

Enduring History: The Struggle to Control the Future of Houston's
Oldest African American Neighborhood

by

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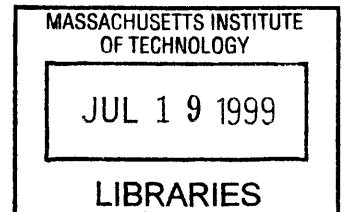
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Submitted to the Department of Urban Studies and Planning on May 20, 1999
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Planning

ABSTRACT

The recent history of Freedmen's Town, Houston's oldest African American community and one of the city's most contested spaces, is explored. For the past twenty years, developers, mayors and downtown business interests have pushed for the redevelopment of Freedmen's Town, one of the poorest and most run-down sections of the city and located in the shadow of downtown. The various strategies used by the city to stimulate and control development and by residents to prevent the city's interventions and attain community control are investigated. Research was conducted in the manuscript collections of the Metropolitan Research Center at Houston's Public Library, and interviews were conducted with developers, residents, activists and public officials.

Acknowledgements

I greatly appreciate the thoughtful and congenial advising by Professor Robert Fogelson, who always made it clear that we were in this together without trying to take over. Professor Lisa Peattie fearlessly urged me to go beyond what happened in Freedmen's Town and think about what it means. Many thanks to Professors Langley Keyes, Lawrence Vale, Terry Szold and Frank Levy for shaping the research questions early on.

My family delivered me body and soul through this process and every other. Michael hiked through demolition sites to take photographs of Freedmen's Town and needled his poker buddies for their connections to developers and politicians. Kim could be counted on to drop in from Singapore or Europe to take me to dinner and cheer me up. Corrinne read every word of this thesis with the boundless love of a big sister and the invaluable expertise of a Professor of English. My mother's unflagging faith and multiple kindnesses have always sustained me. For Joe's dispatches from Houston and unobtrusive support, I am deeply grateful.

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INTRODUCTION

In the shadows of downtown Houston a few hundred people live in what remains of the city's oldest African American community, Freedmen's Town. As bulldozers knock down houses and explosives implode larger buildings, patches of vacant land grow, isolating the remaining houses. At one end of Freedmen's Town construction crews are erecting a large, mixed-income community. Until a few years ago, when the city evicted the last tenants, the large public housing development Allen Parkway Village sat on this site.

Nothing is being constructed on the rest of the vacant land in Freedmen's Town. The City of Houston owns much of the neighborhood and has vague plans to redevelop the area in order to attract office workers eager to live close to downtown. The mostly old and African American residents displaced by the demolitions have not been compensated and have scattered throughout the city.

How could this happen in 1999?

The recent obliteration of most of Houston's Freedmen's Town recalls the era of urban renewal, purportedly long-gone, when cities plowed under centrally located areas where poor and minority people lived. The story of Freedmen's Town resonates painfully with many other neighborhoods in many other cities. Poor people of color have frequently been pushed out of central cities when downtown living becomes fashionable. But this type of urban renewal is not supposed to happen anymore. Cities are not supposed to bulldoze communities, especially not places like Freedmen's Town, which was recognized on the National Register of Historic Places.

How could this happen in Houston?

Why did the City of Houston, famous for adherence to *laissez faire* ideologies, intervene in Freedmen's Town, whose residents vociferously opposed the demolition of public housing and the destruction of much of the historic neighborhood? How could city officials argue for

these interventions within a public sphere whose controlling rhetoric emphasized the superiority of market forces to public interventions?

Why did it take so long?

Downtown business interests, real estate developers, and four mayoral administrations pursued the redevelopment of this area for twenty years. How could the relatively powerless residents – mostly poor renters--resist the powerful array of forces aligned against them? What strategies did the residents employ to foil the city's plans?

Freedmen's Town 1999

FIGURE ONE



Remaining houses surrounded by vacant lots and in the shadow of downtown, May 1999

Western Edge of Freedmen's Town, 1999

FIGURE TWO



Demolition of city-owned hospital, May 1999

CHAPTER ONE

Setting the Stage

A brief history of Houston's Freedmen's Town

African-Americans predominated in the Fourth Ward, practically since the founding of Houston. Freed slaves who flocked to the area known as “Freedman’s Town” after the Civil War largely built what became known in the African-American community as the ‘mother ward.’¹ Over the next fifty years, as the city outgrew the original wards, affluent neighborhoods and the expanding downtown commercial area encroached on the Fourth Ward. Massive, federally funded redevelopment programs targeted the area starting in the 1930s, still characterized by nineteenth-century southern vernacular housing, and therefore labeled a slum. A major highway loop consumed a large chunk of the community in 1959. Even more divisive, a federally funded ‘white-only’ public housing development reserved for returning World War II veterans appropriated more than thirty-seven acres of the original ward. Known as San Felipe Courts when built in 1939 and now called Allen Parkway Village (APV), the public housing development covered more than one-quarter of Freedmen’s Town. The modernist housing separated itself physically as well as racially from the rest of the neighborhood, leaving a massively diminished community, which nevertheless survived.²

Even diminished in size, Freedmen’s Town remained a remarkably intact district. Given that most buildings date from before 1936, the neighborhood stood as an embodiment of an early twentieth-century African American community. Freedmen’s Town provided social and cultural support to its residents and to members of the City’s greater African American

¹ Interview Gladys House, President of the Freedmen’s Town Association. The Freedmen’s Town residents prefer Freedmen’s Town to the commonly used name Fourth Ward, since technically the Fourth Ward extends much farther than the Freedmen’s Town district. The neighborhood is generally thought to encompass eighty blocks, of which forty are included in the historic district. I will generally use ‘Freedmen’s Town’ when referring to the neighborhood, and Fourth Ward when referring to the larger area.

² San Felipe Courts Historic District. National Register of Historic Places Inventory-Nomination Form.

community, one of the largest in the South³. Important cultural institutions, such as churches, schools, black-owned businesses, and libraries flourished in Freedmen's Town. (Figure Three) Jack Yates, legendary early pastor of Antioch Baptist Church, founded Houston College in 1885. Initially teaching skills that students used in building their own homes, such as bricklaying and carpentry, Houston College eventually evolved into Texas Southern University, one of the largest historically black colleges in the nation.⁴

Most of the institutions in the neighborhood were founded while Freedmen's Town was a very mixed income community.⁵ Over time, however, the neighborhood became poorer, relative to the rest of the City. By the 1920's, most of the residents rented their homes, which had already begun to show wear and tear.⁶ Despite the increasing impoverishment of Freedmen's Town residents, black institutions anchored the neighborhood and provided stability. Until the mid-1930's, the Fourth Ward housed ninety-five percent of all black owned businesses in Houston. [Figure Four] The Pilgrim Building for example contained the Negro Chamber of Commerce and the NAACP. (Figure Five)

³ Bullard, Robert D. *Invisible Houston: The Black Experience in Boom and Bust*. College Station: Texas A & M University Press. 1987. Houston's African American population has accounted for at least 20 percent and as much as 32 percent of the City's population during this century. In 1990 African Americans numbered 448,148 and accounted for 27.5 percent of the City's total population.. See City of Houston . *Comprehensive Housing Assessment Strategy CHAS 1993*.

⁴ "We Shall Not Be Moved" *Houston Metropolitan Magazine*, January 1991. Page 53 and Texas Trailblazers pamphlet.

