, “I want to be tough on the abuse and the use of drugs in public housing, the criminal activity, but we also want to be tough on due process.” During an earlier hearing, Kemp assured “those who are concerned about due process, as we should be as Americans,” that they could not make public housing drug-free “without due process.” Still, he reiterated the necessity of being “tough on due process” several times throughout the many hearings held after the Anti-Drug Abuse Act of 1988. In fact, in one hearing a Senator noted that Kemp had discussed being tough on due process eleven times. Kemp clarified that he only suspended grievance procedures when a state had adequate processes in place. He said that this would prevent “overlapping” due process, which “stranded the ability of the [PHAs] ...to be able to get rid of what I consider to be a criminal element.” Kemp continued, noting that, “when I say criminal, they may not be proven in court criminal.”<sup>24</sup> This statement betrayed the ideology that lay at the center of the War on Drugs—that many impoverished people of color were criminal, whether or not a jury or a court had found them guilty through legal means. Thus, Kemp implied at once that public housing residents represented a “criminal element” and at the same time that streamlining due process procedures would protect public housing residents from the criminal element.

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<sup>23</sup> Bloom, *Public Housing That Worked*, 232-235

<sup>24</sup> *Drugs and Public Housing*, 10-14; *The Drug Problem and Public Housing*, 6, 12. However, Kemp’s statements elided the fact that multiple courts had, from the late 1960s through the 1970s, handed down decisions that showed that HUD and/or individual states often did not adhere to the legal conventions of due process.

Moreover, being “tough on due process” lacks logic. Either due process is followed or it is not; one cannot be “tough” on due process or any other right. Black women were overrepresented as heads of households in the public housing developments that most influenced relevant War on Drug policies and practices. It is particularly telling then that so many politicians questioned the validity and necessity of civil due process as it related to disproportionately Black and female public housing tenants given the history of due process as a legal concept. Due process was introduced in the 5<sup>th</sup> Amendment to the Constitution but consolidated in the 14<sup>th</sup> Amendment. In the wake of the Civil War, southern states passed “Black Codes” to reinscribe the racial hierarchy into the economy and the polity. Black citizens and Radical Republicans responded by forcing southern states to ratify the 14<sup>th</sup> Amendment, which was supposed to protect the citizenship rights and privileges of Black men.<sup>25</sup> When Reconstruction ended and the federal government abandoned African Americans to their fates, white southerners (with the help of federal courts) severely undermined African Americans’ equal protection under the law. Thus, attempts to be “tough on due process” or to mitigate the protection due process provided for disproportionately African American public housing tenants rendered them all more vulnerable to discriminatory and punitive practices of law enforcement agencies and housing authorities as arms of the state.

The conversation around due process and evictions got more heated after Congress passed the Dire Supplemental Appropriations Act of 1989 that June. According to Republican Congressman from Ohio Chalmers Wylie, the Act “impos[ed] new restrictions in the guise of due process.” Sponsored by Jamie Whitten in the House and Robert Byrd in the Senate, the act included Section 404, which required HUD to review drug-related eviction procedures in all public housing jurisdictions to determine whether those measures met due process standards. According to Wylie

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<sup>25</sup> W.E.B. DuBois, *Black Reconstruction*. Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877* (New York: Harper Publishing, 2002). William E. Nelson, *The Fourteenth Amendment from Political Principle to Judicial Doctrine*, Cambridge: Harvard University Press, 1988. Hannah Rosen, *Terror in the Heart of Freedom*.

and some of his colleagues on both sides of the aisle, this provision alone would prevent Secretary Kemp from achieving his goal of “rid[ding] public housing of the terrorism of drug-related activity.” A second provision declared that HUD should grant waivers for grievance procedures only when the drug-related activity “threaten[ed] the health and safety of other tenants.” Finally, Section 404 prohibited PHAs from evicting household members who were not involved in drug-related activity. Republican representative from Pennsylvania, Robert Walker Smith also took to the house floor in a diatribe directed at those whom he accused of “sneaking” in provisions that “significantly undermine... our ability to fight drugs in public housing.” Smith quoted NYCHA director Emanuel Popolizio who called the Section “a nightmare” and ended his speech by saying, “It is time to get tough. We should be throwing drug dealers out of public housing, not protecting them the way we did with ...the supplemental appropriations bill.” Wylie took this sentiment a step further, saying, “The purpose and intent of these changes disguised as due process rights will produce litigation delays and obstruct protections by making it harder to evict drug terrorists.” By associating drug dealers in public housing with terrorism, Wylie and others again used the language of war and violence to legitimate the restriction of public housing tenants’ rights. Politicians on both sides of the aisle were so incensed by the provisions limiting PHAs’ and HUD’s ability to evict that Congress repealed Section 404 just four months after it had been enacted.<sup>26</sup>

Kemp-led initiatives at HUD in 1990 as well as new legislation indicate that public housing tenants’ due process rights were more vulnerable following the repeal of Section 404. In fact, HUD provided waivers for grievance procedures in 40 states by the end of 1990. Moreover, despite the

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<sup>26</sup> That Smith believed the provisions regarding due process and drugs in public housing had been snuck in reveals that it is likely that many representatives and/or their staffs failed to read the full act before voting for it, which begs the question of how many actually supported the measures directed toward HUD and due process. *Undermining Our Ability To Fight Drugs in Public Housing*, 101<sup>st</sup> Cong., 1<sup>st</sup> sess., *Congressional Record* 135 pt 97 (July 19, 1989) H: 3942; *Undermining Our Ability To Fight Drugs in Public Housing*, 101<sup>st</sup> Cong., 1<sup>st</sup> sess., *Congressional Record* 135 pt 91 (July 11, 1989) H: 3533. Weil, 167.

fact that many public housing residents seeking redress from evictions found procuring legal representation intimidating and financially out of reach, Kemp took steps to prevent tenants from having any such representation. In 1990, based on Kemp's suggestion, the Board of Directors of the Legal Services Corporation (LSC) adopted a resolution in which they "urge[d] all legal services grantees to adopt immediately policies that discourage representation of persons involved in... drug-related eviction and other housing proceedings involving publicly funded housing." Moreover, they "urge[d] Congress to seek a legislative remedy which would prohibit" LSC from representing public housing tenants facing drug-related evictions. As the LSC Board noted, "Without access to either an informal grievance procedure or legal counsel in an adversary eviction hearing, a successful eviction is almost a certainty." Congress had created the Legal Services Corporation in 1974 as an independent nonprofit tasked with providing legal aid to those who could not otherwise afford representation.<sup>27</sup> While Kemp expressed a strong commitment to empowering "good" tenants and not to eliminating, but rather streamlining due process rights for public housing tenants, these actions ensured that those whom he deemed part of the "criminal element" (and often their families, based on whose name was on the lease) would be denied their due process rights as a matter of course.

Another initiative Kemp undertook that threatened public housing tenants' due process rights in an attempt to streamline evictions was the Public Housing Asset Forfeiture Project, developed in 1990. The Anti-Drug Abuse Act of 1988 made the Forfeiture Project possible by expanding a previous law (21 USC section 881) and authorizing the federal government to seize public housing leasehold interests without grievance proceedings or even notification when a unit had been used for a felonious drug transaction. HUD wanted to employ leasehold forfeitures to fast-track evictions for public housing tenants suspected of drug trafficking. In order to attain a

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<sup>27</sup> Weil, 167, footnote 33.

leasehold forfeiture, a magistrate had to decide whether an informant's testimony was enough to enable him or her to "grant law enforcement officials an order allowing them to seize a public housing unit without first giving the unit's tenants... a pre-seizure notice or hearing." Tenants sued Kemp to prevent HUD from pursuing the Forfeiture Project, ironically making the evictions take longer than usual. Ultimately, a district court judge ruled that HUD had to provide some sort of notice to tenants, even if it was after the unit had been seized. HUD then adjusted their Forfeiture Project such that they gave tenants notice of the seizure, but still implemented it.<sup>28</sup>

In November 1990, Congress passed the Cranston-Gonzalez National Affordable Housing Act of 1990 (the Cranston-Gonzalez Act), sponsored by Democratic Congressman Henry Gonzalez, a long-time affordable housing advocate and Alan Cranston, a Republican California Senator. While the Act had many provisions that did not specifically relate to questions of drugs and due process in public housing, it declared that not just drug-related crimes, but "any criminal activity that threatens the health, safety, or right to peaceful enjoyment' of public housing premises" represented grounds for legal eviction. Moreover, the act "expedited" the grievance filing procedures for tenants evicted because they had been accused of drug-related or violent criminal activity. "Because federal statute and regulations [gave] tenants threatened with eviction 'opportunity... to examine any relative documents,'" the act stated, "procedures need not include a pre-trial discovery process.' The Cranston-Gonzalez Act thus forced public housing tenants accused of certain crimes to prove their innocence in state courts or lose their income-based housing subsidies." Moreover, the act "reaffirmed Congressional support for 'holding families 'vicariously liable' for the actions of other

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<sup>28</sup> Wiercioch, 1410-1413. According to Wiercioch, HUD had five major criteria for evaluating which tenants were best suited for eviction by forfeiture. First, "the violator should be the leaseholder of the property." Second, HUD preferred "compelling evidence... that the violator participated in at least two felony drug offenses." Third, "Where appropriate, the violator should be prosecuted by local, state, or federal authorities for drug activities." Fourth, "The property should be an open and notorious site of drug distribution." Finally, "Careful consideration should be given to factors involving family members of the violator and other registered occupants of the property.... Appropriate human resource services support.... Should be prearranged where minors or the elderly are effected." 1410.

family members.”<sup>29</sup> In essence, the Cranston-Gonzalez Act solidified and hardened provisions and policies and common practices enacted through the Anti-Drug Abuse Act of 1988. It ensured that evictions would constitute a civil corollary to criminal proceedings for drug-related activities. As Senator Roth had said in a hearing the year before, this was a major distinction. Criminal defendants have a right to a defense attorney and prosecutors in criminal cases must provide defense counsel any mitigating or exculpatory evidence due to *Miranda v. Arizona* and *Brady v. Maryland*, respectively. The passage of this Act removed the need for a pre-trial discovery process or the guaranteed access to a lawyer for public housing tenants facing civil eviction.

Significantly, some lawyers, law students, and legal scholars responded to the increasingly punitive public housing eviction policies by questioning the constitutionality of a number of the new policies targeting public housing tenants. In a 1991 issue of the *Yale Law Review* law student Lisa Weil noted that civil evictions for public housing tenants accused of drug-related activity amounted to double jeopardy of sorts, as well as severe violations of due process. She wrote, “The withdrawal of federal benefits does not constitute criminal ‘punishment’ as defined by law. Nonetheless, drug-related evictions have a distinctly criminal flavor.” Kemp’s statements regarding the “criminal element” support this argument, as did statements by local politicians including Democrat Jim Moran of Alexandria who saw eviction as “direct, punishing and appropriate” action for those who “violate the law.” Weil continued, “Both evictions and prosecutions are initiated after alleged criminal activity, and the penalties for each—potential homelessness in the case of an eviction—can be harsh.” Not only does this then represent two potential punishments for one alleged crime, but also, “The criminal defendant... is afforded numerous constitutional protections that are unavailable to housing tenants, such as the right to a jury trial and the right to counsel.” In the case of civil

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<sup>29</sup> EJ Hurst, II, “Rules, Regs, & Removal: State Law, Foreseeability, and Fair Play in One Strike Terminations From Federally-Subsidized Private Housing,” *Brandeis Law Journal* 38, 1999-2000, 738-739. Weil, 167, footnote 32.

forfeiture, the Supreme Court had characterized it as quasi-criminal and therefore requiring some of the constitutional safeguards usually reserved for criminal cases. However, there were no consistent criteria for applying criminal constitutional protections in the case of civil forfeiture, so it was up to tenants to fight back against leasehold forfeitures, which many did not know they could do.<sup>30</sup>

Moreover, evicting public housing tenants based on suspicion of drug-related activity put PHA officials in the role of prosecutor, with the power to decide whom to prosecute and to what extent one should be punished for alleged violations of the lease and of U.S. drug laws. As one expert on drug addiction testified before Congress, the nation's policymakers and HUD were essentially asking PHA officials to become "landlord, law enforcement official, and ... drug expert." The National Law Housing Project (NHLP) provided evidence of this, noting that often PHA officials reacted to the exaggerated crisis represented in the mainstream media rather than to what occurs at their own development. An NHLP publication indicated that PHA officials had a "very common pattern of... reviewing newspaper stories for reports of incidents at their projects and sending tenants eviction notices with no further investigation." The report continued, "Alternatively, PHAs... have been known to initiate eviction actions after reviewing police reports for situations where the arrested party... listed a subsidized apartment as his or her address."<sup>31</sup> Thus, PHAs took on the enormous power of prosecutors without similarly taking on the responsibility to advocate for truth and justice. Moreover, just as there were (and are) few mechanisms for holding prosecutors accountable for prosecutorial misconduct, public housing tenants had even less of a clear procedure to follow to try to hold PHAs acting as prosecutors accountable.

The legitimacy of familial responsibility and familial evictions also came under legal question as overly punitive and potentially unconstitutional. No legal precedence for "vicarious liability" of

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<sup>30</sup> Weil, 174; Weircioch, 1419.

<sup>31</sup> Weil, 174-175.



family members for another individual's guilt existed. In criminal courts, "one's mere associating with a guilty part is not sufficient to justify punishment."<sup>32</sup> Thus, lawyers and law students articulated several reasons for which Congress's and HUD's attempts to evict families based on suspected drug use or other drug-related activity were in fact legally specious; another indication of how the extreme rhetoric around the War on Drugs enabled federal agencies to target impoverished public housing residents as enemies of the state. In public housing, then, housing authorities and HUD criminalized tenants not only as people who committed crime, but also as people who had responsibility for their family members' alleged crimes, too. Outside of public housing the federal government did not suggest nor legislate that one person's alleged crime should make their whole family lose their home. These policies therefore implicated public housing families into both civil and criminal systems of punishment based on residents' familial relations.

### **Tenants Views on Public Housing Policy and Practice**

Several public housing tenants expressed concern over the political focus on public housing as the key battlefield in the Reagan-Bush era War on Drugs and over the increasing use of eviction in public housing as a civil corollary to criminal prosecution. However, others expressed support for swifter evictions and stricter policing in their developments.

In the months leading up to the passage of the Anti-Drug Abuse Act of 1988, whereas HUD and PHA officials had emphasized the need for swifter evictions, tenant discussions of evictions in hearings remained a secondary or even tertiary concern. Instead they honed in on what they saw as the injustice of federal divestment from public housing and of the increase in the percentage of income required as rent from 25 to 30 percent of the incomes of not just leaseholders, but all family members. In fact, while in the rest of the Bush administration tenants would speak regularly about evictions, in this early hearing the only tenant who mentioned eviction explicitly in the March 1988

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<sup>32</sup> Weil, 175, 179.

White Plains hearing was Mildred Seegars, founder of Mothers Against Crack. However, Ms. Seegars, as well as her fellow residents Ron Jackson and Elsie Harry emphasized the rent increase and the age-specific punishments and vulnerabilities that contributed to drug dealing and addiction in public housing developments.<sup>33</sup>

The tenants testifying in the White Plains hearing critiqued the ways in which public housing created a punitive living environment for its residents. All of the tenant witnesses referred to the unsanitary, indecent living conditions of their housing development, where the PHA routinely neglected to perform maintenance duties. Harry argued that, “the greedy arms of Government is penalizing [residents] twice,” by increasing the percentage of income for rent while also “denying the basic services of safe and decent housing.” For Harry, then, the federal government punished both children and adults in public housing for their poverty. Ron Jackson, a tenant representative commissioner to the White Plains Housing Authority, asked why the federal government sent money and resources overseas while people in public housing were suffering at home. He continued, echoing Gil Scott Heron, “If we can put a man on the moon... then we can resolve drugs in public housing.” Jackson implied that lawmakers’ failures to address the problems of drugs and at best inconsistent maintenance in public housing seemed to be a matter of desire rather than capability. Jackson also compared the lack of ideas for combating the problems of public housing with the constant stream of new regulations being imposed upon public housing tenants. He indicated that if PHAs and HUD could come up with so many mechanisms for regulating public housing tenants,

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<sup>33</sup> *HUD Programs to Combat Drug Abuse in Public Housing*, 22. Significantly, public housing skewed both young and old. While young people were targeted in particular for drug use and dealing, measures that forced whole families out made it so that while theoretically these provisions enforced through the Anti-Drug Abuse Act of 1988 targeted young people, in their implementation public housing tenants of all ages were impacted. Moreover, repeated claims that the youth in public housing represented a key constituent promoting drugs in cities implicated public housing tenant parents in criminal parenting referenced in the Moynihan report and elsewhere. However, punishing parents for their (sometimes adult) children’s indiscretions and drug use, let alone drug dealing, was a new result of the punitive turn and the War on Drugs in which parents faced quasi-criminal repercussions for their children’s actions. Moreover, these tenants argued that the increase in rent to 30 percent total family income meant that teenagers who lived in public housing were being punished for being poor and often making less than the minimum wage.

they surely could find ways to help combat drug addiction.<sup>34</sup> Thus, while public housing officials were speaking of their concerns with evicting drug-using tenants, tenants indicated that they were facing unjust punishments and a lack of maintenance.

The testimony of John Henry, Chief of the NYCHA Police Department, however, indicated that while these tenants' testimonies tended to focus on structural issues with public housing, a considerable percentage of tenants were participating in the policing activities that made public housing developments key fronts in the increasingly punitive War on Drugs. In fact, the two trends were not mutually exclusive; Mothers Against Crack founder Mildred Seegars had expressed a concern over adequate policing and jail time for drug dealers, receiving great applause when she asked why it had taken over five years to evict a drug dealer from her PHA. Moreover, Chief Henry gave credit to tenants for a good part of NYCHA PD success in public housing. He reported that around 14,000 tenants participated in tenant patrols, which had begun in NYCHA public housing in 1968. Henry reported that NYCHA tenants had pioneered this practice and that tenants in other housing authorities across the country were starting their own patrols. That 14,000 tenants of the 600,000 NYCHA residents participated in tenant patrols of their homes reflects tenants' profound concerns over safety and the presence of drugs and drug dealing in public housing.

The arrest records Henry discussed clearly indicated that drugs were present and posing problems in public housing. However, tenants from NYCHA were not present at the hearing, so it is unclear to what extent tenants also participated in less punitive activities to reduce drugs and increase safety in their homes. Henry's recommendations to those at the hearing in fact reflected multiple tenant approaches, as he called for an integrated method for dealing with issues of drug use and drug dealing in public housing that included "tenant remedies... focused on drug user assistance

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<sup>34</sup> HUD *Programs to Combat Drug Abuse in Public Housing*, 7-11.

programs... and education action committee[s].”<sup>35</sup> Thus, potentially overlapping groups of NYCHA tenants who took part in punitive policing activities also advocated for more holistic means of addressing drugs and safety in their homes. Significantly, while tenants participated in criminalizing projects and called for more policing, these actions ultimately had less impact than similar actions by politicians and housing authority officials, who held significantly more power than tenants. Still, the evidence Henry provided indicates that tenants’ desire for security, for homes free from violence and drugs intersected with police departments’ and politicians’ criminalization of public housing and its tenants, enabling politicians to cite tenants in their push to bring the War on Drugs to public housing.

Public housing tenants in Chicago also showed ambivalence toward attempts by law enforcement, HUD, and local housing authorities to remove the “scourge” of drugs from public housing in 1988. That year, Vincent Lane, the Chairman of the Chicago Housing Authority (CHA), had conceived of and began implementing Operation Clean Sweep in collaboration with the Chicago Police Department (CPD). As part of the operation, the CPD performed warrantless raids and sweeps of public housing units that administrators and/or police believed may contain evidence of drugs or drug dealing. Lane and the CPD, as well as many politicians, mainstream media sources, and many tenants, saw Operation Clean Sweep as a means of ridding public housing of drugs, drug dealers, and “gangbangers.”

Significantly, in 1989, HUD had awarded Lane an award for his efforts, and then HUD Secretary Kemp made the operation a national model for public housing authorities across the country. Yet, these sweeps were controversial from the start, particularly when residents who had no

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<sup>35</sup> *HUD Programs to Combat Drug Abuse in Public Housing*, 66-67. Tenants also worked closely with NYCHA police outside of patrols, using a trilingual form in English, Spanish, and Chinese that allowed tenants to inform on drug related activity. Henry said that these forms had been popular—tenants turned in over 1,700 to the police, leading to several arrests.

involvement or relationship with illicit drugs found themselves unable to enter their apartments or came home to apartments torn asunder by the CPD in their indiscriminate efforts to make public housing “clean.” The controversy around the sweeps heightened when public housing residents who spoke out against the popular program found themselves facing evictions which appeared to most as a clear indication of the retaliatory practices of the CHA.<sup>36</sup> Tenants who opposed the sweeps got together and organized against them, ultimately suing the CHA with the help of the American Civil Liberties Union. A tenant advisory board took the other side and supported the CHA in the lawsuit. In Chicago and elsewhere, tenants disagreed profoundly about how to improve their homes and their physical wellbeing.

As the Anti-Drug Abuse Act of 1988 began to be implemented in 1989, moving the War on Drugs to public housing, the many tenants called to testify before Congress expressed a wide range of views on drug-related evictions. In doing so, several took part in the criminalizing impulse of the War on Drugs. In a May 1989 hearing, Washington, D.C. public housing residents Edith Grigsby and Kimi Gray, a major leader in resident management in D.C. and across the country, took very hard-line approaches against drug dealers and users as well as public housing management. Grigsby called for the punishment of public housing adolescents who “break the windows out of the crack houses.” She also took issue with the fact that arrests did not always lead to what she considered sufficient time in prison. She declared, “The people that are committing crimes that they locked up today, before you can get in the bed, they are back out there dealing drugs. And this is all the time in the back of my house.” Kimi Gray, agreed, stating that tenants and PHAs, as well as politicians, needed to support the construction of more prisons to warehouse those with a “lifestyle of crime.”<sup>37</sup> Both of these women pointed to public housing tenant behavior as central to the issue of drugs in

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<sup>36</sup> Jane Juffer, “[Clean Sweep’s Dirty Secret](#)” *Chicago Tribune*, 10/4/1990. Amy Lerman and Vesla Weaver, *Arresting Citizenship*.

<sup>37</sup> *Drugs and Public Housing*, 34; *HUD Programs to Combat Drug Abuse in Public Housing*, 21-22.

public housing and looked not only to more policing but also to extended jail time for the fellow residents they implicated.

For Grigsby, Seegars, and others, their status as mothers, aunts, and grandmothers informed their push for drug-free housing, which reflected at least in part a desire to keep their children and grandchildren safe and healthy, to successfully shepherd them into adulthood and through school. Seegars, founder of Mothers Against Crack, stated, “Nobody knows how I felt as I threw my children’s bodies on the floor with mine on top of them to keep them from perhaps getting hurt, fearing that a bullet may ricochet and come through the window. It is not fair.” Grigsby said, “I cannot let [my grandchildren]... go to the playground,... which is right across the street, because the drug dealers run it.” At the same time, Grigsby emphasized that she had kicked her drug-addicted daughter out of her home and taken in her grandchildren. She thus had little sympathy for others with drug dealers or users in their families and felt that it was fair to evict entire families based on the drug-related activity of one. Grigsby said, “So, the parents that have these children that are dealing drugs, if they want their place, let them put the children out. It is as simple as that. I understand that they love their kids, but they have other children to be responsible for, too.” Grigsby and Seegars expressed intolerance for tenants who used and/or dealt drugs. In this way, they contributed to the criminalization of public housing and its tenants because of their desires to safely mother and protect their children and grandchildren. These tenants also participated in distinguishing between the “good” or “decent” tenants and the “problem” tenants, even when this distinction applied within tenants of a single unit.<sup>38</sup>

Noting that at least part of the problems they faced with drugs and safety came from people who lived outside of public housing, some women asked that the War on Drugs at once target and protect public housing. Grigsby and Seegars indicated that those dealing drugs out of public housing

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<sup>38</sup> *Drugs and Public Housing*, 34-39; *HUD Programs to Combat Drug Abuse in Public Housing*, 21-22.

developments did not all live there. Grigsby took her public housing authority to task for not securing vacant units, which enabled drug dealers to “come in and out at will, like they paid the rent there.” She also criticized the management for not consulting tenants for solutions. Seegars’ emphasized that often people outside public housing were responsible for bringing in drugs and crime to their developments. She said, “The reason that that group was started was because we had people pulling in and out of our parking lot.... They would drive in,... make their purchases and drive off.” Those who lived in public housing and engaged in drug-related activity should be evicted, but housing authorities and law enforcement should also prevent those who lived elsewhere from taking advantage of public housing and its residents by addressing vacancies and drug dealers outside of public housing.

Kimi Gray used language that played into politicians’ and mainstream media’s criminalization of public housing, even as she told a story about the success of her public housing development and its resident management corporation (RMC). She said that her public housing “complex nearly slipped into oblivion with drug dealers openly selling illicit substances.” Under her leadership and that of other tenants, Gray and others “recaptur[ed]” their development “from the drug addicts... with the full cooperation of our metropolitan police department.” D.C. tenant leaders then followed the example of NYCHA, as they started a tenant security patrol and continued to work closely with their police department. Gray indicated that their RMC’s success was predicated upon taking “charge of our communities by recapturing them from the drug addicts” with the help of the local police. Gray testified in order to promote resident management corporations as a form of tenant empowerment. In order to prove the success of tenant management for empowering tenants and improving public housing management, though, Gray depended upon a framework that marked a

significant subset of public housing tenants as criminal.<sup>39</sup> Thus, Gray and others implicitly gave a measure of legitimacy to notions of “good” versus “criminal” public housing tenants and to politicians’ beliefs that saving public housing was dependent upon ridding public housing of the latter group.

