

# Introduction

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## *The Hurst Children, 1965*

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Lottie Mae and Willie Hurst and their seven children lived at 209 Handy Street in Meacham Park, a small, unincorporated African American neighborhood bounded by the St. Louis suburbs of Kirkwood, Crestwood, and Sunset Hills. On the evening of January 16, 1965, the two oldest children, Gladys (age seventeen) and Alice (fifteen), left the house to attend a dance. By eight o'clock, the rest of the family was in bed: the two youngest, Patricia Ann (eleven months) and Arthur Lee (two years), were in the front bedroom with their parents; the others—Willie Jr. (twelve), Helen (ten), Thomas (eight), and Perleen (five)—were in a small bedroom down the hall. Sometime after 10:00 p.m., a fire started near a coal stove in the hallway between the bedrooms. Lottie Mae awoke to screaming, smashed the nearest window, and crawled out with young Arthur. Her husband, his left arm paralyzed by a work accident, escaped through the kitchen—suffering severe burns. Both parents attempted to reenter the house, tearing at the tarpaper walls until their arms and hands bled, but were driven back by the flames.

By this time, a neighbor had called the Meacham Park Fire Department. Only five of the department's twelve volunteers answered the alarm. The department's only fire truck would not start. One of the volunteers retrieved his own car, pulled up alongside the truck, and managed to jump-start it. As the fire raged through this delay, neighbors called the Kirkwood and Crestwood Fire Departments as well. By the time firefighters were on the scene, the fire was out of control. Almost forty minutes after the first alarm, and twenty minutes after the first units were on the scene, firefighters were finally able to get into the house. They found Helen near the back door and the bodies of the other four children where they had been sleeping.<sup>1</sup>

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*Esther Brooks, 1967*

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3 Esther Brooks was born in 1897 and lived at 10008 Roberts Avenue in Elm-  
4 wood Park, an unincorporated African American enclave of about one hun-  
5 dred families a few miles west of the St. Louis city line. She had been com-  
6 muting (since 1944) to a \$32 per week job as a domestic worker in the  
7 tony central-county suburb of Ladue. Her modest Elmwood Park home had  
8 electrical and water hookups and included a living room, a dining room, a  
9 kitchenette, a bath, and two bedrooms. To help make ends meet, she took  
10 on a boarder, who paid \$20 per month for the second bedroom.<sup>2</sup> In 1957,  
11 as Brooks approached her sixtieth birthday, St. Louis County officials began  
12 discussing the prospect of “renewing” Elmwood Park.

13 As renewal plans progressed, Brooks and others dug in against the county  
14 and its efforts to relocate the residents of Elmwood Park. In its first draft,  
15 the renewal plan called for relocation to a public-housing complex planned  
16 for Jefferson Barracks (a decommissioned military base in the southern end  
17 of the county), but this idea was dropped when county voters spurned the  
18 housing development. A revised plan called for staging redevelopment so  
19 that new homes on Elmwood Park’s east side would be available before  
20 residents on the west side were faced with relocation.<sup>3</sup> But none of this hap-  
21 pened. County officials used the idea of staged development to placate fed-  
22 eral officials but privately—and in their communications with Elmwood  
23 Park residents—pressed public housing in St. Louis as the best option. For  
24 Esther Brooks, who had owned her own home in Elmwood Park for over  
25 thirty years, the option of taking an apartment in the city’s notorious Pruitt-  
26 Igoe complex (far removed from family, friends, and her place of employ-  
27 ment) was “entirely obnoxious to her.”<sup>4</sup>

28 Relocation efforts became little more, as a county grand jury concluded  
29 in 1966, than “an evasion of responsibility and intent [that] . . . practi-  
30 cally wiped out an enclave of Negro property holdings of nearly a century’s  
31 duration; a community where there was never any question of the right  
32 of Negroes to buy, own, and rent property.” For displaced residents, urban  
33 renewal meant the construction of “dwellings beyond their means, and . . .  
34 commercial and industrial improvements completely irrelevant to their  
35 well-being.” This was not an urban renewal program; it was a “race clearance  
36 program.”<sup>5</sup> For her part, Brooks received a letter from relocation officials in  
37 early 1962 but no further contact as the redevelopment plans progressed.<sup>6</sup>

38 As residents—some of whom had deep, multigenerational roots in Elm-  
39 wood Park—saw their homes and their community being confiscated, they  
40 turned to the courts. In March 1967, Brooks and her neighbors asked the

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Missouri Supreme Court for a declaratory judgment, arguing that the state’s highest court should intervene because grave constitutional questions were at stake. The court held that the interpretation of Missouri’s urban renewal laws might be at stake but not their constitutionality and passed the case on to the Missouri Court of Appeals. When the lower court issued its opinion, Elmwood Park had been blighted for over a decade, the land had been cleared, and rebuilding was well underway. These facts alone were sufficient to guide the court’s opinion. Since the redevelopment authority was “now in possession and the owner of the lands in Elmwood Park previously owned by the plaintiffs,” the court reasoned, “it is obvious the latter have no legally protectable interest at stake.”<sup>7</sup>

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*Cookie Thornton, 2008*

Charles “Cookie” Thornton lived at 351 Attucks Street in Meacham Park. Thornton, who owned a small paving and demolition business, had serious financial problems and a long history of bitter disputes with Kirkwood City officials. As Kirkwood began toying with the annexation and redevelopment of Meacham Park in the 1990s, Thornton expanded his business, signing a five-year commercial lease on an old service-station property on Kirkwood Road that he brashly advertised as the “world headquarters of Cookco Construction.” Within six months, Thornton was bankrupt, listing debts for rent, back taxes, unpaid child support, and business expenses of nearly half a million dollars. He went back to parking his equipment at job sites in Kirkwood or in front of his parents’ house in Meacham Park. The city of Kirkwood, which had annexed Meacham Park in 1991, began to ticket Thornton for parking violations, improper disposal of trash and debris, and improper storage of building materials.<sup>8</sup>

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Over the next few years, Thornton was prosecuted for 114 municipal ordinance violations, including nineteen counts in May 2001 (totaling \$12,500 in fines) and another thirty-four counts in October 2001 (\$27,808 in fines). In Thornton’s view, Kirkwood officials were not only singling him out for code violations; they were also complicit in his failure to win contracts in the area’s ongoing commercial development. In June 2001, he assaulted Ken Yost, Kirkwood’s director of public works. In May 2002, he was convicted of the assault on Yost and another twenty-six ordinance violations.<sup>9</sup> Thornton began to file frivolous and rambling lawsuits, first for malicious prosecution, then (after being thrown out of two Kirkwood City Council meetings in the spring of 2006) for violation of his right to free speech. Kirkwood, for whom Thornton had become a “chronic antagonist,” offered to wipe

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1 the slate clean on all outstanding fines and violations if Thornton would  
 2 promise to stop harassing city officials and disrupting city-council meetings.  
 3 “I’m never going to let this go,” replied Thornton, whose last hope—for re-  
 4 demption and relief from crushing debt—was the federal lawsuit. This was  
 5 thrown out in late January 2008.<sup>10</sup>

6 On February 7, 2008, Thornton arrived at Kirkwood City Hall for a regu-  
 7 larly scheduled council meeting. He parked his van on Madison Avenue,  
 8 crossed the street, and walked south into the parking lot across from the city  
 9 hall and the police station. He shot and killed police sergeant William Biggs,  
 10 took his gun, and crossed back over Madison to the city hall. Thornton en-  
 11 tered the council chambers, holding a poster in front of him to conceal his  
 12 weapons, and yelled, “Everybody stop what you are doing!” Police officer Tom  
 13 Ballman, who had twice arrested Thornton for disorderly conduct at meet-  
 14 ings, rolled his eyes in exasperation. Thornton dropped the poster and began  
 15 firing, shooting and killing Ballman, Public Works Director Yost (seated in the  
 16 front row), and council members Connie Karr and Michael Lynch (who faced  
 17 the floor from the curved dais), and fatally wounding Mayor Mike Swoboda.  
 18 Those in the audience rushed to the exits or ducked under desks and chairs.  
 19 City Attorney John Hessel threw his chair at Thornton, shouted, “Cookie,  
 20 don’t do this, don’t kill me. I’m not going to let you do this,” and sprinted  
 21 for the back of the room, throwing more chairs to slow Thornton’s pursuit.  
 22 His path initially blocked by Thornton, Hessel doubled back to the front of  
 23 the room and made it back down the center aisle and out of the chambers.  
 24 Police, alerted by Biggs (who managed to sound a distress alarm after he was  
 25 shot) and the sound of gunfire, arrived at the council chambers and killed  
 26 Thornton.<sup>11</sup>

### 27 *Michael Brown, 2014*

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 30 Michael Brown was born in 1996, in the St. Louis suburb of Florissant.  
 31 Brown’s life was not easy. His parents, teenagers when he was born, di-  
 32 vored when he was young. The inner suburbs of north St. Louis County  
 33 were marked by economic decline, an aging housing stock, and rapid racial  
 34 transition. His high school, in the Normandy School District, was one of  
 35 a handful in the state that had been stripped of accreditation for poor per-  
 36 formance. Like many teenagers, Brown dabbled with drugs and alcohol.  
 37 And he had had a few minor brushes with the authorities: a scuffle with a  
 38 neighbor, an accusation of a stolen iPod. Yet, against these odds, he was a  
 39 good kid. He used his size and stature to avoid trouble. He was, by many ac-  
 40 counts, “a reserved young man around people he did not know, but joking

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and outgoing with those close to him.” He and his parents were intensely proud of his recent graduation from high school and his plans to enroll in a local technical college. School officials considered him “quiet, shy and a little awkward, hardly one of the ‘trouble kids,’ of which there were plenty.” By the estimate of the school’s athletic director, “Mike was probably the person that was the most serious in that class about getting out of Normandy, about graduating.”<sup>12</sup>

On Saturday August 9, Brown and his friend Dorian Johnson were walking down West Florissant Avenue in Ferguson. They entered Ferguson Market and Liquor a little before noon, where, in an altercation captured by surveillance video, Brown scooped a handful of Swisher Sweets (a small flavored cigar) off the counter, pushed away the clerk, and left the store. Brown and Johnson walked north, then turned east onto Canfield Drive, where the commercial frontages of West Florissant give way to houses and apartments. There, they were stopped by Officer Darren Wilson. Wilson (who had been on a 911 call nearby) was not responding to the robbery at Ferguson Market; he stopped because Brown and Johnson were walking down the center of the street—in violation of an obscure municipal code proscribing this “Manner of Walking in Roadway.” The stop, in turn, was undoubtedly animated by the pressure that Wilson and his fellow officers were under to generate revenue by aggressively enforcing the municipal code, and by a systemic racial bias in local policing. The Ferguson Police Department, as the US Department of Justice would conclude seven months later, was “more concerned with issuing citations and generating charges than with addressing community needs,” and much of its activity bore “little relation to public safety and a questionable basis in law.”<sup>13</sup>

Officer Wilson instructed Brown and Johnson to “get the fuck on the sidewalk” and then pulled up next to them when they didn’t immediately comply. Wilson initially tried to get out of his car, then reached through the car window and grabbed Brown by the throat. The two struggled awkwardly through the open window, and then Wilson fired, breaking the car window and striking Brown. Officer Wilson and Johnson both remember a moment of shock, a hesitation, and then both boys ran. Johnson ducked behind a stopped car. Brown kept running, and Wilson fired a second shot that, as Johnson recalled, “did strike my friend Big Mike in his back ’cause that’s when he stopped running.” Wilson fired ten more shots, hitting Brown six times in all, twice in the head at close range. As Brown lay in the street, his blood “ran in a wide ribbon several feet down the hill.” Brown’s body lay in the blood and dust on Canfield Drive for almost four hours while the police plodded through their post-incident investigation. Outrage boiled over into protest

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1 almost immediately. Before Brown’s body was finally removed, there were  
2 two dozen police cruisers, six canine units, and a SWAT team on the scene.<sup>14</sup>  
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4 These inexplicable episodes of tragedy, dispossession, and violence all un-  
5 folded within a few miles of each other in St. Louis County, the first frontier  
6 of suburban development west of the city of St. Louis. Bound together by  
7 a common location and a common history, the stories of Michael Brown,  
8 Cookie Thornton, Esther Brooks, and the Hurst children underscore perva-  
9 sive patterns of racial division or exclusion or neglect, and pervasive ques-  
10 tions about the status or standing of African Americans in their own com-  
11 munities. Gazing at the aftermath of the 1965 fire, Robert Reim, the mayor  
12 of neighboring Kirkwood, conceded that his city was “equally guilty with  
13 surrounding cities and St. Louis County in creating a ghetto-like effect in  
14 Meacham Park through neglect [and] discrimination.”<sup>15</sup> At the unhappy  
15 conclusion of Esther Brooks’s lawsuit, none of the justices paused to com-  
16 ment on the savage irony of the decision: Brooks and her neighbors filed  
17 suit because they felt that their property—and with it their right to citizen-  
18 ship in St. Louis County—had been unjustly confiscated. The fact that this  
19 confiscation was complete and successful erased their standing as citizens of  
20 Elmwood Park.