⁵ The variety of housing types in Freedmen's Town, such as shotgun row houses, bungalows, and fancier two story houses, such as Reverend Yates house reflects the typical income mixing in older sections of the city.

⁶ Urban League report, 1929. Evidence points to an erosion of Black homeownership as early as the turn of the century. See Passey, Mary Louise: *Freedmantown: The Evolution of a Black Neighborhood in Houston, 1865-1880*. Unpublished Master's Thesis, Rice University, 1993.

The Carnegie Colored Library

FIGURE THREE

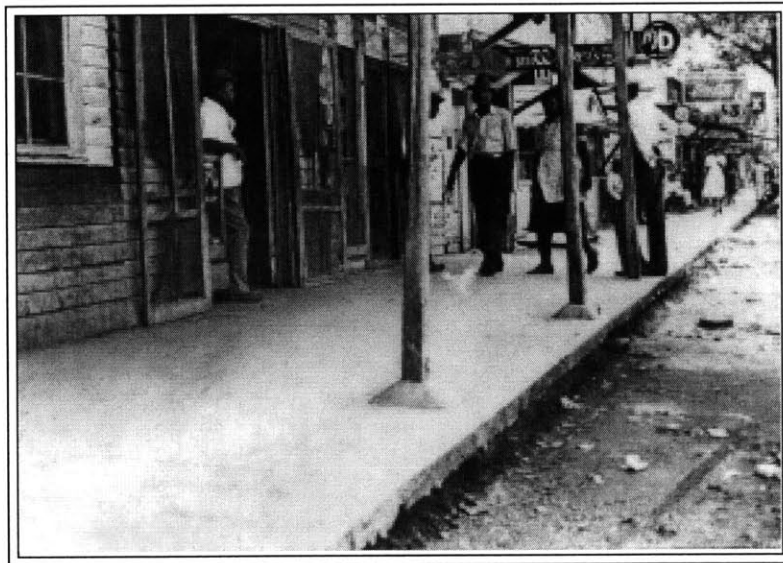


Courtesy of Houston Metropolitan Research Center

Demolished during construction of Interstate Highway

West Dallas Street Businesses

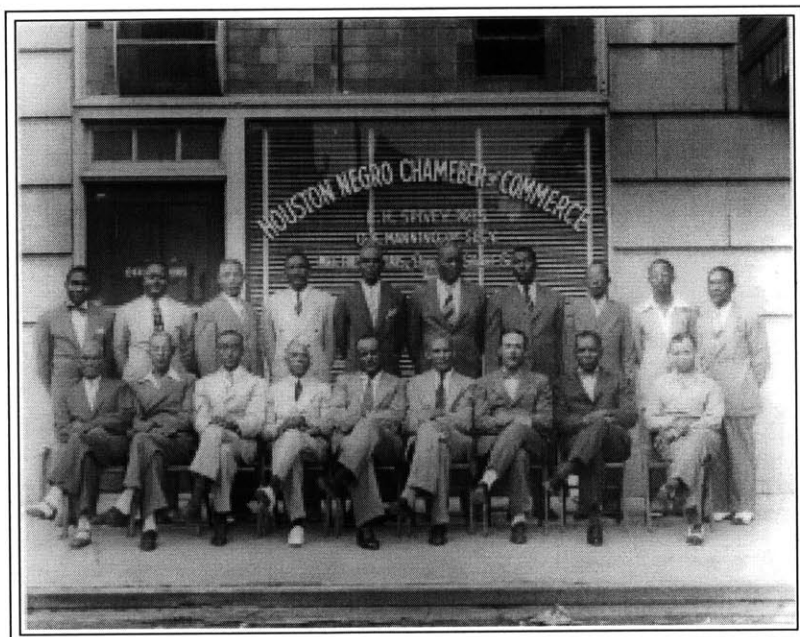
FIGURE FOUR



Courtesy of Houston Metropolitan Research Center

FIGURE FIVE

The Pilgrim Building



Courtesy of Houston Metropolitan Research Center

Demolished to make way for office towers

Harmon's Dry Goods, the Rainbow Theater, and dozens of night clubs and beauty shops contributed to the Fourth Ward's reputation as the "Harlem of the South."⁷ By the 1970's most of the businesses had disappeared, through the encroachment of downtown and particularly through the construction of a major highway through the heart of the black business district.⁸ Many churches, however, remained, and the neighborhood retained its important symbolic importance for the African American community.

The Housing Authority restricted Allen Parkway Village to whites only for more than twenty years. When federal law mandated desegregation in the 1960's, Houston initially complied by admitting a few African-American families into the development. By the late 1970s Allen Parkway Village was populated by a majority of African Americans. Around this time, various coalitions of the City's elite clamored for the demolition of the development. The land, at this point situated next to a major highway interchange and 60 story towers occupied by the likes of Exxon, would command a huge price, according to interested developers who approached the mayor. The aerial photograph in Figure Six shows the proximity of downtown to Freedmen's Town.

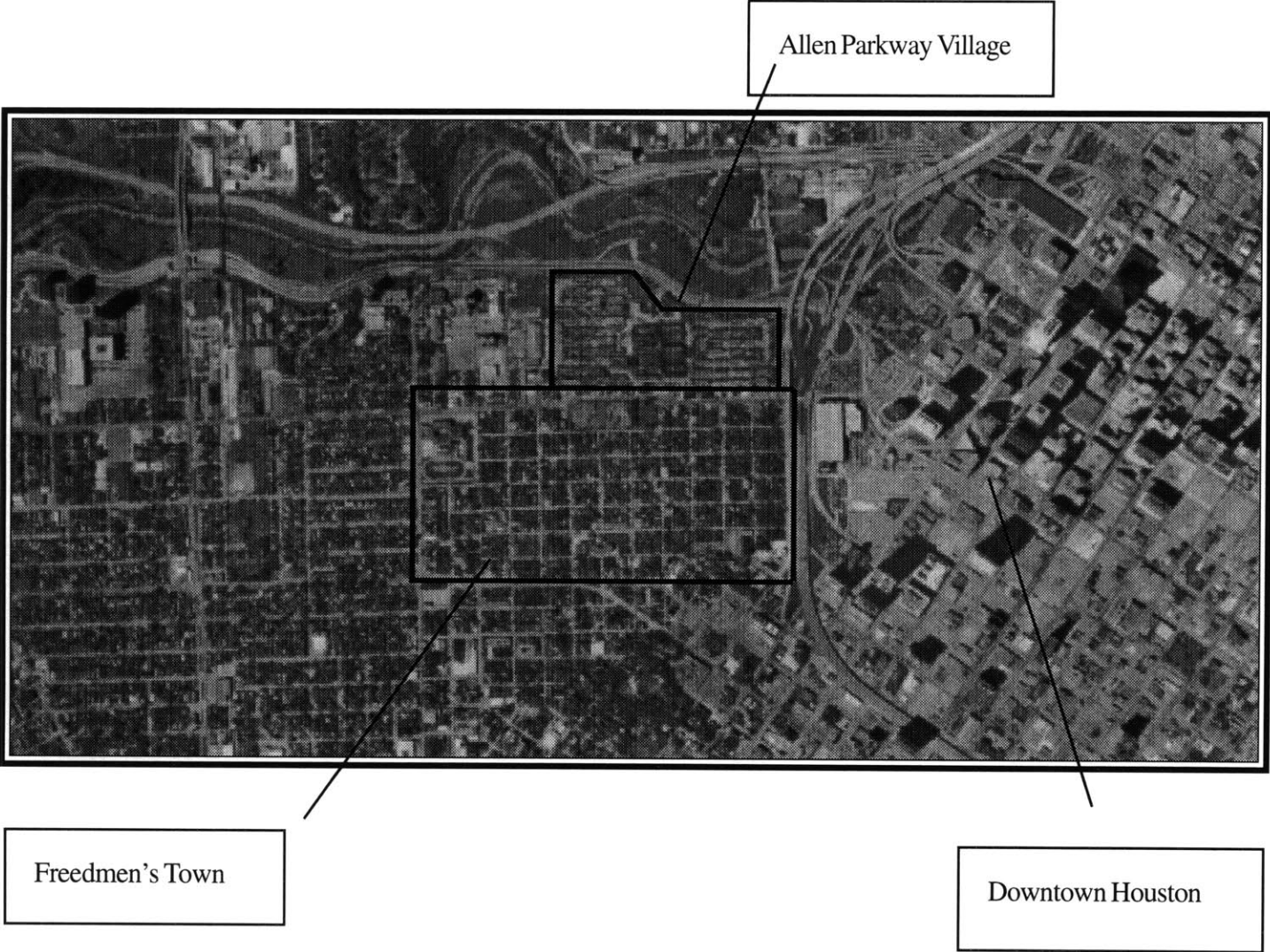
The neighborhood continued to demonstrate unusual stability – in 1984 over forty-five percent of Freedmen's Town residents had lived in the neighborhood for at least 10 years. Despite the stability the neighborhood was vulnerable to development. Poverty was increasing, supporting services were being eroded and very few residents owned their own home.⁹