Not all tenants agreed with Grigsby or Gray’s strict views. Senator Roth saw Grigsby’s testimony as representative of his own beliefs. He responded, saying, “Ms. Grigsby, I think, very eloquently said she agreed that it was the responsibility of the family, of the head of household, to kick out any member of the family that was not acting responsibly, that was involved in drug activity.” He then asked the other public housing residents present at the hearing if they felt the same. Mildred Wortham, a public housing resident from Chicago, did not. She said, “No, I do not think the family should be evicted. I think there should be a plan for that juvenile or young teen that is a problem in the household. I think that we would need resources to refer him.” Wortham continued, “[P]ublic housing needs to sit down and design what it is that we can do to change that person... from being evicted, because mom and sister and brother cannot be responsible for that brother or that daughter. They are not their keepers. I do not feel that they should be punished for it.” Significantly, Wortham had previously in her testimony praised Operation Clean Sweep. Some of her neighbors had questioned the legality of these sweeps but Wortham did not express great concern over related legal rights; instead she expressed appreciation for the fact that the sweeps had resulted in arrests and a greater sense of safety at some housing developments. Still, when asked about punishing entire families for the drug-related activities of one, she expressed doubts. She likened evicting the family to imprisoning those who have not committed a crime, saying, “it is not a criminal case and you cannot lock him up for something that he did not do if he has not committed

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<sup>39</sup> U.S. Congress, House Committee on Narcotics Abuse and Control, 101<sup>st</sup> Cong, 1<sup>st</sup> sess., *Drug Problem and Public Housing* 1989, 36.



a crime.”<sup>40</sup> Moreover, she made the explicit connection that eviction functions as a form of punishment for alleged criminal action, even when the leaseholder did not commit that action herself. While Wortham certainly desired more policing in public housing developments to help foster drug-free public housing, she drew the line at wholesale evictions of families and the notion of familial responsibility.

At a 1989 Congressional hearing, Shirley Wise, a long-term tenant activist from Baltimore, Maryland, posed questions to congressional representatives and to Kemp regarding evictions as a key response to drugs in public housing. She asked,

First, is the proposed eviction policy as expressed by Secretary Kemp the answer [to drugs in public housing]? Second, will these evictions rid public housing of drugs? Third, would entire families be faced with eviction, and potentially homelessness as a result of the actions of one family member? Fourth, would a drug user be subject to the same eviction policy as a drug dealer? Fifth, what criteria would determine the implementation of a drug related eviction?

Following this series of questions, Wise stated that in her opinion, and that of the National Tenants Organization (NTO), which she was representing, that eviction was “no solution to this policy, rather [the] shifting and compounding of a problem.” She continued, “My reservation about the speedy eviction policy,” is that it will lead to homelessness and that it “is being forced down our throats in a sense in some cities.” Wise stated that questioning the eviction policy did not mean that she or the NTO were pro-drugs in public housing. She said, “If right now we are entitled to certain... legal protections... that is what we are fighting for. We are not different [from anyone else]. We are not asking you to do no more than what is already wrote on the books.” She stated that grievance procedures had protected tenants like her from PHAs’ retaliatory evictions; “from throwing people like me for speaking out, asking for my—and fighting for my rights.”<sup>41</sup> Streamlining

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<sup>40</sup> *Drugs and Public Housing*, 41.

<sup>41</sup> *The Drug Problem and Public Housing*, 40-41, 49-50. To learn more about Shirley Wise, see Rhonda Williams, *The Politics of Public Housing*.

evictions, then, even if in theory only for drug-related cases, jeopardized all tenants' due process rights. Wise's testimony revealed the high stakes tied to swift eviction procedures and being "tough" on due process. Moreover, it exposed the extent to which the primary body of tenant organizers, the National Tenants Organization, questioned the sagacity and legality of swift drug-related evictions. They raised questions as to whether streamlined due process procedures were legal, but more broadly, whether evictions would even do anything to ameliorate the problem of drugs in public housing.

After the repeal of the Dire Supplemental Appropriations Act of 1989 Section 404, in March 1990, Wise and another public housing tenant advocate, Rebecca Youmans of the National Housing Law Project (NHLP), testified regarding the punitive nature of evictions as civil corollaries for criminal arrest in public housing. Youmans said evictions were the key issue facing tenants. She said, "If there is one thing that I can impress upon the committee today, it would be that there is a critical need with regard to public housing evictions." Youmans urged PHAs, HUD, and Congress "to separate the issue of drug-related evictions from non-drug-related evictions." She emphasized that this was "very important, because in the furor over the increase in the use of drugs, ... [HUD] has waived longstanding and proven-to-be-effective public housing grievance procedures for all sorts of evictions." These waivers had led to punitive, swift evictions of tenants whose AFDC or child support arrived late, Youmans said. Finally, she noted the potentially dire consequences for public housing tenants, saying, "Once these families are evicted, they have no place to go." Bruce Vento, a Democratic Congressman from Minnesota, got to the heart of the matter, asking Youmans, "So, I think the question here of granting a broad authority as Congress did, ... is it being used prudently, is it being used carefully? I guess that you would answer that with a resounding no." She replied,

“Right.”<sup>42</sup> Waived grievance procedures for evictions rendered all public housing tenants’ lives increasingly precarious.

Wise testified in the same hearing as Youmans and warned of the ways in which PHAs were taking advantage of the panic over drugs to render public housing tenants more vulnerable to eviction and homelessness, which had greatly increased as a result of the recessions in the 1980s. Wise criticized PHAs for adding provisions to leases in the wake of the War on Drugs and then threatening tenants who would not sign on to the added statutes of the lease with eviction. She said, “What we are saying is the War is not with us who reside in public housing. We want our public housing cleaned up. We want it done legally. All we ask is that we have equal justice under the law.” Wise reminded her audience that several stakeholders had agreed upon the grievance procedures in the 1970s and again in 1983, and that they had worked. Significantly, Wise noted that tenants who were not given the option of a pre-eviction grievance proceeding at their PHA would have to find representation or represent themselves in court, a task that was intimidating and financially out of reach for many.<sup>43</sup>

On the whole, tenants revealed that there was no consensus among tenants on what to do with the issue of drugs in public housing. Some—many of them mothers or grandmothers who worried about their children’s futures—repeated of the law and order rhetoric others were using at the time. They argued for harsher criminal sentences for drug users and dealers and for swifter eviction procedures. Others testified that they wanted more police and that they were okay with police sweeps of public housing units, but that they did not believe that leaseholders should be punished for their family members’ actions. Some questioned the legitimacy of bringing the War on

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<sup>42</sup> U.S. Congress, House Committee on Banking, Finance, and Urban Affairs, Subcommittee on Housing and Community Development, *Public Housing and Section 8 Programs*, 101<sup>st</sup> Cong., 2<sup>nd</sup> sess., 1990, 60-62, 67. Weil, 166.

<sup>43</sup> *Public Housing and Section 8 Programs*, 60-62, 67. Weil, 166 68-70, 226-227; Weil, 169. The NHLP backed Wise’s claims about the efficacy of earlier grievance procedures in their written statement.

Drugs to public housing in the first place. Tenants' testimonies reflected the ideological differences that existed in reference to the War on Drugs in the rest of the country. They were, as Shirley Wise said, just like everybody else. However, politicians were able to use tenant calls for greater security in their homes as a means of legitimizing punitive policies that singled public housing tenants out as inherently criminal. In doing so, politicians undermined the rights and power of tenants in their homes.

### **Jack Kemp and the Conservative War on Poverty**

Alongside questions of evictions, HUD, Congress, and tenants also debated the issues of public housing resident management, resident homeownership, and demolitions as strategies for fighting the War on Drugs. Critically, each of these options, whether intentionally or not, enabled the federal government to decrease its commitment to housing impoverished citizens. These conversations extended those that had occurred in previous administrations and decades.

Demolitions and resident management had arisen during the 1970s as potential solutions for “saving” public housing in the wake of financial insolvency and mounting political unpopularity as the public housing population became comprised increasingly of poor, black, and female-headed households. Congress and HUD had debated the prospect of resident management in several hearings and studies throughout the 1980s that considered whether residents were ideally placed to reinvigorate public housing and save it as a federal program. Moreover, many politicians saw resident management as a way to foster self-sufficiency and personal responsibility among public housing residents. The possibility of public housing homeownership arose as a possible policy option toward the end of the Reagan administration. Kemp, first as Congressman then as HUD Secretary found this idea incredibly appealing. As many drug deals in public housing occurred in vacant units PHAs failed to secure, demolition also seemed to offer a partial solution to the War on Drugs. During the Bush administration, resident management, resident homeownership, and

demolition represented various answers to the War on Drugs in public housing that functioned as corollaries to punitive policing and eviction policies and ultimately destabilized public housing as a federal program.

Jack Kemp's support of resident management and public housing homeownership—indeed, his support of public housing in general—represented part of his overall desire to amass political support for fighting a conservative war on poverty, which would make the Republican Party attractive for Black voters. Kemp's vision of a conservative war on poverty served as a key component of his ambition and his vision for the future of the Republican Party.

Though Kemp had failed to secure the Republican nomination for presidency in 1988, he began his tenure at HUD intent on seeing his conservative war on poverty through from his cabinet position. As HUD Secretary, Kemp hoped to implement anti-poverty policies and programs that would eschew racism and mitigate poverty while appealing to African Americans and bringing them back into the fold of the Republican Party.

For Kemp, issues of poverty were both structural and behavioral. But unlike some of his colleagues, he attempted to separate race from the lack of values that he believed contributed to attitudinal and behavioral issues, which in turn led to poverty. Still, Kemp used the racialized language of pathology and cultural poverty that implicated Black people—particularly the public housing tenants he served—in the issues they faced. Shortly after taking the helm at HUD in 1989 he said that he “did not want to be the Secretary of Vouchers,” referring to Section 8 vouchers.<sup>44</sup> Instead, “I wanted to be the Secretary of Housing.... A Secretary... involved in a war on poverty.” Kemp defined the war on poverty as a war on “the conditions that lead to despair and hopelessness

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<sup>44</sup> The move toward using vouchers and certificates through Section 8 (of the U.S. Housing Act) constituted another means through which the federal government and HUD were lessening their commitment to traditional public housing. These vouchers and certificates relied upon private landlords to accept HUD subsidies while the tenants paid thirty percent of their income. Landlords often faced more scrutiny in using Section 8 and evidence indicated that they discriminated heavily against people of color and families with multiple children.

and those existential attitudes that I think result in pathologies that we are seeing in some of our areas of the country, particularly urban.”

Kemp viewed RMCs as a strategy for getting impoverished people of color to embrace personal and/or familial responsibility and in so doing fight not only the War on Drugs but also the pathologies of poverty more broadly. Accordingly, Kemp pointed to tenant leaders who had shown what could be accomplished through tenant management. He said in 1989, “Teenage pregnancy has gone down; welfare cases have gone down; the crime has gone down.... Where we can encourage this, we ought to do it.... I wish we had more to encourage this type of tenant—they are the ultimate answers” to the problem of drug abuse in public housing. Kemp acknowledged that tenants would need the support of HUD and Congress, but reiterated that tenants, most of whom were “decent people... law-abiding [and] hard-working,” were key to problem-solving in public housing.<sup>45</sup> Kemp’s focus on both the pathologies of poverty and those who could fight against them as emergent from the same community indicated that even as he tried to make these issues more personal responsibility and morality than race, he sometimes reinforced racialized notions of poverty and immorality. Kemp believed that poverty had some structural causes but he also believed that a person had a choice in how they responded to their poverty and that the government should try to shape those choices.

Moreover, Kemp’s discussion of the “hard-working” tenants, which tied into the dichotomy of “good” and “criminal” tenants Kemp and others used to justify “tough on due process” swift evictions, also served his vision for bringing Black voters and those who supported the Civil Rights Movement into his Party. The fact that there were “good” tenants who accomplished as much as some of the Black women leaders of RMCs did proved for Kemp that behavior associated with poverty did not have to be about race. Kemp’s language around poverty and RMCs, then, could

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<sup>45</sup> *Drugs and Public Housing* (1989), 10-14, 24, 19-20.

appeal to voters who subscribed to the importance of personal responsibility and self-sufficiency and who expressed concern over the presence of drugs in communities of color but who also felt that the Civil Rights Act of 1964 and Voting Rights Act of 1965 positively impacted American democracy.

However, Kemp's discussions of the successes of the Black women who led RMCs and participated in both the fight against drugs as well as the fight against welfare-dependence were not without their problems. While he often underscored his admiration of the women who "recaptured" public housing from drug addiction and welfare dependency, he often did so with language that evoked the trope of the strong Black woman. For example, he regularly elaborated on the power of Bertha Gilkey, a tenant leader in St. Louis. At one point he practically waxed poetic on the Senate floor, stating,

The woman stood up, Bertha Gilkey from St. Louis, who is head of this organization called Urban Women, Inc., that cleaned up Miller Courts and changed it from Killer Courts back to Miller Courts, and she told the women at Cabrini [Green, the notorious Chicago housing development], we are going to do it, do not give up, I do not want you to give up, we are going to move to the next apartment project and we are going to move to the next and the next and next. I thought, wow. She had more fire, more tenacity, more courage, more devotion to this cause....

This portrayal and others expressed a reverence for Gilkey and those like her, but in doing so cast her and her colleagues in a super-human light as Black women who are "strong, self-reliant, nurturing, resilient, and invulnerable to psychological or physical challenges."<sup>46</sup> Kemp's description of these women and their successes essentially implied that Black women tenants' superpowers would be central to saving public housing as a program. While Kemp sought to celebrate these

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<sup>46</sup> *Drugs and Public Housing*, 12-14, 19-20; "Reconceptualizing Successful Aging Among Black Women and the Relevance of the Strong Black Woman Archetype," *The Gerontologist*, Volume 55, Issue 1, 2-1-15; K.C. Woods, "The Strong Black Woman Archetype and intentions to seek therapy for depression: A cultural application of the theory of planned behavior," Unpublished doctoral dissertation, Michigan State University, East Lansing, MI, 2013. "Drug Problem and Public Housing," Select Committee on Narcotics Abuse and Control, House, 101-1, Jun2 15, 1989, 20. Of course, the trope of the "Strong Black Woman" has roots in the stereotype of the mammy. See Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, New York: Routledge, 2000; Grace Hale, *Making Whiteness: The Culture of Segregation in the South, 1890-1940*, New York: Vintage Books, 1998.

tenants, in seeing them as Black superwomen, he participated in another kind of dehumanization, denying Shirley Wise's and other tenants' the ability to be no different from anyone else.

Still, White House chief of staff John Sununu and White House budget director Richard Darman, along with other Cabinet members and especially President Bush, chafed at the way Kemp identified with impoverished people of color and at his repeated use of the term "empowerment." In fact, Richard Darman once called a young lawyer who worked for Kemp and agreed with Kemp's ideologies, Richard Porter, to tell Porter to stop using the word empowerment in memos. Porter remembered Darman saying, "You people don't understand the connotations of the word from the 60's." Porter, in an interview with the *New York Times*, said "Of course we did.... that's what's fun about it—stealing one of the Left's words."<sup>47</sup> And that was exactly the point. Kemp appropriated the language of the Left in order to signal to Black and impoverished voters that the Left did not have to have the monopoly on racial tolerance; that the Republican Party could serve nonwhite voters.

About a month following his paean to Gilkey, Kemp again used the language of the Left, declaring that, "Leadership is going to come from the bottom up. We just have to encourage it, to nurture it, subsidize it where necessary, and participate in what I consider to be another phase of the civil rights movement." In a hearing shortly after he was confirmed as HUD Secretary, Kemp remarked, "One of the interesting things is that the residents themselves are attempting to gain control over not only their own lives and their own families, but their own communities." He continued, emphasizing that, "women [residents] in the main, ... are beginning to manage and have hope of someday owning if not totally managing those public housing areas and communities." Kemp noted that some of the recommendations for improved security at public housing developments had come from tenants. By employing the language of the Civil Rights Movement,

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<sup>47</sup> DeParle, Jason, "How Jack Kemp Lost the War on Poverty," *New York Times Magazine*, Feb 28, 1993.



Kemp attempted to garner support among his constituency of public housing tenants and to expand the Republican base.

Kemp's frequent references to Black women tenant leaders as central to the salvation of public housing elided the fact that in some key ways, RMC success meant that the federal government had to do and/or spend less. Often, RMC success required partnerships with local nongovernmental agencies and corporations. However, Kemp did not want to end public housing as a program. Nor did he believe that resident management would work in all cases and situations. Still, his vision of resident management was premised on the notion that strong Black women could make miracles out of inadequate resources and help from charitable and corporate entities. Despite Kemp's expressed support of these women and their RMCs, his rhetorical support often lacked a corresponding financial commitment from HUD. As HUD Secretary, Kemp usually championed measures that maintained austere public housing operating budgets and promoted personal responsibility.

Operation Bootstrap, Project Self-Sufficiency, and Project Independence were Kemp-era programs that reflected conservative ideologies of personal responsibility in more than just their names. Ironically, HUD did not allocate any of their Congressional appropriation funds specifically to PHAs participating in these programs. Accordingly, the PHAs then had to be self-sufficient in securing funding for these programs. Operation Bootstrap was a "community-based initiative designed to coordinate housing assistance with employment and training services in order to help low-income families develop careers and skills, secure jobs, and ultimately achieve economic independence." For Operation Bootstrap as well as Project Self-Sufficiency, eligible participants were drawn from Section 8 waiting lists rather than public housing tenants. Those who passed through the programs and completed a certain amount then moved up the waitlist into Section 8 eligibility. Project Self-Sufficiency, developed toward the end of the Reagan administration, targeted

low-income single parents in particular. In 1990 this was expanded to families. Project Independence was intended to help heads of household who relied on Aid to Families with Dependent Children (AFDC), including public housing leaseholders, to find employment and no longer depend upon welfare. HUD diverted some of their budgetary appropriations to Project Independence, to the chagrin of some who worried about the already low operating budget of the Department.<sup>48</sup> As a whole, these programs represent HUD's and Congress's emphasis on personal responsibility, without providing sufficient funds for widespread implementation or success.

Of course, public housing tenants who participated in RMCs did want greater control of their own destinies and greater self-determination. However, most of the tenants who testified before Congress on this matter understood federal resources and financial support as central to this project. In doing so, they implicitly critiqued Kemp's leadership. Irene Johnson, Executive Director of the LeClaire Courts RMC in Chicago, opened her June 1989 testimony before a Senate Committee stating, "We want to go on record to say that resident management is an alternative to an approach to save public housing or maintain or retain public housing. We understand and... agree that it is not the panacea." In a later hearing Johnson further asserted that RMCs provided an opportunity for tenants to "control... their destinies." Critically, Johnson noted that when her RMC began, they had no federal support and instead sought partnerships with local companies and organizations. While she felt that these partnerships should continue, she also pushed for federal support for RMCs. Johnson declared that resident management "can only yield results if the money to make the needed changes is made available." She continued, "The residents of public housing recognize that the deficit exists, but, what [they]... fail to understand is why the attempt to balance the budget is always made at their expense. Money is found to fund a space station, ... to provide

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<sup>48</sup> <https://www.huduser.gov/portal//Publications/pdf/BOOTSTRP.pdf>, viii; Crewe, Sandra Edmonds. "Unmotivated or unchallenged: An ethnographic study of sanctioned welfare recipients residing in federally assisted housing." Howard University Dissertation, 1997, p 41.

[for]... those who suffer [worldwide], ... but is not found for those of us who suffer in this country.” Moreover, Johnson teasingly—yet truthfully—pointed out that public housing tenants “understand about budgets and lack of dollars better than anybody in America because most of us live off of \$250 a month. So we’re real good budgetary people.” Finally, she noted that one major problem RMCs faced was that no one listened to them. “[H]ousing authorit[ies], the local private and public sectors, HUD and Congress need to listen,” she said. Johnson argued that tenants knew more about their lives and housing than outsiders who came in to study the problems of public housing and left. She declared herself an “expert of public housing,” and demanded that she and her fellow residents be treated as such.<sup>49</sup> While the financial backing of HUD and the federal government was critical to RMC success, so too was listening to tenants who lived in public housing and ran RMCs.

Barbara Blackmon, a public housing tenant from Kansas City, Missouri also expressed frustration at the lack of support RMCs received both in terms of resources and in terms of PHAs, HUD, and other governmental and nongovernmental entities taking them seriously. Blackmon laid out an eleven-point plan for helping RMCs achieve and maintain success in her written testimony before the Senate in 1992. As a whole, this plan indicated that Congress, HUD, PHAs, and others provided insufficient funding and failed to respect RMCs and those who ran them. Blackmon called for increased federal funds for social services. She noted that, “residents have not been made full partners in the operation of public housing and rhetoric to date has not matched reality.” She gave the example of her city, writing, “Kansas City has more [RMCs]... than any other housing authority in the country but HUD, our city government officials, and even our housing authority staff have not included our RMCs in discussing the future of our troubled housing authority despite our

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<sup>49</sup> U.S. Congress, Senate Committee on Banking, Housing, and Urban Affairs, Subcommittee on Housing and Urban Affairs, *Cranston-Gonzalez National Affordable Housing Act* 101<sup>st</sup> Cong., 1<sup>st</sup> sess., 1989; U.S. Congress, Senate Committee on Banking, Housing, and Urban Affairs, Subcommittee on Housing and Urban Affairs, *Distressed Public Housing*, 55-57.

request for them to do so.” Accordingly, she demanded that HUD and the Congress “make the resident stake in the so-called [RMC] partnership real.” She pushed for timely maintenance and for economically and sociopolitically integrating public housing tenants into the city. For Blackmon, the isolation of public housing residents contributed to RMC powerlessness as well as the inability for families to get back on their feet from within public housing.<sup>50</sup> While Kemp was testifying to the remarkable ability for the primarily Black women running RMCs to save their homes, their public housing developments, Blackmon was calling into question whether HUD, the federal government, and local PHAs were truly committed to RMC success, and by implication to the overall success of public housing.

Even as some public housing tenants were questioning HUD’s and Kemp’s commitment to resident management, Kemp was touting an extension of resident management—public housing homeownership—as a key part of his conservative war on poverty. Again, the language Kemp used in promoting public housing homeownership through his pet project, HOPE (Homeownership and Opportunity for People Everywhere), indicated his commitment to attracting African Americans to the Republican Party. Ever ebullient, Kemp said to a *Wall Street Journal* reporter in 1989 in regard to HOPE, “I don’t believe since Rosa Parks moved to the front of the bus has there been such an exciting movement to help launch a crusade in the USA.” Early into his appointment as HUD Secretary, Kemp defined hope. He said, “We have got to give people hope. What is hope? Education, a job, homeownership, a house, a chance to climb the ladder that we call the American dream.” Kemp continued, stating that he felt “charged... with the responsibility” of reigniting hope in “urban” America where he said it was “non-existent.” In a different hearing, Kemp said, “I don’t think we can just leave public housing residents without the type of hope that is being gradually encouraged through this tenant management, tenant ownership, urban homesteading effort” that he

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<sup>50</sup> *Distressed Public Housing*, 134-137.

was trying to pursue.<sup>51</sup> By using the language of hope, Kemp expressed his commitment to tenants and made it more difficult to oppose him; who wanted to stand in the way of public housing tenants' hope?

While Kemp defined hope as something that would help tenants, his vision for the policy program rested on already tried and unsuccessful ventures that led some politicians and public housing advocates and activists to question him. Kemp's HOPE program included \$1.2 billion, split between grants to encourage homeownership and tax credits to incite corporate development in financially depressed neighborhoods. As Senator Chuck Schumer wryly noted, none of these provisions included building more low-income housing. Instead, Kemp modeled HOPE after staples in conservatives' policy portfolios, with allocations intended to promote business growth and an emphasis on increased resident self-sufficiency through ownership of public housing.<sup>52</sup> The notion that public housing could be improved and/or saved through homeownership appealed to many based on the centrality of homeownership in American political imagery and the American dream. However, just as HOPE offered no funds for building more low-income housing, it contained no provisions that would ensure or significantly ameliorate poverty, which would make it difficult for those who bought their public housing units to maintain and/or hold onto them. Residents who participated in HOPE and bought their units had to hope they maintained a hold on the small incomes that enabled them to buy their units in the first place.

Though Kemp struggled to persuade legislators or the Bush Cabinet to pass his HOPE legislation as HUD Secretary, during the end of the Reagan administration Congress and HUD both

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<sup>51</sup> *Drugs and Public Housing*.