21 In the wake of the Kirkwood shootings, observers immediately under-  
22 scored—as a precondition or as a mitigating factor—local patterns of ra-  
23 cial division. Noting the poisonous racial climate, the Justice Department’s  
24 Community Relations Service offered to “assist in resolving perceived ra-  
25 cial issues in the community.” Kirkwood initially rebuffed the offer, but the  
26 Meacham Park Neighborhood Improvement Association (MPNIA) pressed  
27 the issue, inviting the Justice Department to community meetings in March  
28 and April of 2008.<sup>16</sup> In September, MPNIA Chair Harriet Patton abruptly  
29 resigned, concluding that “the process has little or no possibility of forging  
30 a consensus” and that “we couldn’t discuss the racial issues that plagued the  
31 community.”<sup>17</sup> The final mediation agreement, released in January 2010,  
32 called for an array of local reforms, but the response was tepid. Meacham  
33 Park activists felt the agreement lacked teeth, and the MPNIA announced its  
34 intention to oppose the agreement and its implementation. One Kirkwood  
35 councilor voted to reject the agreement because “it’s going to cause more of  
36 a racial problem, if one exists.” The *St. Louis Beacon* concluded glumly that  
37 “persistent myths and poor communications continue to haunt the relation-  
38 ship between City Hall and the community.”<sup>18</sup>

39 At the core of both Cookie Thornton’s rage and the community response  
40 was the unevenness of local citizenship. Thornton wanted to share in the

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benefits of local politics (the lucrative redevelopment), but once Meacham Park was annexed he experienced only punitive and predatory state action. “He opened a business. He went to court,” as Ben Gordon of Webster Groves told a community meeting the day after the shootings, “but the system failed him. . . . We are sorry, we grieve, but [Kirkwood officials] share in this responsibility.”<sup>19</sup> “While the acts are unimaginable,” as one reporter concluded, “many Kirkwood residents say the frustrations that consumed [Thornton] are very real”—that he was “driven to violence from frustrations that many black residents in Meacham Park describe: Being disrespected by city officials. Being hassled by the police. Being treated like second-class citizens.”<sup>20</sup>

The confrontation between Michael Brown and Darren Wilson, in turn, was most elementally a confrontation between citizen and state. This was evident of course in terms of policing and punishment—a state function with the capacity to discipline, disenfranchise, or destroy citizens. But it was also evident in schooling (Brown had just graduated from Normandy High School, a school recently stripped of its accreditation by the state<sup>21</sup>); in the most prosaic patterns of local regulation (the county’s inner suburbs are notorious for aggressive code enforcement<sup>22</sup>); in basic democratic representation (the Ferguson-Florissant School District has only rarely and sporadically claimed an African American member<sup>23</sup>); and in the patchwork of municipal incorporation, annexation, and zoning that sorts the local population by class and race.

The aftermath—the protests that roiled through the next year, the Department of Justice investigation, and the ongoing political and legal battles—underscored how tenuous that citizenship was (and is) for many African Americans in Ferguson and in the rest of St. Louis County. Heavy-handed response to the first wave of protests threw fuel on the fire, the images of militarized police confronting local citizens echoing those of Bull Connor in Birmingham a half century earlier. The streets filled again in November 2014, when the grand jury in charge of the court case declined to indict Officer Wilson; in December, when the same happened in the case of Eric Garner in New York; in March 2015, when Ferguson police chief Thomas Jackson resigned; and in April, in response to the death of Freddie Gray in Baltimore. By this point, Ferguson was both a struggling inner suburb of St. Louis and a shorthand for economic, political, and carceral injustice.

### **Suburban Subjects: Race and Citizenship in St. Louis County**

This book is about the place of African Americans in the history of St. Louis County. Spatially and historically, this is a stark setting in which to assess

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1 the inclusion and exclusion of citizens from public services, public goods,  
2 and public protection. In the United States' central cities, the terms of mod-  
3 ern citizenship were forged in a crucible of demographic and democratic  
4 change in the quarter century following the end of the Civil War. As the  
5 fleeting promise of reconstruction faded into the horrors of "Jim Crow"<sup>24</sup>  
6 and the labor demands of northern industry outpaced those of the agricul-  
7 tural south, African American migrants pushed north (the African Ameri-  
8 can population of the city of St. Louis grew from about twenty-two thou-  
9 sand in 1880 to almost seventy thousand in 1920). In the urban north, the  
10 challenge of accommodating and incorporating freed blacks (and the first  
11 generation of those born free) was overlaid with the challenge of accom-  
12 modating and incorporating a generation of new immigrants. In cities like  
13 St. Louis, postbellum race relations were hardened and recast and rein-  
14 vented in a context of intense competition over housing and jobs and urban  
15 space. Where African Americans settled, the reach of Jim Crow followed,  
16 etching racial lines across the key elements of citizenship: housing, policing,  
17 schooling, and economic opportunity.<sup>25</sup>

18 In suburban settings like St. Louis County, these racial lines were just as  
19 indelible—even if the threat they imagined was largely absent (the African  
20 American population of the county was just 3,500 in 1890 and 4,700 in  
21 1920). That absence itself, of course, was important. It was, at the onset of the  
22 twentieth century and in the ensuing decades, a reflection of larger patterns  
23 and policies of segregation that not only confined African Americans to cer-  
24 tain neighborhoods in the city but also excluded them entirely from whole  
25 towns and counties beyond the city's edge. In turn, that absence encouraged  
26 and nurtured a sense of refuge: a conviction that county homes and neigh-  
27 borhoods were (and were meant to be) a haven from the racial threat repre-  
28 sented by the city. It sustained a powerful investment in the advantages and  
29 opportunities that flowed not just from segregation but also from local and  
30 federal policies that boosted the prospects of white families at the expense  
31 of others.<sup>26</sup> And it meant that confrontations with African Americans—either  
32 those scattered throughout the county before 1970 or those who settled there  
33 in increasing numbers after 1970—would be stark and bitter.

34 Within the county, I look closely at how all of this played out in two kinds  
35 of settings: older pockets of African American residency (such as Meacham  
36 Park and Elmwood Park), and inner suburbs (such as Ferguson) that expe-  
37 rienced successive waves of white flight and black flight. Elmwood Park and  
38 Meacham Park were part of a broader pattern of early African American sub-  
39 urban settlement, often in unincorporated enclaves established before both  
40 systematic residential segregation and the land-use policies that sustained

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that segregation.<sup>27</sup> These pockets of black residence preceded even the earliest “streetcar suburbs” that began pushing metropolitan housing out from the central city. Developers ceded (and bypassed) these enclaves as a way of sustaining local segregation, which was reinforced not just by law and practice but also by hard physical boundaries (railbeds, creeks) between black and white residential areas. Homeownership rates in these enclaves were high, but so too were unconventional forms of home finance such as private mortgages and contract sales. The populations of these “little ghettos” swelled with the Great Migration, and by 1940, they housed nearly a fifth of the metropolitan African American population outside the South.<sup>28</sup>

Inner suburbs such as Ferguson, by contrast, were developed and settled in the middle years of the last century as bastions of working-class white flight. Such settings employed the same tactics as their neighbors—including legal restrictions, systematic discrimination in private realty, and exclusionary zoning—but, over time, those tactics failed. Both disinvestment in north St. Louis (and with it the failure of local public goods like schools) and the dislocation caused by urban renewal (shouldered overwhelmingly by African Americans) in the city and in St. Louis County created immense pressures on the older, relatively affordable housing stock of the inner suburbs. The racial premises of both development and redevelopment created and sustained a pattern of population movement in Greater St. Louis, marked by “white flight” into St. Louis County (and beyond) beginning in the 1940s, and by black flight into North County a generation later. The patterns and mechanisms of segregation established on the city’s north side drifted into North County and were reinvented there. In the bargain, the consequences of segregation—including concentrated poverty, limited economic opportunity, a paucity of public services (except heavy-handed policing), and political disenfranchisement—moved to these “secondhand suburbs” as well.<sup>29</sup>

The local calculus of race and property—in established and transitional settings alike—was especially stark in Greater St. Louis, a setting irretrievably southern in its race relations and northern in its organization of property. In Missouri (as in much of the Midwest) the prairie beyond the last streetcar stop invited sprawl, while the policies shaping private development, municipal incorporation and annexation, and local land use were remarkably lax. This exaggerated both the incentive and the opportunity to engage in local segregation and discrimination.<sup>30</sup> It deepened the contrast between older African American enclaves (whose development, lacking modern sewers or water lines, was essentially rural) and the cul-de-sacs that surrounded them, and it heightened the economic and political pressure to erase them entirely under the pretext of fighting blight.<sup>31</sup> And it raised the stakes—for

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1 white and black alike—in the inner suburbs, where racial transition brought  
2 with it deep anxieties about property values and public goods in the wake of  
3 a “black invasion” or “ghetto spillover.”<sup>32</sup>

4 Much of the county’s suburban development was motivated by the de-  
5 sire to segregate. Development patterns and local zoning segregated land  
6 use, separating, or creating buffers between, homes, commerce, and indus-  
7 try. Private development and zoning, whose core logic was the uniform-lot,  
8 single-family subdivision, also segregated citizens by income. And both of  
9 these strategies were essentially and explicitly racial. The first stabs at zoning  
10 (including St. Louis in 1916) were efforts to circumscribe black and white  
11 neighborhoods, and the assumption that African American occupancy  
12 posed a “noxious” use akin to a junkyard or a glue factory lived on in the  
13 language and intent of race-restrictive deed covenants.<sup>33</sup> And the economic  
14 sorting accomplished by exclusive single-family zoning was so riven with  
15 unequal opportunity and naked discrimination that it quickly and accu-  
16 rately earned the moniker “white flight.”<sup>34</sup>

17 In such settings, the notion that African Americans—either persisting  
18 in older pockets or moving into inner suburbs—were “in the wrong place”  
19 proved powerful and persistent. Urban renewal of the county’s black en-  
20 claves included relocation programs to move black residents “back” to the  
21 city. The demolition of the city’s largest public-housing project in the early  
22 1970s prompted near hysteria that displaced tenants would find their way  
23 across the county line. New arrivals in transitional neighborhoods routinely  
24 noted the withering of local services and the bolstering of local policing. “I  
25 can’t recall the streets being cleaned the last year. We now have the most  
26 inadequate lighting in the city,” an African American resident of Kirkwood  
27 told the US Commission on Civil Rights in 1970. “[But] I think we’ve got  
28 more police protection than we required when I first moved here. I don’t  
29 know if they were protecting me more or protecting someone from me.”<sup>35</sup>  
30 A half century later, the Justice Department’s scathing dissection of policing  
31 in Ferguson made essentially the same point: the police see “residents, espe-  
32 cially those who live in Ferguson’s predominantly African-American neigh-  
33 borhoods, less as constituents to be protected than as potential offenders  
34 and sources of revenue.”<sup>36</sup>

35 At its best, this is a lesser form of citizenship, a political margin at which  
36 rights and protections and obligations are thinner or less substantial, a di-  
37 minished or devalued civil status.<sup>37</sup> In pointed and tangible terms, African  
38 Americans in St. Louis County were (and are) targets of public policy rather  
39 than its beneficiaries, a problem to be solved rather than a population to  
40 be served, subjects rather than citizens.

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*Citizenship and Community*

Citizenship, a topic of renewed scholarly and political interest in our global and neoliberal age, offers a keen focus on these historical and enduring patterns of racial segregation and discrimination. At its most basic, citizenship is composed of “rights and mutual obligations binding state agents and a category of persons defined exclusively by their legal attachment to the same state.”<sup>38</sup> Those rights, in T. H. Marshall’s classic dissection, can be understood as a sequential development of civil rights (by which Marshall meant baseline economic rights—rights to work, to own property, to enter into contracts), political rights (the extension of suffrage), and social rights. The latter was the promise of the modern welfare state, whose redress of market inequalities, as Marshall wrote hopefully in 1950, was “no longer content to raise the floor-level in the basement of the social edifice, leaving the superstructure as it was. It has begun to remodel the whole building, and it might even end by converting a sky-scraper into a bungalow.”<sup>39</sup>

Such rights, in turn, should be understood as more than just legal or political formalities. In the classic liberal view, citizenship rests on an equitable “starting gate” distribution of social goods, sustained by the protection of individual rights within (and from) the state.<sup>40</sup> But the enjoyment of those rights also depends on political agency and capacity and on social inclusion or membership in a political community. “Recognition by others as a moral equal treated by the same standards and values and due the same level of respect and dignity as all other members,” as Margaret Somers argues, is the prerequisite that gives all other rights substance and meaning.<sup>41</sup> State action and public policy, in this respect, should reflect democratic values and processes; they should “draw citizens into public life” rather than simply regulating, disciplining, or punishing them.<sup>42</sup>

And, just as citizens shape policy, so policies shape citizens—a point Marshall underscores when he observes that “the Poor Law treated the claims of the poor, not as an integral part of the rights of the citizen, but as an alternative to them—as claims which could be met only if the claimants ceased to be citizens in any true sense of the word.”<sup>43</sup> In their confrontations or interactions with the state—at a social-service agency, at a traffic stop, at a school—citizens “learn about government, participation, and their own place in the political order.”<sup>44</sup> This lived citizenship is especially fraught when categorical or means-tested policies target specific populations. The ways in which such populations are treated or portrayed sends powerful messages “about what government is supposed to do, which citizens are deserving (and which are not), and what kinds of attitudes and participatory

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1 patterns are appropriate in a democratic society.” Those singled out as espe-  
2 cially worthy or deserving (say, homeowners or veterans) find their citizen-  
3 ship enhanced; their claims on state attention are seen as both noble and  
4 expansive. Those singled out as dependent or undeserving are treated (and  
5 come to see themselves) as objects of state attention rather than democratic  
6 citizens. The policies targeting them are coercive and punitive; the govern-  
7 ment they experience is oppressive and capricious.<sup>45</sup>

8 As scholarship across a wide array of policy has demonstrated, this reci-  
9 procity, or “policy feedback,” defines the boundaries of the political com-  
10 munity, places conditions on state assistance, shapes civic capacity and  
11 agency, and frames future policies. Experience with social-welfare policies  
12 can blunt or encourage civic engagement—an outcome shaped both by the  
13 hard distinction between social insurance and means-tested programs and  
14 by the subtler distinctions in the ways the client-citizens are treated on ei-  
15 ther track.<sup>46</sup> Racial discrepancies in policing are a form of both discrimina-  
16 tion and disenfranchisement; such “pervasive ongoing, suspicious inquiry,”  
17 as Charles Epp and colleagues conclude, “sends the unmistakable message  
18 that the targets of this inquiry look like criminals: they are second-class  
19 citizens.”<sup>47</sup> These punitive and supervisory policies shape not just formal  
20 political rights (to vote, to serve on juries, to hold certain jobs); they also, as  
21 Vesla Weaver argues, “transform how people understand their government,  
22 their status in the democratic community, and their civic habits—in a word,  
23 their citizenship.”<sup>48</sup>

### 24 *The Mixed Promise of American Citizenship*

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26  
27 In the American context, citizenship is notoriously uneven in promise and  
28 practice. On one hand, the United States boasts strong de jure commitments  
29 to individual rights, a relatively early expansion of male suffrage, and simi-  
30 larly strong and early commitments to public education. On the other hand,  
31 of course, all of this was conceived in a slave-holding republic and matured  
32 in a setting marked by fierce social and political commitments to racial seg-  
33regation, systematic disenfranchisement, and agricultural labor markets—in  
34 the South and the Southwest—that sustained slavery in all but name.<sup>49</sup> “En-  
35during anti-liberal dispositions,” as Judith Shklar notes, “regularly asserted  
36 themselves, often very successfully, against the promise of equal political  
37 rights.”<sup>50</sup> Citizenship for some has always rested heavily and harshly on the  
38 exclusion of others.