⁷ Freedmen's Town Historic District. National Register of Historic Places Inventory-Nomination Form. Item 8 page 9

⁸ According to City Directory listings the neighborhood's major commercial street, West Dallas, housed 276 businesses/residences and only 2 vacancies in 1948, 248 businesses/residences and 25 vacancies in 1957, 153 businesses/residences and 47 vacancies in 1968 and only 33 businesses/residences and 10 vacancies in 1988. See Morrison & Formy's City Directories for 1948 and 1957. Polk's City Directory 1968 and Cole Publications City Directory for 1988-1989.

⁹ ERA preliminary report page 16. *Houston Post*, March 9, 1990 cited 15 percent owner occupancy in 1980.

FIGURE SIX
1979 Aerial Photograph



Setting the Stage

*The people in the development business know that that land is a very, very valuable piece of land. Hell, it's right downtown.*¹⁰

Former Mayor of Houston Jim McConn

Houston grew explosively during the 1970s. Refugees from northern cities suffering from de-industrialization flocked to Houston, which was booming with oil industry jobs. New master planned communities grew on the fringes of the city to accommodate the growth. Inner city residential areas, roughly defined by the loop formed by Highway 610, suffered as residential investment concentrated on the 'edge cities' forming on the periphery. Although investment in residential development generally shifted outward, major corporations built signature high rise commercial towers downtown. Even as Houston spread outward, downtown commercial development prospered and developed right up to the border of the Fourth Ward.¹¹

During this period, African Americans made noticeable strides in breaking down residential segregation. For decades middle class families seeking homeownership had been steadily migrating out of Freedmen's Town, which offered mainly rental housing. Out-migration sped up during the 1970's, as increased economic opportunities for African Americans made homeownership viable for many more families. The 6700 people that lived in Freedmen's Town by the late 1970's were older and poorer than previous populations. This climate of abandonment of the central city by both the developers working on the fringe and middle class African Americans moving towards new opportunities, coupled with a robust interest in developing corporate headquarters downtown, seemed to destine Freedmen's Town for redevelopment.

Believing that the neighborhood was beyond repair, the city refused to invest in upgrading infrastructure or other city services. Mayor Hofheinz called the neighborhood a "living coffin," and argued that since "people are moving out of the area...it would be

¹⁰ *Dallas Morning News*, June 9-10, 1985

unintelligent for us to put the area at the top of our list of priorities.”¹² Hofheinz clearly believed that the neighborhood would soon transition, and that investing in infrastructure for a dying community was not necessary.¹³ Hofheinz also noted that Allen Parkway Village, at that point more than thirty years old, was “almost beyond repair.”¹⁴ The essence of modernity when built, the development had never been updated and had suffered from neglect. By the 1970s the public housing that had cleared away the slum was now itself considered blight.

Mayor Hofheinz’ condemnation of Freedmen’s Town incensed residents such as Annabelle “Mama” Fontenot, who commented that “with each urban renewal project, the skyline gets closer.”¹⁵ Fontenot believed that City Hall had planned the decay of her neighborhood so that developers could take over the area more easily. Hofheinz lost the next mayoral election to Jim McConn, who campaigned in Freedmen’s Town and could attribute his victory at least in part to the strong support of the African American community.¹⁶

In spite of McConn’s sympathy with the plight of Freedmen’s Town during the election, he too came to believe that the area was beyond repair. When bigwig developer Kenneth Schnitzer quietly approached the Mayor with an offer to purchase the ailing Allen Parkway Village, McConn jumped on board by preparing the first of the City’s many proposals to HUD to demolish the public housing.¹⁷ McConn did not mention Schnitzer’s proposal or involvement at the time, but he did suggest to HUD that the Allen Parkway Village site could be worth \$250 million, which would subsidize far more housing than Allen Parkway Village offered. Schnitzer later admitted that he had arranged financing to purchase Allen Parkway Village for \$63 million during the McConn administration.¹⁸

¹¹ Joel Warren Barna “Money and Meaning,” *The See-Through Years*. Houston: Rice University Press. for See discussion in chapter one of the growth of Houston’s skyline from 1977 to 1983.

¹² Claudia Feldman, “Historic Fourth Ward called ‘living coffin,’” *Houston Chronicle*, September 23, 1976.

¹³ See 1979 report from the Mayor’s Urban Policy Advisory Board, quoted in Bullard, page 36, for a discussion of the City’s focus on providing services to the growing communities on the periphery at the expense of inner-city residential neighborhoods in general.

¹⁴ Claudia Feldman, “Historic Fourth Ward called ‘living coffin,’” *Houston Chronicle*, September 23, 1976.

¹⁵ “Public Interest vs. Private Interest: The fate of Fourth Ward,” *Houston Breakthrough*, November 1976.

¹⁶ Bullard, *Invisible Houston*, Page 124. Discusses the endorsement of McConn by African American organizations.

¹⁷ See Chairman Henry B. Gonzalez’ remarks during the 1993 Congressional Hearing of the U. S. House Subcommittee on Housing for the secret, informal proposals tendered by Houston in the late 1970s.

¹⁸ *Dallas Morning News*, June 9-10, 1985

Unfortunately for the developers eager to acquire the valuable land, HUD denied the formal request of the Housing Authority of the City of Houston (HACH) to demolish Allen Parkway Village and instead issued a \$10 million grant in 1979 to rehabilitate the thirty-eight year old development. The Housing Authority waited almost twenty years to spend the grant, and instead continued to request permission to raze Allen Parkway Village. Only after HUD finally allowed the city to demolish most of the development did HACH apply the 1979 grant towards building replacement housing. HUD finally allowed the demolition of Allen Parkway Village because, by the 1990s, the agency's agenda to de-concentrate public housing dovetailed with the city's enduring agenda to rid downtown of Allen Parkway Village and to spark the revitalization of Freedmen's Town.