<sup>52</sup> Joe Davidson, "Takeover by Tenants of Housing Project Makes Place Livable: Drug Dealers Flee, Units Get Renovated; Kemp Hails 'Entrepreneurial Spirit' Or Is It Just a 'Cruel Hoax?'" *Wall Street Journal*, 7-6-89; May 10, 1989 hearing, 24; June 15, 1989 hearing; Gwen Ifill, "[Conservative's War on Poverty](#)," *The Washington Post*, 2-25, 1990; As Jason DeParle among others noted at the time, some of these policies—such as Enterprise Zones in particular, had already proven unsuccessful. See, Jason DeParle, "[How Jack Kemp Lost the War on Poverty](#)," *The New York Times*, Feb. 28, 1993. Keeanga-Yamahatta Taylor discusses in *Race for Profit* how homeownership for low-income people cannot work without a fundamental reorientation of housing industries away from exploitative racial capitalism.

created pilot programs for public housing homeownership. Both programs depended on RMCs to take over management of public housing developments and then to become eligible for buying units. Through Congress's program RMCs could buy specific units whereas through the HUD program RMCs had to buy the whole development. Theoretically, Congress's program protected the rights of renters who did not want to buy, but in practice this made it almost impossible for an RMC to successfully purchase public housing units. If an RMC bought a development, though, Congress would cease funding for it. While Congress mandated a one-for-one replacement for sold (or demolished) public housing units, neither public housing homeownership plan included a budgetary appropriation for this purpose. Thus, this program would diminish both units and federal outlays for public housing. Despite major differences, both programs could weaken the public housing program, making it easier and perhaps even politically expedient for HUD and Congress to retreat from their commitments to housing impoverished Americans.<sup>53</sup>

In addition to supporting public housing homeownership, Kemp often requested Congressional appropriations well below the estimated required resources for maintaining public housing, which further weakened the program. According to large housing authority attorney Gordon Cavanaugh, Kemp "regularly understate[d] to Congress the funds... which its own ...studies say are needed to operate, maintain and rehabilitate apartments to provide for the overwhelming number of tenants in public housing, a decent and appropriate shelter that" American citizens expect and deserve. Cavanaugh stated that this has been a pattern over the last decade and that for fiscal year 1991, Kemp had asked for \$300 million less than HUD's budgetary requirements called for. Cavanaugh continued, "it's somewhat disingenuous to see a budget that asks for \$150

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<sup>53</sup> Still, some public housing residents, particularly Kimi Gray in Washington, D.C. expressed support of public housing homeownership as a form of public housing tenant empowerment that would also help to combat poverty and welfare dependence, as well as crime in public housing. See *Cranston-Gonzalez National Affordable Housing*, 37. *Cranston-Gonzalez National Affordable Housing*, 73-74, 84-85.

million for anti-drug activities, but doesn't ask for \$122 million shortfall in our current basic operating expenses." Moreover, Congressman William Clay of Missouri took to the house floor to excoriate Kemp for asking Congress to "reduce the funding available for public housing programs in order to make these funds available for homeownership programs." Clay noted that he and Kemp seemed to agree that the country's leaders had to choose financially between funding low income public housing and low income homeownership programs, and thus it was unsurprising that a fiscal conservative like Kemp would choose to eliminate public housing through a transfer of budgetary appropriations to his HOPE program.<sup>54</sup>

Several housing advocates and journalists also questioned Kemp's motives for homeownership programs. A deeply critical *St. Louis Post-Dispatch* article read, "Empowerment has become a buzzword of HUD Secretary Jack F. Kemp." The article continued, "His use of the term was thought to mean he would push for more federal resources to help the needy improve their living conditions. It's now clear that Mr. Kemp intends to empower a few at the expense of denying a slice of the federal housing pie to far too many." In a *Wall Street Journal* article, a National Tenants Organization lobbyist "suggest[ed] that tenant ownership is 'a step to get those houses' for private real-estate development," ultimately resulting in a decline in the public housing stock. John Simon, president of the National Housing Conference (NHC) testified before the Senate, saying, "NHC opposes the efforts to privatize the nation's public housing by selling that housing to its residents without regard for their ability to meet the housing's operating costs and without replacement of that housing on a unit-by-unit basis" Simon continued, "Proposals to sell off public housing to its residents" without strategies for the concerns he listed, "represent a complete denial of any Government responsibility to provide for the welfare of its citizens." Simon ended his statement,

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<sup>54</sup> *Public Housing and Section 8 Programs*, 137 William Clay speaking on HOPE, 101<sup>st</sup> Cong., 2<sup>nd</sup> sess., *Congressional Record* 137 (April 9, 1991) H: 1158.

declaring, “The role of the Federal Government in supporting the goal of a decent home for all Americans is an essential one and we should not allow it to be obscured by the fog of privatization.”<sup>55</sup>

Tied to the issue of public housing homeownership and concerns over a diminishing public housing stock was that of demolition and disposition in public housing. Kemp repeatedly declared that he was uninterested in demolishing public housing. Speaking on Cabrini Green and distressed public housing, Kemp stated, “[W]e do whatever is necessary” to improve Cabrini. He went on, “It is either that or Pruitt-Igoe [i.e., demolitions] [sic], and I refuse to believe that our only answer to public housing is to do to Cabrini what we did to Pruitt-Igoe. It is not going to happen under my watch.” While Kemp spoke forcefully against demolitions, HUD seemed to look the other way when PHAs participated in “thinning” a project and leading it down the path toward almost inevitable demolition. Even when Congress had passed provisions to prevent such happenings, HUD did little to enforce them.<sup>56</sup> Yet again, though Kemp frequently declared that he wanted to maintain public housing as a program, his actions and those of HUD had the opposite effect.

In several hearings, public housing residents and tenant advocates spoke out about their concerns over demolitions. Concerns ranged from questions regarding whether or not tenants were consulted in deciding to demolish as well as how to ensure a PHA had a plan for one-for-one replacement of units, given the scarcity of low-income housing. Several tenants and tenant advocates spoke to the fact that they had not been consulted regarding the demolition of their homes and neighborhoods, despite stipulations in housing legislation mandating hearings with tenants. Ella Thompson, co-chair of the William Penn Homes Tenant Association in Chester, Pennsylvania, told a Congressional committee in 1989 that, “our tenants were not asked about demolition. We were

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<sup>55</sup> “Time to Abandon HOPE?”; “Takeover by Tenants of Housing Project Makes Place Livable”; *Cranston-Gonzalez National Affordable Housing Act*, 135, 147-148

<sup>56</sup> *The Drug Problem and Public Housing*, 20; *Public Housing and Section 8 Programs*, 231.



told that our places were going to be demolished.” She continued, reiterating that the vacant units “could be usable, and I think it is a total waste of money, and also it is going to be displacing a lot of people.” She concluded, “So therefore, our demolition is totally not acceptable to the tenants, but the tenants, like I said, were not the people that they asked about demolition.”<sup>57</sup>

Thompson also expressed doubts about the process through which PHAs moved toward demolitions and implied that unit vacancies were created or over-reported. She said, “while demolition might be feasible in some areas, there are places, like the place I live in, that there are people living in these homes.... [T]here is not a whole lot of vacancies there other than created vacancies and vacancies that are not filled for the simple reason that they want to demolish these buildings.”<sup>58</sup> Thompson added, “Our problem [as public housing tenants] is that we are facing demolition in our area, and the biggest thing is that we feel like we should preserve the existing public housing that we have because this is the only affordable housing for low income people.” Thompson continued, highlighting the issue of whether demolition would be used for privatizing low income housing and diminishing the low-income public housing stock. She said that she and other tenants wanted to know about their relocation and the replacement of their units and that, “We strongly object to... [the] [u]se of rental credit payments as replacement for sold or demolished public housing units.... Low income blacks, other minorities, and families with children face tremendous odds in finding units in the open market.” Thompson proposed that HUD and/or Congress create “stronger provisions prohibiting the demolition” of public housing. “HUD has permitted the demolition and sale of housing as a matter [sic] for local authorities to decide,” she said. Instead, Thompson demanded that if demolitions were to occur, more public housing had to be built. “We can’t get rid of the public housing we already have,” she said. She further suggested

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<sup>57</sup> Cranston-Gonzalez National Affordable Housing Act, 173-175.

<sup>58</sup> *Public Housing, Public Disgrace, Cranston-Gonzalez National Affordable Housing Act*, 97.

that in fact, vacant units could be used for helping house and rehabilitate the homeless or to offer supportive services to residents in public housing rather than destroying the units full stop.<sup>59</sup>

During the March 1990 House hearing on Public Housing and Section 8 programs, National Housing Law Project representative Rebecca Youmans discussed the dangers of public housing demolition for tenants. “Nearly 15,000 units of public housing have been removed over the past decade, ... when waiting lists have lengthened and the number of people living on the streets have increased drastically. Another 50,000 units are in danger of being demolished or sold over the next several years.” The NHLP described the process through which public housing units deteriorate to the extent that demolitions seem the best path forward. Significantly, most demolitions involve the hardest type of housing to find in the private market—family housing. According to the statement, “long before the decision to demolish is made... the PHA, the local community, and HUD begin to neglect the project, not allocating the financial and management resources needed to provide safe and habitable housing.” Youmans revealed that even when some authorities had received modernization funds, PHAs would not use these resources, allowing the development to become increasingly uninhabitable. “Finally, the PHA begins to relocate the remaining tenants” and decides to demolish. Youmans indicated that sometimes demolitions also occurred when an “outside force became interested in having the project site used for another purpose.” Youmans noted that the Housing and Community Development Act of 1987 included helpful restrictions to demolitions in theory, but HUD often failed to intervene in situations where demolitions violated guidelines.<sup>60</sup> HUD’s inaction suggested that administrators were uninterested in saving public housing units for the millions who needed it.

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<sup>59</sup> *Cranston-Gonzalez National Affordable Housing Act* 54-55, 57.

<sup>60</sup> *Public Housing and Section 8 Programs*, 229-230; U.S. Congress, House Committee on Government Operations, Subcommittee on Employment and Housing, 102<sup>nd</sup> Cong., 2d sess., *Public Housing, Public Disgrace*, 70.

Barbara Blackmon offered a number of suggestions in her March 1992 written testimony to Congress. She argued forcefully that there should be no more demolition of public housing units and adequate rehabilitation funds. Blackmon expressed particular concern over demolitions and inadequate funding for public housing developments run by RMCs. She wrote, “If we fail to maintain what we have and end up destroying it, the RMCs are working toward a dead end and they’ll have no community to mobilize as vacancies mount and units become uninhabitable.”<sup>61</sup> Blackmon’s statement indicated that demolitions threatened to disempower tenant management and weaken the future of the program as a whole. As she described it, demolitions would remove units from public housing authorities, which would mean less tenants, less federal resources toward public housing, and accordingly, less power for tenant management corporations. Residents’ testimony then, as well as that of tenant advocates, indicated that demolitions not only threatened to diminish the existing (and inadequate) stock of low-income public housing, but that it also threatened to diminish the power of tenants and RMCs, who were being left out of the decisionmaking processes that led to demolition.

In October 1992, several months after Blackmon’s testimony and one month before the 1992 election, Congress passed the Housing and Community Development Act of 1992. Among the provisions included was a Congressional commitment to appropriating funds for new HOPE programs in the fiscal years 1993 and 1994. Significantly, PHAs applying for federal monies to promote multifamily public housing resident homeownership had to find matching donors—either nonprofit, nongovernmental, or private—in order to achieve eligibility for receiving federal money. In some ways, this was a win for Jack Kemp. However, the victory was short-lived. Twenty-nine days later, George Bush lost his reelection campaign to Bill Clinton. Kemp attributed the loss in part to Bush and his team’s dismissal of a conservative war on poverty, which could have brought more

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<sup>61</sup> *Public Housing and Section 8 Programs*, 134-137.

voters to the Republican Party. Shortly after Bush lost the election, he vetoed a bill Kemp had overseen in his position as the chair of the Economic Empowerment Task Force that would have raised taxes and increased spending in order to create more enterprise zones.<sup>62</sup>

Bush's loss in 1992 did, as Kemp had indicated, in some ways represent a lost opportunity for the Republican Party to attract Black voters and supporters of the Civil Rights Movement. John Sununu and Richard Darman had blocked Kemp, too, and in Kemp's view had to take part of the blame for this missed opportunity. However, Kemp also got in his own way. His sometimes flamboyant, sometimes flippant behavior alienated his fellow Cabinet members and key White House staff, as well as President Bush. Kemp also damaged his own vision of a conservative war on poverty by supporting the extension of the War on Drugs into public housing, by underfunding public housing programs, and by failing to save public housing stock.

Ironically, the successful candidacy of Bill Clinton, a Democratic Leadership Council candidate of the "Third Way," committed to taking back Democratic control of the presidency through a centrist platform, showed that in some ways Kemp had been right. In his 1992 campaign, Clinton appealed to voters who believed that the Civil Rights Movement and the increasing interpersonal racial tolerance that followed the end of Jim Crow had been generally good. Many of these voters did not think that they were racist and felt that the expansion of the democracy to include more people was needed but did not demand a fundamental redistribution of resources or a restructuring of governmental and economic institutions. They expressed beliefs that, in fact, the welfare state of the New Deal and Great Society had grown too large and unwieldy, encouraging laziness among the poor and growing the nation's deficit. The Clinton campaign successfully repackaged many of the policies and rhetoric Kemp had championed through his calls for a conservative war on poverty. This would prove particularly true as the Clinton administration

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<sup>62</sup> DeParle.

implemented several iterations of HOPE programs meant to empower public housing residents, but which ultimately criminalized them as well. In his 1992 candidacy, Clinton covered much of the gap between Reagan Republicanism and the fractured New Deal coalition, drawing some “Reagan Democrats” back to the Democratic Party in part through ideas Kemp had advocated.

The years between 1988 and 1993 constituted a centrally important period for public housing in the United States. For many public housing advocates and tenants, HUD Secretary Jack Kemp represented the potential for a fresh start for public housing. Unlike his predecessor, Sam Pierce, Jr., Kemp was invested in maintaining and supporting public housing. Ultimately, however, Kemp, HUD, and Congress committed to continuing several policy trends of the Reagan administration that rendered public housing more vulnerable as a federal program. During the Reagan presidency, officials had adopted increasingly punitive policies and a created overlap between the day-to-day functions of housing authorities and law enforcement. In the late 1980s and into the 1990s, Congress expanded upon punitive policies and further criminalized and targeted public housing residents, moving public housing developments and those who lived in them into the center of the War on Drugs. In doing so, some Democrats as well as Republicans cited tenants’ calls for harsher punishments for drug dealers in public housing. These politicians and the tenants whom they referenced sometimes defined tenant empowerment through this lens of criminalization; ridding public housing of drugs was one of the most important ways to empower “good” residents. While many tenants also pushed for greater federal investment in public housing, their desire to rid their homes of drugs ended up playing into the criminalizing project of the War on Drugs because politicians could reference tenant activists in order to pass legislation that threatened all public housing tenants’ rights.

Still, many held out hope for the future of public housing based on Kemp’s fervent support of resident management and homeownership programs. Levels of political support for resident

management had fluctuated during the Reagan presidency. Kemp, on the other hand, remained unceasingly committed to resident management and homeownership as programs that would not only stem the tide of drugs and violence in public housing, but would also empower tenants. He saw this as part of his larger vision of a conservative war on poverty that would bring Black voters to the GOP. Of course, tenants themselves expressed desires to control their own lives and attain a greater measure of personal responsibility. However, most residents understood self-determination as possible only with adequate federal resources. Unfortunately, Kemp's commitment to fiscal conservatism and the unpopularity of HUD and public housing in particular, meant that most RMCs were under-resourced and therefore unable to "save" public housing. Despite being potentially in control of the day-to-day management of their developments, many residents were, in fact, disempowered in their RMCs through inadequate funding. RMCs' lack of power also contributed to PHAs thinning and then demolishing public housing units. Moreover, Kemp's HOPE and other homeownership programs, while meant to empower tenants, siphoned limited resources away from existing and/or new public housing, which was already underfunded. Thus, while many tenants and advocates held out high hopes for public housing during the Bush administration, the heightened criminalization of public housing tenants in the context of the War on Drugs combined with the continued emphasis on personal responsibility in fact made public housing and the lives of those who lived within it more precarious going into the Clinton administration.

## Chapter 5: Where Do We Go from Here?: Protection and Punishment in Public Housing, 1993-1994

The future of public housing was uncertain when Bill Clinton began his presidency in January 1993. Shortly after becoming Clinton's first Secretary of the Department of Housing and Urban Development (HUD), Henry Cisneros called a new program Congress had passed, HOPE VI, the "last gasp for public housing."<sup>1</sup> Public housing, like Aid to Families with Dependent Children (AFDC), represented to increasing numbers of politicians and many Americans the so-called failure of the welfare state. Yet, in the first two years of the Clinton presidency, neither the Clinton administration—including HUD—nor Congress had a coherent vision of what action they wanted to take with regard to public housing. What was apparent to these various powerbrokers, though, was that they needed to make changes.

During 1993 and 1994, discussions about the future of public housing policy revolved around two major axes. First, politicians, the mainstream media, public housing administrators and public housing residents expressed significant concern over crime and criminality in public housing and beyond, best articulated through the Congressional discussions around sweeps of public housing and new crime-related bills. Bills introduced, guidelines proffered, and statements in hearings revealed that politicians, administrators, and tenants struggled with the somewhat opposing impulses to criminalize or protect tenants.

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<sup>1</sup> Roessner, Jane. *A Decent Place to Live: From Columbia Point to Harbor Point—A Community History*. Boston: Northeastern University Press, 2000, 293. Former HUD Secretary Jack Kemp had introduced HOPE (Housing Opportunities for People Everywhere) as a series of policies that would re-envision and revitalize public housing by empowering public housing tenants to become (more) self-sufficient. "According to Senate report on the 1992 bill that initiated HOPE VI," the HOPE program that specifically targeted public housing, "The goal of HOPE VI is threefold (1) shelter—to eliminate dilapidated, and in many dangerous instances, [that seems like it should be the other way around] structures that serve as homes for hundreds of thousands of Americans; (2) self-sufficiency—to provide residents in these areas with the opportunity to learn and acquire the skills needed to achieve self-sufficiency; and (3) community sweat equity—to instill in these Americans the belief that with economic self-sufficiency comes an obligation to self-responsibility and giving back to one's community." Barbara Mikulski's Introduction in, "HOPE VI: Community Building Makes a Difference." February 2000. Arthur J. Naparstek, Susan R. Freis. G. Thomas Kingsley with Dennis Dooley and Howard E. Lewis. Prepared for HUD, v.

While concerns over crime had served as an ever-present political background in the last decades of the twentieth century, politicians and the mainstream media, as well as many voters, expressed heightened concern in the early 1990s. This national fear over crime and safety seemed to crest at the end of 1993 and into 1994 after several widely publicized incidents of violence, including shootings in Chicago public housing developments and the Los Angeles uprisings. As a result, politicians and housing administrators considered policies aimed at the prevention of crime and violence. As in previous years, politicians pursued punitive crime policies that targeted public housing residents in particular.

The concerns over crime in public housing during these years led the Clinton administration and public housing authorities (PHAs) to return to Oscar Newman's idea of "defensible space" as a possible means of mitigating crime.<sup>2</sup> In the mid-late 1970s HUD and the Nixon, Ford, and Carter administrations had undertaken defensible space initiatives. During the first term of the Clinton administration, though, HUD Secretary and former San Antonio Mayor Henry Cisneros along with the rest of the administration encouraged PHAs to implement defensible space in ways that reflected and reinforced the punitive turn and mass incarceration: by installing metal detectors at every entrance, putting bars on windows, erecting fences around public housing developments, and issuing identification cards for public housing residents. The implementation of defensible space in these housing authorities thus rendered public housing developments into spaces that in some ways mirrored prisons.

The return to defensible space as an operating theory in public housing in the 1990s reflected a shift in how HUD and presidential administrations understood the term. Initially, presidential administrations saw tenants' policing of each other and tenant management as vehicles

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<sup>2</sup> Newman, Oscar. *Defensible Space: crime prevention through urban design*. New York: Macmillan, 1972. For a discussion of defensible space see chapter 2 or Hinton, *From the War on Poverty to the War on Crime*, 286-291.



through which housing authorities could promote defensible space. By the 1990s, Cisneros and HUD officials saw tenants as a bifurcated group in which “decent” tenants required defense from their criminal counterparts. In the 1970s, those who promoted defensible space seemed to focus on defending the physical property of public housing as much as if not more than public housing tenants. In the 1990s, politicians, public housing administrators, and tenants expressed a greater sense of needing to defend the tenants themselves, in part because the battle to preserve the physical integrity of large housing authorities had in many cases already been lost. And yet, the efforts to ban guns in public housing also reflected the fact that public housing tenants themselves could not defend their homes in the same ways as their middle- and upper-income white counterparts.

The politics of anti-crime defense, safety, and protection in public housing during 1993-1994 of course had age, race, gender, and of course, class implications. In the early 1990s, large traditional multifamily public housing developments—which exerted great influence on the idea of public housing for most Americans and therefore on public housing policy—tended to have African American populations that averaged around 81 percent, with over half of the households led by single mothers. These percentages went up significantly in some of the developments and authorities that had the most influence on policymakers’ visions for public housing, including those in Chicago, St. Louis, Washington, D.C., Charlotte, N.C., and New York City. As historian D. Bradford Hunt, has shown, these large housing authorities often had significantly more children than adults.<sup>3</sup>

Public housing developments that implemented the recommended guidelines for defensible space in the 1990s, including metal detectors, IDs, fences, etc., then, required disproportionate numbers of Black women and their children enter their homes in the same way they would have had to enter a prison to visit a loved one. The placement of metal detectors suggested to some the

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<sup>3</sup> “An analysis of the Racial Occupancy and Location of Public Housing Developments” John Goering, Amy Kamely, Todd Richardson; December 1994, 4. D. Bradford Hunt, *Blueprint for Disaster*. Ben Austen also discusses the high rates of children in Chicago’s public housing in *High-Risers: Cabrini-Green and the Fate of American Public Housing*.

inherently criminal nature of those who entered public housing developments. To others, it reflected the notion that public housing developments were very vulnerable and apt to be hijacked by those who entered into the space, putting tenants at risk. The daily necessity of walking through a metal detector in order to cross the threshold into one's home may have made children feel that they were already marked as criminal by governmental institutions, made others feel protected, and/or engendered a sense among other residents that their lives were always subject to surveillance by law enforcement entities and enforcers.

Though they did not often use explicitly gendered language, police departments and the mainstream media in particular targeted the young men whom many imagined were members of gangs in public housing as criminal menaces. On the other hand, the many women who organized in public housing to make their homes better are likely the tenants whom politicians and administrators imagined themselves protecting. Still, legislators and housing administrators mostly sought to protect the women in public housing from their male relatives and friends. In doing so, politicians implicitly criminalized Black mothering in public housing as law enforcement targeted these women's sons and grandsons as criminals. The defensible space apparatuses, then, rendered public housing developments and the residents within it adjacent to more traditional forms of the carceral state.

The second major thrust within public housing policy constituted a consensus on the need to do something to reform public housing, even if there was no consensus on what that would be. Politicians and public housing administrators did not have a clear vision for the future, but most agreed on the need for a reevaluation and reformulation of what governmental assistance for the housing insecure would look like. Beyond considering whether public housing should continue into the twenty-first century, stakeholders considered the merits and disadvantages of various reform possibilities including Section 8, mixed-income public housing, and the sagacity of the one-for-one replacement rule which stipulated that public housing authorities (PHAs) had to replace each unit

they demolished. At the time, Section 8 was increasingly becoming politicians' most popular option for thinking about housing poor Americans. However, some housing authority administrators and many tenants expressed profound reservations regarding Section 8. They fought to keep traditional multifamily public housing intact—to protect public housing as an anti-poverty program—even in spite of all its problems.

While a few politicians, public housing administrators, and public housing tenants continued to emphasize the need to empower public housing residents, the goal of their empowerment occupied less space in political decisionmaking during this two-year period. Initially, in the late 1960s and early 1970s, public housing tenants had fought for greater power through a framework and an ideology very much influenced by Black Power and welfare rights organizing. They argued that the government had to undergo a fundamental redistribution of resources in order to upend systems of racial-, economic-, and gender-based inequality. During the 1980s, tenants' and politicians' understandings of empowerment became more individualized, influenced by the increasing cultural power of ideas of individualism and personal responsibility. Still, tenants tended to see their self-determination as dependent upon adequate governmental support of their homes and communities. By the late 1980s, more people of varying ideological persuasions claimed ownership over the idea of empowerment even if they had divergent beliefs about how impoverished people could obtain empowerment. But from 1993-1994, very few people discussed empowerment at all in the context of public housing. While local housing authority (LHA) administrators and public housing tenants testified before Congressional hearings that explored what to do with regard to public housing, ultimately, Congress, HUD, and the Clinton administration failed to heed the testimonies of tenants, administrators, and advocates. Political powerbrokers' active disregard for the opinions and advice of public housing residents in particular was ironic, given that politicians invested in pursuing public housing reform from 1995 through the end of the Clinton administration did so with increasing

reference to how their reform initiatives were undertaken to result in the empowerment of public housing residents.

### **Protection and Punishment in Public Housing, 1993-1994**

On March 16, 1994, Oregon Congressman Ron Wyden introduced a bill he was co-sponsoring with civil rights icon and fellow Democrat, John Lewis, which sought to ban guns in public housing. Their Democratic colleague, Illinois representative Dick Durbin, introduced similar legislation one month later. These bills followed on the heels of the Brady Handgun Violence Prevention Act. Brady was signed in November 1993 and first implemented in February 1994, requiring background checks and introducing prohibitions for purchasing or transporting firearms based on one's criminal and/or medical history. These two legislative proposals to gun prohibition in public housing represented two different approaches and goals. The Wyden and Lewis bill sought to protect the Black women in public housing. This in some ways constituted a radical departure from previous legislative and law enforcement practices; poor Black women had not been considered a constituency worthy of or in need of protection by most mainstream governmental entities in the history of the United States. Lewis and Wyden understood these women's protection as tied to their empowerment. Durbin's approach, on the other hand, sought to disproportionately punish public housing residents who possessed illegal firearms. And yet, ultimately, Wyden and Lewis pursued the protection of Black women by punishing their male relatives whom they coded as dangerous. Moreover, all three politicians couched their attempts to reduce or ban guns from public housing using language that implied and at times explicitly declared public housing tenants' disproportionate criminality.

Lewis and Wyden discussed their bill on the House floor using the language of empowerment and protection. The bill would have given much of the decision-making power to tenants and reflected concerns tenants had expressed in Wyden's and Lewis's offices. It is perhaps

unsurprising that John Lewis should co-sponsor legislation that took seriously the concerns of impoverished tenants, who were disproportionately nonwhite. However, the understanding of empowerment in this legislation underscores the shift in the definition of the word from the civil rights period in which Lewis got his start as a political leader to the 1990s, in the wake of the dissolution of the New Deal Coalition and the rightward turn of mainstream politics in the U.S. As more politicians and some public housing tenants began defining empowerment as a result of the arrests, evictions, and incarceration of those accused of criminal activity in the 1980s and especially into the 1990s, the meaning of empowerment also became more intertwined with the growth of the carceral state, particularly in relation to public housing.