39 Such exclusion, embedded in public policies ranging from immigration to  
40 labor standards, is most starkly evident in the history of American social citi-

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zanship. The foundational social policies of the 1930s and 1940s were premised on near-systematic exclusion of African Americans, the maintenance of a bright line between contributory social insurance and means-tested programs, deference—in program design and generosity—to private job-based benefits, and an increasingly elaborate taxonomy (widows, kids, veterans, parents) of deservedness.<sup>51</sup> “The architecture of protection for white men,” as Jennifer Mittelstadt concludes, “was built in part on the backs of those who were denied full economic and social citizenship.”<sup>52</sup> And even for those who benefited from all of this, the reciprocal obligations were weak. Social insurance was promoted and defended as a private accomplishment, an entitlement in which the state facilitated protection but did not provide it.<sup>53</sup>

American citizenship conformed not only to the contours of race and region but also to the primacy of the market in ordering social relations and economic rewards. In this sense, American social and labor policies have always offered a weak commitment to either dampening market inequality (through high labor standards or support of collective bargaining) or addressing market failures (through redistribution). Judged by “the ability of civil society, the public sphere, and the social state to exert countervailing power against the corrosive effects of market driven governance,” as Somers concludes, the United States has always been a liberal outlier.<sup>54</sup> In the American context, full citizenship has always rested on independence and gainful employment, a fact reflected in the terms and conditions of labor-market policies, social policies, social insurance, and private benefits.<sup>55</sup> For those who do not meet the standard of the upright citizen—worker, taxpayer, consumer, homeowner—the state is a very different beast. It does not just discipline or regulate them; it punishes and preys on them.<sup>56</sup>

In turn, the close equation of market outcomes with civic virtue erodes commitments to public goods and public services. Such goods and services are not—in most instances—considered a benefit of citizenship but are earned, bought, and consumed as if they were private goods. Recipients of social insurance programs defend their “earned” benefits—even admonishing reformers to “keep the government’s hands off *my* social security or Medicare.”<sup>57</sup> Parents of means choose a good neighborhood in order to choose a good school, fiercely defending their right to “shop” for opportunity with their local taxes.<sup>58</sup> In the bargain, all are left with the presumption that American citizenship must be earned or achieved; that it flows not from birth or nationality but from some combination of market success, good behavior, and exceptional contribution.<sup>59</sup>

The neoliberal turn of the last generation amplifies all of this, but it did not invent it. In some respects, “market fundamentalism” has simply moved

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1 the line between public goods and private responsibility: less state, more  
2 market, a “risk shift” that has left ordinary Americans less secure.<sup>60</sup> But more  
3 fundamentally, it has blurred that line, marking less a retreat of the state  
4 than a redirection of its energies. Mass incarceration, in this sense, is but  
5 the harshest and clearest example of a much broader set of punitive and  
6 paternal policies that harness state power to market demands. Ordinary citi-  
7 zens are not just more exposed to market forces, they are also increasingly  
8 governed by them.<sup>61</sup> Any pretense that the welfare state might offer relief  
9 from the market, for example, has now been largely displaced by policies  
10 and programs for which low-wage employment is the core eligibility thresh-  
11 old.<sup>62</sup> Economic inequalities, in turn, nurture political inequalities. In a set-  
12 ting marked by few restraints on lobbying or campaign financing, the gap  
13 between the political capacity (and clout) of the haves and that of the have-  
14 nots grows ever wider.<sup>63</sup>

15 All of this—in its origins, in its history, and in its neoliberal variations—is  
16 inextricably entangled with race. Again, the carceral state—for its alarming  
17 scale, its starkly disproportionate burden on African Americans, and its di-  
18 rect and indirect constraints on citizenship—offers the bluntest example.<sup>64</sup>  
19 As a policy or instrument of social control, however, mass incarceration is  
20 the tip of the policy iceberg; it is merely the most visible and glaring frag-  
21 ment of a larger whole.<sup>65</sup> The assault on social programs in modern Ameri-  
22 can history has always been in large part an assault on the legitimacy—or  
23 citizenship—of their recipients. Direct and indirect racial arguments under-  
24 wrote both the exclusionary terms of the original Social Security titles and  
25 the backlash against them that began in the 1970s.<sup>66</sup> Whatever the label—  
26 the “underclass,” “handout nation,” the “takers,” Mitt Romney’s infamous  
27 “47 percent”—the underlying message is that reliance on the state makes  
28 one less of a citizen. This means that not only is one less deserving of the  
29 state’s protection, one is more deserving of its scrutiny.<sup>67</sup>

### 31 *Local Citizenship*

32 While we often think of citizenship in national terms,<sup>68</sup> its promise and  
33 its challenges are both replicated and complicated at subnational levels of  
34 government: states, counties, cities, school districts. Most interactions be-  
35 tween state and citizen occur at the local level—riding the bus, attending a  
36 school-board meeting, swimming in the municipal pool, enduring a traffic  
37 stop, wheeling the recycling to the curb, applying for a building permit.  
38 Citizenship and community are powerful and palpable locally, at a scale  
39 where natural solidarities are easier to forge and sustain. Here citizenship  
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rests not on birth or lineage but simply on one's presence in a specific place. Local citizenship—sometimes described as “the right to the city”—involves not just political access and representation but also access to local public goods and services, and to equal opportunity and mobility in local housing and labor markets. But local citizenship is also fragile, its promise easily and routinely compromised by unequal treatment, uneven access to public goods and services, and stark patterns of local segregation or inequality.<sup>69</sup> This changes the equation in a number of interesting ways.

In local settings, citizens have some control—through land-use zoning, incorporation and annexation, and the gerrymandering of school districts—over *both* the boundaries of political jurisdictions and the policies within them. While citizens move through older and arbitrary jurisdictions (townships, counties, states), municipal incorporations are often intended to stem or contain such movement.<sup>70</sup> In our patchwork metropolises, local government acts as a means of parceling out or sorting citizens, rather than addressing their diverse demands and needs. Political jurisdictions are created for the express purpose of segregating or excluding populations, avoiding burdens, and hoarding opportunities.<sup>71</sup> Indeed, most incorporated municipalities provide no or few actual services to their residents; they exist primarily to define citizenship through the regulation of land use.<sup>72</sup> The fragmentation of local governance, as a result, ensures a yawning inequality in outcomes and opportunities across neighborhoods and jurisdictions. Class and racial differences become spatial and territorial, not only carved out in the first instance but also fiercely sustained and defended.<sup>73</sup>

The “right to the city” generated by the centrality and density of urban settings begins to unravel when centrality gives way to fragmentation and density succumbs to sprawl. Segregation by class and race, accomplished and sustained by municipal borders, makes it less likely that diverse citizens will engage with each other politically—and hence less likely that they will broach any of these problems.<sup>74</sup> For those who are well-off, after all, municipal fragmentation yields prosperous enclaves where a combination of citizen demand and high fiscal capacity delivers a relatively robust supply of both private and public goods. Small-scale suburbs assemble those of common backgrounds or incomes in space; fragmentation, in turn, creates a “respectable rationale” to maximize revenues and minimize costs.<sup>75</sup> “In an increasing number of American lives,” as Susan Bickford notes caustically, “what counts as civic virtue is maintaining property values, and what counts as social responsibility is paying homeowner association dues.”<sup>76</sup> For the poor, this means stark and deeply institutionalized obstacles to equal opportunity or social mobility.<sup>77</sup> Housing policy, in this sense, marks an early

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1 inroad of neoliberalism—a setting in which the market, shaped by local  
2 zoning, became the primary driver of social and political organization.<sup>78</sup>

3 The organization of residential space, in turn, shapes access to public  
4 goods and public services. Local governance (and its uneven fiscal capac-  
5 ity) is responsible for stark inequalities in education, which is not only a  
6 core public good but also a foundation for future political engagement.<sup>79</sup>  
7 Other local resources—underwritten by the taxation of consumption and  
8 property—are richest where spending and homeownership (and home val-  
9 ues) are the most robust. The patchwork metropolis becomes less a source  
10 of public goods and services than a marketplace in which consumer-citizens  
11 “vote with their feet” for local neighborhoods and services that match their  
12 tastes and preferences.<sup>80</sup> Local fragmentation, some of which is driven by  
13 a beggar-thy-neighbor competition for local business investment and em-  
14 ployment, contributes to job sprawl and a spatial mismatch between residen-  
15 tial options and employment opportunities—especially for African Ameri-  
16 cans in central cities and inner suburbs.<sup>81</sup>

17 While fragmentation generates uneven citizenship *across* jurisdictions,  
18 local patterns of development and policy also stratify citizenship *within* ju-  
19 risdictions. Central cities quite often encompass zones of abandonment,  
20 investment, gentrification, or redevelopment in which the implications and  
21 experience of citizenship diverge sharply.<sup>82</sup> Historically, economic and ra-  
22 cial segregation have sustained vast disparities in policing, schooling, and  
23 other local services. Local citizens may have very different levels of access  
24 to public goods and services; they may also be treated very differently by  
25 local fragments of political authority. And the sheer number of those frag-  
26 ments effectively confines political representation and incorporation to one  
27 jurisdiction while exposing local citizens to state actions—policing, zoning,  
28 economic development—by neighboring jurisdictions in which they have  
29 no voice or vote.<sup>83</sup>

30 In turn, the reach of local government is both potent and constrained.  
31 Unmentioned in our founding documents, local government employs only  
32 that authority extended by the uneven “home rule” provisions in state codes.  
33 And local political authority, as an extension of the state’s police power,  
34 has historically been concerned less with individual rights than with local  
35 service provision, regulation, discipline, and order.<sup>84</sup> What this has meant,  
36 unfortunately, is that local governments have the capacity to do much harm  
37 and not much good. State and local policies, as a rule, focus on “setting rules  
38 of conduct and backing those rules by sanctions.” Indeed, state and local  
39 social policies, in their formative years and in their more recent devolu-  
40 tion, have invariably been more punitive and paternal than national social

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policies.<sup>85</sup> Local taxation historically and routinely bears hardest on those of limited means, countering the modest progressivity of federal taxes.<sup>86</sup> Local policing is animated in large part by the defense of local boundaries; investigatory traffic stops, for example, are overwhelmingly aimed at those (often young, black, and male) deemed “out of place.”<sup>87</sup>

And all of this is mediated less and less by standards or protections sustained by higher levels of government. Local political innovation has considerable promise when accompanied by robust state or national standards, including fiscal capacity, civil-rights protections, and universal social programs.<sup>88</sup> But when and where such conditions do not hold, local rule is a devolutionary minefield in which both political responsibility and austerity roll downhill—from federal jurisdiction to state to local—and social policies wither.<sup>89</sup> The “risk shift,” in which devolution and policy retreat leave families and individuals increasingly responsible for their own economic security, is particularly potent in local contexts marked by wide variation in economic opportunity, housing costs, and labor standards.<sup>90</sup>

Such fragmented localism is also a powerful mechanism for accomplishing and sustaining racial discrimination. Racial segregation has always been intensely local, policed in local public space and public services during the heyday of Jim Crow and sustained in local public policy and institutions (housing, schools) after Jim Crow and beyond the South.<sup>91</sup> Segregation sought not just spatial separation but also a tiered citizenship—constraining the rights of African Americans to access public goods and services, to choose where they live, and to enjoy the benefits (good schools, recreation, safety, employment, commerce) that come with good neighborhoods.<sup>92</sup> Assumptions about racial difference are inscribed in local spaces by public policies and private realty in such a way that they become institutionalized and, however fictive and cynical in their origins, real. Once the patchwork of development and governance is in place, as Clarissa Hayward has suggested, it creates its own incentives and interests—widening the gap between white places and black places, between white citizens and black citizens.<sup>93</sup>

Local governments, in this sense, do much of the work of creating and sustaining what Somers calls “internal borders of exclusion,” mapping degrees of citizenship, or starkly different terms of access to public goods, public services, and public protection.<sup>94</sup> The fragmentation of local government provides the opportunity to mobilize biases or hoard opportunities.<sup>95</sup> The high stakes of local citizenship—especially property values and school quality—provide the motive. Because we view local boundaries as natural or arbitrary, rather than as creatures of segregation and exclusion, deference to local authorities on

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1 issues like zoning or economic development amounts to little more than an  
2 opportunity or invitation to sustain that segregation. As a result, “spatially  
3 and racially defined communities,” as Richard Thompson Ford notes, “per-  
4 form the ‘work’ of segregation silently.”<sup>96</sup>

5 Greater St. Louis, notorious for both its long history of racial segregation  
6 and its uniquely fragmented political structure, offers a telling setting for an  
7 assessment of these patterns. It is a setting that has been and remains starkly  
8 biracial, the ways “in which citizens make sense of race and place in every-  
9 day life” unleavened by new arrivals or new immigration.<sup>97</sup> It is a setting  
10 that underscores the long and troubled history of these patterns—starker in  
11 the shadow of globalization, deindustrialization, wage stagnation, market  
12 fundamentalism, and mass incarceration, but hardly new. It is a setting in  
13 which African Americans have experienced an uneven, tiered, and stratified  
14 citizenship—their opportunities and outcomes, their rights and obligations,  
15 sharply constrained by the structure and actions of local government.