Though HUD's recent focus on —and new funding for — de-concentrating public housing greatly facilitated the eventual demolition, the Housing Authority had at times enjoyed the tacit support of HUD, especially during the Reagan Administration. Even with HUD's support, however, the Housing Authority was not able to carry through its plans to demolish because of the resistance of residents, who were opposed to being de-concentrated. City officials and developers completely underestimated the residents' ability to impede their plans, and never suspected in 1977 when the City first considered selling the public housing to developers, that the residents would capably wage a twenty year war against the plan.

Preserving Freedmen's Town

HACH and the city might have gained insight into the depth of the fight ahead had they been paying attention to another, seemingly unrelated, fight also going on in 1978 nearby. At the turn of the century Fourth Ward had extended to the geographical heart of Houston. By 1978, municipal structures and corporate towers had replaced most of the original Fourth Ward buildings on the downtown side of the highway. One of the last extant buildings from the old Fourth Ward on that side of the highway was also one of the most important. Founded in 1869, Antioch Baptist Church, the oldest and most prestigious historically black congregation in the city, occupied the same building designed in 1875 by African American architect and

former slave Richard Allen.¹⁹ The congregation was under tremendous pressure to sell to nearby Cullen Center,²⁰ a multi-tower office complex wedged around the old church. Led by the founder's great grand daughter the congregation opted not to sell, leaving the church now completely surrounded by glassy office towers, as shown in Figure Seven. Figure Eight depicts the house adjacent to Antioch Baptist in the 1920s. The process of galvanizing the congregation to defend its important legacy led to the successful application of Antioch Baptist to the National Register of Historic Places, the first such listing of a Freedmen's Town structure.²¹

Valuing Freedmen's Town

The congregation of Antioch Baptist decided that the legacy of the Church and the history it embodied should be preserved even if the land underneath the old church had become enormously valuable. At about the same time, a few blocks away, developer Kenneth Schnitzer whispered to the Mayor that the land underneath Allen Parkway Village had become too valuable for the public housing development that sat there. Although that deal fell apart, through three successive mayoral administrations the idea endured that Freedmen's Town and Allen Parkway Village would be enormously valuable if they were cleared of aging buildings and people.

¹⁹ Texas Trailblazer Series 2, No. 5. Richard Allen

²⁰ Cullen Center, Inc. executives would later sponsor the Founder's Park proposal to remake all of the remaining Freedmen's Town area.

²¹ Afro-American Collection, Metropolitan Research Center. Antioch Missionary Baptist Church of Christ.

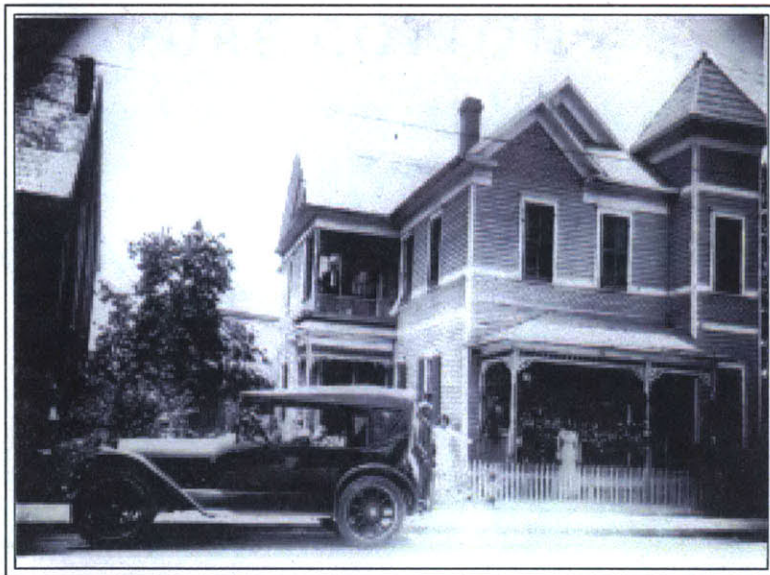
Antioch Baptist Church 1999

FIGURE SEVEN



Antioch Baptist Church and Adjacent House 1920s

FIGURE EIGHT



Juneteenth Celebration. Part of Antioch Baptist is visible on the far left.

Courtesy of Houston Metropolitan Research Center

During the next twenty years, many different characters and stakeholders would argue over the value of Freedmen's Town. Some sought to preserve the history or the architecture. Some cared mostly about preserving the resource of affordable housing at Allen Parkway Village, while others simply wanted to continue to live in their own homes in Freedmen's Town. Those that believed in the historical, architectural, cultural or social value of Freedmen's Town struggled against the prevailing belief that maximizing the economic value of the land should take precedence over conserving the neighborhood.

PART I: THE CITY'S STRATEGIES

CHAPTER TWO

The Whitmire Administration Strategy: 1983-1989

It just seems like everything that's happened, step by step, has been directed toward getting rid of Allen Parkway. Allen Parkway represents mega-dollars; it's a big deal and big deals are meant to be turned.²²

Housing Authority Employee Charles Taylor

Introduction

When Kathryn Whitmire became Mayor in the early 1980s, Houston developers had already expressed strong interest in purchasing the Allen Parkway Village site. HUD, under the Carter Administration, had rebuffed all the demolition request of her predecessor, Jim McConn, and had openly urged the newly elected Whitmire to dissolve the board of directors of the Housing Authority, which was poorly run and plainly in service to the development community. Whitmire installed her own board of directors, which commissioned a study to evaluate the feasibility of either rehabilitating or razing Allen Parkway Village and to examine potential redevelopment of the surrounding Fourth Ward. That study also recommended razing Allen Parkway Village, and much of the surrounding area, to take advantage of strong demand for high-income residential and commercial uses in the downtown area.

Armed with the study reinforcing the logic of demolishing the Fourth Ward to make way for higher and better uses, and facing a far more hospitable attitude towards eliminating public housing in the HUD of the Reagan Administration, Whitmire aggressively pursued the demolition of Allen Parkway Village and Freedmen's Town. During her long tenure as mayor throughout the 1980s, Whitmire never wavered from her belief that development in the Fourth Ward was inevitable and that her administration should appropriately pave the way for the

developers. Returned to the tax rolls as high-rise, high-income apartments or commercial towers, the Allen Parkway Village site would produce tax revenue for the city and, perhaps more importantly, would replace the embarrassingly run-down Allen Parkway Village. Whitmire could afford to ignore the protests of the residents, since her liberal credentials and strong record of hiring minorities secured her the minority vote, especially given the conservative candidates that usually opposed her.²³ Under Whitmire's administration, the City Council, the Housing Authority and the Planning Office worked together in an effort to bring about the transformation of the Fourth Ward.

Shortly after the ERA report recommending demolition the City Council endorsed a new demolition request to HUD. The Housing Authority systematically depopulated the development, inflated both renovation estimates and the potential value of the land underlying the public housing site, and experimented with racial steering to dilute the African American tenants organization with Vietnamese immigrants. Meanwhile, Whitmire's head of planning, Efraim Garcia, devised a strategy to package the surrounding Fourth Ward to developers. Garcia created a consensus among a group of landowners, which controlled more than eighty percent of the Fourth Ward, to sell their properties in a block, at a set price. Garcia figured that once Allen Parkway Village was razed, the difficulty of amassing large tracts of land constituted the primary obstacle to redeveloping the Fourth Ward. The City's planning office sought to facilitate the transfer, via a Memorandum of Agreement with the coalition of landowners.