In March of 1994, Wyden introduced the “Safe Public Housing Act of 1994” bill he had co-sponsored with Lewis using the language of empowerment while implying the greater criminality of public housing residents. Wyden reported that the violent crimes and drug offenses in public housing occurred at a much higher frequency than in other neighborhoods.<sup>4</sup> He noted, though, that most public housing residents were “law-abiding” and recalled visits he had received from public housing residents asking his office to do more to prevent crime and violence. He therefore positioned the bill as an answer to their request.

Wyden outlined the plan he and Lewis had for the implementation of the legislation using the rhetoric of empowerment. He said, “Our approach is straightforward: Empower residents to reduce gun violence in their communities. Give residents the power to take back control of their lives, and get out from under the scourge of gun violence and crime.” Wyden delineated some

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<sup>4</sup> Crime statistics support Wyden’s claim, though some have called into question the stability of metrics over time—whether the entities that collected the data used the same criteria for evaluating crime rates from year to year or from neighborhood to neighborhood. Moreover, crime statistics likely corresponded with which areas police departments focused on; meaning that if police tended to patrol areas surrounding public housing more so than other areas, the data on arrests would likely reflect this focus and perhaps skew the statistics to support the assumption of law enforcement institutions.

specifics of the legislation. “Under our proposal, residents could petition the housing authority to hold a referendum on banning and restricting guns,” he said. Residents could vote to completely ban guns or to require gun owners to register with the housing authority. If the residents voted for either a ban or restriction, non-residents who came onto the property of a public housing development would face fines up to \$5,000 or would be banned from the property of the housing authority. While Wyden admitted that public housing residents and their visitors did theoretically have a constitutional right to have guns, he pointed to legislation that Virginia had passed and other states had proposed to ban public housing residents and their guests from having guns on the premises.<sup>5</sup> The provisions within the bill therefore took seriously tenant self-determination and reflected a desire to protect vulnerable tenants from harm. It did so, however, in part based on a belief in male public housing residents’ greater criminality.

For politicians and a significant proportion of tenants alike, empowerment and criminalization became ever more intertwined throughout the last two decades of the twentieth century. At the same time, public housing residents, like many other Americans, feared crime and worried about the proliferation of guns and other weapons. Yet, the gun-free public housing legislation threatened to override public housing tenants’ due process rights, like the provisions in the Anti-Drug Abuse Act of 1988 and the Cranston-Gonzalez Act. The Wyden and Lewis bill also understood the criminalization of the “problem” tenants as a step in the path to empowerment of the “decent” public housing residents.

Unlike the Lewis-Wyden bill, Durbin’s bill, which he first introduced in 1991 and reintroduced in April 1994, was more punitive and focused only on the criminal nature of public housing tenants and their guests. Durbin introduced his legislation in April 1994 by calling attention to the extreme levels of crime in public housing. He said, “The proliferation of violence, including

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<sup>5</sup> 103-2, HR 4062 March 16, 1994, vol 140, no 29, pg E457

the scourge of gun violence, in public housing is well documented.” Durbin continued, discussing the “dramatic... increase” in “weapons seizures in public housing facilities” since 1990.<sup>6</sup> He then specified the provisions in the bill: “My legislation, ... would prohibit the possession of an illegal firearm on public housing property, punishable by up to 5 years in prison, a \$5,000 fine, or both.” As public housing residents earned a median income of \$7,267 per year in 1993, a fine of \$5,000 was not just punitive but cruel. The legislation would also enable housing authorities to get funding from the Drug Elimination Program for metal detectors and gun-lockers in order to assure enforcement with a ban or restriction. Moreover, “It would also prohibit, with certain exceptions, the reckless discharge or attempted discharge of any firearm on public housing property.”<sup>7</sup>

In some ways, this legislation, while more explicitly punitive than that proposed by Wyden and Lewis, was redundant. The legislation was a further ban upon already illegal firearms, rather than a ban on legally purchased guns; the legislation would not create new criteria for determining the legality of a gun. Instead, it proposed to punish public housing tenants or their guests who procured an illegal firearm more severely than any other group. Thus, Durbin’s legislation would have, had Congress passed it, perhaps doubly punished public housing residents. The Wyden and Lewis bill would have done more to actually take more guns out of public housing.

The protection and punishment these anti-gun bills offered had racialized and gendered implications. In Durbin’s speech from the House floor, he mentioned the mothers and children whom he sought to protect through the enactment of his legislation. Wyden discussed the tenant activists who came to his and Lewis’s offices. Public housing tenant activists were disproportionately

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<sup>6</sup> The difference in the two bills was apparent in their names. Lewis and Wyden titled theirs the “Safe Public Housing Act.” Durbin called his “the Gun-Free Public Housing Zones Act of 1994.” Durbin cites weapon seizures from Chicago public housing authority developments in particular, many of which were likely seized as a result of “Operation Clean Sweep,” a controversial Chicago Police Department effort organized with the director of the CHA, Vincent Lane. Several CHA tenants had filed a lawsuit with the ACLU to prevent Operation Clean Sweep as a violation of their due process rights and as an illegal search and seizure.

<sup>7</sup> 140 Cong Rec E 690; Vol 140 No 42 pg E690; April 18, 1994; Session 103-2;

Black mothers. Thus, three powerful politicians saw themselves as, at least in part, protecting vulnerable Black women in public housing. At the same time, though, most conversations about crime in public housing during this time evoked—implicitly if not explicitly—Black men, who most imagined to commit the crimes that endangered public housing tenants. So, these politicians may have seen themselves specifically protecting Black women against dangerous Black men—their brothers, sons, fathers, and partners. Under these bills, male residents and/or guests of public housing were not envisioned as rightful gun owners who could protect their homes with force if necessary. Through this legislation, congresspeople considered who got to be a victim of gun violence and who was allowed to own guns. These bills implied the citizenship of Black women but not of their male relatives, even as the bills also exhibited some degree of paternalism toward these women.

Efforts to enact stricter gun prohibitions in public housing in early 1994 may have in part resulted from increased gun violence in the Robert Taylor Homes in Chicago in the first months of the year. Local and national politicians, including Durbin, a representative from Illinois, expressed concerns with gun violence in the high-profile Chicago Housing Authority regularly. On April 22<sup>nd</sup> 1994, several politicians came together in Chicago for a Congressional hearing on “Safety and Security in Public Housing,” chaired by longtime affordable housing advocate Henry Gonzalez. This hearing occurred not only in light of recent gun violence, but also on the heels of three major developments in Chicago-specific and national crime fighting in public housing efforts. First, on April 7<sup>th</sup>, 1994, Federal District Court Judge Warren Anderson declared that Operation Clean Sweep, a joint project of the Chicago Housing Authority and Chicago Police Department to rid the CHA of crime, violated public housing residents’ Fourth Amendment rights. Subsequently, Attorney General Janet Reno sent a letter to President Clinton outlining various mechanisms for preventing and stamping out crime in public housing, including through sweeps and “consent searches.”



Finally, Clinton announced his own set of guidelines for law enforcement and public housing authorities. These developments rendered the hearing an important referendum on the extent of public housing tenants' constitutional rights, on the sweeps as a form of crime control in public housing, and finally revealed the range of positions different stakeholders held in terms of fighting crime in public housing.

Judge Anderson's decision against the sweeps as a violation of public housing residents' Fourth Amendment constitutional protections in some ways marked a surprising break from judicial precedent that may have underscored the severity of the violation as Anderson understood it. Throughout the 1980s and 1990s, the Supreme Court "eviscerated Fourth Amendment protections against unreasonable searches and seizures by the police" in cases related to the War on Drugs, according to legal scholar Michelle Alexander. "Justice Thurgood Marshall felt compelled to remind his colleagues that there is, in fact, 'no drug exception'" for the Fourth Amendment in the Constitution. Justice Stevens expressed similar concern, writing in a dissenting opinion that in twenty-seven out of thirty cases regarding the Fourth Amendment and drug-related criminal activity heard by the Court from 1982 to 1991, the Court had upheld the constitutionality of the search or seizure. Stevens wrote that such decisions "will support the conclusion that this Court has become a loyal foot soldier in the Executive's fight against crime."<sup>8</sup>

Anderson ruled in favor of the tenant complainants represented by the ACLU, finding that the CHA had repeatedly carried out these searches without probable cause and had caused some tenants irreparable harm. Anderson outlined various changes that the CHA and CPD could

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<sup>8</sup> Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, New York City: The New Press, 2010. Revised edition, 61-66. Alexander argues that the 1968 case *Terry v. Ohio*, in which the Supreme Court ruled that officers could stop-and-frisk those they thought showed "reasonable" signs of suspicion laid the groundwork for the evisceration of the Fourth Amendment as it applied to impoverished Black and Brown people, especially. Vesla Weaver and Amy Lerman also discuss the evisceration of the Fourth Amendment and the importance of *Terry v. Ohio* in *Arresting Citizenship: The Democratic Consequences of American Crime Control*, Chicago: University of Chicago Press, 2014, 41-45. Lerman and Weaver also discuss the racial and class impact of similar sweeps in New York City public housing.

undertake in order to bring Operation Clean Sweep into accordance with the constitutional rights of CHA residents. These steps included receiving written or oral consent from tenants and/or acquiring warrants before conducting sweeps of any individual unit or set of units. Judge Anderson also stated that sweeps of common areas not specifically leased to any tenant were legal. Finally, he declared that in exigent cases of “clear and present danger” sweeps could take place without warrant or consent.<sup>9</sup>

A week after Judge Anderson’s decision, Reno sent a letter to President Clinton delineating her plan to address the presence of crime and drugs in public housing in the wake of the ruling. Reno proposed six major guidelines for enhancing the safety of public housing developments. The first proposal drew from defensible space ideologies in its call to “erect fences around public housing buildings, issue identification cards to tenants, and install metal detectors.” Second, Reno recommended that security search any guests or visitors of public housing and frisk any that looked “suspicious” or like they might be holding a weapon. She further suggested that public housing developments should “refuse entry to anyone who does not submit to such inspection.” Reno proposed that law enforcement officials conduct warrantless searches of common areas and vacant units. She told PHAs to “include noncoercive consent clauses in lease agreements permitting routine warrantless apartment by apartment police searches for illegal weapons and illegal drugs.” Lastly, Reno proposed that police conduct “warrantless searches of individual units where there is justification for a search but insufficient time to obtain a judicial warrant.”<sup>10</sup>

All together, these guidelines represented the impulse to criminalize and punish public housing residents. And unlike in more public facing speeches or documents, which often used the language of the denial of due process rights for “criminal” tenants as a means of empowering the

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<sup>9</sup> Pratt v. Chicago Housing Authority, 848 F. Supp. 792 (N.D. Ill. 1994).

<sup>10</sup> “Safety and Security in Public Housing” house hearing before the subcommittee on housing and community development under the committee on banking, finance, and urban affairs” April 22, 1994, 103-2; p 10.

“good” tenants, Reno’s emphasis lay solely on punitive measures local housing authorities and law enforcement institutions could implement. This letter responded to the Federal District Court decision protecting tenants’ rights against warrantless and illegal search and seizure of their property by trying to reestablish sweep guidelines that toed the line Judge Anderson set. The letter demonstrates the extent to which the most powerful prosecutor in the country understood public housing tenants as a criminal class whose constitutional rights threatened the overall safety of the nation, particularly within the framework of a “war on drugs.” Finally, Reno’s letter underscores the great degree of continuity between the Bush and Clinton administrations with respect to public housing tenants.

Just two days after Reno’s letter, President Clinton laid out policies for law enforcement and public housing authorities to follow in addressing issues of crime and drugs in public housing. Clinton stated that law enforcement officers could and should perform sweeps of common areas and vacant units. Clinton and Cisneros also called for “noncoercive” searches by residents who consented “orally or in writing on the spot” as well as “in advance.” Cisneros, in discussing this guideline, made sure to declare that he had “seen this system work. It is not coercive. Persons can refuse the consent and there are no consequences for that.” He continued, “We are not saying that people have to consent in order to get housing. We do not believe that a condition for housing ought to be signing that consent in advance.” Notably, though, retaliatory evictions constituted a significant part of the original impetus residents had to organize against the sweeps. Finally, “warrantless searches which the judge in his opinion indicated could be conducted where there are exigent circumstances,” constituted the last type of sweep Clinton recommended. Cisneros noted that the definition of “exigent” was key here. Cisneros clarified that exigency referred to situations in

which, for example, people were shooting weapons, “the intensity of shots, where they're coming from, and how quickly the response is.”<sup>11</sup>

The Clinton administration maintained its investment in the sweeps first popularized by Kemp during the Bush administration as a key means of combating crime in public housing. While some public housing residents encouraged politicians to have a more expansive understanding of security that encompassed job creation, healthcare, and other forms of governmental support, Clinton’s new guidelines focused on the punitive actions governmental institutions could pursue. Furthermore, like the Bush administration, Clinton’s administration actively pushed against the boundaries of the rights of public housing tenants.

On April 21<sup>st</sup>, the Senate passed a resolution in support of the Clinton administration’s guidelines. Illinois Senator Carol Moseley Braun told the hearing the next day that she had written the resolution in collaboration with her Republican colleague from Kansas, Bob Dole, as well as fellow Democrats Paul Wellstone from Minnesota and Paul Simon from Illinois. The resolution listed findings that included: one, that “it is a fundamental obligation of the government to protect its citizens;” second, that “in many federally financed public housing projects, the level of violence has reached epidemic proportions, threatening on a daily basis the lives of the majority of tenants who are law abiding.” Accordingly, the resolution endorsed various components of Reno’s and Clinton’s guidelines, including encouraging public housing authorities to erect fences around the buildings, issue mandated identification cards to tenants, install metal detectors, and search nonresidents who entered the buildings.<sup>12</sup> The Senate, through this resolution, expressed their bipartisan support for the sweeps as a means of addressing the disproportionate crime in public housing. Again, whereas previously the Senate may have gestured to the empowerment of tenants

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<sup>11</sup> “Safety and Security in Public Housing,” 16-18.

<sup>12</sup> “Safety and Security in Public Housing,” 9-10.

when discussing anti-crime policies and procedures, this resolution emphasized the sweeps and the Clinton guidelines as protective measures, but did not explicitly tie them to the empowerment of public housing residents.

During the April 22<sup>nd</sup> hearing, then, a variety of stakeholders in public housing in Chicago and nationwide responded to these recent events and the legal and policy questions that informed them, reflecting a wide range of positions. Some of the political leaders expressed disagreement in terms of how police sweeps impacted public housing tenants' rights. Most importantly, though, tenants articulated their understandings of what was at stake with the sweeps and Judge Anderson's ruling. They revealed strong differences of opinion in terms of how they thought of their rights and their ability to live safely and peacefully in their homes.

William Bryson, representing the Clinton administration in his capacity as an Associate Attorney General of the U.S., strongly supported Clinton and Reno's guidelines and argued that they did not breach constitutional protections afforded to public housing residents. Bryson immediately declared, "law and order and the Constitution are not at odds. They can coexist and they must coexist." These guidelines did not even "challeng[e] the limits of what the fourth amendment guarantees to every American," he said. As Bryson concluded his remarks, he reiterated that the sweep guidelines the Clinton administration had sanctioned fell within the "very well established fourth amendment practice of conducting frisks on reasonable suspicion," though he noted that "there are other steps that do involve potential invasions of fourth amendment rights, and we recognize that." Bryson emphasized the need to define "exigent" circumstances that might necessitate warrantless searches and seizures within the limits of the law and to keep consent clauses in public housing leasing agreements "reasonable," and that administrators could perform searches of units with a "reasonable scope" as long as the "need is great, if the nature of the intrusion is kept to a minimum, and particularly if it's the product of an uncoerced consent on the part of the

tenant.”<sup>13</sup> Of course, the potentially wide-ranging understandings of “reasonable” and “uncoerced,” were central to the question of to what extent local housing authorities and law enforcement officials as well as judges respected public housing tenants’ Fourth Amendment rights.

Chair of the proceedings, Texas representative Henry Gonzalez, and Illinois representatives Cardiss Collins and Bobby Rush all indicated they doubted Bryson’s claims regarding the constitutionality of Clinton and Reno’s guidelines. Collins called into question to what extent public housing residents had power to “consent” to searches or sweeps of their units. The congresswoman said, “If an applicant for a Chicago Housing Authority apartment is mandated to sign a lease containing such a clause in order to get into housing that that person will be signing away his or her fourth amendment rights, ... I believe such a requirement would be coercion of the highest level.” Though Collins did not indicate this, even if such clauses were not written into leases, fears over retribution for refusing Chicago Housing Authority administrators or police officers into units during sweeps also muddled the definition of coercions. Gonzalez also warned against “throw[ing] away constitutional protections in order to retain control.” He said, “I believe in law and order and the Constitution, too, but I have always said that you can’t have law and order until you first have law and justice.” Gonzalez defined justice as access to jobs, education, and hope. Finally, Bobby Rush declared, “Sweeps are not the answer, and frankly, we must not perpetuate the violation of residents’ constitutional rights or even place pressure on them to give up their own fundamental rights.”<sup>14</sup>

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<sup>13</sup> “Safety and Security in Public Housing,” 23-24; Dan Carter, *The Politics of Rage*. Elizabeth Hinton, *From the War on Poverty to the War on Crime*. Loïc Wacquant. Michelle Alexander, *The New Jim Crow*. James Forman, *Locking Up Our Own*. Kevin Kruse, *White Flight*. Matthew Lassiter, *The Silent Majority*. Bryson’s language regarding law and order and constitutional protections in some ways echoed Jack Kemp’s repeated declarations of being both tough on crime and tough on due process when it came to public housing and crime.

<sup>14</sup> “Safety and Security in Public Housing,” 2, 8, 4. Significantly, Bobby Rush whet his political chops as a founder of the Illinois chapter of the Black Panther Party decades before this hearing.

The tenants who testified in the hearing responded to Judge Anderson's ruling and the testimony of politicians with thoughtful meditations on how they understood their rights and place within American society more generally. Three resident witnesses testified in support of the sweeps and one against them. Some who supported the sweeps questioned the legitimacy of applying constitutional rulings to public housing when Black Americans had been protected so little by the constitution over the course of American history. Ethel Washington, the lone opponent of the sweeps asserted her opposition by claiming liberties and rights essential to America's idea of itself and compared sweeps to the apartheid regime in South Africa. On the whole, the four women who came before the hearing revealed the range of opinions tenants had in terms of how best to live well in public housing. Fourteen-year-old Tiffany Hudson described her home, the Robert Taylor homes, as "repulsive." However, using the language of personal responsibility Hudson argued that, "it's not all CHA's fault... destructive people tore the improvements" CHA had made to prevent crime "down just as fast as they were put up." Hudson compellingly ended her testimony by stating "they said that the sweeps were unconstitutional. To me, it's unconstitutional for a gang banger to kill another man over foolishness."<sup>15</sup>

Seventy-eight-year-old grandmother and Chicago public housing resident of over thirty years, Artensa Randolph, also called into the question Judge Anderson's ruling with regard to the constitutionality of the sweeps. She testified, "I am 78 years old and I have never known that Afro black Americans had constitutional rights because when they brought us over here on the boats, I'm sure we didn't have no voice about where we were coming and what we were going to do." Randolph continued, submitting that Judge Anderson may have interpreted the law correctly, "but," she said, "I'd still rather trade rights for the life, and that's the sad reality of the safety situation in public housing. A dead person has no rights." She continued, arguing, "the fact that we would

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<sup>15</sup> "Safety and Security in Public Housing," 55-56.

willingly relinquish this constitutional right in order to restore some semblance of peace in our development is an indication of ... the 30 years of neglect by HUD toward the problems and people in public housing communities.” While Tiffany Hudson expressed support for the sweeps through the language of personal responsibility, Artensa Randolph clearly placed a significant amount of blame for the conditions of public housing and the struggles of the people within them at the hands of the government and HUD in particular. If in her 78 years she had yet to receive the full support of the constitution or the federal government, Randolph reasoned that she might as well allow the Chicago police to prevent her from harm at the hands of her neighbors.

The third tenant witness, Mary Baldwin, also blamed structural inequality and the lack of jobs for much of the violence, but indicated that she thought the sweeps had been “decent” in her homes, not unconstitutional. Baldwin also said that she and her neighbors in public housing loved where they lived, and told the media and politicians to stop condemning them. In her testimony, Baldwin attempted to protect public housing as an institution as well as those within it. The sweeps had allowed many including Baldwin to not only stay in their homes, but feel safe in them, too. She heartbreakingly noted that she no longer had to go to as many funerals in the wake of the sweeps.<sup>16</sup>

Significantly, Randolph disclosed that while several tenants had joined the ACLU in their opposition to the sweeps, the Central Advisory Council of residents for the Chicago Housing Authority had voted to join the housing authority against the ACLU in support of the sweeps. Randolph declared that the ACLU prevaricated when they said that they represented the majority of residents. As Fritz Umbach, James Forman, Jr., and others have shown, Black political leaders and public housing tenants alike called for increased security initiatives as an issue of civil rights, even if they also pushed for other reforms that might mitigate inequality. Randolph’s testimony reveals then that crime in public housing was not a matter of tenants versus police departments and the housing

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<sup>16</sup> “Safety and Security in Public Housing,” 53-54, 63-64



authorities. Instead, it was a more complicated consideration of how tenants might protect their physical safety and their rights before the law. And though Randolph argued that the federal government caused many of the problems the residents of the CHA faced, she also pushed for the federal government's role in fixing the problem, specifically by sending the National Guard to "close off escape routes in our developments" so that those who contributed to the violence could not just move from one building to another. Finally, Randolph asserted that she was "fighting for the rights of the residents."<sup>17</sup> The residents who supported the sweeps spoke of the CHA's criminalizing project not as a means of achieving empowerment but as something perhaps more basic—protecting their rights and their lives.

Ethel Washington, a resident who had lived in the Robert Taylor homes for twenty-five years, broke ranks with the other residents at the hearing. She was one of the plaintiffs responsible for getting the ACLU involved in this suit against the CHA and the sweeps, having called the ACLU after the CHA and Chicago Police Department targeted her unit. In recounting her experience with the sweep to those at the hearing, Washington said, "I had never been subjected to anything such as this." She remembered coming home from a doctor's appointment "feeling good" because the doctor had given her "a good bill of health." When she got off the bus, though, her daughter told her that she could not go into her apartment. Trying to enter the building, Ms. Washington came across a "big, tall policeman" who asked her who she was and then asked for her ID. She responded to the policeman, stating, "I don't have any special picture ID. I'm just coming from the doctor." The policeman instructed her to "get a picture taken and then... come back" to show it to him. Washington countered. "I said no, no. This is not South Africa.... I don't have to have that, not to go and come where I live. I will not say 'Yes, master,' to anyone. I didn't say it in the South. I will

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<sup>17</sup> "Safety and Security in Public Housing," 53-54. James Forman, Jr., *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Straus and Giroux, 2017). Fritz Umbach, *The Last Neighborhood Cops: The Rise and Fall of Community Policing In New York Public Housing* (New Brunswick: Rutgers University Press, 2011).

not say it in the North.” While Artensa Randolph had argued that the Constitution had rarely if ever protected Black Americans, Ethel Washington asserted, “I will continue to go after my Constitution, regardless of who says that you have to give it up. That I will not give up for anybody.... Do not persecute me because I have a right to stand for what I believe.” Moreover, Washington, like Randolph, discussed her role as a mother and grandmother, her desire to protect her family from violence. Washington testified that she knew violence in CHA developments existed and created real problems for she and her neighbors, but, she said, “who put that violence there? I do not... deny that [violence] is there and it was pushed upon us.” Additionally, while Washington acknowledged interpersonal violence contributed to a dangerous environment in her development and others, she also argued that the structural violence enacted upon public housing residents by governmental institutions was the more pressing problem, which she argued could be ameliorated through education and jobs for public housing residents.<sup>18</sup>

The hearing and all the decisions that led up to it showed the major viewpoints in regard to crime in public housing and how to deal with it. The testimony of the various witnesses revealed the fault lines within and between different public housing stakeholders, including residents, in terms of what it meant to protect residents and/or their constitutional rights. Moreover, the residents’ testimony underscored how much they had at stake in terms of the decisions politicians and the courts made regarding the operation of public housing. Three out of the four Black women who testified did so in a way that asked for the protection of governmental entities, even if it meant the limiting of their constitutional rights. In this context, the Lewis-Wyden bill becomes an answer to these women’s desires for safety, security, and peace in their homes and complicates the

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<sup>18</sup> “Safety and Security in Public Housing,” 59-61. As Elizabeth Hinton discusses, at some major public housing authorities, tenants were required to present IDs to enter their homes.

understanding of legislators' responsibility to the needs of their constituents and to upholding the rights constituents are supposedly guaranteed by the Constitution.

### **Where Does Public Housing Go from Here?**

As public housing stakeholders debated how to best address crime in public housing, they also considered more totalizing reform initiatives for rethinking how low-income people might receive governmental aid in finding and keeping affordable housing. Whether or not politicians considered public housing part of the failed welfare state in 1993 and 1994, they and those who lived and worked in public housing continued debating methods for public housing improvement or reform, especially for those developments designated troubled or severely distressed. Many in the Clinton administration hierarchy and in the GOP expressed support for pushing Section 8 as a viable alternative to traditional multifamily public housing. Section 8 achieved, in the minds of its supporters, the kind of public-private partnership the Clinton administration and other DLC Democratic leaders championed for the country.