16 In the chapters that follow, I consider the experience of African Ameri-  
17 cans, as citizens, in St. Louis County across three arenas of policy. In the first  
18 two chapters, I look at the sources and implications of local political frag-  
19 mentation. Chapter 1 considers patterns of municipal incorporation and an-  
20 nexation and zoning, or the way in which political communities (and their  
21 citizens) were defined. In much of the county, across much of its history,  
22 political jurisdictions were drawn for the express purpose of sorting the pop-  
23 ulation by race—facilitating white flight, stemming black flight, and quaran-  
24 tining existing enclaves of African American occupancy. Suburban develop-  
25 ment, in this respect, reflected both the demand side and the supply side of  
26 “white flight.” Racial transition, economic decline, and the erosion of civic  
27 services provided the incentive to flee. Local zoning and housing policies,  
28 federal mortgage subsidies, and the deeply racialized practice of private re-  
29 alty reserved that opportunity—at least for the first postwar generation—for  
30 white families. And, adding insult to injury, private development and new  
31 municipal incorporation bypassed scattered enclaves of African American  
32 occupancy. New construction and infrastructure flowed around these “little  
33 ghettos” like rocks in a stream; the resulting economic and developmental  
34 contrast eventually targeted them for redevelopment or removal.

35 Chapter 2 turns to the unevenness and fragmentation of basic public  
36 goods and services (sewers, schooling, policing). Here again, uneven citi-  
37 zenship is evident from the most mundane (garbage collection) to the most  
38 profound (educating kids) of local responsibilities. This unevenness reflects  
39 inequalities both across jurisdictions (including not just municipalities but  
40 also school districts) and within them. The population sorting accomplished

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by municipal incorporation and zoning created jurisdictional fragments with vastly different capacities to deliver or pay for basic services. Older African American enclaves were often marked off by streets, sewer mains, and water lines that stopped at their borders. Secondhand suburbs (like Ferguson) undergoing racial transition suffered from both a meager fiscal base and steep service burdens. And, across the county, African Americans suffering lesser schools and services could always count on more attention when it came to policing or code enforcement.

Chapter 3 turns to urban renewal and redevelopment, a policy used sparingly by the county and its municipalities but almost exclusively to erase pockets of African American occupancy. In practice, both the designation of “blight” and the relocation policies that accompanied redevelopment were animated by concerns about the impact or legitimacy of African American citizenry in the suburban landscape. Redevelopment, animated by the desire to find the “highest and best use” of land, invariably ranked African American occupancy near the bottom of that scale. Not only did the presence of African Americans threaten the “neighborhood homogeneity” so prized by realtors and developers but—as midcentury planners routinely argued—it dampened the value of surrounding parcels as well. Following this logic, urban renewal looked to clear the way for “higher use” by erasing the “blight” of black occupancy. Homeownership—so integral to the American ideal of citizenship<sup>98</sup>—was sustained and subsidized for white families not just by denying the same opportunity to black families but also by actively dispossessing and relocating black families. In Meacham Park and Elmwood Park, these larger patterns of urban renewal and displacement played out in dramatic and dramatically uneven ways. Elmwood Park (the home of Esther Brooks) was wiped from the map and rebuilt in the 1960s, a process that—by intent and by neglect—scattered its original citizens across the deeply segregated housing markets of Greater St. Louis. In Meacham Park (the home of Cookie Thornton), redevelopment dragged out over nearly four decades and yet ended up in very nearly the same place, embroiled in controversy over the displacement of its citizens.

Chapter 4 turns our attention to the inner suburb of Ferguson, tracing its development from an early bastion of white flight to a “secondhand” suburb undergoing rapid racial transition. The conditions sketched above—including segregation and political fragmentation—shaped the city and its suburbs, bearing most heavily on older “inner” suburbs like Ferguson that were caught between the sustained decline of the central city and the sustained flight of wealth and resources to the outer suburbs. As black flight followed white flight, municipal fragments like Ferguson suffered both the

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1 success of local segregation and its failures. All of this was the backdrop to  
2 the death of Michael Brown in August 2014. Uneven development yielded  
3 uneven fiscal capacity and a double burden for the county's poorest residents:  
4 in areas where services were at their most meager, where public schools were  
5 struggling, local tax rates were invariably higher. Facing this combination of  
6 escalating demands and declining revenues, local governments drew even  
7 sharper distinctions between their citizens—abating commercial taxes in a  
8 desperate play for new investment, while using predatory policing and local  
9 courts to extract even more from those least able to pay.

10 The overarching argument, in one respect, is about the different institu-  
11 tional and political mechanisms shaping local citizenship—*fragmenting* and  
12 *segregating* citizenship through local incorporation and service provision,  
13 *bulldozing* citizenship under the auspices of urban renewal, and *arresting* citi-  
14 zenship through predatory policing. At the same time, the argument has a  
15 historical arc, suggesting the ways in which local policies sought to sustain  
16 segregation in response to shifting demographic, political, and fiscal chal-  
17 lenges.<sup>99</sup> Mid-twentieth-century innovations in municipal incorporation  
18 and zoning, in this respect, were quite explicitly and candidly crafted to  
19 sort the local population by race and class. Where and when these strategies  
20 failed—especially where pockets of African American occupancy predated  
21 white-flight suburbanization—local authorities invoked urban renewal to  
22 erase the last vestiges of “blight.” This tack, however, was soon confounded  
23 by the slow collapse of the hard racial boundary between St. Louis City and  
24 St. Louis County and by black flight into the inner suburbs of North County.  
25 With this, the definition and maintenance of local borders—and the day-to-  
26 day distinction between citizen and subject—fell increasingly to the police  
27 and the courts.



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## Arresting Citizenship: Segregation, Austerity, and Predatory Policing

In St. Louis County’s long-established African American enclaves, citizenship was fragmented and truncated. The political rights and public goods that accompanied new development and municipal incorporation scarcely penetrated. And when municipal or county authorities decided to address these pockets of “blight,” the resulting process of condemnation, demolition, relocation, and redevelopment cleared the landscape of both substandard structures and any vestige of local citizenship for those displaced. In areas of the county undergoing racial transition, especially the inner suburbs of North County, citizenship was stratified in different ways and by different means. In Elmwood Park and Meacham Park, white flight and suburban development overran—and ultimately displaced—the original inhabitants. In settings like Ferguson, by contrast, black migration from north St. Louis filtered into the housing stock built by the first generation of white flight. At issue here was not the jarring contrast between older enclaves and new development but the east-west boundary between white and black occupancy in Greater St. Louis.

In the early and middle decades of the last century, realtors, developers, and white property owners across Greater St. Louis erected elaborate obstacles to black property ownership and occupancy. These restrictions were, over time, adopted and formalized as an ethical obligation of private realtors, lenders, and insurers; as the organizing principle of both local zoning and federal housing policies; and as the key determinant of value whenever property was taxed, “blighted” for redevelopment, or redeveloped.<sup>1</sup> In some respects, these tactics were perfected in the suburbs, where legal restrictions and private discrimination were buttressed by exclusionary development and zoning. Over the middle years of the twentieth century, inner suburbs like Ferguson employed many of the same discriminatory and exclusionary

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tactics but, in the long haul, less successfully. Disinvestment in north St. Louis, the dislocation caused by urban renewal in the city and in St. Louis County, and the yawning racial gap in local wealth created immense pressures on the older, relatively affordable, and less exclusively zoned housing stock of the inner suburbs.

The private and public policies that shaped the urban crisis in Greater St. Louis, in the inner suburbs of north St. Louis County, and in Ferguson both entrenched patterns of residential segregation and disrupted them. The inner St. Louis County suburbs crowded between the city's western border and the airport (an area known locally as North County), a logical and necessary zone of racial transition. Here, educational and employment opportunities were much better than those in the city's crumbling north-side neighborhoods. And here, the older housing stock was more affordable—and the local zoning less exclusive—than it was in the outer and central county suburbs. The net result in settings such as Ferguson was both racial transition and an uneasy balance—reflected in local politics, local schooling, and local policing—between past practices and present realities.

### **Making St. Louis**

In order to understand Ferguson, we first need to understand the broader metropolitan context of racial segregation, political fragmentation, population flight, and economic decline. As a border city, Greater St. Louis bears a dual legacy: its race relations are essentially Southern, rooted in the institutions and ideology of Jim Crow, but its organization of property—reflected in private realty and in public policy—follows a Northern pattern in which the institutions and mechanisms of local segregation are particularly stark. The national pattern of white flight and inner-city decay, as one observer noted, could be found in St. Louis “in somewhat purer and less ambiguous form than almost anywhere else.” St. Louis retained (decade after decade) its dubious distinction as one of the nation's most segregated metropolitan areas.<sup>2</sup>

Segregation in Greater St. Louis was accomplished and enforced by private and public strategies of exclusion that overlapped and reinforced one another. At the center of this story is the local realty industry, which lobbied for explicitly racial zoning in the World War I era, pursued and enforced race-restrictive deed covenants into the middle years of the century, pioneered the practice of residential security rating that governed both private mortgages and public mortgage guarantees, and—as a central precept of industry practice—actively discouraged desegregation of the private housing market.

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1           At a time when cities were first exploring the politics and legality of zon-  
2 ing, St. Louis was one of a handful of cities to propose formalizing racial  
3 segregation. The St. Louis racial zoning ordinance (1916) and others like it  
4 were subject to immediate political challenge—both on “equal protection”  
5 grounds and as an unwarranted intrusion of the local police power onto  
6 private-property rights. The St. Louis law sat in legal limbo for about a year  
7 until it was struck down when the Supreme Court ruled against a similar  
8 Louisville law in *Buchanan v. Warley* (1917).<sup>3</sup> In the wake of *Buchanan*, lo-  
9 cal property and realty interests moved to segregate by other means. The  
10 solution was a combination of private realty practices and race-restrictive  
11 deed covenants that eventually formed a ragged, defensive quadrangle at  
12 the western boundary of the city’s traditionally African American wards.<sup>4</sup>

13           In the mid-1940s, a flurry of challenges to restrictive agreements cul-  
14 minated in a St. Louis case that would ultimately end up in the Supreme  
15 Court: *Shelley v. Kraemer*. While the Missouri courts had sustained the agree-  
16 ment in question, the Supreme Court disagreed and decided in 1948 that  
17 “judicial enforcement by state courts of such covenants is inhibited by the  
18 equal protection clause.” In the wake of the decision, private parties were  
19 free to draft such agreements but could not turn to the courts for their en-  
20 forcement.<sup>5</sup> Local interests instead turned to the practice of private realty to  
21 sustain segregation, and the boundary between black occupancy and white  
22 occupancy moved north as white homeowners abandoned neighborhoods  
23 now “unprotected.”<sup>6</sup>

24           The practices and assumptions of private realtors distorted not only the  
25 market for housing but also the local and federal public policies that subsi-  
26 dized and regulated that market. In the 1930s, the new Home Owners Loan  
27 Corporation (HOLC) and Federal Housing Administration (FHA) estab-  
28 lished the basic framework (low down payment, long-term amortization)  
29 for modern homeownership by offering federal insurance on qualifying  
30 mortgages. To rate local properties and neighborhoods, the FHA and HOLC  
31 turned to the architects of racial zoning and restrictive deed covenants—  
32 local realtors and lenders—and echoed their assumption that neighbor-  
33 hoods “invaded” or “infiltrated” by African Americans had lost all value.  
34 At the core of the FHA rating system, parroting the same juxtaposition of  
35 “nuisances” found in many St. Louis deed covenants, was the prohibition of  
36 “undesirable buildings such as stables, pig pens, temporary dwellings, and  
37 high fences” and the “*prohibition of the occupancy of properties except by the race*  
38 *for which they are intended*” (italics added).<sup>7</sup>

39           All of this had a lasting and decisive impact on residential patterns and  
40 opportunities in Greater St. Louis. During the peak years of African American

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migration to the St. Louis area, all but a handful of the city's neighborhoods were off-limits. "Housing is desperately short-handed in St. Louis as it is in most other large cities," the St. Louis Urban League noted in the wake of World War II, "but the lack of housing facilities for Negroes in St. Louis is critical for peculiar reasons. Approximately 97% of the Negro population in St. Louis lives at the geographical heart of the city, surrounded on the east by commerce and business, and on the south, west, and north by neighborhood covenant agreements. There are no outlets to the open county for any kind of expansion. There is a complete circle of restriction."<sup>8</sup>