Strategies of the Housing Authority of the City of Houston (HACH)

With the wholehearted support of the City Council, the Housing Authority applied to HUD for permission to raze Allen Parkway Village. HACH argued, based on the recently completed report, that the cost of repairing the run-down, aging development did not justify rehabilitation. Instead, HACH proposed to sell the valuable land and to replace the lost

²² *Dallas Morning News*, June 10, 1985

housing units on other unspecified sites throughout the city. HACH's proposal appealed to Reagan Administration officials eager to encourage privatization. HUD officials reported in 1985 that the demolition proposal was sure to be approved.²⁴ As Elbert Winn, a former deputy chief of Dallas HUD office explained, "the Reagan administration would waive the Ten Commandments to get that site to those developers. Big business, the big dollar people, wanted those sites, and they (Reagan administration officials) would do anything for the good ol' boys –anything."²⁵

Even before the Mayor, City Council, and HUD officials lent their support to the demolition proposal, HACH officials assumed that Allen Parkway Village would be razed. Hoping to avert a public relations disaster when the more than 2000 public housing residents would be displaced, HACH implemented a policy designed to dilute the residents' political power. From 1980 to 1985, HACH denied housing at Allen Parkway Village to every qualified African American family that applied, and instead placed a large number of recent Indo-Chinese, predominately Vietnamese, residents. In the late 1970s, 66 percent of Allen Parkway Village residents were African American and 5 percent were Indo-Chinese. By 1985, African Americans represented only 33 percent of the population whereas Indo-Chinese residents made up 58 percent.²⁶ The Indo-Chinese residents, newly arrived in the U.S., wielded far less political clout and possessed far less political savvy than the African American residents, who could count on leveraging relationships with local, state and federal lawmakers as well as with Houston's large African American community. Unlike the African American residents of Allen Parkway Village, the Indo-Chinese residents had no ties to the surrounding neighborhood of Freedmen's Town. HACH's strategy worked to some extent, as tensions surfaced between the existing tenants and the new arrivals, and some residents moved out.

²³ Observed a Houston activist: "In the way that only Nixon could go to China, I guess only Kathy Whitmire, a female liberal, could attack poor, black people in the Fourth Ward."

²⁴ See discussion by HUD official Warren Linquist in *Dallas Morning News*, June 9, 1985.

²⁵ IBID

²⁶ Luis Cano Collection, Metropolitan Research Collection, Houston Public Library. The papers of a former commissioner and board member of the Housing Authority documents the racial steering lawsuit.

In the wake of a lawsuit filed by the ACLU on the behalf of African American applicants denied entry to Allen Parkway Village because of their race, HACH ceased its policy of racial steering. In fact, HACH ceased to steer any new residents at all into Allen Parkway Village after 1984, and would board up apartments as residents vacated. HACH also moved to evict many Indo-Chinese residents who had paid a kickback to a Housing Authority employee to gain entry to apartments. The Resident Council hired lawyers for the Indo-Chinese residents, who argued that they did not understand that the money solicited by the Housing Authority employee was illegal. Although the lawyers won a temporary reprieve from eviction for the illegal tenants, most eventually moved out, further depopulating Allen Parkway Village.

After abandoning racial steering, the Housing Authority pursued a strategy of depopulating Allen Parkway Village. The Housing Authority instigated a cycle of depopulation at Allen Parkway: the Housing Authority refused to spend allocated funds on modernization, arguing that the development was not worth repairing. By letting the units deteriorate as they became vacant, the Authority did not place new tenants, leading to an attenuation of the resident population.

Another method used by the Housing Authority to depopulate Allen Parkway Village was to neglect routine maintenance. Avoiding maintenance contributed to the inhabitability of many apartments and also saved the Authority money. The original architect of Allen Parkway Village, Karl Kamrath, signed a sworn affidavit claiming that "Allen Parkway Village has not received even the very minimal maintenance which those buildings, or any buildings for that matter, require."²⁷ Since HUD had issued a \$10 million grant to the Housing Authority to renovate Allen Parkway Village, the Housing Authority could not claim that renovation or repair of the development was too expensive.

In fact, HACH Executive Director Earl Phillips argued that a comprehensive renovation of Allen Parkway Village was prohibitively expensive and claimed that spending the \$10 million would be a waste of money if the development would still be flawed. Phillips pointed out that the 1983 Technical Report recommending demolition of Allen Parkway Village estimated that

repairs would cost \$36.2 million. However, this figure drew on the Housing Authority's own estimates for repairs, and the housing authority official who supplied the estimate later testified that he had "manufactured the hell out of those figures."²⁸ According to the official, Charles Taylor, "they [HACH] were trying to get the rehabilitation costs up significantly high enough so as not to be able to justify rehabilitation." Thus the Housing Authority manipulated the consultants' findings in order to provide a rationale for their pre-existing agenda to demolish Allen Parkway Village.²⁹

The depopulation strategy contributed to the Housing Authority's overall demolition strategy in several ways. First, fewer residents would minimize demolition expenses, since the Housing Authority would have to pay both moving expenses and rent subsidies for the displaced residents. Fewer residents would translate into lower relocation expenses.³⁰ Depopulation also bolstered HACH's argument that the development was obsolete. Housing Authority officials even suggested that the lack of residents at Allen Parkway Village proved that people did not want to live there. Contesting the Housing Authority's interpretation of the high vacancy rates at Allen Parkway Village, Elbert Winn, former deputy manager of the Dallas area HUD office that oversaw HACH during the 1980s, said "The (housing authority's) agenda was always to get those 1,000 families off that site. I believe that Allen Parkway was the tilting point for the Fourth Ward. If they get Allen Parkway, then the Fourth Ward will go (because) that is the hub of the Fourth Ward."³¹ According to the residents and their lawyers, this intentional scheme to depopulate Allen Parkway Village explained the enormous vacancy rates in an era when more than 10,000 eligible families waited for a public housing unit to become

²⁷ *Dallas Morning News*, June 9, 1985

²⁸ See affidavit of Charles Taylor, from Lenwood Johnson's papers, Congressional Hearing, 1985 and the *Dallas Morning News*, June 9 and June 10, 1985.

²⁹ IBID

³⁰ Cost of relocating 450 people would be 37.4 million, more than renovation costs and would be exacerbated by the traditional difficulty of siting replacement public housing in Houston as well as the limited funding for affordable housing in the era of Reagan's budget cuts.

³¹ Housing Authority employee, quoted in *Dallas Morning News*, June 9, 1985

available.³² By 1985, the intentional depopulation of Allen Parkway Village had resulted in a less than 50 percent occupancy rate in 1985, down from 95 percent in 1977.