However, tenants testifying before Congress expressed concern that a preference for Section 8 would lead to the demolition and disposition of hard (i.e., existing) units of traditional multifamily public housing. Tenants almost always supported one-for-one replacement of public housing if demolitions or rehabilitation became necessary. They reported their desire to maintain if not increase the amount of "hard" public housing units that existed. They did not want PHAs to transition more and more residents to Section 8 and other tenant-based assistance in which tenants were required to find their own housing. They wanted to protect the institution of public housing as it existed at that moment, which they understood as also protecting their means of sheltering themselves. Irene Johnson said, "I do agree that some of the severely distressed buildings should be demolished, but they all should be replaced." Johnson also stated that public housing homeownership should not be mandated, though she said that those who wanted to participate in it should. Other tenants reported

to the directors of their local housing authorities that they sometimes struggled to find placement with Section 8 vouchers—especially when they had children.<sup>19</sup> Johnson and others questioned the stipulation that tenants who received federal assistance for housing find housing in neighborhoods without a strong concentration of poverty. She told the hearing that this posed a problem, as “Other neighborhoods don’t want us in there.” Finally, Johnson told Illinois Senator Carol Moseley Braun that while Section 8 seemed popular among legislators, it would not serve all of the 184,000 people in Chicago who needed affordable housing.<sup>20</sup>

LHA administrators also discussed their thoughts and concerns over the future of public housing, weighing the possibility of transitioning to tenant-based assistance—assistance to individuals—rather than project-based assistance to public housing developments. David Gilmore, the Executive Director of the San Francisco Housing Authority (SFHA) and a representative for National Association of Housing and Redevelopment Officials (NAHRO), took a hardline approach against replacing any traditional public housing units with Section 8 or public housing homeownership, let alone failing to replace on a one-for-one basis. He testified in 1993 that, “In San Francisco, with one notable exception, there has been no new permanent public housing built in the city since the 1970’s, particularly for families, where the need is greatest.” This reality, which Gilmore indicated resulted in part from the lack of support public housing received from the Reagan administration, meant that the government was unable to meet the housing needs of low- and very low-income Americans. Accordingly, Gilmore stated that Congress and LHA administrators had to preserve all the public housing that remained. He said, “I believe that public housing in its conventional form is a precious national resource, and it oughtn’t to be dispersed. We oughtn’t to be

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<sup>19</sup> As Matthew Desmond chronicled in his book, *Evicted*, there is no enforcement mechanism for the law preventing landlords from discriminating against families with multiple children, which disproportionately impacts impoverished families with children, especially non-white families.

<sup>20</sup> Techniques for Revitalizing Severely Distressed Public Housing, May 11, 1993. Subcommittee on Housing and Urban Affairs. Senate; Committee on Banking, Housing, and Urban Affairs. 103-1. 19

dispersing it through any mechanism.” Finally, Gilmore also reminded those at the hearing that in fact, “conventional public housing as a means of housing low-income people is much cheaper and will always be much cheaper” than Section 8 vouchers.<sup>21</sup>

James Stockard, the commissioner of the Cambridge, Massachusetts Housing Authority backed Gilmore’s statement and reported that the residents of his housing authority had surprised him with their preference for remaining in traditional public housing over taking the “choice” offered by Section 8. Stockard and the housing authority had decided to demolish and rebuild their public housing development and had asked tenants whether they would prefer to be rehoused in public housing or to receive Section 8 vouchers. “Eighty percent chose another public housing unit.... [T]he resident body... said, listen, when I go to the private market, there are lots of unknowns, and my long-term security is not so clear.” These tenants said that a variety of circumstances could result landlords legally and even fairly evicting them, leaving them with “no place to go.” They said that the residents of some neighborhoods would not accept them into their communities and that private landlords of low-income housing might not be responsive to maintenance requests or other emergencies. For all these reasons and more, the Cambridge tenants wanted to remain in traditional multifamily public housing. James Stockard reported this to the hearing and opined that “we’re going to need the public sector to continue to play a role in the housing arena... [at least] until the attitudes and the approach to housing by the private sector is different.” Stockard did express interest in developing more mixed-income public housing, but he felt strongly that the federal government should maintain its involvement in public housing.<sup>22</sup>

Part of what made Section 8 seem appealing to lawmakers—apart from the retreat from the public commitment to housing impoverished citizens—was that it, in theory, using Section 8

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<sup>21</sup> Techniques for Revitalizing Severely Distressed Public Housing. 6, 37, 42

<sup>22</sup> Techniques for Revitalizing Severely Distressed Public Housing. 19-20, 27

vouchers instead of maintaining public housing development sites would respond to critics' accusations that these developments warehoused the poor in prison-like complexes in major cities. In addition to Section 8, many politicians and administrators also began supporting transitioning the public housing developments that did exist from homes for the very low-income only to more mixed-income communities that included a broader range of income from working class residents who also lacked affordable housing on the private market. While politicians had considered the potential benefits of a more mixed-income public housing since at least the 1970s, in the 1990s this became a more politically popular means of attempting to address the issues of public housing. Many who promoted a transition to mixed-income public housing did so not only to diminish racial and class segregation as an inherent issue of inequality, but also because they subscribed to the belief that poverty resulted from individual choices that could be influenced for the better by contact with the theoretically more mainstream and self-reliant values of working- and middle-class neighbors and behaviors.

Support for Section 8 during the 1990s underscored the long strain of the emphasis on the individual in American politics. Section 8 particularly appealed to people who thought that marginalized people should seek out their more privileged brethren who could provide examples for how to behave and act in a way that would engender their social mobility, emphasizing interpersonal interactions and individual behavior rather than structural change. Moreover, embedded in the 1990s push for mixed-income public housing and Section 8 was the notion that public housing residents would be more empowered by living in mixed-class neighborhoods than by PHAs rehabilitating public housing developments that continued to serving primarily low and very low-income tenants. In other words, behind the support for mixed-income public housing lay a belief that shifting resources away from extremely low-income residents toward less low-income people would somehow help the extremely low-income residents. HUD and politicians pursued Section 8 to

disperse poverty rather than ensuring that poverty did not negate access to services including education, healthcare, housing, transportation, and jobs.

In 1993, Democratic Maryland Senator Paul Sarbanes asked witnesses in a hearing to respond to the competing arguments that public housing should serve the poorest of the poor and the most vulnerable or that doing so constituted “decapitating the tenant population” by “cutting off the more successful ones who can provide leadership and stability.” Sarbanes received several different answers. Chicago public housing tenant Irene Johnson responded that public housing developments should have at least a partially mixed-income group of residents with low- or moderately low-income in addition to very low income. This, she argued, would ensure that the lowest income residents and their children would have role models who could help foster a work ethic in those who continued to rely on welfare.

David Gilmore of the San Francisco Housing Authority disagreed. “Senator, we aren’t adequately serving the poorest of the poor now,” he said, reminding the Senator that thousands of families in San Francisco alone would not get off public housing waiting lists “in the foreseeable future, because there isn’t enough housing.” Accordingly, Gilmore wanted Congress and HUD to focus on adequately serving the extremely low income families they housed currently. James Stockard from Boston said that he had seen successful mixed-income public or semi-public housing in Massachusetts, and thought the rest of the country should expand the program and in doing so, to learn from the models to which he referred. Finally, Senator Moseley Braun suggested that transitioning to mixed-income public housing developments might be one approach among several “that will give people opportunity, allow people to provide and do for themselves, allow people to be mainstreamed.” These, she said, should be the goals Congress worked toward in regard to public housing at that time.<sup>23</sup>

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<sup>23</sup> Techniques for Revitalizing Severely Distressed Public Housing, 14, 25.

One year after Sarbanes asked that question, another Congressional hearing, “Public Housing: Vacant Units, Wasted Federal Dollars,” showed that while the public housing administrators had stressed the need for hard units the year before, legislators and HUD administrators were increasingly concerned with expeditiously disposing of vacant units in troubled housing authorities either through rehabilitation or demolition. Collin Peterson, a Democratic-Farmer-Labor Party Congressional representative from Minnesota who chaired the hearing, called it in order to assess the federal requirement that each demolished or dispossessed public housing unit had to be replaced with another one in kind, also known as the one-for-one replacement requirement. Peterson wanted to assess the requirement’s efficacy based on the experience of housing authority administrators as well as HUD officials. While some directors of public housing authorities bemoaned the one-for-one replacement requirement, others defended its necessity, pointing to the insufficient supply of affordable housing and the lack of new public housing construction. Politicians across the political spectrum, though, seemed fairly united in their frustration with the one-for-one replacement requirement.

Many if not all of the stakeholders concurred with the basic premise that long-vacant units not only jeopardized the housing security of potential tenants “languishing” on waiting lists, but also on the security of the developments. Peterson argued that poor management and poor oversight enabled “Troubled housing authorities fail to renovate thousands of vacant units while tens of thousands of people languish on waiting lists.” Peterson shared some findings from a recent report overseen by HUD’s Inspector General, including that many of the housing authorities HUD deemed “troubled” when they created that designation in 1979 remained troubled. Accordingly, Peterson called for “a complete overhaul” of public housing.<sup>24</sup>

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<sup>24</sup> Hearings: Public Housing: Vacant Units, Wasted Federal Dollars. March 22, 1994. Subcommittee on Employment, Housing, and Aviation, Committee on Government Operations. House: Committee on Government Operations. 103-2.



What Peterson did not state is that public housing authorities in large cities often housed overwhelmingly nonwhite and deeply impoverished families, many headed by single women. In other words, housing authorities were disproportionately underserving these residents, as opposed to residents who lived in well-functioning public housing developments. Such developments were mostly designated for elderly and disabled populations, which also tended to be whiter and to live in areas with a lower concentration of poverty. Therefore, the designation of “troubled” applied to housing authorities and to tenants who were predominantly unmarried Black mothers and their children. Significantly, Peterson also made a parallel between the three strikes you’re out federal sentencing guidelines and troubled public housing, tying not only public housing residents but the buildings themselves to ideas of crime. He said that HUD and the federal government should institute accountability measures that mirrored three strikes and you’re out policies. While many politicians, PHA administrators, and mainstream media outlets criminalized public housing tenants, Peterson criminalized the authorities themselves.<sup>25</sup> In criminalizing the authorities and developments themselves, Peterson undermined the legitimacy of public housing as a policy program in addition to implying the criminality of those who lived within it.

Congress had legislated the one-for-one requirement in 1988 in an attempt to prevent the Reagan and Bush administrations from getting rid of public housing in a piecemeal fashion through a program of underfunding HUD while approving public housing demolitions. Notably, this law allowed Section 8 certificates and housing vouchers to be included as a minority of the replacement housing. Still, Peterson said, the “The intent of this law—to preserve the stock of low-income housing—is important, and I think we all agree with that. But the law itself causes problems.” Peterson said that the law, as written, created a Catch-22 in which housing authorities could not demolish buildings unless they could replace each unit, but they did not have enough money to

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<sup>25</sup> “Public Housing: Vacant Units, Wasted Federal Dollars,” 1-3.

replace each unit. In practice, this meant that public housing authorities left units vacant year after year, preventing people from getting off of the waitlist and also making buildings less safe and secure for the residents who stayed there. Moreover, housing authorities continued to get operating funds for vacant units, meaning that some less than scrupulous housing authority administrators felt no incentive to rehabilitate vacant units. Peterson ended his opening statement stating that he was considering introducing legislation that would do away with the one-for-one replacement rule.<sup>26</sup>

Susan Gaffney, HUD's Inspector General, came before the hearing and offered a somewhat contradictory statement in which she at once acknowledged the need for public housing units and recommended increasing the flexibility of the one-for-one replacement requirement. Gaffney agreed with Peterson that the one-for-one requirement could be burdensome to PHAs for a number of reasons. She said that relief could include various options, such as new or different ratios than one-for-one or the exclusive use of Section 8 certificates or housing vouchers for replacement housing. Gaffney and her team made these recommendations despite the report's declaration that "Public housing has become housing of last resort... while public support for the program has eroded, demand for the dwelling units remain strong," including over 100,000 families on waiting lists for large troubled PHAs alone. Thus, while the report acknowledged the continued need for low-income housing assistance, Gaffney's recommendations failed to account for residents' desires for more traditional multifamily public housing.<sup>27</sup>

Gaffney told those in attendance at the hearing that the lack of flexibility in demolition and disposition statutes reflected legislators' concerns that localities would use flexibility to slowly cut away at public housing units as a means of getting rid of the program overall. She said, "there are a number of people who are very concerned that if given the option, localities would whittle away at

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<sup>26</sup> "Public Housing: Vacant Units, Wasted Federal Dollars," 2-3. Significantly, Neither Peterson nor his colleagues considered just increasing appropriations so that LHAs could negate the Catch-22 by sufficient funding.

<sup>27</sup> "Public Housing: Vacant Units, Wasted Federal Dollars," 21-29, 40.

the public housing stock until very little would be left. And the reason for not giving flexibility was because of that terrible concern... that we need public housing.” While Gaffney noted that this had not worked as a means of saving functional and healthy public housing, she also noted that she was not sure how to move forward, as it was likely that PHAs would diminish the number of units they offered significantly over time.<sup>28</sup>

Joseph Shuldiner, the Assistant Secretary for Public and Indian Housing, expressed somewhat tepid support for the-one-for-one replacement, noting the need for flexibility in its implementation. Still, he underscored the continued need for public housing. He said, “in general, I think the Department supports the concept of one-for-one replacement.” This support emerged from the fact that while there were 1.4 million units of public housing in the U.S., “the waiting lists exceed 1 million families and they would be larger if it weren’t for the fact that some housing authorities have closed their waiting lists.” Shuldiner testified that he thought there were two major areas where HUD could ameliorate the issues that arose as a result of the replacement rule. First, he said that HUD recommended allowing Section 8 to constitute up to half of replacement units when over 200 units were slated for demolition. Second, he recommended better funding for HUD and also greater flexibility in how PHAs could spend moneys allocated for modernization, rehabilitation, or new construction, so that the guidelines were not quite so cumbersome.<sup>29</sup>

At the end of the hearing, Peterson was unconvinced. True to his word, Peterson introduced legislation targeting the one-for-one replacement rule. On April 28, 1994, Peterson spoke on the House floor, declaring that his legislation included a three-part plan to reform public housing. His bill, Peterson said, would “abolish the one-for-one replacement rule; allow public housing authorities to use their development funds for new construction if it costs the same or less to renovate” and

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<sup>28</sup> “Public Housing: Vacant Units, Wasted Federal Dollars,” 132.

<sup>29</sup> “Public Housing: Vacant Units, Wasted Federal Dollars,” 144.

require HUD to cede troubled housing authorities to private management firms after 5 consistent years of maintaining “troubled” status. While the legislation did not move beyond its relevant House subcommittee, the next year Congress did repeal the one-for-one replacement.<sup>30</sup>

### **The End of Public Housing as We Know It?**

The repeal of the one-for-one replacement requirement in many ways foreshadowed what the last years of the century would bring with respect to public housing. Peterson ostensibly introduced the bill in order to ensure that public housing authorities would not be hamstrung by a lack of funds for both demolition and reconstruction of the same number of properties. Moreover, Peterson and others believed that by demolishing vacant units in which drug deals sometimes occurred, the repeal of the one-for-one requirement would protect public housing tenants and would-be tenants from the crime that sometimes corresponded with vacant units. In other words, the repeal would help public housing authorities better serve their tenants. However, Congress ignored the testimony of concerned tenants and administrators in issuing the repeal. Moreover, the repeal, as Gaffney had indicated in her testimony, created more space for PHAs and the local government to retreat from traditional multifamily public housing units.

In 1995 and 1996, the Clinton administration made major changes in public housing policy and practice, stating tenants’ empowerment as the ultimate goal. Yet, tenants played an increasingly minor role in shaping policy in the last years of the twentieth century, when the number of Congressional hearings on public housing began to diminish alongside the number of tenants called to testify. During 1993 and 1994 Congress and the Clinton administration had at least made a show of asking tenants for their perspectives on public housing policy. Throughout the rest of the Clinton administration, public housing officials would use the language of empowerment, and yet they often failed to ask public housing tenants what empowerment meant to them.

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<sup>30</sup> 140 Cong Rec E 803; April 28, 1994; Collin C Peterson of Minnesota.

As the language of empowerment re-entered the lexicon for the last several years of the Clinton administration, the language and policies of criminalization also continued and expanded. The 1994 Crime Bill had devastating consequences for low-income Black and Brown men. In the wake of the unmitigated disaster of the midterm elections for the Clinton administration, the Clinton team turned to welfare reform as a primary means of getting back in the good graces of American voters—never imagined as public housing residents—going into the 1996 re-election campaign. The Clinton administration used thinly veiled language that signaled the criminality and pathology of poor Black single mothers, many of whom lived in public housing. This language and the ideologies that undergirded it facilitated politicians' work to overhaul policies for both welfare and public housing, most notably the Personal Responsibility and Work Opportunities Act (PRWOA) and the One Strike Act. Both policies criminalized low-income Black women and their children, punishing them for their poverty, race, and gender, and serving as a gendered means of more fully implicating them into the carceral state.

## Chapter 6: The End of Public Housing As We Knew It, 1995-2000

“I feel that even when residents have erred, and [are] going to be punished by the courts, and given some kind of punishment..., that then to lose your housing is double jeopardy.” So declared Tampa Housing Authority resident and activist Connie Burton, referring to the impact of President Bill Clinton’s One Strike Act in October 2001.<sup>1</sup> By 2001, the punitive consequences of the 1996 act for people living in public housing were becoming increasingly apparent, as families like Burton’s faced eviction and ineligibility from public housing for knowing someone who had allegedly participated in criminal activity.

President Bill Clinton introduced the One Strike Act in his 1996 State of the Union Address and Congress passed it in the lead-up to the 1996 election as part of the HOPE Extension Act of 1996. One Strike mandated that public housing authorities evict tenant families when a tenant, their family member, friend, or guest participated in criminal activity, especially if it was drug related. Specifically, the act stated “that public housing agencies... exercise no discretion” in the case of such occurrences. The act also expanded public housing tenants’ responsibility for their family members and guests, as it required the eviction of public housing residents when a family member or guest was implicated in criminal activity *anywhere*—not just on or near public housing property. Moreover, the legislation established that public housing authorities screen not only those convicted, or even arrested, of substance abuse, but “it also allowed agencies to bar applicants *believed* to be using illegal drugs or abusing alcohol.” While some provisions of the act seemed merely to repeat provisions of the Anti-Drug Abuse Act of 1988, in other ways the One Strike Act went further and had much more severe ramifications for families living in public housing. In fact, Clinton and Congress

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<sup>1</sup> Cheryl Rodriguez, “‘We Came With Truth’: Black Women’s Struggles against Public Housing Policy,” In marylin m. thomas-houston and Mark Schuller, eds. *Homing Devices: The Poor as Targets of Public Housing Policy and Practice*. (Lanham: Lexington Books, 2006), 89.

supported the act in part because officials with the Department of Housing and Urban Development (HUD) and local housing authority administrators had tellingly hesitated to implement the Anti-Drug Abuse Act of 1988 provisions for evictions based on alleged criminal activity for fear that it violated public housing tenant's constitutional rights.<sup>2</sup>

While policymakers, the media, and mainstream Americans have tended to associate criminality with Blackness, masculinity, and poverty—an association borne out of the over-incarceration of low-income Black men—the One Strike Act enacted disproportionate civil punishment on low-income Black women. The specific stipulations of the policy and the discourse around it implicitly targeted low-income Black women in a space of historical consequence and resistance for women—the home—even as politicians promoted the act as something that would keep the other residents (largely women) safe. By rendering leaseholders civilly responsible for the allegedly criminal actions of their family members and guests, the One Strike Act criminalized extremely-low-income Black women and exacted punishment on them for being poor, Black, female, and reliant on public housing. Often public housing authorities (PHAs) and police departments punished the women of public housing through their association with their male relatives and friends who may or may not have been subject to incarceration, but certainly were subject to surveillance and policing. The passage and implementation of the One Strike Act transformed public housing as a place in which America's punitive turn specifically targeted and affected low-income women of color.

Many public housing tenants, including Connie Burton, argued that the One Strike Act represented part of an overall strategy to depopulate public housing as HUD began the process of attempting to convert most if not all public housing to mixed-income developments through HOPE

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<sup>2</sup> Michelle Alexander, *The New Jim Crow*, 142; Housing Opportunity Program Extension of 1996, [Public Law 104-120](#), Mar. 28, 1996. Rodriguez, 82.

VI. Congress had enacted HOPE VI in 1992 in response to the National Commission on Severely Distressed Public Housing. The goal of the legislation was to create a program in which local housing authorities (LHAs) would work with partners in the public and private sectors to foster the self-sufficiency and self-reliance of public housing tenants through service provisions, policing, and major rehabilitation of the physical developments. Most of the time, HUD envisioned that HOPE VI would also deconcentrate poverty by demolishing and rehabilitating the most troubled public housing developments and turning the new or updated developments into mixed-income communities. While HOPE VI differed from location to location, in the name of public housing tenant empowerment, developments often allocated only about one-third to one-half of the amount of original public housing units for low-income residents in the newly renovated mixed-income communities.<sup>3</sup> By law, LHAs had to relocate tenants displaced through renovations, which they did by providing tenants with Section 8 vouchers and less frequently by rehousing residents in other public housing developments. As Burton and other residents understood it, then, depopulating a development through One Strike and HOPE VI would mean that LHAs had fewer tenants to rehouse.

Even if housing authority administrators, HUD officials, and Congressional representatives did not understand One Strike as an instrument of depopulation, widespread bipartisan support for HOPE VI and other major public housing reform initiatives during this time reflected two important developments in political ideas about public housing tenant empowerment. First, the Clinton administration continued on the path of its GOP predecessors in tying the empowerment of low-income nonwhite people to self-sufficiency, but took it a step further. Unlike the Bush and Reagan administrations, the Clinton administration cited empowerment as a key policy goal for public housing reform (as well as simultaneous welfare and educational reform). However, the

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<sup>3</sup> *Homing Devices*, 28.



Clinton administration, as well as the majority of both Republican and Democratic policymakers at this time, understood empowerment as an accomplishment for individuals or at most a small community that by definition, could not be achieved through policy implementation. This allowed the government to reduce the role they played vis-à-vis public housing and its tenants. Moreover, public housing families who failed to achieve self-sufficiency or empowerment through the new reform initiatives including HOPE VI could only blame themselves. Furthermore, over the course of the Clinton presidency, Congress and HUD cut the budget for public housing by a whopping \$17 billion, even while touting their desire to empower tenants. Between both HOPE VI and the budget cuts, the federal government indicated to tenants that not only was empowerment something they had to achieve as a matter of personal responsibility, but that cutting the budget would perhaps foster greater personal-responsibility-as-empowerment amongst public housing residents.

Second, while HUD, Congress, and the Clinton administration pursued public housing tenants' empowerment, they increasingly did so without heeding the concerns public housing resident activists and advocates voiced. Throughout the 1980s and into the mid-1990s, Congress had held hearing after hearing addressing issues in public housing in which they sought the testimony of tenants. Yet, between 1995 and 2000, Congress called fewer and fewer hearings, and even stopped inviting public housing tenants to participate in the hearings they did hold. Thus, as various entities within the federal government ostensibly sought to empower public housing residents, they also made little effort to find out what the people they were trying to serve needed or wanted.

The dual policy agenda of pushing for public housing residents' empowerment-as-self-sufficiency while simultaneously implementing draconian anti-resident crime policies created the context in which the federal government stopped supporting traditional multifamily public housing. By defining empowerment in individual terms while criminalizing public housing residents as a class,

political powerbrokers in Washington significantly diminished the number of families being served through traditional multifamily public housing.

In this chapter, I start with HUD's 1995 "Blueprint for Reinvention," a plan to dramatically transform the nature of public and subsidized housing, which reflected the ideological underpinnings of the centrist Democratic Leadership Council and underscored the success of late twentieth century conservative ideologies. The blueprint marked a critical turning point away from traditional multifamily public housing but couched this transition in the language of individual choice and empowerment, signaling policymakers' increasing understanding of empowerment as an individual accomplishment. However, even as Congress and HUD promoted this more individual notion of empowerment in general, they also questioned whether resident empowerment initiatives could continue operating both efficiently and without fraud, revealing how interconnected the ideas of empowerment and criminalization had become in regard to public housing. Even as Congress considered this question, public housing tenants testified to their experiences in and desires for public housing. Tenants argued that the public housing reforms recommended in the blueprint would disempower them and fought back against ideas of tenants as criminal. The back and forth between congressional representatives and tenants during 1995 and 1996 constitutes the second section of this chapter.

The third section of the chapter contains a discussion of the One Strike Act and its inclusion of Black women into the carceral regime, though not necessarily through the traditional criminal justice system. The chapter ends with a discussion of the Quality Housing Work Responsibility Act (QHWRA) and the Faircloth Amendment, which finalized some of the transformations set forth in the blueprint for reinvention and led to a dramatic reduction in the number of multifamily public housing units. This left thousands of families at the mercy of discriminatory Section 8 and private rental markets. Between the severe consequences of One Strike and the diminishing number of

multifamily units as a result of HOPE VI, QHWA, and the Faircloth amendment, public housing reform from 1995-2000 proved central to the country's transition from the welfare state to the carceral state, ending both public housing and welfare as the country had known it.