Segregation was abetted by local zoning. Local governments, as we saw in the opening chapter, have every incentive to sort the population by race and class in such a way as to maximize tax returns and minimize other demands on the public purse.<sup>9</sup> Where local governance is fragmented (the St. Louis metropolitan statistical area includes over 260 incorporated municipalities, almost a hundred of which are in St. Louis County alone), there is an exaggerated incentive and opportunity to use property zoning as a means of sorting and segregating populations. Outside the central city, the dominant practice (emerging in the mid-twentieth century) was "exclusionary zoning," land-use controls that ensured a pattern of predominantly low-density, single-family settlement through a combination of outright prohibitions (no heavy industry, no manufactured housing), effective prohibitions (no land zoned for multifamily housing), and area or density standards (for lot size, setbacks, and building size). Older cities, by contrast, did not have the power to zone until long after local land use had been determined by private restrictions and market forces. Unable to compete with the suburbs for high-end residential development, central cities often ran in the other direction—designating large areas for commercial or industrial use and often "clearing" low-return residential tracts as part of the bargain.<sup>10</sup> From a metropolitan perspective, the results have not been pretty. Exclusive and fragmented zoning in the suburbs erased any semblance of residential diversity, sorting the white middle class into income-specific single-family enclaves on the periphery and leaving African Americans, the elderly, and the poor to filter into older and higher-density housing stock (much of it unprotected by local zoning) in the central city and inner suburbs.<sup>11</sup>

The net effect of political fragmentation, real-estate restrictions, and exclusionary zoning was the virtual devastation of north and central St. Louis. City planners began taking stock of these conditions (substandard housing, abandoned commercial property, aging infrastructure) as early as World War I, but all that really changed over the following decades were the terms—"obsolescence," "decadence," "blight," "ghettoization," "decay"—used to

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1 label them. The prescription, in St. Louis and elsewhere, was urban re-  
 2 newal—a tangled combination of federal money, state-enabling laws, lo-  
 3 cal initiative, quasi-public redevelopment corporations, and private invest-  
 4 ment.<sup>12</sup> Between 1954 and 2000, the city of St. Louis “blighted” hundreds  
 5 of areas under Chapter 353, the Missouri Urban Redevelopment Law, and  
 6 Chapter 99, the Missouri Land Clearance Act.<sup>13</sup> Although the condition of  
 7 the residential north side was often used to make the case for urban renewal,  
 8 those neighborhoods received virtually none of the subsequent political  
 9 attention, private investment, or public subsidies. Most of the attention  
 10 instead flowed to commercial development—stadiums, retail, convention  
 11 centers—in the city’s central corridor.

12 Urban renewal in the city, as we saw in chapter 3, displaced thousands  
 13 of families—some of whom were accommodated in new public-housing  
 14 projects, most of whom simply moved west and north ahead of the bull-  
 15 dozer. Urban renewal in St. Louis County was both more modest and more  
 16 pointed—blighting and razing pockets of African American settlement now  
 17 surrounded by new suburban development. Underinvestment, underzoning,  
 18 and the erosion of public services on the city’s north side also encour-  
 19 aged population flight—although the outmigration of African Americans  
 20 did not really take off until civil-rights jurisprudence began to pry open  
 21 county housing markets. And the abject failure of “big-box” public hous-  
 22 ing (the city’s infamous Pruitt-Igoe towers were razed in 1972) created yet  
 23 another anxious diaspora.

24 On balance, federal housing and renewal policies did little to address the  
 25 paucity of safe, affordable housing in Greater St. Louis and actually deepened  
 26 patterns of residential segregation. FHA mortgage insurance flowed primarily  
 27 to the suburbs, subsidizing white flight. Federal public-housing assistance  
 28 flowed primarily to the inner city, cementing the region’s spatial organiza-  
 29 tion of race and poverty. Indeed, when the federal government—in the con-  
 30 text of protracted litigation over school desegregation—set out to prove that  
 31 the St. Louis Board of Education was defying the mandate of the 1954 *Brown*  
 32 decision, both local officials and expert witnesses identified federal housing  
 33 policies as the prime culprit. “The segregated black community was left to  
 34 fester,” as a city official observed, “while developers aided by the federal gov-  
 35 ernment rushed out to build new white enclaves on the city’s edge.”<sup>14</sup>

### 36 **Making Ferguson**

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 39 If we re-center our attention from broader metropolitan patterns to the in-  
 40 ner suburbs of north St. Louis County—including Ferguson—four elements

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of the story stand out: First, systematic discrimination and disinvestment in black neighborhoods produced a stark (and growing) disparity between black wealth and white wealth. Those barred from equal access to housing, federal subsidies, and home finance in the middle years of the twentieth century also lost the ability to pass housing equity on to the next generation. Second, in the developmental and demographic history of Greater St. Louis, the inner suburbs of North County (including Ferguson) had an uncertain and liminal status. They were, as early enclaves of white flight, much like the other suburbs that sprawled west from the city border. But they were, in the timing and pattern of their residential development and zoning, more like the city itself. Third, decline and disinvestment on the north side and redevelopment projects in the city and in the county generated immense pressures on affordable housing stock in the inner suburbs. And finally, the racial premises of both development and redevelopment created and sustained a particular pattern of population movement in Greater St. Louis, marked by “white flight” into St. Louis County (and beyond) beginning in the 1940s and by black flight into North County a generation later. As a result, the black-white divide between north and south St. Louis extended out into St. Louis County, and local segregation was replicated in transitional neighborhoods—like Ferguson—in North County. Let’s look at each of these elements in turn.

By almost any economic metric (unemployment, job quality, wages, incomes) the gap between white Americans and black Americans is sustained and substantial,<sup>15</sup> but the starkest gap, in this respect, is in wealth. While the median black worker earns about three-quarters of the wages of his or her white counterpart and the median black household claims about two-thirds the income of its white counterpart, the gap in wealth—with black net worth stuck at about 10 percent of white net worth—is dramatically wider.<sup>16</sup> The racial gap in wealth reflects gaps in the rate of homeownership,<sup>17</sup> in the tenure of homeownership,<sup>18</sup> and in the terms of homeownership.<sup>19</sup> Facing systematic discrimination in both private realty and private lending, fewer African Americans entered the housing market, they entered it later in life, and they entered it on relatively unfavorable terms. Federal incentives and subsidies sorted opportunity by race—not only for homeownership but also for the intergenerational accumulation of equity and wealth and for the other advantages (public services, good schools) that flow from homeownership.<sup>20</sup>

Income, wealth, and inequality are embedded in places—in the neighborhoods (deeply segregated across our history) where families buy homes, raise families, and pass assets and opportunities to the next generation.<sup>21</sup>

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1 Even as civil-rights and fair-housing legislation and litigation curbed the  
2 worst of these practices, substantial hurdles—including continued dis-  
3 crimination, systematic disadvantage, and late access to housing markets—  
4 slowed progress. What this meant, in St. Louis and its suburbs, was that  
5 a long history of discrimination and segregation effectively “lived on” in  
6 the form of the black-white wealth gap. This gap was widened both by  
7 discriminatory obstacles to homeownership and by the dismal returns on  
8 homeownership for those who overcame those obstacles.<sup>22</sup> As a result, when  
9 housing markets did open up after the 1970s, segregation by wealth (and  
10 income) both displaced and sustained segregation by race. Where African  
11 Americans would or could live was determined less by the legal triumphs of  
12 the civil-rights era than by the limited supply of affordable housing—much  
13 of it abandoned by white flight and rapidly depreciating in value.

14 Where was that affordable housing? Private development pressed west-  
15 ward, especially after World War II, relatively unconstrained by local or state  
16 limits on what we now call “sprawl.” Like most Midwestern cities, St. Louis  
17 faced few geographic obstacles to growth. And, among Midwestern settings,  
18 Missouri was notoriously lax in exerting any regulatory control over the in-  
19 corporation of new municipalities. Against a backdrop of systematic seg-  
20regation, as we traced in chapter 1, this pattern of suburban development  
21 had three important consequences: First, it meant that private development  
22 generally preceded municipal incorporation, so that, when it came, incor-  
23poration (and zoning) simply cemented private development patterns and  
24 choices. Second, it meant that such patterns sustained segregation—hardly  
25 surprising given that municipal incorporation was largely animated by the  
26 desire to seal exclusionary patterns of land use. And third, it meant that  
27 the municipal organization (especially in St. Louis County) was remarkably  
28 fragmented, with each of those fragments playing a particular role in sus-  
29taining and regulating patterns of land use and occupancy.

30 But Ferguson, just to the northwest of the city border in St. Louis County,  
31 occupies a precarious spot in St. Louis’s hierarchy of places. It was incorpo-  
32rated in 1894, an outgrowth of rail-based development, and grew dramati-  
33cally in the mid-twentieth century. One of the county’s few municipalities  
34 to have incorporated before the turn of the twentieth century, Ferguson’s  
35 residential stock was older and its lots were smaller than those in the cul-de-  
36sacs sprouting up in the cornfields of West County. In the postwar decades,  
37 in a suburban landscape in which the prohibition of multifamily housing  
38 became the norm, Ferguson permitted construction of a series of apartment  
39 complexes. Affordable and accessible, the suburb became an early target of  
40 working-class “white flight” and, a generation later, an attractive option for

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black families leaving Kinloch, Wellston, and the city of St. Louis. In 1970, at its peak population of just over twenty-eight thousand, Ferguson was 99 percent white and just 1 percent black. By 1980 its black population had grown to 14 percent, by 1990 it was over 25 percent, and by 2000 it was over 50 percent. Ferguson, Missouri, was on its way to becoming a “secondhand” suburb marked by aging infrastructure, growing public-service needs, and persistent fiscal troubles.

All of this occurred amid a starkly uneven pattern of housing development and housing opportunity. Median home values in North County, at \$88,000 in 2012, are almost 40 percent less than the figure for the whole of St. Louis County (\$144,000). From 2005 to 2011 (including the housing crash and recovery), most properties in Central, West, and South County showed a slight increase in assessed values; in most areas of North County, assessed values fell. Of the county’s twenty-four thousand foreclosures (2005–2012), fully 70 percent (seventeen thousand) were in North County.<sup>23</sup> And just as low values, foreclosures, and vacancies are concentrated in North County, so too are the region’s multifamily rental units. This is an artifact of both early and uneven suburban development, and of less-exclusionary zoning in North County’s inner suburbs—characterized by the rental complexes strung along Maline Creek in south Ferguson and in Kinloch.<sup>24</sup> As a result, much of the region’s affordable housing and rental housing is concentrated in North County: of the 6,600 tax-credit units that are part of large properties (fifty or more units) in the county, 63 percent are in North County.<sup>25</sup>

All of this left Ferguson in an unusually vulnerable position. Much of its midcentury residential development rested on the same motives and restrictions and subsidies that marked “white flight” suburbanization elsewhere in the region. But because such development was crowded next to the city, it proved less exclusive and more transitional. Because these municipalities were older and their footprints generally smaller (especially in North County), they suffered both higher costs and lower fiscal capacity as they aged. And because land use was less exclusive and lots were smaller in these inner suburbs, they served as the logical destination not just for the white working class fleeing the city in the 1940s and 1950s but also for African Americans displaced by disinvestment and urban renewal a generation later. In St. Louis County, 83 percent of public-housing units and 93 percent of housing-voucher units are occupied by African Americans (the rate for both is only 3 percent in outlying Franklin and Jefferson Counties).<sup>26</sup>

This uneven development was accompanied by unrelenting pressures on the region’s affordable housing stock. The population of the city of St. Louis peaked at just over 850,000 in 1950, at which point it claimed just

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1 under half (47.9 percent) of the population of the metropolitan area. With  
2 each new census, the city's population dropped further (750,000 in 1960,  
3 622,000 in 1970, 453,000 in 1980, 397,000 in 1990, 348,000 in 2000,  
4 318,000 in 2010), as did its share of the metropolitan area. The city lost an  
5 average of just under ten thousand persons a year between 1950 and 2013.  
6 The housing shortage of the 1940s and 1950s gave way to chronic vacancy  
7 and abandonment: by 1978, St. Louis had the highest vacancy rate (just  
8 under 10 percent) of all central cities. More important than the dimensions  
9 of this decline was its racial profile: in the 1940s, 1950s, and 1960s, the city  
10 experienced dramatic "white flight" to the suburbs. In the 1970s and after,  
11 this was followed by an equally dramatic pattern of black flight as civil-  
12 rights victories began to open county housing markets and whites began  
13 moving west again from the inner suburbs.

14 Just as blacks fled the residential north side (for the same reasons as  
15 whites but a generation later), they were also being expelled from neigh-  
16 borhoods targeted for urban renewal. As we have seen, the city's first major  
17 projects were accompanied by cynical and haphazard plans for relocated  
18 residents. The haphazard movement of African Americans from cleared  
19 tracts—some into local public housing, but most into neighborhoods to the  
20 west and north—deepened segregation in many central city neighborhoods,  
21 created new demands for redevelopment in neighborhoods accommodat-  
22 ing the refugees from the latest round of renewal, and encouraged white  
23 residents of north St. Louis out into the inner and outer suburbs.<sup>27</sup>

24 While the city's redevelopment and public-housing policies hardened  
25 segregation within St. Louis, those of the county and its municipalities hard-  
26 ened the racial divide between the city and its suburbs. Urban renewal in  
27 St. Louis County, as we have seen, was often designed and pursued as a  
28 means of relocating suburban pockets of African American settlement  
29 "back" into the city. Among these pockets was Kinloch, bordering Fergu-  
30 son to the west. Kinloch had a peak population of over 6,500 at the 1960  
31 census but was targeted by surrounding municipalities (which worked to  
32 quarantine African American students into a separate and unequal school  
33 district), St. Louis County (which was looking to erase the last pockets of  
34 older African American occupancy in the name of redevelopment), and  
35 the St. Louis Airport (which was looking to expand in the Kinloch area).  
36 While the county's "Maline Creek" redevelopment scheme never got off the  
37 ground (in part because the county refused to contemplate building afford-  
38 able housing for those displaced), airport expansion did eventually erase  
39 much of Kinloch—whose population had shriveled to fewer than three  
40 hundred people by 2016.