As former employee Charles Taylor interpreted the Housing Authority's overall behavior during the early 1980s, "It just seems like everything that's happened, step by step, has been directed toward getting rid of Allen Parkway. Allen Parkway represents mega-dollars; it's a big deal and big deals are meant to be turned."³³

Department of City Planning Strategy:

While the City Council and the Housing Authority, under Executive Director Earl Phillips, pressed on with the application to demolish Allen Parkway Village, Director of City Planning Efraim Garcia pursued a strategy to facilitate the sale of Freedmen's Town, in toto, to a developer. The finely grained patterns of land ownership in Freedmen's Town contributed to the difficulty of developing large projects in the neighborhood, as the cost and the aggravation of assembling land discouraged developers. The group of landowners recognized the alignment of their interests, since most wished to sell their land, which was marginally profitable at best. Garcia formalized the landowners into a group that held at least 85 percent of Freedmen's Town land. The landowners signed a Memorandum of Agreement with the City in 1984 that stipulated a minimum price of \$20 per square foot for their land, if Garcia could find an interested developer. Garcia assured potential developers that the 2500 existing houses in the neighborhood would be razed to make way for the condominiums, office towers and high-end retail that the Whitmire administration wanted.

Justifying the displacement caused by the City's overarching plan to redevelop the entire neighborhood, Housing Authority Executive Director Earl Phillips claimed that "Piecemeal development would displace the residents anywayWe have a responsibility to be the leveraging mechanism."³⁴ The Whitmire administration sought, therefore, to take

³² Luis Cano papers.

³³ IBID

³⁴ IBID

control of development that was believed to be inevitable. If the residents were to be displaced by the forces of the market anyway, they would be better off if the City could leverage its holdings in Freedmen's Town to purchase replacement housing elsewhere. It seems clear that Whitmire and Phillips were convinced of the inevitability of development in Freedmen's Town because they were convinced that they would be able to demolish Allen Parkway Village, which served as a guard against gentrification.

Despite the City Planning Director's efforts to package Freedmen's Town, no developer made an offer on the land. The delay in demolishing Allen Parkway Village explained, in part, developers' reticence to acquire Freedmen's Town. Garcia acknowledged that "It (Allen Parkway Village) is central. Without that tract, the whole thing will collapse." The Director remained hopeful insisting "we wouldn't have gone this far along and done all this if HUD hadn't already given some pretty strong indications."³⁵ Garcia's optimism was not unfounded, since the Mayor and City Council were strongly committed to removing the public housing.

The city officials had less control over the other important cause of developers' clear lack of interest in acquiring Freedmen's Town—the soft real estate market. Even Kenneth Schnitzer, the developer credited with first proposing to buy the Allen Parkway Village site in 1977, no longer wanted to buy the land. Garcia urged the landowners to renew the Memorandum of Agreement, originally in effect for only one year, betting that the market would soon turn around.

The breathtaking dive of the Houston real estate market throughout the late 1980s proved Garcia wrong, as no developer ever made an offer on the aggregated land. The soft real estate market also bought the residents time to craft innovative strategies to prevent the sale of their neighborhood, such as winning designation on the National Register of Historic Places, and joining forces with the public housing residents at Allen Parkway Village.

Despite dedicated collaboration between city agencies, the Whitmire Administration's effort to demolish Allen Parkway Village and packaging Freedmen's Town for developers failed.

³⁵ IBID

Neither Housing Authority Executive Director Earl Phillips nor Planning Director Efraim Garcia foresaw the residents' ability to thwart their efforts via lawsuits, press coverage, and leveraging relationships with, for example, Members of Congress who controlled HUD's purse strings. Fundamentally, however, the Whitmire Administration had crafted a flawed strategy, insofar as the sizzling real estate market of the late 1970s had fizzled into the deep recession of the 1980s. The often touted market demand for Freedmen's Town did not exist. No buyer made an offer on the aggregated Fourth Ward parcels, and the demolition opponents successfully argued that the Housing Authority had vastly overestimated the value of the Allen Parkway Village site.

Conclusion

In addition to the Whitmire Administration, the Reagan Administration had an impact on the Freedmen's Town/Allen Parkway Village dispute. The crash of the Houston real estate market in 1979 followed by the crash in the international oil market in 1982 condemned Houston to deep recession during the years when the rest of the country was booming. Houstonians in general, and real estate developers in particular, believed throughout the 1980s that Houston would bounce back and that real estate prices would return to the soaring growth rates of the 1970s. Looking at the growing economy throughout the rest of the country, Houstonians believed that the Reagan revolution would inevitably reach Houston.

According to real estate economist William Wheaton, Houston developers completely misunderstood what was happening in the Houston real estate market.³⁶ In 1977, when Kenneth Schnitzer made the first offer on Allen Parkway Village, the economy was already showing signs of slowing down. By 1979, the real estate market crashed, Schnitzer revoked his offer, and no development would be seen in Freedmen's Town for another decade. Yet, the mayor and the Housing Authority remained convinced that developers – agents of the market— had spoken, and that the redevelopment of Freedmen's Town was therefore inevitable.

³⁶ William Wheaton, Lecture : "Real Estate Economics," Massachusetts Institute of Technology Center for Real Estate, May 11, 1999.

After HUD forced the Housing Authority to withdraw its application to demolish Allen Parkway Village in 1989, the market, in the guise of two of Houston's most influential businessmen, tried its hand. Although the Whitmire Administration had failed in its various efforts, it, along with the Reagan revolution, left Freedmen's Town in a precarious situation, vulnerable to private developers. The next chapter discusses the first attempt to remake Freedmen's Town instigated by private rather than public forces.

CHAPTER THREE

Founder's Park 1990

Each of the Housing Authority's four proposals to raze Allen Parkway Village presupposed that the elimination of the tattered public housing development would stimulate a transformation of the neighboring Fourth Ward. According to the Housing Authority's many consultants, the blighting influence of Allen Parkway Village had depressed prices and suppressed development for fifty years. Its destruction would unleash market forces and drive up land values. In a rare moment when the Housing Authority had actually rescinded its demolition application, due to the mounting legal pressure imposed by the residents, private developers stepped in to propose their own scheme for the Fourth Ward. The developers in this case decided to pre-empt the Housing Authority, by creating a vision and planning for redevelopment of the Fourth Ward before demolition of the public housing had taken place. Their development, known as Founder's Park, did count on the eventual demolition of Allen Parkway Village and eventually faltered on the heated opposition of many of the neighborhoods' stakeholders – residents, landlords and ministers.

The developers also faced a changed world, as the rest of the country sunk into recession. Houston's long recession in the 1980s had abated somewhat, but the city had not yet absorbed the excess stock overbuilt during the previous decade. Little development would occur downtown for several years to come.

Genesis of Founder's Park

Founder's Park had a lofty beginning. From sixty stories above the aging Freedmen's Town, Max Schuette, president of insurance giant American General, looked east across Freedmen's Town towards downtown. From that vantage, he could see the deterioration of the housing stock, the growing patches of vacant land, and hundreds of thousands of commuters traversing the area. He could also see the office of his friend Marv Marshall, chief of the Cullen

Center real estate development that, along with an interstate highway, formed the eastern boundary of Freedmen's Town.³⁷ [Figure Nine] The two powerful corporate chiefs decided that the time had come for someone to do something with the area between their corporate headquarters, and that as the leaders of two of Houston's most prominent businesses, they should spearhead the redevelopment.³⁸