### **The Blueprint for Reinvention**

In the final decades of the twentieth century, the language of the Left came to serve unintended purposes in the efforts of right-wing activists who sought to defeat the gains of liberatory movements. Politicians, pundits, and grassroots communities fighting school desegregation, the Equal Rights Amendment, and open housing, increasingly appropriated the language of the Left while pushing for conservative policies. The Right and the center-right deployed the Left's rhetoric to undermine the movements from which these words emerged and to promote neoliberal policies and practices that privileged the individual and maintained the racial, class, and gendered hierarchies that privileged middle- and upper-income heterosexual white men and women. Specifically, many of these conservative efforts promoted individual choice, especially in reference to schools and housing. Of course, financially secure white families' emphasis on individual choice reflected their relative abundance of potential options from which to choose. The language of individual choice obscured the institutional and social power dynamics that empowered or limited the ability of people to obtain and make decisions about the most basic of needs.<sup>4</sup>

The politics of individualism transgressed partisan boundaries. The ascendance of Ronald Reagan represented the triumph of these ideas and conservative organizing, but it was the election of Bill Clinton, former chairman of the Democratic Leadership Council, which further reinforced

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<sup>4</sup> Matthew Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2006). Joseph Crespino, *In Search of Another Country: Mississippi and the Conservative Counterrevolution* (Princeton: Princeton University Press, 2007); Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2001). Kim Phillips-Fein, "Conservatism: A State of the Field"; Nancy MacLean, *Democracy in Chains: The Deep History of the Radical Right's Stealth Plan for America* (New York: Penguin Random House, 2017). Bethany Moreton, *To Serve God and Wal-Mart*. Bryant Simon, *Hamlet Fire: A Tragic Story of Cheap Food, Cheap Government, and Cheap Lives*. New York: The New Press, 2017.

the success of conservatism. Al From, with Al Gore, Dick Gephardt, Clinton, and others, had initially formed and joined the DLC to influence the Democratic Party leaders to adopt a more centrist ideology with the ostensible goal of winning elections by attracting middle-class white voters who had been turned off by the Democratic Party's alignment with movements for racial justice, feminism, gay rights and AIDS prevention, and other movements, back to the Party. The DLC sometimes touted the politics of the so-called third way—a third way between the progressive or radical leftward politics of the Democrats and social movements in the 1960s and 70s. The DLC wanted to “reinvent” the government. They agreed with Reagan that the government had gotten too big and unwieldy and that governmental subsidy programs directed toward impoverished people failed to promote the classic American value of hard work. So, they wanted to streamline federal bureaucracies as well as subsidy programs to make the government more efficient and more cost effective and to “promote work and responsibility.” The Clinton administration promoted these values—using the language of “choice,” “opportunity,” and “empowerment,”—through welfare reform, school choice and charter school initiatives, and public housing reform in particular. From 1995 through the end of 2000, the Clinton administration pursued dramatic transformations of public housing. In all three policy arenas, the Clinton administration made personal responsibility and self-sufficiency a centerpiece for its support of a reduced welfare state, particularly as it served low-income, nonwhite Americans.<sup>5</sup>

In January 1995, in the wake of the Democrats' stunning defeat in the midterm elections to Republicans' Contract with America, HUD, under the leadership of Secretary Henry Cisneros,

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<sup>5</sup> Kevin Mumford, “Untangling Pathology: The Moynihan Report and Homosexual Damage, 1965-1975,” *Journal of Policy History* Vol 24(1), 53-73. Darryl Michael Scott, *Contempt and Pity: Social Policy and the Image of the Damaged Black Psyche, 1880-1996*, University of North Carolina Press, 1997. Premilla Nadasen, *Welfare Warriors*. Felicia Kornbluh, *The Battle for Welfare Rights*. Lisa Levenstein, *A Movement Without Marches*. Julilly Kohler-Hausmann. Martin Gilens, *Why Americans Hate Welfare*. Melissa Harris-Perry, *Sister-Citizen: Shame, Stereotypes and Black Women in America*, Yale University Press, 2011. Patricia Hill Collins, *Black Feminist Thought*. Ange-Marie Hancock, *The Politics of Disgust: The Public Identity of the Welfare Queen*, New York University Press, 2004. Annelise Orleck, *Storming Caesar's Palace*. Wahneema Lubiano, ed. *Race-ing Justice, Engendering-Power*. For more on education reform, see Monica Kristin Blair.

undertook a major transformation of public housing through what they called a blueprint for reinvention. The blueprint, revised and disseminated to Congress that March, in part responded to GOP efforts to get rid of HUD as a Department and Cabinet position altogether. It articulated a clear shift in the nature and purpose of federal support for public housing moving forward. In the document, Cisneros and HUD outlined a path forward for public housing in which HUD would shift from funding public housing developments to providing housing assistance directly to tenants through certificates (mostly Section 8) that they could use in either HUD-owned or privately-owned units. In other words, HUD would transition from providing project-based assistance to offering tenant-base assistance. This blueprint contained many of the same buzzwords that had come to be associated with public housing reform, including resident empowerment and self-sufficiency. Congress successfully passed several pieces legislation aimed at enacting the blueprint in the years between 1995 and 1998.

HUD's March 1995 blueprint for reinvention aligned with the larger DLC Democrat and Clinton administration goals to "reinvent the government." Many of the new directions for public housing included in the document drew on previous policy ideas that had been up for discussion since the Nixon administration, like mixed-income housing and replacing public housing with Section 8 certificates. Still, this was the first time that the department tasked in part with providing housing assistance declared its intention to stop supporting public housing by building and maintaining publicly owned housing developments. Inherent in the transformation of public housing that the document outlined was a purposeful retreat from serving the most impoverished and vulnerable families.

The introduction to the blueprint declared that HUD had heard the American people's desire for a more efficient and less costly government. The authors then described the many initiatives they proposed as means of improving public housing, which they would do in large part

by empowering public housing tenants through heightened individual choice. The blueprint also made use of the discourse surrounding welfare reform and underscored the importance of personal responsibility and productivity as the natural result of such self-sufficiency. For example, it stated, “Low- and moderate-income families should have greater power to make decisions about their lives, and the government should support their quest for self-sufficiency; HUD and its grant recipients will respect individual choices, most notably by issuing vouchers and certificates” to allow public housing residents to find their own shelter. It continued, “HUD will promote the primacy of work and individual responsibility.” Governmental officials blamed public assistance programs for poverty by arguing that these programs deprived poor Americans of self-sufficiency and personal responsibility rather than examining the structural forces that left over 6 million families without adequate shelter and income. These arguments echoed scholars and journalists’ contentions that redistributive anti-poverty programs caused the very poverty they had been created to address, in no small part because they engendered laziness and discouraged people from working.<sup>6</sup>

The “dramatic transformation of public housing” represented one of the central and most successful components of the blueprint for reinvention. Under this transformation, public housing authorities would have three to seven years, depending on size, to completely shift from project-based to tenant-based assistance for resident recipients. PHAs would demolish “the worst public housing developments” which HUD estimated at about 100,000 units, as a first key step in this transition. Ending the one-for-one replacement requirement was central to the ability of PHAs to implement the first stage, and the blueprint said as much. Congress repealed this requirement in July 1995, about four months after receiving the final draft of the blueprint from HUD. In stage one, PHAs would also rehabilitate the units they maintained to attract tenants who would be able to pay a

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<sup>6</sup> HUD Reinvention: From Blueprint to Action: Summary. United States, DC, U.S. Dept. of Housing and Urban Development, March 1995, 2-3. In terms of anti-poverty programs causing poverty, see, for example, Charles Murray, *Losing Ground*.

fair market rate. Ultimately this would diminish the amount of federal subsidies PHAs relied upon and would make such developments mixed-income.<sup>7</sup>

Significantly, HUD did want to ensure that at the beginning of the transition local PHAs would prioritize low-income families making up to fifty percent of the local area median income. Still, HUD stated that this was only to last during the transition. The goal in the end was to “enable the localities to assess their own needs and priorities rather than adhere to federal guidelines that focus on serving the poorest families first.” In fact, once the transition was fully in place, LHAs would have to adhere to a federal guideline stipulating that up to fifty percent of assistance should be directed toward families “moving toward economic independence ahead of other families.” Furthermore, they reflected a reemergent belief that the federal government should not support the poorest because they could not be, nor did they deserve to be, helped, a racialized concept.<sup>8</sup> In some ways, then, both welfare and public housing reform functioned as a form of punishment in which the federal government denied public assistance to the most impoverished specifically because they were the most impoverished. The result of this was to, at least in theory, return public housing to those for whom it was originally intended—working-class white families.

The blueprint sold the transformation using language that emphasized choice and responsibility, implying both that the reforms would empower public housing tenants with the freedom to choose their own living environments and would require them to more fully “contribute

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<sup>7</sup> HUD Reinvention: From Blueprint to Action: Summary, 7-9

<sup>8</sup> HUD Reinvention: From Blueprint to Action: Summary, 9-10. In some ways, this emphasis on localities echoed the impulse of New Federalism the Nixon administration had tried to implement. On racist pathologies of poverty, See Kali Gross, *Colored Amazons: Crime, Violence, and Black Women in the City of Brotherly Love, 1880-1910* (Durham: Duke University Press, 2006). Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity* (Chapel Hill: University of North Carolina Press, 2016). Cheryl Hicks, *Talk with You Like a Woman: African American Women, Justice, and Reform in New York, 1890-1935* (Chapel Hill: UNC Press, 2010). Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016.) Lindsey Jones, Dissertation, “‘Not a Place of Punishment’: the Virginia Industrial School for Colored Girls, 1915-1940,” The University of Virginia, 2018. Talitha LeFlouria, *Chained in Silence: Black Women and Convict Labor in the New South* (Chapel Hill: UNC Press, 2015). Khalil Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge: Harvard University Press, 2010).

to society.” HUD said that this transformation would be a shift from funding bureaucracies to funding people. The blueprint indicated that HUD envisioned some multifamily public housing developments would still exist, but that residents would pay through Section 8 certificates or similar programs. It also put forth proposals for encouraging private landlords to accept housing certificates by relaxing requirements. For example, landlords would be able to be more selective in accepting applicants relying upon housing certificates and would be able to evict these residents without cause. Landlords, including local housing authorities, would also be able to deny applicants “based on previous behavior such as not paying rent, engaging in criminal activity, using or selling drugs, etc.” In line with HUD’s stated principles, HUD declared, “This new approach will encourage and reward work and other self-sufficiency efforts” by privileging certificates for working families and requiring “non-working, able-bodied assistance recipients to perform community work.” Per the blueprint, “Tenant rights must be matched with responsibilities,” including community service and employment. The community service requirement and relaxed landlord regulations were ultimately enacted in 1998 legislation.<sup>9</sup>

In the years following the 1969 Brooke Amendment, presidential administrations and Congress had taken steps that both intentionally and unintentionally diminished the power of public housing as a policy program. The blueprint for reinvention functioned as a nail in the coffin of federal commitment to traditional multifamily public housing. Congress did not pass all of the initiatives delineated in the blueprint, but it did approve of and/or pass a significant portion of them related to the transformation of public housing, which reflected the ideologies of legislators who came into the House and Senate in 1995 as part of the Contract with America. The blueprint for

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<sup>9</sup> HUD Reinvention: From Blueprint to Action: Summary, 6-7. The blueprint also aligned itself with the principles of new urbanism, and gestured toward HUD’s role in encouraging gentrification by introducing legislation that would “Prevent properties from becoming or continuing to be a blight on the communities where they are located, and instead manage and sell the properties in a way that will contribute to neighborhood revitalization.” 15.



reinvention underscored the fact that the central governing body in charge of public housing, HUD, under the leadership of Henry Cisneros in Clinton's first term, fundamentally believed multifamily public housing developments had failed. Moreover, the Clinton administration accomplished what Republican administrations before had failed in overseeing legislation that would significantly erode federal support for traditional multifamily public housing. While democratic legislators would likely have fought tooth and nail against a Republican-led abandonment of multifamily public housing as such, the Clinton administration, with a Republican majority in Congress, was able to push through legislation that would completely reorient the role that the federal government played in terms of sheltering impoverished citizens.<sup>10</sup>

### **Criminalization and Empowerment in Resident Management: Residents Speak Back**

Even as HUD and Congress worked toward the transformation of public housing under the guise of helping tenants to empower themselves to become self-sufficient, the House Oversight Committee spent considerable time in late 1995 and 1996 considering the efficacy of the biggest program dedicated toward tenant empowerment, the Tenant Opportunities Program (TOP). These high-profile hearings became sites of contest between emboldened conservative reformers and defensive public housing tenants and their allies. HUD created TOP in 1994 to widen the scope of tenant empowerment programs beyond resident management. The expansion beyond resident management mostly included programs intended to promote work, which HUD thought would lead to self-sufficiency. HUD's handbook declared that "The TOP program is designed to prepare residents to experience the dignity of meaningful work, to own and operate... businesses, to move toward financial independence, and to enable them to choose where they want to live and engage in meaningful participation in the management of housing developments in which they live." Taken at

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<sup>10</sup> Significantly, HUD did not call for an overall transformation of public housing for the elderly or the disabled, whose populations tended to be whiter and faced less stigma from journalists, policymakers, and mainstream Americans.

face value, these goals are laudable and likely reflected many tenants' desires. However, many tenants expressed a desire to stay in public housing even as they sought to improve it, and HUD intended TOP to serve as a mechanism through which to enable tenants—particularly extremely-low-income tenants—to move out of public housing and into the private rental market.<sup>11</sup>

From November 1995 through the first half of 1996, the House Oversight Committee, chaired by Connecticut Republican Christopher Shays, looked into the allocation of TOP funds, ostensibly to assess the potential for abuses of the monies. The content of the hearings that emerged as part of the committee's investigations reflected not only shifts in the ways in which politicians understood empowerment, but also the extent of the overlap between criminalization and empowerment of public housing tenants. Shays called the first hearing in order to determine whether the National Tenants Organization (NTO) had engaged in fraud by receiving TOP funds from tenants who attended their 1995 national conference, held in Puerto Rico. New Jersey Republican representative William Martini called for the hearing by submitting to the committee a flyer advertising the conference, which he found "obscene" because, as he understood it, the flyer failed to promote work.<sup>12</sup> The hearings criminalized NTO and public housing tenant organizations for participating in a conference in Puerto Rico and led the committee to further investigate all TOP programming as potentially fraudulent.

Shays, Martini, and many of the other representatives there argued that this flyer, and the conference it advertised, represented a potentially criminal use of taxpayers' funds for a vacation. The NTO's flyer said that Puerto Rico offered all sorts of entertainment opportunities, which participants could take advantage of beyond the conference hours of 9 to 5. The title of the first hearing, "Wasteful Management of HUD Funds in Public Housing Tenant Programs," reflected the

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<sup>11</sup> [Tenant Opportunities Program.](#)

<sup>12</sup> Wasteful Management of HUD Funds in Public Housing Tenant Programs 1-2, 7-8.

increasingly popular ideology that public assistance programs directed at the poor constituted a waste of “productive” taxpayers’ monies. Moreover, Shays said, “I am troubled ... that...this flyer basically didn’t promote work.” Tellingly, many, including HUD Inspector General Susan Gaffney, believed that it looked improper for HUD to be sending impoverished public housing tenants to Puerto Rico for a conference, implying that the government should not send poor people to fun, beachside locations when they were supposed to be working and learning. Martini said, “This is exactly the type of waste, fraud, and abuse that sickens the American people, ... [that] their tax dollars should be funding an unforgettable vacation for public housing recipients.” He continued, “In my opinion, if it is determined that these seminars are, in fact, necessary, then I believe it would be more appropriate for residents to attend regional seminars instead of Caribbean excursions.”<sup>13</sup> For those who believed that HUD had engaged in “flagrant misuse of Federal funds,” this conference, and HUD’s supposed role in it, represented “a telling example of big Government that has grown out of control, largely due to waste, fraud and abuse,” Martini stated.<sup>14</sup>

While many politicians and committee members expressed outrage over what they understood as the (at best) unscrupulousness of HUD’s actions, the two Black Democratic committee members—New York congressman Edolphus Towns and Pennsylvania congressman Chaka Fattah—cautioned the subcommittee against taking punitive actions against public housing tenants. They particularly chided the committee for singling out public housing tenants for inefficient use of a relatively minor amount of governmental funds while turning a blind eye to similar activities that occurred in more prestigious governmental entities serving primarily white and middle- or upper-middle-class citizens. Towns and Fattah questioned, if not the overall need for the hearing, the tone and attitude of those outraged by public housing tenants’ participation in a

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<sup>13</sup> In fact, one of the requirements embedded within TOP was that residents who were to receive TOP funds attend mandatory seminars and training before receiving more than \$5,000.

<sup>14</sup> Wasteful Management of HUD Funds in Public Housing Tenant Programs 1-2, 7-8, 89-90, 65.

biannual national conference held by the most prominent tenant advocacy nonprofit. Fattah read into the record a very similarly worded flyer for a Department of Defense conference held in Hawaii that year. Gaffney admitted to Fattah and the subcommittee that governmental entities had sponsored, held, and/or allocated funds toward other such conferences.<sup>15</sup> Fattah told his fellow members of the subcommittee that it was punitive to hold public housing residents and advocacy organizations to a higher standard than other governmental organizations and entities. Towns questioned the need to have the hearing at all, noting that the \$25 million allocated for TOP represented “the total of Federal housing dollars provided directly to residents living in Federal housing.” Not only was this \$25 million a small percentage of the overall budget, but that it was “a miniscule percentage of the HUD \$7.5-billion budget,” which Fattah said, “somehow takes on the significance of the entire national debt in the hands of the tenants.”<sup>16</sup>

While the Oversight Committee was well within its rights to investigate the use of HUD funds for this conference, committee members indicated that this hearing was not the norm, that they were not monitoring other governmental institutions as closely. Moreover, the committee investigated the only program that provided public housing residents directly with resources, a program that dispersed \$25 million total out of the governmental output of \$1.52 trillion for fiscal year 1995 speaks to the disproportionate concern and distrust, if not outright criminalization, many of the committee directed towards public housing residents and those associated with public housing. And while at times the use of TOP funds by tenant organizations and the NTO could have been more tightly managed, this intense scrutiny of resident management practices and of resident

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<sup>15</sup> Significantly, while HUD and the Puerto Rican Public Housing Authority did provide funds for residents to attend the conference, and even held their own training sessions and participated in the conference, the NTO was not a governmental organization, nor was this a HUD-sponsored conference. It was, though, HUD promoted.

<sup>16</sup> Wasteful Management of HUD Funds in Public Housing Tenant Programs, 69, 100, 2.

uses of governmental monies ultimately enabled politicians and administrators to step back from their commitment to traditional multifamily public housing.

During the several months of the committee's probe into the use of TOP funds the conversations transitioned from uncovering potential fraud in the case of one conference to an overall assessment of the efficacy and probity of TOP and tenant empowerment writ large. Within three hearings, the shift in committee members' focus from fraud to empowerment initiatives reveals how closely the impulses of empowerment and criminalization had become intertwined by that point. When Shays opened the first hearing in 1995, he explicitly stated that neither he nor the investigation would "challenge the goals of tenant empowerment initiatives," that resident management was important and could be successful. Still, in the next breath, Shays said that he had "serious concerns" that "In the Tenant Opportunities Program, the potential for inappropriate expenditures for travel and consulting services raises questions about both the design of the program and HUD's monitoring to ensure TOP grant funds are used effectively." Responding to allegations that he and the subcommittee were being overly punitive toward public housing residents, Shays stated that his harshness on residents was meant to ensure their empowerment. HUD's misallocation of TOP funds, Shays said, "thwarted... tenant aspirations to self-sufficiency."<sup>17</sup>

Months later, Shays continued to cite empowerment as his goal for tenants and to articulate his concern regarding improper use of funds through the language of empowerment, revealing just how dramatically the meaning of the word had shifted from the days of tenant organizing in the late 1960s and early 1970s. In February 1996, he declared, "The misuse of these funds for a paid vacation is a dagger in the heart of tenant empowerment efforts and if not corrected will result in the

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<sup>17</sup> Wasteful Management of HUD Funds in Public Housing Tenant Programs, 1-2.

complete elimination of a vital program [TOP].”<sup>18</sup> Shays responded to the concerns of Towns, Fattah, Cardiss Collins, and John Conyers, Jr., declaring, “I want to assure... you, because I know very sincerely that you believe that tenant organizations need to be empowered and that we need to do more, not less. It would be hypocritical, in my judgment, to suggest that somehow we shouldn’t empower people. That’s a word we all use.”<sup>19</sup> The fact that Shays, as a representative of the Republican Party chairing the hearings, claimed empowerment as a Republican as well as a Democratic imperative reflected a significant shift from just a few years previously, when the Bush administration wrung its hands over HUD Secretary Jack Kemp’s use of the same term. While Shays admittedly considered himself a moderate conservative and some viewed him as a Party “maverick,” his claim that everyone had ownership over the word empowerment underscored how the meaning of the term had become so closely tied to the notion of individual advancement, of “pulling oneself up by the bootstraps.” Moreover, as more people and political institutions claimed to promote “empowerment,” the term became increasingly malleable, such that it had different meanings for different stakeholders and therefore became increasingly meaningless.

Tenants and tenant advocates who testified before the committee throughout this period also noted the connections between criminalization and empowerment. They called particular attention to the use of ideas about public housing resident management fraud to undermine both resident management and public housing as a whole, which they argued functioned to disempower them, rather than to encourage self-sufficiency. Maxine Green, the president of the NTO, stated, “It is ironic that this hearing occurs at the time when the NTO is currently concerned with the massive

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<sup>18</sup> While Shays continued to call the convention a paid vacation, Gaffney and the HUD IG’s report found that public housing residents who attended found the convention unorganized and overpriced, but still personally rewarding and informative. HUD Management of Tenant Initiative Programs, 15.

<sup>19</sup> HUD Management of Tenant Initiative Programs; Hearing before the subcommittee on Human Resources and Intergovernmental Relations of the Committee on Government Reform and Oversight; House; 104-2; February 29, 1996, 57.

efforts underway to dismantle the public housing program.” Green continued, “we believe that the investigation has distracted HUD’s personnel and the NTO Board from focusing on the true problem—literally the survival of public housing.”<sup>20</sup> Green pointed to the overly punitive actions of the committee towards institutions and people who tended to be very low-income, who were disproportionately Black and Brown, and predominantly unmarried women and their children. Green especially articulated what was at stake in the actions of the committee—the survival of public housing as a policy program.

Bertha Gilkey, a well-known and well-respected public housing tenant activist, argued to the committee that TOP served an essential function in resident management and empowerment as it was the only program through which residents received funds directly rather than through PHAs. This was especially true, Gilkey said, when PHAS saw resident management as a threat. She stated that the skills of public housing resident management corporations and associations related directly to adequate resources and respect from governmental entities, including residents’ local housing authorities. She wrote, “Resident Councils fail to achieve Resident Management... all across the country because bad PHA’s Limit, Intimidate, and Control the funds available to Resident Organizations for Training, Technical Assistance, Economic Development, and Empowerment.” She argued that resident groups had to receive adequate funding in order to receive adequate training. Significantly, in her written testimony, Gilkey stated that as the Clinton administration and Congress continued to cut budget for public housing and other public assistance programs, it was essential for resident programs to maintain access to “capital and operating funding to empowerment/self-sufficiency activities.”<sup>21</sup>

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<sup>20</sup> Wasteful Management of HUD Funds in Public Housing Tenant Programs, 69, 100, 2; HUD Management of Tenant Initiative Programs, 57.

<sup>21</sup> HUD Management of Tenant Initiative Programs, 107-108, 115, 118.

The testimony of public housing residents in this hearing reveals the contested nature of the meaning of empowerment at this time. Many of the public housing residents and advocates who served as witnesses explicitly indicated to those on the committee that HUD's current efforts at tenant empowerment under the auspices of "reinvention" in fact disempowered the residents. As with the conversations around what public housing residents needed to attain self-sufficiency, the concerns residents voiced in this hearing—especially those regarding the new plans for widespread public housing demolitions—were not new. In hearings in previous administrations, residents had discussed their feelings of disempowerment when PHAs moved forward with demolition plans with little or no resident involvement. In his testimony, Arthur Haywood, an attorney who represented the Philadelphia-based Abbotsford Homes Tenant Management Corporation, identified "the vouchering out of public housing... and demolition" in particular as "a threat that could be grave for ... resident management sites."

Shays asked Haywood if Congress and HUD should not be pursuing "creative ideas" like Section 8. Haywood replied, "if you are looking at the question of how the individuals become more self-sufficient," whether it made more sense to "give them a voucher to live in some neighborhood or are they going to be more self-sufficient if they receive... services from an organized group of people who are" making a concentrated effort in one area. Haywood told Shays he believed self-sufficiency programs would have greater success when they could help groups of people at a time, rather than one person at a time.<sup>22</sup> While both Haywood and Shays expressed concern with empowering public housing residents, the "creative" means Shays promoted—"vouchering"—represented a way to empower individuals, rather than to empower a class of marginalized people. Haywood, on the other hand, implied that public housing residents could better achieve self-sufficiency as a group or community.

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<sup>22</sup> Developing of Successful Public Housing Resident Management, 16-17, 45-46.



Gilkey and other residents reiterated Haywood's concerns regarding the threats of "vouchering" and demolitions. She stated that it was ridiculous for Congress and HUD to, after \$5 trillion and thirty years, that "we sit here in 1996 and the only solution we have in stabilizing public housing authorities' mismanagement of public housing throughout the country is to demolish... 100,000 units" in the next four years. Moreover, Gilkey debunked the notion that demolition necessarily meant saving money, referencing a recent demolition in St. Louis that had cost \$17 million. "So I don't want everybody to think that demolition is something that is cheap and something that the taxpayers do not pay a gross number for." Chicago public housing resident and RMC leader Arlene Williams explained that in the case of her PHA, Cabrini Green, the city and the PHA "want to demolish all the buildings in Cabrini because of the land," which was very valuable and close to the gentrifying downtown Chicago. Significantly, Gilkey tied the problems with demolition to the relocation of public housing residents, and the problems with vouchers, saying, "the very vouchers that we are talking about issuing, even the Congressmen who are voting for the vouchers do not want those people in their neighborhoods. So where are they going to go?"<sup>23</sup>

Loretta Hall, leader of another RMC in St. Louis, Carr Square, agreed with Gilkey on the question of where residents would go and the ties between demolition and vouchers. She said that she had attended a HUD conference the weekend before and, "residents are real upset about the new directions of HUD," particularly that HUD "announced they would be demolishing... 100,000 units." Hall told Shays and the subcommittee that residents felt concerned that they would, yet again, be excluded from the decisionmaking processes surrounding demolition, would lose housing, and would receive vouchers that lasted only a handful of years. Hall noted that she and other residents "take self-sufficiency very seriously," but that she felt that HUD and Congress should focus on helping public housing residents where they lived. Like Haywood, these residents suggested

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<sup>23</sup> Developing of Successful Public Housing Resident Management, 49-51, 179-180.

that all HUD's and politicians' emphases on the "choice" tenant-based public housing would provide failed to take residents' desires into account and would fail to promote empowerment or self-sufficiency.<sup>24</sup>

These hearings revealed the increasingly diverging understandings of empowerment amongst policymakers and public housing tenants. They also underscored the extent of the connection policymakers made between ideas of empowerment and self-sufficiency and criminalization. Finally, residents' testimonies highlighted the precarious nature of public housing that had resulted in large part from the collision between policy attempts to empower and to criminalize tenants of public housing to date.

