

St. Louis: ‘urban revitalization’ targets the homeless

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Over the past two decades the American ruling elite, under both Democratic and Republican leadership, has pursued a policy euphemistically called “urban revitalization,” or more conventionally, gentrification. This process is characterized by an influx of private capital into distressed sections of downtown city areas. While creating greater profit margins, the process inevitably leads to greater misery for low-income residents.

In June of this year the US Supreme Court put its imprimatur on this process by ruling that cities may use eminent domain to seize homes and small businesses and turn their property over to large real estate concerns, corporations and “big-box” stores like Wal-Mart and Target. So-called just compensation for low-income residents whose neighborhoods are destroyed is a small price to pay for the lucrative profits these companies hope to achieve.

Another, even darker, aspect of this process of “urban revitalization” is the concerted attempt to isolate and expel the homeless and poor from their urban neighborhoods, so as to improve the “quality of life” for prospective upscale residents. According to the National Coalition for the Homeless it is routine in urban areas across the US to employ official policy to harass the homeless. Unwilling and incapable of addressing the rising cost of housing and the growth of poverty, government and business often hire police and private security guards to “clear the streets.”

This is exactly what was done in St. Louis, Missouri when the Downtown St. Louis Partnership contracted with the city to create a privately funded court to prosecute so-called “quality of life crimes” that occur within defined areas in the city’s downtown. The offenses taken up by this court were framed in nineteenth century terminology. Low-income residents were picked up for such “offenses” as loitering, begging, and disturbing the peace, among others.

This “paupers court” was entirely paid for by the business owners in the city. The judge, his courtroom and other expenses came from assessments of the downtown business owners. The funds even paid for several beds in the local jail where homeless could be held. Finally, the sentence for these crimes of poverty was to toil in slave labor details organized by the very private concern that funded the court! Offenders were routinely sentenced to perform what was called community

service in the downtown area, cleaning up the parks and streets surrounding the businesses themselves.

In September 2004, St. Louis Circuit Judge David Dowd ruled that St. Louis’s privately funded “quality of life” court was unconstitutional. According to the ruling, the court violated the due process rights of individuals tried and sentenced within its confines, in violation of the US and Missouri state constitutions. Furthermore, Dowd noted, “the different treatment for persons arrested within the specified downtown area constituted an unconstitutional special law.”

In a second federal lawsuit (*Johnson v. Board of Police Commissioners*) 25 homeless workers and others charged that the City of St. Louis, its metropolitan police department and the Downtown St. Louis Partnership regularly organized “sweeps” designed to get them off the streets. Legal Clinic attorneys had tried unsuccessfully in 2003 to get the city to voluntarily stop the sweeps.

The plaintiffs, represented by attorneys from the Civil Justice Clinic (Washington University School of Law) and the Legal Clinic (Saint Louis University School of Law), accused St. Louis police officers of harassing and unjustly jailing them. The complainants zeroed in on one “sweep” of downtown St. Louis organized by the police during Independence Day festivities last July 4. The ugly details of how this process was carried out are documented in their court pleading.

One complainant, 54-year-old Kenneth Tate, was taken from his place near a post office where he was performing under a valid busker’s permit issued by the city. According to Tate’s official testimony, “‘the police drove-up.’ Officer Browning, a short Caucasian male, ‘threw me on the car, handcuffed me very tightly, and punched me near my kidneys.’”

Police drove Tate to a location five miles north of downtown and dumped him there. They threw his instruments in the weeds and told him to have a good day. The lawyers for the group told the court, “Mr. Tate feared for his life. On the trip, he prayed that God would take care of him.” Tate, a Vietnam veteran, is not homeless but suffers from Post-Traumatic Stress Disorder.

Other complainants were arrested and jailed in the “sweeps” of homeless over the July 4 holidays though they were committing no crimes of any nature when picked up by police. According to some of the testimony, police threw firecrackers

at people waiting for food vans that frequent the area and then arrested individuals at will. Several people said the police made comments to them that indicated they were being singled out for removal from the public parks and streets.