Rumors flew around the Fourth Ward in early 1990 that the two corporations had started to acquire land. In publicly announcing their plans in February, spokespeople carefully explained that the companies had just begun to explore possibilities. The preliminary concept envisioned some measure of affordable housing and incorporated some element of the area's history in a plan that would site thousands of market-rate residences in Freedmen's Town and the surrounding area.³⁹ The name Founder's Park referred to the presence of one of Houston's founding fathers, John Allen, in a neighborhood cemetery. Despite its cautionary tone, the announcement by American General and The Cullen Center, Inc. created immediate speculation on Fourth Ward land. Houston real estate company Revenue Properties purchased 10 acres of Fourth Ward land within two weeks of the announcement. Revenue Properties bet on the power of American General and the Cullen Center to overcome the minefield of opposition that had already defeated other developers, including the City. In fact, Revenue Properties bought the land from another real estate development company, Metropolitan, which had mistakenly banked on the success of an earlier redevelopment proposal and had been forced into bankruptcy as a result.⁴⁰

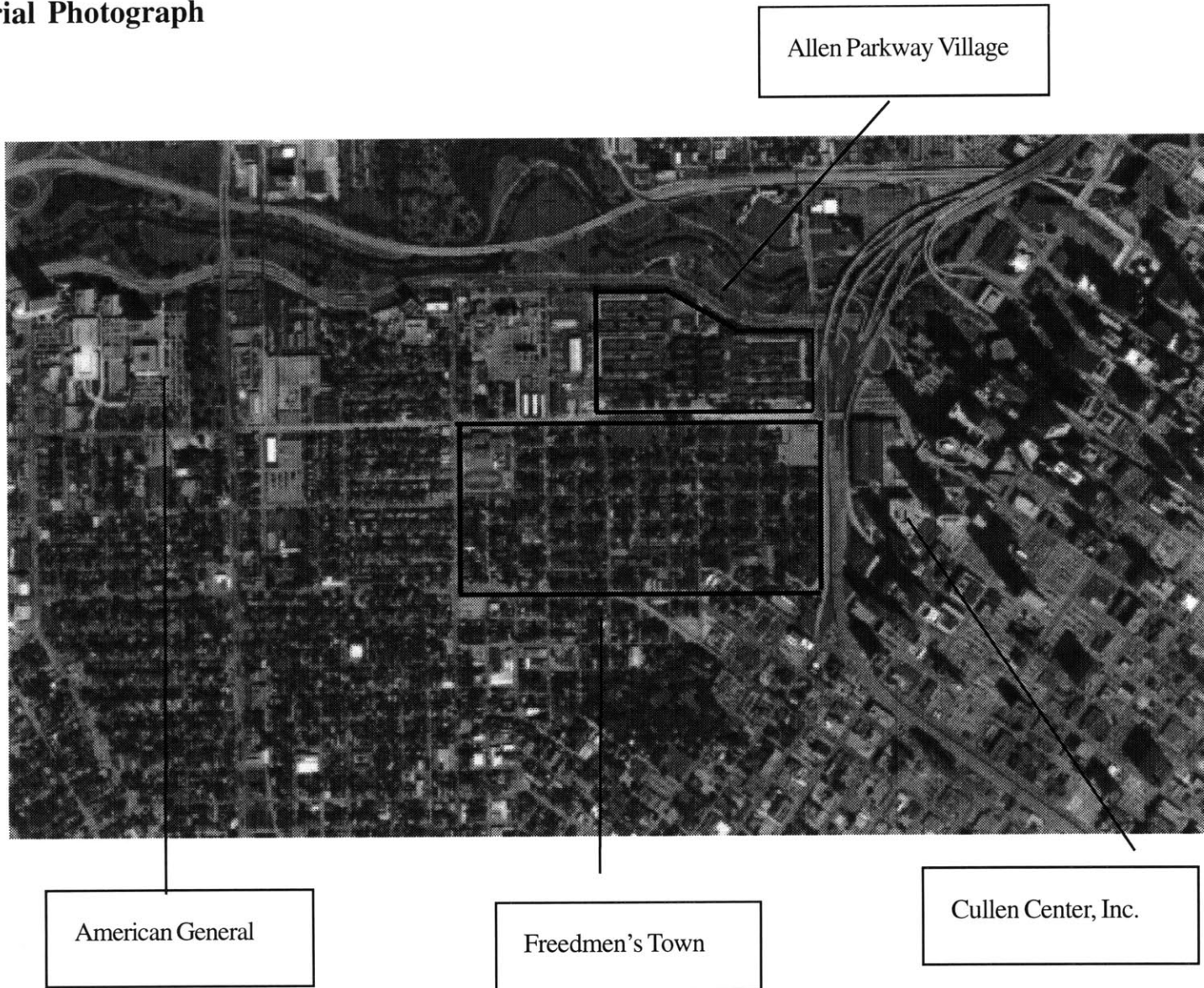
³⁷ Cullen Center actually sits on land that was at one time part of Freedmen's Town. The Cullen family showed tremendous foresight in blocking up parcels in the 1950s; the development of a highway barrier between their land and the rest of Freedmen's Town, facilitated the expansion of downtown businesses up to the highway. Developed in the 1960s and 1970s, Cullen Center replaced all of the original structures except, notably, Antioch Baptist Church. Interview with Saverio Giammalva.

³⁸ *Houston Chronicle*, August 12, 1990. *Wall Street Journal*, April 12, 1991. Note that the Cullen and Wortham families are among the most prominent Houston families.

³⁹ "Extensive Development of Fourth Ward Proposed" *Houston Chronicle*, January 25, 1990

⁴⁰ "Grabbing coattails of 4th Ward plan" *Houston Chronicle*, February 1, 1990 and Deed Records of Harris County.

FIGURE NINE
1989 Aerial Photograph



In addition to the backing of very powerful local players, Founder's Park enjoyed at least one additional advantage over prior attempts to redevelop the Fourth Ward. State Senator Craig Washington (D-Houston) had recently engineered passage of legislation tailored to facilitate just this sort of large-scale urban revitalization. In 1989, Washington sponsored enabling legislation for the creation of Tax Increment Finance (TIF) Districts that would allow cities to target underdeveloped zones. Houston could raise money for the district by issuing bonds collateralized by the future increase in property taxes. The revenue raised would then pay for needed infrastructure improvements, streets and sewers for example. Washington modified TIF district enabling legislation by requiring that one-third of the revenue generated by the tax increment would fund affordable housing development in the future. He hoped that the TIF district would appease housing advocates, who could look forward to a steady stream of income for new housing development, and the downtown business interests, who thirsted for redevelopment of the area. Opponents of TIF districts argued that they siphon off revenues from the rest of the city; future taxes that might contribute to schools and other shared services would go instead to repaying the bond for one neighborhood's infrastructure.⁴¹

Although TIF Districts ensnare citizens in a zero sum game⁴², developers insisted that the difficult task of redeveloping the Fourth Ward required such measures. If Houston were to declare the Fourth Ward a TIF district, the developers could count on necessary infrastructure improvements that the city otherwise would not be able to afford. Even more important for the developers, the TIF district would have a board of directors that could institute land use controls. In a city without zoning, the developers could then be sure to maximize their holdings' worth.

State Senator Washington became an even more valuable ally to the Founder's Park developers when he won election to the U. S. House of Representatives, succeeding the late Mickey Leland. Whereas Leland had fought passionately for the preservation of Allen Parkway

⁴¹ *Houston Chronicle*, January 26, 1990

⁴² Interview with Barry Klein, Houston Property Rights Association President.