### **The One Strike Act and the Gendered Dimensions of the Carceral Regime**

In 1996, the Clinton administration undertook two major reform initiatives that criminalized low-income Black women in particular: welfare reform and One Strike. These policies punished low-income Black women for their poverty, their reliance on governmental assistance, their Blackness, and their mothering. These policies fully incorporated Black women into the carceral regime, through institutions adjacent to rather than part of the traditional criminal justice system. The shift in the meaning of empowerment, together with the widespread criminalization of public housing residents, represented a critical moment in the transition from a welfare state into a carceral state in the U.S.

"One Strike is the toughest admission and eviction policy that HUD has implemented," HUD declared triumphantly in its first assessment of One Strike. Where the Anti-Drug Abuse Act of 1988 and the Cranston-Gonzalez Affordable Housing Act of 1990 had essentially laid out slightly less punitive eviction policies and left it up to PHAs to implement them, One Strike demanded that PHAs change their leases to reflect the new legislation. HUD did not demand particular language

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<sup>24</sup> Developing of Successful Public Housing Resident Management, 144.

within the leases, but they did mandate that each PHA change its lease in accordance with the legislation, making it clear to current and prospective tenants that “an entire household can be evicted or denied housing if a housing authority has reasonably determined that any member or guest of a household is engaging in illegal drug use or criminal or other activities that interfere with... residents’ peaceful enjoyment of the public housing community.” Significantly, a pamphlet HUD disseminated that April to help PHAs implement the act stated, “It should be noted that arrest and conviction are no longer necessary to trigger One Strike evictions or to deny admissions.” HUD acknowledged that some PHAs had initial trouble implementing the screening aspect of the law, as some states had legislation in place prohibiting law enforcement agencies from “provid[ing] housing authorities with criminal checks.” Accordingly, HUD communicated to PHAs that they *expected* PHAs to “Lobby state law enforcement personnel and State legislature members to change pre-existing law to enhance One Strike.”<sup>25</sup>

Still, HUD gestured toward tenant rights, telling PHAs that they “must protect the due process rights of tenants.” The scope of “protection” HUD delineated, however, did not require PHAs to hold separate grievance procedures when states had their own judicial eviction procedures. Moreover, HUD encouraged PHAs to “establish an expedited grievance procedure or exclude from its grievance procedure any grievance concerning an eviction that involves any activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or employees of the PHA or any drug-related criminal activity on or off the premises.” HUD told PHAs that evicted tenants could respond to a notice of eviction in a court of law, rather than through grievance procedures in the PHA.<sup>26</sup> However, the Legal Services Corporation had prohibited its attorneys from representing public housing tenants being evicted due to drug-related activity at the behest of

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<sup>25</sup> Meeting the Challenge: Public housing authorities respond to the ‘One Strike and You’re Out’ initiative, HUD, Sept. 1997, v, xvii, 23-24, 30.

<sup>26</sup> Meeting the Challenge: Public housing authorities respond to the ‘One Strike and You’re Out’ initiative, 34.

Jack Kemp during his tenure as HUD Secretary. Shirley Wise and other tenants had testified to Congressional committees under previous administrations that most tenants felt intimidated by the courts and the process of finding an attorney to represent them. Though some public housing tenants would sue their PHAs for evicting them, this was not a realistic expectation of the overwhelming majority of tenants.

While not every PHA had the resources and law enforcement support to immediately implement One Strike, One Strike did have immediate impact on the lives of tens of thousands of people. A HUD survey, which 1,818 out of 3,190 PHAs returned, indicated that at a minimum, PHAs evicted 3,794 families and barred 19,405 applicant families in the six months following the passage of One Strike. These numbers represented 223.4 percent and 197.3 percent increases, respectively, from the six months previous to the enactment of One Strike. However, HUD also noted that in seeking existing residents' updated signatures on the leases with the One Strike provisions, many families left of their own accord, fearing eventual eviction. Though they were technically not evicted, these families departed from their PHAs as a direct result of One Strike. Furthermore, HUD lacked the data from 1,372 PHAs nationwide and in fact, did not at any point create a mechanism to aggregate complete national data on the impact of One Strike.<sup>27</sup> Accordingly, One Strike likely impacted several thousand more families than counted in the survey.

Significantly, as in previous criminalizing and punitive legislation, HUD argued that One Strike would facilitate the empowerment of “good” public housing residents. HUD declared, “By aggressively rooting out criminals, the policy can continue to help” improve “public housing communities. And it can ensure that public housing residents can pursue work and educational opportunities that allow them to attain self-sufficiency out of public housing.”<sup>28</sup> That HUD officials

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<sup>27</sup> Meeting the Challenge: Public housing authorities respond to the ‘One Strike and You’re Out’ initiative, 14.

<sup>28</sup> Meeting the Challenge: Public housing authorities respond to the ‘One Strike and You’re Out’ initiative, xv. Michelle Alexander, *The New Jim Crow*. Elizabeth Hinton, *From the War on Poverty to the War on Crime*. Julilly Kohler-Hausmann,

believed such legislation, without any provisions for job creation or education, would “ensure” improvements in those areas underscores the strength of the inextricable connection many politicians made between the criminalization and empowerment of public housing residents. Moreover, the preliminary numbers on the impact of One Strike in the first six months of the legislation indicate that while governmental entities defined empowerment as an individual goal, HUD, politicians, and law enforcement agencies criminalized and punished public housing residents as a class. Given the overrepresentation of Black women leaseholders in public housing developments, the implementation of One Strike incorporated Black women into the carceral state through the civil punishment of eviction, rather than through incarceration within the traditional criminal justice system. Whereas earlier legislation had begun this project, the widespread, mandatory implementation of One Strike served to accomplish this gendered incorporation on a much larger scale.

As indicated by HUD’s survey, the act led to the massive growth in public housing evictions and application denials, significantly decreasing the population of public housing residents. At the same time, the Clinton administration and Congress continued to consistently reduce the monies allocated to public housing. This decline in population also corresponded with HUD’s and the Clinton administration’s support of PHAs that relocated public housing tenants through Section 8 vouchers while demolishing thousands of units and rehabilitating developments into mixed-income properties that offered substantially fewer affordable and subsidized housing units. All of these policy shifts represented the federal government’s dramatic retreat from both political and financial support for traditional multifamily public housing. The actions taken by Congress, HUD, and the

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*Getting Tough*. Donna Murch, “Crack in Los Angeles: Crisis, Militarization, and Black Response to the Late Twentieth-Century War on Drugs.” *Journal of American History Special Issue: Historians and the Carceral State*. June 2015, Vol 102(1) 162-173.

Clinton administration in 1995 and 1996 set them on a path to fundamentally transform public housing just as they finalized a similar process for welfare.

In fact, President Clinton signed the Personal Responsibility and Work Opportunity Act (PRWOA), also known as welfare reform, on August 22<sup>nd</sup>, 1996, less than six months after he signed legislation enacting his One Strike Rule. While Congress and the Clinton administration passed public housing reforms on a more incremental and somewhat piecemeal basis, both public housing and welfare reform relied upon similar stereotypes of single Black mothers raising criminal children.<sup>29</sup> At the time Clinton signed the PRWOA only about a quarter of overall public housing recipients depended upon Aid to Families with Dependent Children (AFDC), which most people understood as synonymous with welfare. However, about 50 percent of public housing recipients living with children in multifamily public housing (as opposed to elderly or disabled housing) relied on AFDC as their primary form of income. Thus, 1996, an election year, marked a period of policies that increasingly targeted public housing recipients and other impoverished Black and Brown families as criminal and as undeserving of governmental assistance.<sup>30</sup>

As with public housing initiatives, much of the language around welfare reform reflected attempts to both empower and uplift Black women as well as to hold them criminally responsible for defrauding the government. Many supporters of reform saw the legislation as liberatory. Yet, they also employed rhetoric that indicated that they saw reform as necessary due to the criminal laziness of welfare recipients. Together, the One Strike Act and the PRWOA constituted a

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<sup>29</sup> Kevin Mumford, "Untangling Pathology: The Moynihan Report and Homosexual Damage, 1965-1975," *Journal of Policy History* Vol 24(1), 53-73. Darryl Michael Scott, *Contempt and Pity: Social Policy and the Image of the Damaged Black Psyche, 1880-1996*, University of North Carolina Press, 1997. Premilla Nadasen, *Welfare Warriors*. Felicia Kornbluh, *The Battle for Welfare Rights*. Lisa Levenstein, *A Movement Without Marches*. Julilly Kohler-Hausmann. Martin Gilens, *Why Americans Hate Welfare*. Melissa Harris-Perry, *Sister-Citizen: Shame, Stereotypes and Black Women in America*, Yale University Press, 2011. Patricia Hill Collins, *Black Feminist Thought*. Ange-Marie Hancock, *The Politics of Disgust: The Public Identity of the Welfare Queen*, New York University Press, 2004. Annelise Orleck, *Storming Caesar's Palace*. Wahneema Lubiano, ed. *Race-ing Justice, Engendering-Power*.

<sup>30</sup> Of course, other families relied on non-AFDC welfare, including social security, supplemental security income, food stamps, and more.

coordinated, bipartisan mobilization that targeted primarily impoverished Black and Brown women for their reliance upon politically unpopular forms of public assistance. Critically, politicians lobbied for these acts by appropriating the language of civil rights, welfare rights, and Black Power activists even as they sought to undermine the policies those activists had won. Historians of mass incarceration have primarily engaged with the overwhelming numbers of Black men law enforcement agencies targeted and implicated in the criminal justice system. Their work is vitally important.<sup>31</sup> The One Strike Act and the PRWOA punished Black women by diminishing their access to food and shelter and overall security and by making it harder for their children to consistently attend one school. These punishments could result in debilitating psychological ramifications including depression and anxiety. Moreover, scientists have shown that the stress of poverty, and evictions in particular, has negative consequences for parents' and children's health outcomes.

In the years after PHAs began implementing One Strike, tenants fought the policy and spoke out about their experiences. Dolores Fletcher, a resident of the St. Petersburg, Florida community of Jordan Park, reported that after One Strike, "It was like a massive military invasion." She said, "Our argument was that residents were being evicted solely to make way for... demolition. That it wasn't constitutional.... There were some 50 people... being falsely evicted, who were being given double rent statements." Fletcher also said that One Strike "facilitated a lot of illegal entries into resident's apartments" despite regulations saying that PHAs have to give proper notification prior to entrance into a resident's unit.<sup>32</sup>

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<sup>31</sup> Kathryn Edin and H. Luke Shaefer, *\$2.00 a Day: Living on Almost Nothing in America* (New York: Houghton Mifflin Harcourt Publishing Company, 2015). Felicia Kornbluh, *The Battle for Welfare Rights*. Lisa Levenstein, *A Movement Without Marches*. Wahneema Lubiano, ed. *Race-ing Justice, Engendering-Power*. Kevin Mumford, "Untangling Pathology." Premilla Nadasen, *Welfare Warriors*. Darryl Michael Scott, *Contempt and Pity*. Julilly Kohler-Hausmann. Martin Gilens, *Why Americans Hate Welfare*. Melissa Harris-Perry, *Sister-Citizen: Shame, Stereotypes and Black Women in America* (New Haven: Yale University Press, 2011). Patricia Hill Collins, *Black Feminist Thought*. Ange-Marie Hancock, *The Politics of Disgust: The Public Identity of the Welfare Queen* (New York University Press, 2004). Annelise Orleck, *Storming Caesar's Palace*.

<sup>32</sup> *Homing Devices*, 89-92

Connie Burton also experienced severe punishment as a result of One Strike when the Tampa Police Department raided her housing development in April 1999. As part of a drug sting raid, the police arrested her “nineteen-year-old son, who was charged with possession of marijuana.” Burton’s son had been a participant in a housing authority program aimed to help young people stay away from drugs and find employment. One of the requirements for the program, though, was for participants to be listed on a resident’s lease, which “forced parents... to accept unreasonable responsibility for their adult children.” Burton and three other families the housing authority tried to use the raid and One Strike to evict sued the housing authority. The suit ended in settlement. As part of the settlement agreement, the Tampa Housing Authority agreed to relocate these residents either in smaller units in Robles Park or in a different development owned by the authority. However, “each of the residents had to agree that the offending parties would *never* visit them in their homes. In some cases the offending parties were children.” Moreover, as Connie Burton had been a leading activist in her community, the housing authority “requested that she resign as president of the resident council, agree never to run for resident council office of any public housing property, move out” of the county “to a location of the housing authority’s choice... and agree not to sue the THA [Tampa Housing Authority] for damages.” Burton decided to decline the settlement and continued with the court case. However, her ability to move forward with the case was dependent upon her attorneys agreeing to take on the case pro bono. According to Burton, One Strike was “an attack on the entire community in that it criminalizes everyone.” She noted how important it was that evictions were civil rather than criminal actions, as “You cannot be guaranteed an attorney to represent you [and]... most legal services that receive subsidies are prohibited from taking on those cases.... It negates any constitutional rights that you think that you have because it goes on the assumption that you are guilty.”<sup>33</sup>

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<sup>33</sup> *Homing Devices*, 89-92.



Together, the impact of welfare reform and One Strike expanding carceral regime through gendered modes of punishment, bringing low-income Black women into it. However, these reforms also did critical work in transitioning the welfare state more fully to the carceral state. The Clinton administration's continuing efforts at withdrawing their financial and economic support for aid programs serving low-income Americans further facilitated this transition.

### **The Quality Housing Work Responsibility Act**

During 1997 and 1998, the Clinton administration and Congress cemented the direction for public housing legislation, increasingly committing to mixed-income housing and retreating from serving the most impoverished and housing insecure. Andrew Cuomo became the new HUD Secretary in 1997 after Clinton's successful reelection and immediately issued a new strategic vision for HUD and public housing for the new century. Much of this strategy codified the direction public housing legislation had already taken in the past few years, further committing to HOPE VI, to tenant-based rather than project-based assistance, and to mixed-income housing. HUD and Congress also looked increasingly to "public-private" partnerships and Section 8 certificates and vouchers as a means of empowering public housing residents through "choice." While local housing authorities could propose HOPE VI plans that called for rehabilitations of their extant public housing developments without moving to a mixed-income model, those plans that contained demolitions and mixed-income specs scored higher on HUD's points-based model for how LHAs qualified for funding.

Evictions from public housing as a result of the One Strike Act continued to climb, in no small part because HUD began tying both yearly appropriations and HOPE VI funding for LHAs to how well they successfully and consistently implemented the One Strike Act. In other words, housing authorities' yearly appropriations—appropriations meant to a great extent to empower public housing residents—depended upon how successfully they punished and criminalized their

tenants. Thus, HUD was more likely to give money to housing authorities that both evicted tenants for drug-related activities and that included new constructions that would no longer house all the residents who lived in a given development at the time.

HUD and Congress in this period made empowerment dependent upon individuals' "choices" of how to use tenant-based assistance. At the same time, PHAs barred admission and/or evicted entire families for the suspected drug-related activity of a tenant, their family member or guest. In doing so, HUD, Congress, and the Clinton administration ensured that impoverished Black families would be criminalized as a class, but would have to find empowerment alone. HUD's 1997 Strategic Plan and the 1998 enactment of the Quality Housing and Work Responsibility Act in particular reinforced these understandings of empowerment and criminalization and reflected the triumph of conservatism in the latter part of the twentieth century.

HUD's 1997 Strategic Plan continued Clinton's centrist vision into the next few years, boldly declaring for the first time that HUD's mission was empowerment:

HUD's mission as we approach the new century must become to: Empower communities and their residents, particularly the poor and disadvantaged, so that, together with HUD, they can develop viable urban communities, provide decent housing and suitable living environment for all citizens, without discrimination, in order to improve themselves, both as individuals and as a community, to succeed in today's time of transition.

This mission, HUD noted, represented "a dramatic shift for the Department." The Strategic Plan indicated that HUD understood empowerment as something that resulted from local initiatives supported, but not micro-managed, by HUD and other federal entities. HUD pronounced, "Empowerment is the right role for the Federal Government, a role that says, *'Washington can help communities thrive, but the decisions and power must be closest to the people.'*"<sup>34</sup> By discussing local power for

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<sup>34</sup> HUD Strategic Plan, FY1998-2003; Sept. 30, 1997, 3, emphasis original. Significantly, HUD declared that it was attempting to empower urban communities in particular, despite the fact that data indicated that families living in the suburbs represented one of the fastest growing groups of those with worst case housing needs (those making less than 50 percent of their area median income and spending half or more of their incomes on rent).

local people, HUD implicitly placed the agency as the inheritor of the civil rights and social justice movements of the 1960s and early 1970s and thus aligned HUD employees with public housing tenants. However, Cuomo's Strategic Plan understood power for local people as their power to make individual choices with minimal governmental support.

In accordance with their new mission, the Strategic Plan laid out seven "strategic objectives," some of which HUD framed specifically in the language of empowerment. For example, HUD's first strategic objective was to "empower communities to meet local needs." Still, HUD noted that its "ability to empower communities to a large extent hinges on the resources that poor communities can bring to bear in improving themselves." Moreover, even in discussing community rather than individual empowerment, HUD understood community in a very small, local sense of the word. Whereas in the 1960s and 1970s activists and politicians used the word community to denote an entire class of people, in this instance, community meant those who lived in and around one public housing development. In discussing external factors that could impact HUD's successful achievement of their first strategic objective, HUD implied that much of this was out of their hands—up to the marginalized people themselves and the larger economic factors at play.<sup>35</sup>

The Strategic Plan also declared HUD's goal to "reduce the isolation of low income groups within a community or a geographic area." In order to achieve this objective, HUD stated that it was actively recruiting working families to public housing as well as redeveloping and rehabilitating public housing so as to replace the "worst" public housing with "less dense, economically integrated communities" through HOPE VI and similar programs. HUD declared that increasing use of tenant-based rather than project-based housing assistance—especially using more Section 8 certificates that in theory would enable residents to choose areas with lower concentrations of poverty—would also contribute to accomplishing the objective. Most of these programs revealed

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<sup>35</sup> HUD Strategic Plan, FY1998-2003; Sept. 30, 1997, 19.

that HUD was more interested in shifting its constituency to include more of the higher end of low-income and fewer families in the very and extremely low-income range. Instead of ensuring that the extremely-low income public housing residents could secure living wage jobs and that municipalities and localities provided sufficient services even to the very-low-income public housing residents, HUD sought to solve the problems of isolation by recruiting less impoverished “customers.” Additionally, though HUD stated that decreasing the isolation of impoverished, nonwhite urban communities as one of their central objectives, they ended their section on this by saying that at the end of the day, everybody had their own individual choices and HUD would not force anything. While the Strategic Plan had stated that HUD sought to increase affordable housing for “the Nation’s poor and disadvantaged,” the efforts they described at doing so reflected the reality that HUD was *decreasing* the amount of public housing and transforming the population base the new public housing would serve away from the most disadvantaged.<sup>36</sup>

Leaving everything up to “individual choice,” however, was misleading. HUD allowed PHAs to apply for HOPE VI and modernization funds to demolish, rehabilitate, or redevelop public housing developments such that residents living there had no choice but to be relocated (usually, though not always, with HUD’s help). Those with the choice were the landlords of private apartment complexes who could decide whether or not to accept the tenants’ Section 8 relocation vouchers and the municipalities that could, through zoning, essentially bar the development of multifamily and affordable housing in their communities. In other words, those with the most choices remained those with greater resources and power.

Moreover, HUD declared definitively for the first time public housing was a privilege, not an entitlement. In 1949, Congress had declared that the federal government carried the responsibility “to create a decent home and suitable living environment for every American family.” In 1997,

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<sup>36</sup> HUD Strategic Plan, FY1998-2003; Sept. 30, 1997, 41, 44, 34-35.

HUD declared, “The Administration’s ‘One Strike and You’re Out’ policy is based on the idea that public housing is a privilege, not a right, and residents who commit crime and peddle drugs should be screened out or immediately evicted.” This declaration represented a straightforward abandonment of postwar liberalism and the social contract embedded within it.<sup>37</sup>

HUD’s stated commitment to increasing the amount of affordable housing in their Strategic Plan failed to mention or address critical data regarding the significant and growing crisis of affordable rental housing facing the country in the fall of 1997. In fact, HUD’s Office of Policy Development and Research (PDR) provided multiple reports to Congress throughout the Clinton administration on the “continuing,” then the “worsening,” crisis of “worst case” rental housing. HUD defined worst case housing needs as occurring when low-income people spent 50 percent or more of their income on rent and/or lived in severely substandard housing. HUD defined low-income as 80 percent of area median income, very low-income as 50 percent of area median income, and extremely low-income as 30 percent or below of area median income. PDR’s research found that the crisis of worst case housing needs was at an all time high in 1997 when Cuomo released HUD’s new Strategic Plan, and that the crisis had increased steadily throughout the Clinton administration, not in spite of, but because of the economic boom of the mid-late 1990s. The worst case needs increased disproportionately for African American and Hispanic households, while white families’ worst case housing needs increased at the same rate as their overall population increase.<sup>38</sup>

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<sup>37</sup> HUD Strategic Plan, FY1998-2003; Sept. 30, 1997, 2. Keeanga-Yamahtta Taylor, in *Race for Profit: How Banks and the Real Estate Industry Undermined Black Housing* (Chapel Hill: University of North Carolina Press, 2019), discusses the abandonment of the social contract through housing policies in the mid-1970s.

<sup>38</sup> While these designations were by definition, local, it is salient to note that the overall poverty rate for the country was not local, and often significantly different than the local definitions. In fact, in 1997, most very-low-income households actually had incomes well over the national poverty line, which was \$12,803 and \$16,404 for three- and four-persons households, respectively. “These thresholds were 30-35 percent of median area income for such households in a number of metropolitan areas.” “Housing the Poor: Federal Housing Programs for Low-Income Families,” CRS Report for Congress, Oct. 20, 1998, Morton J. Schussheim. Moreover, Worst-case housing needs for families receiving no form of government assistance increased by four percent—to 5.4 million families in crisis—from 1995 through 1997, during the years in which HUD began to implement its transformation of public housing and as welfare reform began to take effect. Extremely low-income families constituted 77 percent of all worst case housing needs by 1997. “Worst case needs among Hispanic working families with children rose by 74 percent” and “worst case needs among African-American

Not only was the crisis of affordable rental housing reaching an all-time high, but congressional committees and politicians were also seeking less input from public housing tenants and their advocates regarding new directions in public housing policy. Congressional committees from 1997-2000 called fewer hearings on the topic of public housing and invited fewer tenants to participate in these hearings. In other words, while Congress, the White House, and HUD were ostensibly working toward public housing reform that sought in part to empower public housing tenants these entities simultaneously sought *less* tenant commentary. Moreover, these policymakers and powerbrokers failed to heed much of the commentary public housing tenants did provide.

Still, in April 1997 the Senate Subcommittee on Housing and Community Development held a hearing on public housing reform in which a few tenants and tenant advocates testified about their thoughts on provisions of the Quality Housing and Work Responsibility Act. Judith Smith, a board member of the New York State Tenants and Neighbors Coalition, bore witness to her experiences as a tenant organizer in NYCHA, expressing qualms over HUD giving more power to local housing authorities through block grants and other forms of deregulation. “My home is located on prime Manhattan real estate. Under a deregulation scheme, my home would be a prime target for demolition and redevelopment as high-income housing or for replacement of low income people with middle or upper income tenants.” Billy Easton, the Executive Director of the New York State Tenants and Neighbors Coalition, stated before the hearing that while local control was currently politically popular, in the past federalism in housing had meant “that housing projects were sited in ways to promote economic and racial segregation.” Deepak Bhargava, Director of Public Policy at

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working families with children rose by 31 percent.” Hispanic and African American households overall grew by 36 percent and 11 percent, respectively. Congress had actually played a significant role in diminishing the availability of affordable housing for impoverished families, having denied appropriations for annually increased rental households receiving governmental assistance or subsidies in 1995. Congress fully stopped all funding for incremental assistance, meaning that the number of families receiving assistance stayed stagnant, despite increases in the affordable rental crisis. This, HUD argued, constituted a “historic reversal of Federal housing policy.” “Rental Housing Assistance—The Worsening Crisis,” A Report to Congress on Worst Case Housing Needs. HUD, Office of PDR, March 2000, Kathryn P. Nelson, Jill Khadduri, Marge Martin, Mark D. Shroder, Barry L. Steffen, and David Hardiman, xi, ix, x.

the Washington, D.C. based Center for Community Change, also expressed concern over local control and PHAs having more power, especially with regard to demolitions. He said that the proposals for public housing reform up for discussion did not “provide sufficient opportunity for residents to participate in decisions about demolitions.” Moreover, many noted that the proposed legislation excluded demolitions from the Uniform Relocation Act, meaning that public housing authorities would not be held to the stringent measures to ensure they relocated every resident displaced through the process of demolitions.<sup>39</sup>

Smith also questioned the consequences of any attempt by HUD or PHAs to enforce “self-sufficiency” by reducing or eliminating public housing residents’ reliance upon housing assistance or instituting time limits on housing assistance as welfare reform had done for TANF. She said, “The House wants tenants to ‘graduate’ from public housing..., but time limits in public housing will force people to ‘graduate’ to the street.” Moreover, Smith noted that both time limits and demolitions could be more disruptive than empowering for public housing residents and their families. “[W]hy should we be forced to leave our neighborhoods and friends and forced to uproot our children from their schools,” Smith asked.<sup>40</sup>

Several tenants and tenant advocates testified against the proposed community work requirement. Many indicated that this requirement was particularly punitive in light of welfare reform. Bhargava declared that not only was it “oxymoronic” for Washington to “impose... ‘volunteerism’,” but it also overlooked much of the work public housing residents were doing in their communities to improve their lives and those of their neighbors that PHAs and Washington may not count as “community work.” Moreover, as this requirement was unfunded, Bhargava said,

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<sup>39</sup> “Public Housing Reform and Responsibility Act of 1997,” Hearing, Subcommittee on Housing and Community Development, Senate committee on Banking, Housing and Urban Affairs, April 9, 1997, 55-58.