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Taken together, uneven metropolitan development, disinvestment in the central city, and city and county redevelopment policies drove racial transition and segregation in the inner suburbs of North County. Initially developed and populated by white working-class migrants from north St. Louis, Ferguson now became the logical frontier for black flight—and for those displaced by urban renewal to the west and the east. In part, this transformation and transition reflected the tangle of factors traced above. In part, it reflected the slow erosion of formal restrictions on black occupancy, especially after *Jones v. Mayer* extended civil-rights protections to private realty and the institutions of home finance (after the 1975 passage of the Home Mortgage Disclosure Act) followed suit. And in part, it reflected the evolution of public housing from large-scale central city projects (like St. Louis’s Pruitt-Igoe towers) to portable “Section 8” vouchers.<sup>28</sup>

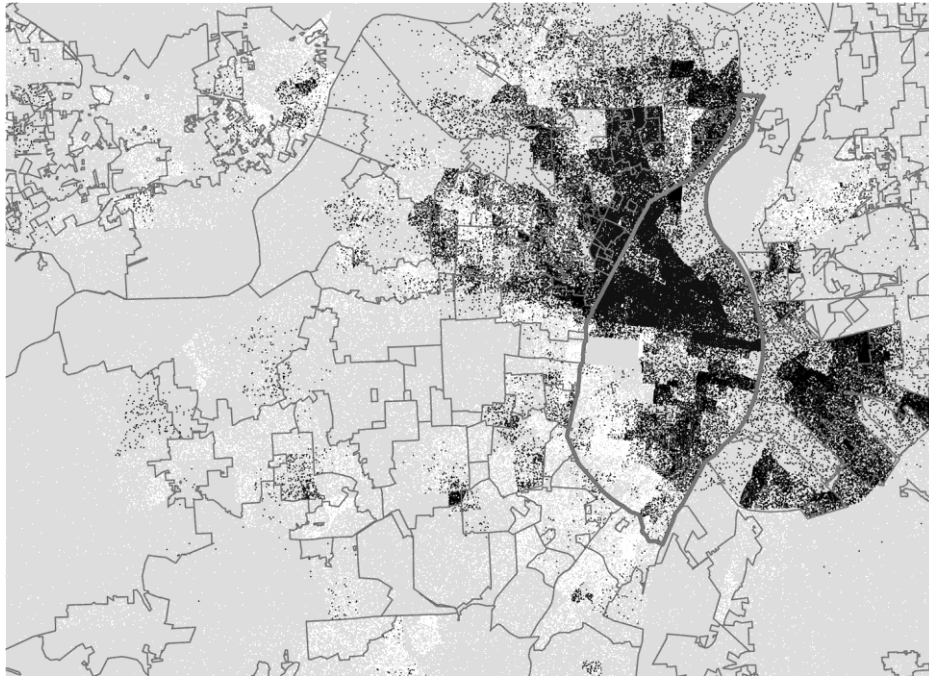
The impact and implications of these patterns were dramatic and, in some respects, devastating. Disparate patterns of white and black settlement, of white and black wealth, and of white and black flight hardened racial segregation and isolation. Black flight from the north side opened a class rift in the black community, concentrating poverty in the central city and eroding the middle-class institutions (hospitals, schools, churches) on which that community depended. By the 1980s and 1990s, these losses were underscored and exaggerated by dramatic patterns of local economic decline, disinvestment, vacancy, and property abandonment. Taken together, these trends began to exact tremendous social costs—captured by any regional assessment of educational attainment, public safety, or public health.<sup>29</sup>

The fragile line between white and black occupancy at the city-county line eroded over time as white settlement looked farther west and the collapse of formal racial restrictions finally opened county housing markets. But the north-south divide between black and white occupancy largely held, so that whites leaving the city (or its inner suburbs) moved south and west, while blacks leaving the city (including the diaspora from the failure of the city’s public-housing projects) settled largely in North County. In effect, the “Delmar Divide” between north and south St. Louis pushed across the county, splitting University City and marking everything to the north—the twenty-five postage-stamp municipalities between the city boundary and Highway 170 and south of Lindbergh—as a zone of racial transition (see map 4.1).

At the same time, the patterns and mechanisms of segregation invented and sustained in the city of St. Louis migrated along this north-south line out into St. Louis County. This extended the contours of segregation so ingrained in the city’s history and also reinvented them in new settings (including Ferguson) in the inner suburbs. Here, segregation was spatial:

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Map 4.1. Racial Occupancy by Block Group, Greater St. Louis, 2010  
 Source: HUD data (Segregation Patterns 2010), courtesy of Metropolitan  
 St. Louis Equal Housing and Opportunity Council.

African Americans settled overwhelmingly in the apartment complexes (Suburban Heights, Northwinds, Canfield) along Maline Creek in south Ferguson and Kinloch, and in pockets of single-family housing east of West Florissant Avenue and south of I-270. And it was also political, especially in settings where the previous generation of white residents retained a stranglehold over local employment, local politics, and local services such as education or policing.

And with racial transition came a replication and extension of the tangled disadvantages long faced by African Americans on the city's north side. Income inequality, measured as a share of the metropolitan median, spread out into North County after the 1970s. Inflation-adjusted average earnings (for those employed) fell by one-third between 2000 and 2012. In 1990, median household income for North County was 3 percent greater than that of the region as a whole; now it is 13 percent lower.<sup>30</sup> Poverty rates rose dramatically: between 2000 and 2013, the poor population of Ferguson doubled, by which point about one in four residents lived in poverty.<sup>31</sup> Ferguson's unemployment rate almost doubled between 2000 and 2010

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and was 11.2 percent as of 2017—nearly double the unemployment rate (5.9 percent) for the whole county. Localized inequality, racial segregation, and concentrated poverty multiply the problems faced by both communities and poor families.<sup>32</sup> Such circumstances underlie social disorganization, increased crime, threats to public health, and further flight of population, investment, and resources. As population flees and property values plummet, local tax capacities collapse—a combination that yields baser public services, deteriorating public schools, *and* higher tax rates, all of which make new investment less likely and old investment less secure. The school districts of North County, including Ferguson-Florissant, combine property values well below the metropolitan average with tax rates well among the county average. To add insult to injury, the collapse of the local property-tax base has also encouraged struggling North County communities to backfill public coffers with court costs and fines—a tactic that underlies the dismal state of community-police relations in North County and created the backdrop for the shooting of Michael Brown.

### **Killing Michael Brown**

In early August 2014, Michael Brown was shot by Officer Darren Wilson on Canfield Drive in Ferguson, Missouri. Brown’s death soon became a marker, shorthand for an array of urban and suburban ills, including persistent economic and racial segregation, a racial divide in economic opportunity and outcomes, police violence, and the uneven—carceral, custodial, disciplinary—citizenship claimed by African Americans. “One group of people in this country can expect the institutions of government to bend in their favor,” as John Lewis wrote in the wake of Brown’s death, but in what Martin Luther King Jr. called the “other America,” “children, fathers, mothers, uncles, grandfathers, whole families, and many generations are swept up like rubbish by the hard, unforgiving hand of the law.”<sup>33</sup>

Brown’s death represented all of this. But as the Department of Justice and local activists (including Arch City Defenders and Better Together St. Louis) pulled back the veil on policing in Ferguson and St. Louis County, other conspirators emerged. The first of these was fragmented local government—the very fact that a sliver of development like Ferguson claimed the authority to police Michael Brown in the first place. The second culprit was segregation’s moving boundary in North County; race relations are always most fragile on the frontier of racial transition. And when that frontier sits in a struggling inner suburb—its citizens mostly black, its police almost exclusively white—the fuse is always lit. And the third was the ongoing fiscal

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1 crisis of local government—the desire to exercise home rule without the  
2 capacity to pay for it. In this context, the confrontation on Canfield Drive  
3 was as unsurprising as it was tragic.<sup>34</sup>

4 The jurisdictional fragmentation of the St. Louis metropolitan region,  
5 which by 2010 sprawled across over two hundred incorporated municipali-  
6 ties and eighteen counties in two states, is, first and foremost, an artifact  
7 and a mechanism of segregation. In the city of St. Louis itself, during the  
8 second half of the twentieth century, the east-west “Delmar Divide” sepa-  
9 rated North City from South City, while north-south Skinker Boulevard, at  
10 the city’s western edge, was what planners dubbed a “Berlin Wall” between  
11 the predominantly black city and its wealthy, white western suburbs. These  
12 physical borders marked racial boundaries that had been established by  
13 race-restrictive covenants and maintained by decades of racist practices in  
14 private real estate.<sup>35</sup>

15 A similar marker of racial division was the steel barrier that blocked ac-  
16 cess to the city of Ferguson from Kinloch at the municipal boundary line  
17 on Suburban Avenue. In the spring of 1968, following the assassination of  
18 Martin Luther King Jr., hundreds of local activists marched to the Ferguson-  
19 Kinloch barricade, demanding its removal. When the Ferguson City Council  
20 voted to dismantle it, local property owners, along with their alderman,  
21 responded by temporarily erecting a series of new barriers (a wooden board,  
22 a “No Trespassing” sign, a car and a truck that blocked the roadway), each of  
23 which the city removed in turn. But this was not the end of efforts by whites  
24 in Ferguson to wall off their community from Kinloch. In 1975, when, as  
25 part of a school desegregation order, US District Judge James Meredith com-  
26 pelled the merger of the adjoining districts of Ferguson-Florissant, Berkeley,  
27 and Kinloch, Ferguson council member Carl Kersting responded by propos-  
28 ing that the city build a ten-foot wall between the communities or, alterna-  
29 tively, relax the building code to allow homeowners to erect such a barricade  
30 parcel-by-parcel.<sup>36</sup>

31 These physical borders and barriers reflect the larger logic of municipi-  
32 pal boundaries as guarantors of racial and economic segregation in Greater  
33 St. Louis. In Missouri, as in most American states, over the course of the twen-  
34 tieth century, local governments were granted significant legal authority, in-  
35 cluding the authority to decide and to enforce zoning laws, to collect taxes,  
36 and to fund public services that they made available to their residents only.  
37 Across St. Louis County, developers and homeowners took advantage of  
38 these powers to engage in what Charles Tilly calls “opportunity hoarding,”  
39 by incorporating dozens of new municipalities, passing zoning regulations  
40

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aimed at excluding unwanted uses—and unwanted people—and gerrymandering local school districts along racial lines.<sup>37</sup>

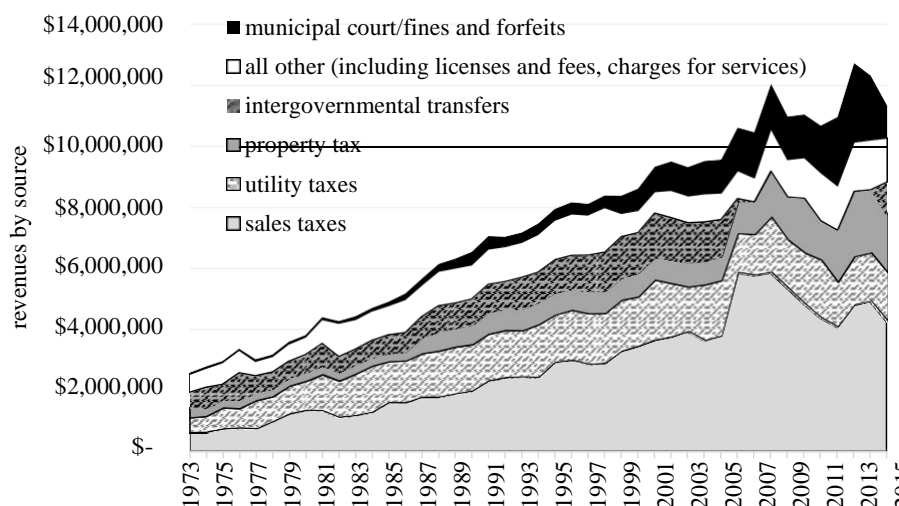
By century's end, Ferguson was a monument to both the persistence of local segregation and its failure. Developed as a bastion of white flight, it now lay squarely in the path of racial transition as disinvestment in north St. Louis (and with it the failure of local public goods like schools) and the dislocation caused by urban renewal (shouldered overwhelmingly by African Americans) in the city and in St. Louis County created immense pressures on the older, relatively affordable housing stock of the inner suburbs.

As segregation eroded in settings like Ferguson, so too did the fiscal logic that sustained the proliferation of the region's postage-stamp suburbs. The midcentury premise was pretty clear: small municipalities composed of (and zoned for) mostly single-family, owner-occupied homes could provide a modicum of local services and rely on the local residential-property-tax base to cover the costs. Where homes and lot sizes were large, the books were easy to keep as revenues were stable and demands on public services (including schools) were slight. In settings (like Ferguson) where homes were more modest, fiscal viability depended on new construction, steady appreciation of property values, generous state and federal aid, and regional investments in infrastructure. And none of that would last.