Timothy Swift, homeless for over two years, said one cop told him, “I’m the police, I’ve got a badge and a gun and I can do what the f___ I want.” The officer said, “he could get [him] for drinking in public or pissing in public.” His testimony continued by alleging one of the officers said, “‘we are doing a sweep so people can enjoy their holiday.’” Mr. Swift was taken to the Jefferson Street-Martin Luther King Street Police station. According to the court record, “There he was held for about 24 hours. After Mr. Swift’s release, he said an officer came to the bridge, put a gun to his head and said he was going to kill him.”

With a special judge’s order, the plaintiffs were told they would be locked up unless they agreed to join unpaid work details cleaning up around the businesses of the Downtown St. Louis Partnership. Some were taken from jail and ordered to do work organized by the partnership, though they had not even been in a courtroom, much less convicted of any crime warranting such “community service.”

One complainant said he agreed to do the unpaid labor only because he was to start a new job and could not afford to stay in jail.

Steven Gunn, associate professor of law at Washington University in St. Louis and one of the plaintiffs’ attorneys, said, “This agreement makes it clear that sweeps violate the law and violate human dignity. The Constitution requires probable cause for arrest, and it also says you can’t punish people before they have a trial.”

The settlement reached on October 12, 2005 consequently issued “a preliminary injunction barring St. Louis police officers from removing homeless individuals from public places without probable cause and barring corrections officials from punishments without adjudications of guilt.”

The City of St. Louis also agreed to award the plaintiffs \$80,000, which will be divided amongst themselves, their lawyers and various homeless shelters in the area.

St. Louis city attorney Patricia Hageman, one of the attorneys for the city and businesses, claimed “there was no conspiracy to remove homeless people from downtown.... We would hope that people now would put their time and efforts into helping the homeless get the housing and services they need to live independently.” In other words, better for all memories of these incidents to be brushed aside so the same policies can continue.

In an earlier permanent injunction the judge’s own language alluded to the Dickensian character of the anti-homeless campaign. On October 14, 2004, US District Judge E. Richard Webber issued an order granting the Civil Justice Clinic’s request for a preliminary injunction. The injunction prevented “the St. Louis Board of Police Commissioners from directing or allowing the clearing of homeless people from public areas solely to sanitize public places where the homeless have a right

to be, because of the perception that homeless people present an appearance that detracts from an aesthetically pleasing environment that promotes commerce.”

The judge also ruled against “the judicial imposition of punishment for any municipal ordinance violation before a determination of an accused person’s guilt under an ordinance has been made.”

It would be a mistake, however, to regard these settlements as a sign of better things to come for gentrification victims as a whole. The past 20 years have seen an explosive growth in social inequality in the United States, and all indices point to its continuing in cities such as St. Louis and other US metropolitan areas under policies advanced by both big-business parties.

The number of St. Louis residents living in poverty in 2004 approached 21 percent, even when measured against the federal government’s poverty threshold, a level of income that is barely adequate for sustenance. According to the Missouri Economic Research and Information Center (MERIC), the current unemployment rate in St. Louis is approximately 10 percent. In East St. Louis it is almost twice that figure, or 17 percent. The underemployed and those who have abandoned their search for employment are not even included in these dismal statistics.

Policies and legislation supported by both the Democratic and Republican parties have contributed to an explosion of poverty and homelessness—leading to the demolition of low-rent public housing, skyrocketing costs of living, and tax breaks for private businesses.

This was perhaps most strikingly demonstrated under the Clinton administration’s “welfare reform” laws in 1997, which consequently provided an ample pool of poor and desperate workers for low-wage service sector jobs. St. Louis, like the rest of America, has seen a hemorrhaging of higher-paying manufacturing jobs over the past two decades.

The mass media, meanwhile, sings the praises of the increasingly outmoded market economy and blames the victims for their own plight under the banner of “personal responsibility,” as was witnessed recently in New Orleans during the Hurricane Katrina disaster. In St. Louis in 2004, authorities engineered the systematic jailing of people simply because they looked like they were homeless or because they were the poorest of the poor—unable to afford a home, a job, food, decent clothing or health care.



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