<sup>40</sup> “Public Housing Reform and Responsibility Act of 1997,” 37-38, 55-59.

“financially hardpressed PHAs will” likely have to create work like picking up trash, which “is relatively inexpensive but doesn’t impart any real skills to participants.” Bhargava noted that Congress was singling out public housing tenants in forcing them to work. He said, “If Congress wants to require work by everyone who receives public subsidies, why stop with public housing residents? All of us, regardless of whether we live in public housing..., are the beneficiaries of a variety of public subsidies.” Bhargava continued, “Indeed, those getting the mortgage interest deduction get a far higher per capita subsidy than do public housing residents. If this ‘volunteer’ requirement is to be applied to public housing residents, it ought to be equally applied to all recipients of all types of housing assistance.”<sup>41</sup>

Many tenant and tenant advocates expressed satisfaction over the new rent policies that Congress and HUD were promoting, giving tenants greater flexibility without abandoning Brooke. However, many also indicated that even a minimum rent of \$25 per month could be cost prohibitive for impoverished families, especially if they had just been released from the TANF rolls. Bhargava reminded those at the hearing that, “In some cases, a \$50 minimum rent will consume nearly half of a family’s TANF grant.” Along the same lines, these stakeholders voiced disapproval with Congress, the White House, and HUD’s prioritization of higher-income tenants as part of public housing reform. “Targeting requirements should reflect the distribution of housing need, which is greatest for households earning less than 30% of Area Median Income,” Bhargava argued. Bryson agreed. He stated that with these income targets in place, “Every welfare recipient, minimum wage worker, and person making \$1 or \$2 above minimum wage would stay on the waiting list for years while the PHA admitted applicants with incomes above 30 percent of median.”<sup>42</sup>

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<sup>41</sup> “Public Housing Reform and Responsibility Act of 1997,” Subcommittee on Housing Opportunity and Community Development, Committee on Banking, Housing, and Urban Affairs, Senate, 105-1.58-59, 140-146.

<sup>42</sup> “Public Housing Reform and Responsibility Act of 1997,” 37-38, 58-59.



About a year and a half after the 1997 hearings, on October 21, 1998, President Clinton signed the Quality Housing and Work Responsibility Act. This legislation represented key provisions highlighting the commitment of Congress and the White House to furthering the public housing transformation begun in 1995. In particular, the QHWRA made clear that legislators wanted HUD to court those at the higher end of the low-income spectrum. Congress had effectively destroyed the requirement that PHAs target the most impoverished families seeking housing assistance, as had been the case since the late 1960s. This legislation mandated that PHAs allocate at least 40 percent of their units in public housing to extremely-low-income families. However, the act also required PHAs to submit five-year plans that included how they intended to “deconcentrate poverty and create mixed-income projects.” In order to achieve a more mixed-income development, the QHWRA allowed PHAs to skip poorer families on waiting lists in favor of higher-income families. In other words, PHAs could choose families that made 80 percent of their area median income rather than 30 percent or less. This meant that an increasing percentage of the most impoverished families would be relegated to the private housing market. Still, PHAs had to include a statement in the five-year plans they submitted to HUD that indicated how PHAs would “serve the needs of low-income families.”<sup>43</sup> And technically, even by recruiting higher-income families, PHAs would still be serving low-income families. Most if not all low-income families surely could have benefited from housing assistance in some capacity. In choosing to focus resources on families who already had relatively more resources, HUD, Congress, and the White House were fundamentally renouncing the ideal stated (never achieved) in the U.S. Housing Act of 1949 that the federal government was responsible for providing decent housing for all Americans.

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<sup>43</sup> Congressional Research Service Report for Congress, Oct. 30, 1998 “Public Housing and Section 8 Reforms: The Quality Housing and Work Responsibility Act of 1998.” Richard Bourdon, Analyst in Housing, Economics Division, 3.

In addition to providing new guidelines for which families to accept or recruit into public and assisted housing, the QHWRA exposed the connection between empowerment and conservative ideals of self-sufficiency. The act mandated that able-bodied recipients of housing aid participate in self-sufficiency programs or perform 8 hours of community service monthly in order to maintain their housing benefits. This requirement—that one “contribute” to one’s community or become self-sufficient—underscored legislators’ beliefs that those who received housing assistance did not already contribute to their communities. Per the legislation, “Those who do not comply” with the community service requirement “could lose the right to renew their lease.” Still, the legislation also mandated that PHAs include at least one resident on their advisory boards. Congress also dictated that, “PHAs will be able to obtain criminal records for tenant screening and evictions.” This ensured that no matter what a state law dictated in terms of access to records, federal law would override it and allow PHAs to access this information. Specifically, the act stated that PHAs could receive information from adult “drug treatment” facilities to see if applicants relied on illegal or controlled substances. Those who were determined to use or abuse alcohol or drugs could be barred from successful application in order to protect the “health, safety, or right to peaceful enjoyment of the premises by other residents.” Tenants evicted from public housing due to drug-related criminal activity would be ineligible for housing assistance for three years unless they successfully completed a rehabilitation program.<sup>44</sup>

One area in which the QHWRA backed off a little from the original plan for the reinvention of HUD and public housing was in the speed with which public housing developments transition from project- to tenant-based assistance. The legislation required PHAs to submit documentation of their plan for such transitions. These plans had to prove that the transition would not result in

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<sup>44</sup> “Public Housing and Section 8 Reforms: The Quality Housing and Work Responsibility Act of 1988,” 3, 6.

greater outlays of federal funds.<sup>45</sup> However, while the legislation sought to temper the pace of the transition, the language in the legislation made it clear that this was because Congress (and the White House) wanted to minimize as much as possible federal expenditures on public and assisted housing. Moreover, though not a central aspect of this legislation, HUD and Congress were still actively supporting HOPE VI by allocating billions of dollars to the program, in which severely distressed public housing authorities demolished units and reconstructed their developments as mixed-income neighborhoods. As the one-for-one replacement rule no longer existed, many of the new HOPE VI communities being constructed contained significantly less public and assisted units than those they demolished. In practice, this meant that many residents and their families would be transitioning into other public housing developments, or more likely, into tenant-based assistance through Section 8, whether they wanted to or not.

Finally, the legislation made adherence to the Brooke Amendment rent collection more flexible. Under the new policy, public housing authorities could set minimum rents of up to \$50 per month. When a family earned an increase in income, PHAs could phase in the attendant higher rent fee over the course of 18 months in order to allow the family to save money and potentially move out of public housing. Alternatively, families could also opt to pay a flat rate instead of 30 percent of their income.<sup>46</sup>

The QHWRA was followed almost a year later by HUD's implementation of the "Faircloth Amendment," named after North Carolina GOP Senator Lauch Faircloth. This amendment stipulated that public housing authorities could not increase the number of units. For every new unit of public housing they built, another had to be destroyed. In some ways, the Faircloth Amendment was the twin of the one-for-one replacement policy that had been in effect from 1988-1995. But

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<sup>45</sup> "Public Housing and Section 8 Reforms: The Quality Housing and Work Responsibility Act of 1988," 4.

<sup>46</sup> "Public Housing and Section 8 Reforms: The Quality Housing and Work Responsibility Act of 1988," 2.

whereas that rule meant that housing authorities could not demolish more units than they committed to rebuilding, the Faircloth Amendment meant that housing authorities could demolish as many units as HUD agreed to—whether or not they replaced them—but could not commit to growing the number of units they provided. Significantly, neither the Senate nor the House held any hearings specifically on this matter.

Thus, as housing authorities across the country demolished hundreds of thousands of units in the last years of the Clinton presidency and the first years of the new century, low-income families saw a drastic reduction in government-assisted housing. Moreover, much of the housing assistance that continued occurred through Section 8 or tenant-based, rather than project-based assistance. Ironically, a report released in 1998 had revealed that tenant-based assistance was actually more expensive for the government. The government spent on average about \$349 per month on public housing units, \$493 per month on Section 8 vouchers in public housing authority-owned properties, and \$547 per month on Section 8 vouchers spent on privately owned rental units. While Cuomo had, in HUD's 1997 Strategic Plan, promised to make public housing and HUD both more efficient and lower cost, pursuing tenant-based housing was actually the more expensive option, even if it was also the more politically popular option. Despite what the data revealed, political leaders had successfully tied the idea of self-sufficiency to tenant-based assistance and public housing to criminality, laziness, and dependence on the government. Moreover, many landlords chose not to accept Section 8 vouchers, which came with a good degree of governmental oversight, particularly if they could find tenants who would pay fair market rates. Accordingly, recipients of Section 8 vouchers had declining rates of success throughout the Clinton administration. While 81 percent the rate of voucher recipients had successfully found housing in 1993, that number had dwindled to 69 percent in 2000, and 61 percent in tight housing markets. Families with children often had lower

success rates than the average.<sup>47</sup> Thus, an increasing number of families, especially those with multiple children, were forced onto the private rental market, no longer to receive any governmental assistance in finding housing.

## Conclusion

In 2000, a U.S. District court ruled One Strike was constitutional. A year later, “an appellate court” agreed. “The court argued that the law was ... necessary ‘to eradicate the unsavory element that has infiltrated the public housing complexes.’”<sup>48</sup> As the country moved into the 21<sup>st</sup> century, HUD, the Courts, and Congress continued to criminalize and punish public housing tenants even as they demolished thousands upon thousands of units.

Public housing tenants, on the whole, constituted only a small subsection of the population of the United States. However, they played an outsized role in the imaginations of many—particularly in regard to fears over crime and the pathologies of poverty. Punitive legislation and eviction policies directed toward public housing tenants accordingly constituted a critical component of the carceral regime of mass incarceration and the punitive turn. Historians have shown that “law and order” politics and the build-up of the carceral state was a bipartisan phenomenon.<sup>49</sup> Both parties continued to single out public housing residents as criminals, even as legislators pursued sweeping crime bills with broader impact throughout the 1980s and into the 1990s. Legislation

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<sup>47</sup> “Housing the Poor: Federal Housing Programs for Low-Income Families,” 5, 12, 17-18; Finkel, Meryl, and Larry Buron. November 2001. *Study on Section 8 Voucher Success Rates. Volume 1—Quantitative Study of Success Rates in Metropolitan Areas*. Report prepared for the U.S. Department of Housing and Urban Development. Abt Associates, Inc. i, iii-iv. As Matthew Desmond notes in *Evicted*, legislation prohibiting landlords from discriminating against families with children has never been properly enforced.

<sup>48</sup> *Homing Devices*, 93.

<sup>49</sup> Alexander, *The New Jim Crow*. James Forman, Jr., *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Straus and Giroux, 2017). Ruth Gilmore, *Golden Gulag: Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2019). Elizabeth Hinton, *From the War on Poverty to the War on Crime* (Cambridge: Harvard University Press, 2016) Eds. Deborah McDowell, Claudrena Harold and Juan Battle, *The Punitive Turn: New Approaches to Race and Incarceration* (Charlottesville: University of Virginia Press, 2013). Jonathan Simon, *Poor Discipline: Parole and the Social Control of the Underclass* Chicago: University of Chicago Press, 1993. Jonathan Simon, *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (Oxford University Press, 2007). Heather Thompson, “Why Mass Incarceration Matters,” *Journal of American History*, December 2010, pp.703-734. Bruce Western, *Punishment and Inequality in America* (New York: Russel Sage Foundation, 2006).

aimed at disciplining public housing residents served as a punitive arm of the carceral regime, which in practice often did not always result in the imprisonment of public housing residents. Instead, whether or not public housing residents found themselves implicated in the criminal justice system, what legislation like the Anti-Drug Abuse Act of 1988, the Cranston-Gonzalez Act, and the One Strike and You're Out Act, accomplished was to punish residents by evicting them, which resulted frequently in housing insecurity and/or homelessness.

These increasingly punitive policies mentioned above represented only one aspect of the transition from the welfare state first created in the New Deal and reinforced through the Great Society to the era of mass incarceration and the punitive turn. In the late 1960s, public housing tenants, inspired by the Black Power movement, defined empowerment as a fundamental redistribution of power and resources. As a result of conservative organizing, more people began to associate the ideas of empowerment with personal responsibility and self-sufficiency—as an accomplishment for an individual. While there never existed one universal understanding of empowerment, political leaders with much greater power than public housing tenants tended to adopt the more individual definition of the idea. By the end of the 1990s, the Clinton administration cited empowerment as a key policy goal of public housing reform, but defined it as an achievement for one family rather than for a class of people and something that people could only realize for themselves rather than through governmental programs. Thus, empowerment became a philosophy through which the federal government withdrew their political and financial support from traditional multifamily public housing as a viable anti-poverty program.

## Epilogue

Early on a cold and windy Saturday morning in mid-February, 2001, about 300 people crowded together in an area two blocks from the Flag House Courts public housing development in the Inner Harbor of Baltimore, Maryland. At 8:07 A.M., someone who worked for Controlled Demolition, Inc. pushed a button which triggered the explosion of 200 pounds of dynamite, bringing three 12-story buildings to the ground in a pile of rubble, dust, and smoke—all within 20 seconds. Men in the crowd wearing hard hats chanted, “Nah nah nah nah, hey hey, goodbye.” Next to them, “tears streamed down the faces of some of the former residents” of the buildings, which had been erected in 1957. The blast had leveled the last of Baltimore’s high-rise public housing buildings, making Baltimore the first city to completely rid itself of what many considered to be the “scourge” of high-rise multifamily public housing.<sup>1</sup>

Dozens of these demolitions occurred from 1995-2005 in cities and town across the United States. All told, they led to the razing of tens of thousands of units of multifamily public housing. More often than not, housing built to replace the original units were mixed income. They had fewer overall units and only a portion of them were devoted to public or affordable housing. These new mixed-income neighborhoods were intended to “deconcentrate” poverty and in doing so, to ameliorate the struggles impoverished public housing tenants faced as a consequence of living in areas segregated by income and race. Still, screening for low-income veterans of public housing who wanted a prized lease in the new HOPE VI mixed-income developments was much stricter than it had been when these families had initially applied to live in public housing. In fact, HUD indicated that they “only planned to build housing for half of the tenants displaced by HOPE VI.”<sup>2</sup> And yet,

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<sup>1</sup> Katherine Shaver, “Public Housing High-Rises Turn to Rubble: Baltimore Complex Imploded, to Allow Redevelopment,” *Washington Post*, Feb 11, 2001, pg. C3.

<sup>2</sup> marylin m. thomas-houston and Mark Schuller, eds. *Homing Devices: The Poor as Targets of Public Housing Policy and Practice*. (Lanham: Lexington Books, 2006), 8.

all the demolitions were done, according to HUD officials and the architects of HOPE VI, with the goal of empowering residents to attain greater self-sufficiency and access to better schools, jobs, and services as a result of living in mixed-income communities.

Public housing tenants at the time expressed a high degree of concern and reservation over the implementation of HOPE VI and the demolitions of their homes. In April 2001, Chicago Housing Authority (CHA) resident and activist Deidre Matthews organized a fifty-person group calling themselves “Coalition to Protect Public Housing.” Members of the coalition objected to the fact that the CHA was not tracking displaced tenants and worried that “displaced residents are ending up in impoverished and segregated neighborhoods.” In December 2003, Geralene Borders, a leader of Low Income Families Fighting Together (LIFFT) in Miami-Dade County, assembled a group of residents who protested Miami-Dade’s Housing Agency’s discriminatory practices in their implementation of HOPE VI. As Faye Davis, a housing activist said, “Black people are being displaced in Miami-Dade County. We are not against progress, but federal moneys are being used to displace Black people.... Miami-Dade is in the middle of a housing crunch, yet they are demolishing 850 units to replace them with 120 units.” In Alexandria, Virginia, tenants of a development that had been demolished and was being transformed into HOPE VI housing demanded that the housing authority fulfill their promises to have job training programs which had yet to occur, even in the aftermath of their homes being razed. They further expressed frustration with the fact that residents had not been consulted before the housing authority went forward with its plans to demolish and disperse their community.<sup>3</sup>

These residents’ protests reveal the meaninglessness of federal government officials’ understanding of empowerment for the communities they were attempting to serve at the turn of

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<sup>3</sup> Joe Ruklick, “Protesters assail CHA housing plan, Peterson,” *Chicago Defender* April 28, 2001, p3. Ras Moiye, “Protestors oppose demolition,” *Miami Times*, Dec 17 2003, 1A. Griff Witte, “Recasting the Future of the Berg: The Berg: Rise, Fall, Redevelopment,” *Washington Post* Aug 14, 2003, pg. AX1.



the twenty-first century. Public housing residents across the country told journalists, housing authority officials, city council members, and anyone who would listen to them that HOPE VI would not serve their needs. They wanted to stay in their homes. To be sure, some tenants were excited about the prospect of rehabilitated housing. Yet, most worried about finding housing during the process of redevelopment and knew that coming back to their communities things would be different and difficult, if they could come back at all. All the while, the federal government doubled down on the importance of demolishing public housing as a means of deconcentrating poverty and empowering public housing tenants. Federal officials “invoked... the rhetoric of deconcentration... to invite the wrecking ball and divest government responsibility for public housing, but not to build housing for the people whose homes were torn down.”<sup>4</sup> The increasingly individual understanding of empowerment that politicians had adopted as a consequence of successful conservative organizing in the late twentieth century meant that political leaders envisioned public housing reform policies to serve single family units rather than public housing tenants as a class. The measure of success, then, was to move one family into a less economically and racially segregated community, rather than to improve the lives of all tenants.

Politicians’ conflation of empowerment with ideas of personal responsibility and self-sufficiency was particularly harmful to public housing tenants in light of their incorporation into the carceral state. Punitive policies and criminalizing discourse targeted public housing residents and their homes from the early 1970s through the end of the century. The implementation of defensible space, the One Strike Act, the 1994 crime bill, the militarization of police, and the wars on drugs exerted disproportionate punishment on public housing residents and their families. These policies and practices extended longstanding narratives regarding the inherent criminality of impoverished Black Americans, their behaviors, and the spaces in which they lived. Increasingly, over the last years

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<sup>4</sup> *Homing Devices*, 15.

of the twentieth century, Americans marked public housing developments and those who lived within them as “crime-infested” menaces to society. This understanding of public housing was promulgated in Congressional hearings, sensationalist print and television journalism, and in popular culture portrayals of public housing through movies and shows like the *PJs* and *Menace II Society* as well as in shows about police.<sup>5</sup>

Demolitions of public housing thus occurred in the context of the U.S. government’s transition from the welfare state to the carceral state. Accordingly, these demolitions constituted a referendum on the welfare state. More than a referendum, they functioned as a public execution of welfare programs that served impoverished nonwhite Americans and of the social contract these Americans had fought to extend to themselves during the second half of the twentieth century.<sup>6</sup> Though most of these demolitions occurred in the 1990s and early 2000s as the shift to the carceral regime solidified, the first public execution of public housing as a stand-in for the welfare state occurred in Pruitt-Igoe in 1972. There was somewhat of a lull in demolitions after Pruitt-Igoe’s final demise in 1976 until the Clinton administration implemented HOPE VI and began pushing for the demolition of the worst public housing units. As a result of these policies, which corresponded to the reform of other major welfare programs including AFDC and even public education, demolitions of public housing occurred towns and cities across the country, signaling to all the ultimate failure of the welfare state as it served poor Black and Brown people in particular.

As I demonstrated in chapter 1, Pruitt-Igoe was perhaps the first public housing development that Americans fixated on as a source of crime and decay. Given the conflation of

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<sup>5</sup> Rhonda Williams, *The Politics of Public Housing: Black Women’s Struggles Against Urban Inequality* (Oxford: Oxford University Press, 2004), 239.

<sup>6</sup> Andrew Highsmith, in *Demolition Means Progress: Flint, Michigan, and the Fate of the American Metropolis* (Chicago: University of Chicago Press, 2015), shows that, as in the case of HOPE VI demolitions, those who supported demolitions from the 1930s to the end of the twentieth century did so in the name of “progress.” Proponents of urban renewal and later, new urbanism, championed demolitions as a means of improving the city. Again, as with HOPE VI, ultimately these renewal projects reified and exacerbated racial segregation and economic inequality.

Pruitt-Igoe and its residents with crime, the spectacle of the development's demolition constituted a public execution of public housing as a program and as a citizenship right of the residents. Priming his audience for a show, journalist Andrew Wilson wrote, "[d]emolition is certain to be a public execution attended by thousands and commanding lengthy obituaries and dramatic news pictures." Pruitt-Igoe had been referred to by many in the press as "the Monster," in an eerily similar way to the portrayal of theoretically bestial Black male lynching victims during the heart of Jim Crow. Moreover, as Grace Hale and others have shown, lynchings did much of their work through the circulation of souvenirs and photography—terrorizing not only African Americans who lived nearby, but across the country. These photographs reached wide audiences via newspaper circulation, postcards, and the travel of lynching attendees, who often paid for train fares and traveled to participate in the spectacle execution.<sup>7</sup>

Similarly, the execution of Pruitt-Igoe reached international audiences. In the "trial" demolition in 1972, hundreds arrived to witness and helicopters encircled the buildings to provide aerial footage. Significantly, "[p]olice turned away project tenants [who still lived in the surrounding buildings] at the gate and told them that, without credentials, they could only watch from the ground level."<sup>8</sup> Participation in the voyeurism of the spectacle depended on claims to the public that tenants of Pruitt-Igoe were denied. Furthermore, just as the victims of lynchings and mob violence were used to threaten African Americans across the county, the demolition of Pruitt-Igoe served as an example that condemned the rest of public housing and attempts to help the poor, Black female welfare recipients within it. Central to this execution is the narrative of who lived in Pruitt-Igoe—unwed African American mothers who received welfare—and how, through their criminal mothering and defrauding of the government, they brought it down.

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<sup>7</sup> Andrew B. Wilson, "Demolition Marks Ultimate Failure of Pruitt-Igoe Project." *Washington Post* 27-8-1973 A3. Grace Hale, *Making Whiteness: The Culture of Segregation in the South, 1890-1940* (New York: Vintage Books, 1998).

<sup>8</sup> Wilson.

In the years between the felling of Pruitt-Igoe and the spate of demolitions that occurred across the country in the 1990s, public housing residents and their advocates worked diligently to offer an alternative vision of public housing and its tenants that would engender support for the program. These activists sought to improve multifamily public housing. They did not want to end the program and to transition to an operating theory of affordable housing that relied heavily on the private sector. By the mid-1990s, though, public housing tenants had ultimately failed at rewriting the narratives of themselves and their homes as inherently criminal and beyond saving.

As a result, in December 2000, Jonathan Eig wrote an article for the *Wall Street Journal* in which he proclaimed, “All over the country, some of the nation’s biggest and most poverty-stricken public-housing projects are coming down.” “Finally,” he continued, “the inner-city high rise has been declared an irredeemable failure.” Eig wrote that public housing neighborhoods “bred greater poverty—as well as crime that spilled over into wealthier parts of cities.” “Countless modest reform efforts” had been tried and failed, Eig stated. The failures of public housing necessitated “a more dramatic response,” achieved by the demolitions of developments in “76 cities.”<sup>9</sup>

These demolitions showed again and again that the U.S. government was no longer interested in providing a decent home for all American families, no longer interested in the responsibility of caring for the country’s most vulnerable citizens. Of course, neither of those interests had ever been fully realized. But the implosions of public housing developments across the country demonstrated violently and in stark relief the federal government’s withdrawal of support for public housing and its residents. As Chicago’s Coalition to Protect Public Housing pointed out, HUD kept no national data on the fate of public housing tenants displaced through the razing of their homes. The lack of data accumulation further underscores the fact that officials of the federal

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<sup>9</sup> Jonathan Eig, “A Housing Project Falls, But the Poor Resist Orders to Move Out,” *The Wall Street Journal*, Dec. 19, 2000, A1. Interestingly, metropolitan high-rises had only been declared failures when they housed poor Americans. Wealthy urbanites lived in high-rise condominiums without similar complaints.

government did not see themselves as at all responsible for the futures of these citizens whom they dislodged from public housing nor for assessing the efficacy of their new, “more dramatic,” reform initiatives for low-income housing.

The retreat from traditional multifamily public housing, however, has contributed greatly to the epidemic of housing insecurity facing low-income and working-class American households. Currently, all low-income housing subsidy programs combined serve only about one-tenth of Americans living below the poverty line. Only thirty-six percent of families served through low-income housing subsidy programs are families with children. The average age of homelessness in the U.S. is nine years old.<sup>10</sup> From 1969 through the end of the twentieth century, public housing tenants sought to improve their homes and levied critiques against the operation of public housing. However, they also believed that public housing offered the best chance for them to have a landlord—the federal government—whom they could hold accountable to some degree. The current difficulties of tenant organizing in the face of the eviction crisis indicate that in many ways, tenants were right. The end of traditional, multifamily public housing—especially alongside the end of welfare as we knew it, the transition to a service-based and then a gig-economy, and the emergence of the carceral regime—constituted a form of gendered punishment in which the largely women leaseholders and their children were abandoned by the federal government, left to a discriminatory private sector to find one of the most basic of human needs—a home.

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<sup>10</sup> “Assisted Housing: National and Local” <https://www.huduser.gov/portal/datasets/assthsg.html>; “Open Door Mission: Fast Facts” <https://www.opendoormission.org/about-us/fast-facts/>.

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<https://www.pubintlaw.org/cases-and-projects/shannon-v-hud/>

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