Across the last generation, shrinking national commitments and haphazard devolution have pared back public goods and services, as political authority—or just the fallout and wreckage—is passed through to smaller jurisdictions that are uninterested or unwilling or unable to pick up the pieces. “What Washington does to the states,” as Jamie Peck observes, “the states do to cities, and cities do to low-income neighborhoods.”<sup>38</sup> In a setting like Greater St. Louis, that burden fell hardest on struggling inner suburbs like Ferguson. And in response, Ferguson turned to its police department—not just to discipline and control its most marginal citizens but also to extract from them, one busted taillight or jaywalking fine at a time, the revenue to keep the lights on at City Hall. “Such austerity,” as Peck concludes glumly, “is the means by which the costs of macroeconomic mismanagement, financial speculation, and corporate profiteering are shifted onto the dispossessed, the disenfranchised, and the disempowered.”<sup>39</sup>

The weakness of local finance in the United States has deep historical roots. Unmentioned in our founding documents, local government enjoys only the authority—and taxing power—extended by the uneven “home rule” provisions in state codes. In the South, as Robin Einhorn shows, local fiscal power was further eroded by an aggressive disinterest in public goods

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4.1. General Fund Revenues by Source, Ferguson, MO, 1973–2015  
 Source: Ferguson Combined Annual Financial Reports, 1973–2015.

and deep anxieties over slaves as taxable property.<sup>40</sup> In only seventeen states (as of 2013) does the property tax account for less than 40 percent of local revenue; ten of these (including Missouri, where property taxes account for 36.9 percent of local revenues) are from the former Confederacy. In almost all of these states, regressive sales taxes make up most of the slack.<sup>41</sup>

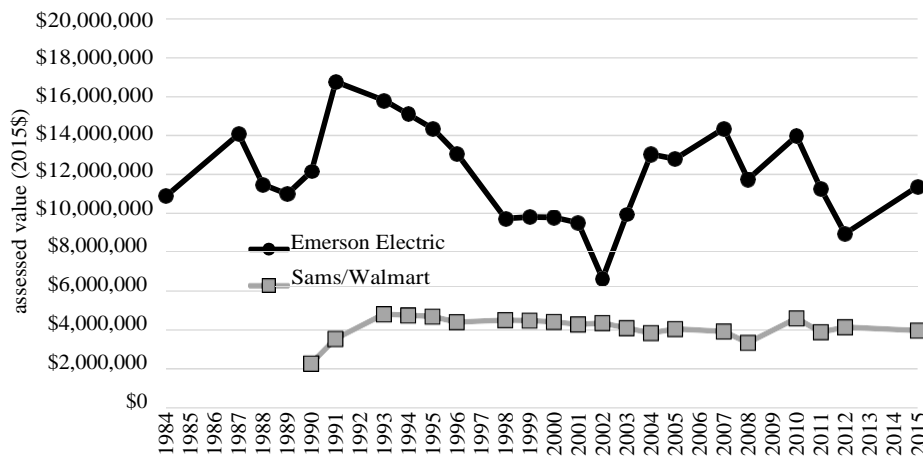
For Ferguson, this was but a dismal starting point. In 1984, in the city's Combined Annual Financial Report (CAFR), officials wrote, "Because Ferguson is a fully developed community, only an increase in the city's general taxing effort will provide significant growth in revenues."<sup>42</sup> But this strategy was vexed. The 1980 "Hancock Amendment" to the state constitution constrains local fiscal capacity by requiring voter approval for all property-tax levies and sales-tax increases.<sup>43</sup> What is more, analysis of Ferguson's CAFRs since 1973 (the earliest year for which they are available) shows that although estimated actual property values held steady through the 1970s and grew from the mid-1980s until the crash in 2007, assessed property values remained low and flat. Indeed, from 1973 until 2015, local property taxes sustained, on average, barely 10 percent of Ferguson's general fund revenues (see figure 4.1).

It gets worse. Between 1930 and 1970, a full seventy-eight municipalities incorporated in St. Louis County, thrusting Ferguson—one of just six municipalities in the county at the turn of the century—into a fierce interjurisdictional competition for local revenues. Municipalities waged annexation battles over pockets of unincorporated land that promised any

return, including a prolonged and bitter showdown (eventually won by Ferguson) over which North County municipality would add the footprint of the Fortune 500 firm Emerson Electric to its tax rolls. But these were often hollow victories, as the most common strategy for luring commercial ratepayers was to promise them that you wouldn't collect. Indeed, Ferguson relied on rolled-back property-tax assessments, real-estate tax abatements, and public-construction subsidies in a series of attempts (some successful, some not) to attract new investment.<sup>44</sup>

Such gambits, in part, rested on the hope that money forgone in property taxes could be made up in local sales taxes, which, the CAFRs show, are consistently the single largest contributor to Ferguson's general fund (see figure 4.1). Indeed, Ferguson has been quick to forgo revenues on commercial property. Some of its largest ratepayers, including Walmart and Home Depot, sit in tax-increment financing (TIF) districts, where growth in property-tax revenues—and, in the case of the most recent TIF district, growth in sales-tax revenues as well—is siphoned off to pay back the bonds the city used to finance development. Ferguson's reliance on large commercial properties as sources of revenue is undermined by the ability of property owners (including Emerson Electric) to appeal—often successfully—to St. Louis County to roll back their assessments (figure 4.2). In 2011, a single reassessment for Emerson cost the municipality over \$50,000 in forgone revenue in the next fiscal year.

This is a scramble for revenue that municipalities like Ferguson are forced to join but virtually guaranteed to lose. Indeed, the revenue profiles



4.2. Major Commercial Assessments, Ferguson, 1984–2015  
 Source: Ferguson Combined Annual Financial Reports, 1984–2015.

1 of St. Louis County municipalities vary widely. Property taxes account for  
2 between a half and a quarter of local revenues where property values are  
3 high and stable (Huntleigh, Glen Echo Park, Ladue) but fall well below that  
4 level where property values are slipping. Sales taxes account for between  
5 83 percent and 6 percent of local revenues across St. Louis County. The state  
6 of Missouri allows municipalities to opt in or out of a statewide sales-tax  
7 pool, with those that opt in dividing the total and those that opt out keeping  
8 a share of locally generated revenue. This system presents an easy choice for  
9 municipalities rich in commercial development. Not so for older suburbs  
10 like Ferguson, where the retail base is weak and faltering and the conces-  
11 sions made to attract (or retain) commercial development ensures that any  
12 gains are hollow or short-lived. Ferguson's CAFRs show that, since the early  
13 1970s, officials have closely monitored sales-tax revenues, opting in and out  
14 of the state pool year to year in a largely futile attempt to game the system.

15 This scramble for local investment—what we used to call “smokestack  
16 chasing” but now involves mostly big-box retail—is dismally unproductive.  
17 As the work of Good Jobs First and others have underscored, whoring after  
18 Walmart yields nothing but diminished revenues and destructive sprawl.<sup>45</sup>  
19 This pattern is especially acute in suburban St. Louis, given the proliferation  
20 of local governments and the stark inequality among them. As Ferguson doles  
21 out tax abatements and low commercial assessments, of course, every other  
22 municipality is doing the same thing—effectively playing musical chairs with  
23 scarce retail investment and sales-tax revenues. In 1994, Ferguson's finance  
24 director noted glumly that a dip in sales-tax revenues was “attributable in  
25 part to the opening of more outlets in the St. Louis area by one of our major  
26 businesses [Walmart] which tends to draw customers to the new locations.”<sup>46</sup>

27 This is a dismal, but not uncommon, feature of American local govern-  
28 ment. Where the need is the greatest, conventional revenue streams are the  
29 least reliable. Where property values and commercial development are ro-  
30 bust, so too are public goods and public services. Consider school funding.  
31 In the Ferguson-Florissant school district, the local school levy (at 5.3 per-  
32 cent) is near the upper limit allowed by the state and generates about \$6,200  
33 per student. In nearby Clayton, the levy (at 3.7 percent) is one of the lowest  
34 in the county and generates nearly three times the local revenue (\$17,155)  
35 per student.<sup>47</sup>

36 Such gaps are partially filled by transfers from other levels of government.  
37 Indeed, after the sales tax, the largest single source of revenue for Ferguson  
38 from the early 1970s through the early 2000s was transfers from the state  
39 of Missouri (for example, the city's share of the state gas, road and bridge,  
40 motor vehicle, and cigarette taxes) and from the federal government (for

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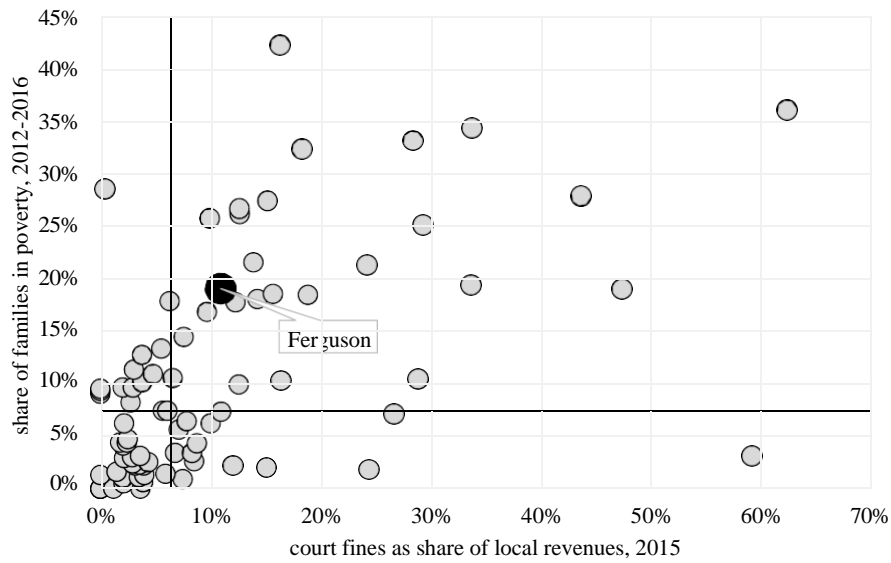
example, housing and community development grants). But these transfers were fickle. State and federal aid to local governments have declined sharply in the past decade. In 2013, for example, state and federal aid to Missouri local governments was less than \$4,000 per capita. Because much of this aid is targeted or constrained (the local share of road taxes, for example, can only be spent on roads), intergovernmental transfers contribute little to the city of Ferguson's general fund. What is more, because many state and federal transfers are calculated on a per capita basis, they have declined with Ferguson's population.<sup>48</sup>

At the same time, the city's costs were rising. Adjusted for inflation, the per capita cost of all city services rose by more than 50 percent between the early 1970s and the early 2000s. The cost of "public safety" alone more than doubled, as policing (in Ferguson and elsewhere) was pressed to fill the gaps created as austerity savaged other public goods and services. Resources for local policing were buoyed by new concerns for "law and order" in the wake of the uprising of the 1960s,<sup>49</sup> by the withering of local social services,<sup>50</sup> and by heightened concern for the protection of property as municipalities and homeowners alike rode the housing boom.<sup>51</sup> These conditions—declining revenues and rising costs, tax breaks and other subsidies for the well-heeled, the erosion of public goods alongside the bolstering of public authority—suggest a local neoliberalism that was both intense and haphazard. In some respects, local actors mimicked the larger political priorities of market deference and market discipline. In other respects, local actors were just flailing in the wreckage.

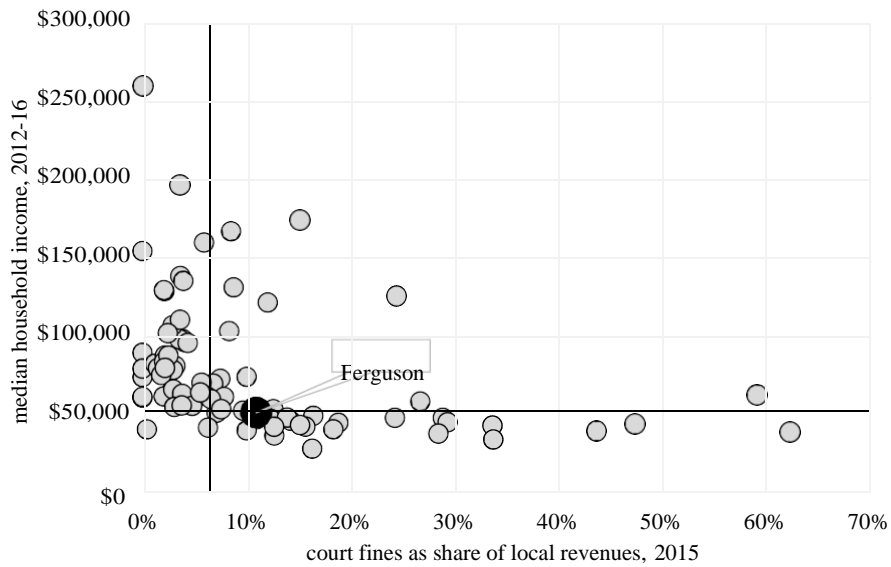
In this dismal context, and especially when local revenues and intergovernmental aid were squeezed further by the Great Recession, the solution in Ferguson—part design and part desperation—was to look for some other way to backfill the city coffers. In the absence of stable revenues from conventional sources, local authorities in Ferguson resorted to fiscal fracking of the lowest economic strata of their citizenry.<sup>52</sup> Racial transition alone, as we have seen, led to a pattern of local policing marked by regulatory intensity and racial bias. This now became nakedly predatory as well. "Perversely," as Whitney Benms and Blake Strode observe, "these tiny municipalities maintain their ability to continue offering subpar city services by extorting and caging the very people they are meant to serve."<sup>53</sup> Figures 4.3 through 4.6 summarize this pattern, plotting revenue from local courts against local poverty rates, median household income, and revenue from property and sales taxes. Where poverty rates are high (figure 4.3) and median income low (figure 4.4), municipalities lean more and more on revenue from the courts. Where revenues from local property (figure 4.5) and sales (figure 4.6) taxes lag, again the courts begin to take up the slack.

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4.3. Revenues from Fines and Poverty Rates, St. Louis County Municipalities (2015)  
 Source: Revenues from Better Together St. Louis, General Administration Study, Report #2, Table 3 (December 2015), <https://www.bettertogetherstl.com/generaladministration>; local family poverty rates from American Community Survey (2012–2016).



4.4. Revenues from Fines and Household Income, St. Louis County Municipalities (2015)  
 Source: Revenues from Better Together St. Louis, General Administration Study, Report #2, Table 3 (December 2015), <https://www.bettertogetherstl.com/generaladministration>; local median household incomes from American Community Survey (2012–2016).

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4.5. Revenues from Fines and Property Taxes, St. Louis County Municipalities (2015)

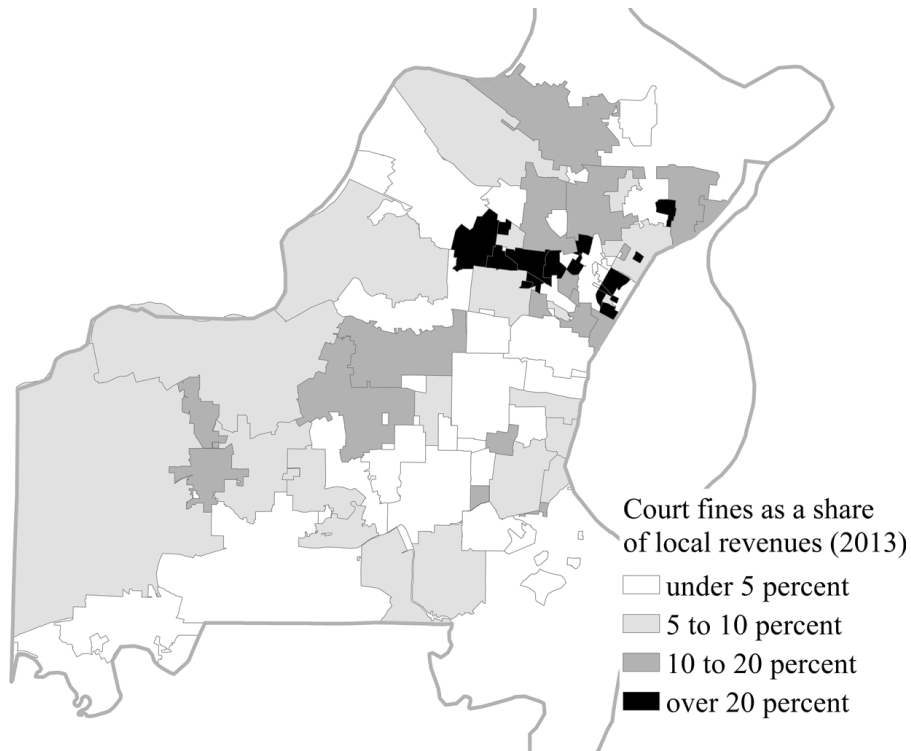
Source: Revenues from Better Together St. Louis, General Administration Study, Report #2, Table 3 (December 2015), <https://www.bettertogetherstl.com/generaladministration>.



4.6. Revenues from Fines and Sales Taxes, St. Louis County Municipalities (2015)

Source: Revenues from Better Together St. Louis, General Administration Study, Report #2, Table 3 (December 2015); data online at <https://www.bettertogetherstl.com/generaladministration>.

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Map 4.2. Revenue Policing in St. Louis County, 2013  
 Source: Better Together St. Louis, General Administration Study, Report #2, Table 3  
 (December 2015), <https://www.bettertogetherstl.com/generaladministration>.

If the county's patchwork municipal structure (as well as its attendant fiscal weaknesses) makes this form of revenue extraction necessary, it also makes it possible. As of 2017, St. Louis County alone counted eighty-nine municipalities, eighty-one municipal courts, and sixty-one police departments. This fragmentation multiplied the potential points of contact between African American residents and revenue-thirsty local jurisdictions and magnified the costs for those targeted. "Sometimes you take the long route," as one correspondent told the Ferguson Commission, "because you don't want to drive through the municipalities."<sup>54</sup> The political and economic consequences of municipal fragmentation in Greater St. Louis make plain the structural context within which public officials developed these predatory policing practices and this exploitative system of municipal courts. Such practices, in fact, were starkest in the transitional and fiscally strapped inner suburbs of North County (see map 4.2).

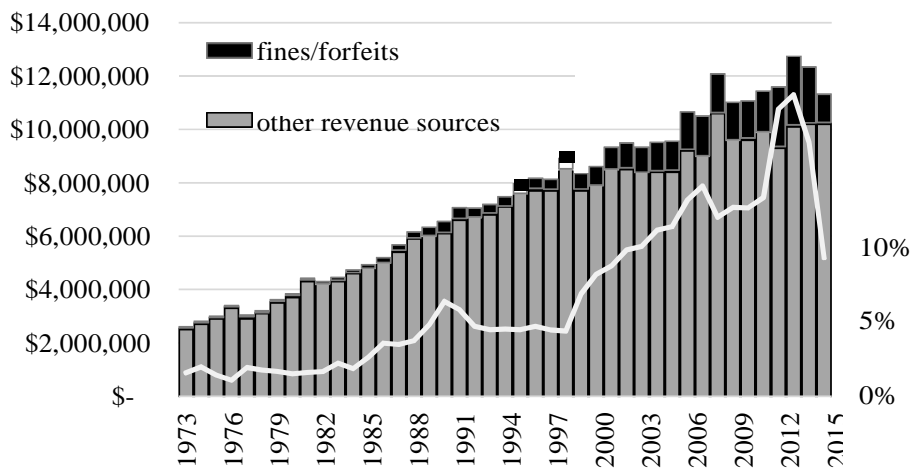
In Ferguson, fines and forfeitures surpassed the property tax as a source of general-fund revenues in 2001, and by 2013, they made up a full 20 per-

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cent of municipal revenues (see figure 4.7). The shift was not lost on local officials, who noted in 2006 that “policing efforts [had] contributed \$313,138 in additional revenue over 2005–06 budget figures” and listed “enhanced policing efforts” as a key cause of that year’s increase in the city’s general-fund balance. “Fines and forfeitures,” they noted approvingly, “were \$365,221 over budgeted figures due to the increased efforts of the Police Department.”<sup>55</sup>

In practice, this predatory policing compromised local citizenship in three ways. First, much local policing in Greater St. Louis is aimed at enforcement of trivial violations of the municipal code—including such threats to the public safety as “Manner of Walking along Roadway” (the pretext for stopping Michael Brown), and a long litany of “failure to comply” offenses that make it easy to manufacture an arrest out of virtually any police stop. In the larger picture, it is unclear how many of these local ordinances, or their enforcement, served any clear or legitimate municipal purpose. Fines for broken taillights, sagging pants, improperly storing drywall, insufficient window coverings, or jaywalking do little to enhance public safety or welfare. These laws are designed and enforced to extract revenue rather than to moderate or change behavior.<sup>56</sup>

In its 2015 report, the Department of Justice emphasized that “the City budgets for sizeable increases in municipal fines and fees each year, ex-horts police and court staff to deliver those revenue increases, and closely



4.7. Fines and Forfeits as Share of General Fund Revenues, Ferguson, 1973–2015  
 Total revenue (bars) on left axis; share of revenue (line) on right axis.  
 Source: Ferguson Combined Annual Financial Reports, 1973–2015.

1 monitors whether those increases are achieved.” For example, in 2010, Fer-  
2 guson’s finance director wrote to the city’s police chief, warning him that,  
3 “unless ticket writing ramps up significantly before the end of the year, it  
4 will be hard to significantly raise collections next year.” “Given that we are  
5 looking at a substantial sales tax shortfall,” the finance director continued,  
6 “it’s not an insignificant issue.” According to the Department of Justice, the  
7 following year the acting prosecutor of the municipal court “talked with po-  
8 lice officers about assuring all necessary summonses are written for each in-  
9 cident, i.e. when DWI charges are issued, are the correct companion charges  
10 being issued, such as speeding, failure to maintain a single lane, no insur-  
11 ance, and no seat belt, etc.” The goal, the prosecutor underscored, was to en-  
12 sure “that the court is maintaining the correct volume for offenses occurring  
13 within the city.”<sup>57</sup> By 2013, the Ferguson Municipal Court was processing  
14 almost twenty-five thousand warrants and more than twelve thousand court  
15 cases annually: a rate of three warrants and 1.5 cases for each household  
16 in its jurisdiction.<sup>58</sup> What Ferguson’s acting prosecutor called the “correct  
17 volume” of charges was a measure that had little to do with public safety.  
18 Instead, its “correctness” was a function of the capacity, in the words of Fer-  
19 guson’s finance director, “to fill the revenue pipeline.”<sup>59</sup>

20 Second, the distribution of this burden—“the simple fact . . . that viola-  
21 tions of these ordinances only lead to jail time for certain people in certain  
22 places”—left little doubt as to their underlying racial logic and animus.<sup>60</sup>  
23 As the US Department of Justice made clear in its scathing March 2015 re-  
24 port, by the time Darren Wilson confronted Michael Brown in August 2014,  
25 members of Ferguson’s police department and officials of its municipal  
26 court had, for years, systematically targeted the city’s black residents, ex-  
27 tracting from them exorbitant fines for minor infractions and gratuitously  
28 arresting and jailing them when they proved unable to pay.<sup>61</sup> The thrust  
29 of these policies, as well as the discretion exercised in their enforcement,  
30 was starkly and unabashedly racial; they disproportionately targeted African  
31 Americans, and—by playing out assumptions of who belonged where—  
32 drew indelible distinctions between white and black places and between  
33 white and black citizens.

34  
35  
36 The fragmented political structure of St. Louis County was designed to ce-  
37 ment racial and economic segregation and to enable the privileged to hoard  
38 local resources and opportunities. Many municipalities succeeded in the  
39 competition to attract commercial development and middle-income and  
40 wealthy residents. But many others—like Ferguson—failed. In some of

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the earliest and fiercest outposts of suburban segregation—which, due to fair-housing legislation, continued white flight, and the racial wealth gap, are now majority black—a combination of declining property values, the erosion of support from higher levels of government, and a beggar-thy-neighbor scramble for sales- and property-tax revenue has produced a severe and intractable fiscal crisis. The result is a yawning gap between local authority and local capacity. Municipal policies sharpen local inequalities and bear heavily on the most vulnerable among us. In this sense, the predatory policing that cost Michael Brown his life underscores both the repressive character of local policing and the regressive burden of local taxation. The wicked logic of Ferguson was that these could be pursued in tandem: that policing could backfill the budget so that the budget could sustain more policing.

The murder of Michael Brown and its aftermath shed a spotlight on these practices and their implications for local citizenship but did little to ease the underlying causes. Indeed, Ferguson’s fiscal woes deepened as it struggled to comply with the Justice Department’s consent decree on one hand and to meet the costs of policing protests (and prosecuting protesters) on the other.<sup>62</sup> Negotiations between Ferguson and the Justice Department proceeded fitfully, slowed by the city’s fiscal anxieties (“We feel that what they are asking would financially ruin the city,” as one city councilor complained just before the anniversary of Brown’s death<sup>63</sup>). In January 2016, Ferguson officials finally agreed to a settlement that would bolster community policing and meet the modest expectation that municipal code enforcement be animated by a concern for public safety rather than the city’s budget.<sup>64</sup>

A month later, that deal crumbled when the Ferguson City Council unilaterally amended the consent decree, most notably pulling back on commitments to raise police salaries and asserting that the terms of the deal would not apply to outside agencies if the city decided to contract out policing or collections.<sup>65</sup> The Justice Department wasted no time filing suit, citing the city’s “routine violation of constitutional and statutory rights, based in part on prioritizing the misuse of law enforcement authority as a means to generate municipal revenue over legitimate law enforcement purposes,” and the unlikelihood “that the City will remedy these patterns and practices of unlawful conduct absent judicial mandate.”<sup>66</sup>

A parallel effort at the state level to reign in predatory municipalities followed a similar path. In July 2015, just under a year after Brown’s death, Missouri Senate Bill 5 capped court fines as a share of municipal revenues in St. Louis County at 12.5 percent.<sup>67</sup> The county and twelve of its municipalities immediately challenged the law, and in May 2016 they won a partial victory

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1           when the state’s supreme court held that St. Louis County municipalities  
2           could not be held to a different standard than the rest of the state—raising  
3           the revenue cap back to the statewide threshold of 20 percent.<sup>68</sup> And, since  
4           this cap applied only to revenue from traffic stops, municipalities simply  
5           shifted their attention to other forms of predation, such as code violations.<sup>69</sup>

6           And, through all of this, the logic and limits of local citizenship remained  
7           the same. “At first glance, issues of local governance appear more bureau-  
8           cratic than political, more administrative than ideological,” as the Arch City  
9           Defenders underscored. “However, the history of St. Louis and the surround-  
10          ing county make clear that many of the region’s cities—with their municipal  
11          charters, departments and ordinances—were established with the explicit  
12          intent of keeping out undesirable black residents threatening to upset the  
racial order. Such places were never meant to be hospitable to such people.”<sup>70</sup>