Village and the Fourth Ward and had effectively staved off demolition with federal legislation preventing the use of federal funds to demolish Allen Parkway Village, Craig Washington was committed to demolition. In one of his very first acts as congressman, Washington spoke to a consortium of downtown business interests about the need to demolish Allen Parkway Village and about the usefulness of TIF districts in effecting neighborhood change⁴³. Armed with the TIF district idea and Washington's advocacy the corporate leaders proceeded with Founder' Park.⁴⁴

Washington believed that he could satisfy everyone. He pointed out that his TIF district legislation directed one-third of the increased tax revenues into the creation of affordable housing. By allowing developers to increase land values in the Fourth Ward, affordable housing advocates could count on sharing the wealth. Increased property values, which typically push out lower income tenants, would under a TIF district generate increased funding for affordable housing. Faced with the suggestion that many others had tried and failed to bring the various stakeholders in the area together, Washington replied breezily: "sure they all distrust each other, but they all trust me."⁴⁵ The new congressman soon found out that the Founder's Park proposal generated all kinds of distrust.⁴⁶

For different reasons, both the non-resident property owners and the residents distrusted Washington's proposal. The property owners, usually strongly in favor of redevelopment, registered concern that the TIF district would grant the developers power of eminent domain. Many of the families that owned land in Freedmen's Town remembered bitterly the Housing Authority's takings in the neighborhood when Allen Parkway Village was first built in the late 1930s. Outraged by the prices paid for their land, the landowners claimed that they could not purchase land anywhere else in the city to replace the loss in Freedmen's

⁴³ Bennett Roth, "Washington backs new plan for Allen Parkway Village", *Houston Chronicle*, January 18, 1990, page 26A.

⁴⁴ *Houston Post*, February 2, 1990

⁴⁵ *Houston Chronicle* January 26, 1990

⁴⁶ Steve Olafson, "Washington gets an earful over housing" *Houston Post*, May 19, 1991. Within a year, residents met Washington's attempts to bring disputants together with deep distrust. One residents told Washington "You're the hatchet man." He is no longer in office.

the 1990s, the landlords worried that if the city used its power of eminent domain, or granted it to another entity, they would again pay less than the property was worth.

Willing to sell, but only at a fair price, groups of landowners lobbied extensively against the proposal.⁴⁷ In an unusual alliance, the Houston Housing Concern, a group dedicated to preserving Allen Parkway Village, joined forces with the property owners in arguing against the TIF district to the City Council and others. The residents of Allen Parkway Village and Freedmen's Town, distrusted the Founder's Park proposal but withheld judgement until they had more information. Observed an Allen Parkway Village resident "offhand, it sounds ridiculous, but I have to see some facts and figures."⁴⁸ The public housing residents in particular distrusted Washington, who as an attorney had defended the Housing Authority against the residents' litigation. In response to the growing opposition, Washington defended the developers and insisted that they would not move forward with Founder's Park without an endorsement from the community.⁴⁹ In April, the developers announced that a public hearing would be held in the summer to incorporate neighborhood input into the Founder's Park plan.⁵⁰

Meanwhile, in an unsurprising move, the Housing Authority announced a search for a developer for the Allen Parkway Village site.⁵¹ The Housing Authority sought to outsource the demolition of the development because the public housing residents had engineered passage of federal legislation known as the Frost-Leland Amendment that prevented the use of federal funds to demolish Allen Parkway Village. By requiring developers to pay for demolition, the Housing Authority sought to skirt the restrictions of the Frost-Leland Amendment, which had sunk the Housing Authority's last redevelopment proposal. Angered by the Housing Authority's continued effort to eliminate public housing, neighborhood residents and activists noted that, in asking for an application fee of \$10,000 from interested developers, the Housing Authority

⁴⁷ Huge disparities existed between the owner's stated asking price of \$20 per square foot, and Founder's Park estimate of \$3 to \$4.

⁴⁸ *Houston Chronicle*, January 29, 1990

⁴⁹ *Houston Chronicle*, January 26, 1990

⁵⁰ *Houston Post* April 24, 1990.

⁵¹ "Allen Parkway Decision," *Nation's Cities Weekly*, February 14, 1990. The Housing Authority sought to comply with HUD's request for a strategy for Allen Parkway Village. In lieu of complete demolition, which

seemed to have set the bar too high for anyone except the deep-pocketed directors of Founder's Park.⁵² After the Authority slashed the fee to \$50, the residents began working on their own plan.⁵³ That no other developers submitted proposals suggested that market demand for the Allen Parkway Village site did not exist.⁵⁴

'New Urbanist' Plans Fail To Marshal Community Support

The consortium of businesses behind Founder's Park hired new urbanist gurus Elizabeth Plater-Zyberg and Andres Duany to create the Founder's Park plan. The pair had become famous by creating new towns, such as Seaside Florida, that had an old fashioned nineteenth-century texture. Small streets, neighborly public spaces and corner grocery stores characterized a typical New Urbanist town. The famous architects looked forward to working in an existing place that had in its heyday exemplified New Urbanist design principles. Houstonians, particularly architects, remained skeptical that the new plan would be able to incorporate the existing urban fabric. Architecture professor Nia Dorian Becnel warned, "I don't support any plan that wipes out a historic neighborhood and the indigenous people. I don't believe in instant towns."⁵⁵

A scant two weeks after the announcement of Duany and Plater-Zyberg's involvement in Founder's Park, Duany announced their resignation. Although all sides described the split as amicable, skeptics guessed that Duany's insistence on community input rattled the Founder's Park directors. According to resident-activist Lenwood Johnson, the removal of Duany "proves

HUD rejected, HACH sought to maintain 150 units, and to allow a developer to raze and develop anything on the remainder of the site.

⁵² Katherine Kerr, "Allen Parkway bidders facing \$10,000 charge," *Houston Post*, May 1, 1990, p. A-17 and Lori Rodriguez, "City asking \$10,000 to submit project plan," *Houston Chronicle*, May 1, 1990.

⁵³ Katherine Kerr, "Authority slashes Allen Parkway fee," *Houston Post*, May 10, 1990. Unfortunately for the residents their plan, authored by Architecture Professor Nia Dorian Becnel and her students was stolen the night before they were due to present it to the Housing Authority. Becnel untimely death shortly thereafter prevented the re-creation of the stolen plan. Interview Lenwood Johnson.

⁵⁴ James Robinson, "Private sector turns its back on housing project," *Houston Chronicle*, November 10, 1990.

⁵⁵ *Houston Post*, June 20, 1990

to me that they (Founder's Park) have a specific plan, and anyone who brings anything different to it is out . . . they are not really interested in community forums."⁵⁶

The Founder's Park plan violated the mandate that the Housing Authority was under to site some low income housing at Allen Parkway Village. In fact, the Housing Authority did follow that mandate by rejecting the group's proposal to redevelop Allen Parkway Village.⁵⁷ The Housing Authority thus strongly suggested that it had not cut a prior deal with Founder' Park, especially since no other group had submitted a proposal. The Housing Authority specifically objected to the lack of public housing proposed by Founder's Park, whose plan envisioned fewer than the Housing Authority's base line requirement of 150 units to replace the 1000 units. Founder's Park Director Schuette defended his proposal, saying that 150 units of public housing would not work in Founder's Park. "This plan is workable," he explained "because we are going to be able to create real estate values in the area that do not presently exist." Even though Founder's Park spokespeople had insisted that a master plan for the community did not yet exist, clearly the developers knew how much tolerance they would have for public housing. The Fourth Ward residents displaced by the redevelopment would be accommodated by the affordable housing spun off by TIF district revenues at some future date, and not therefore in their neighborhood.

Undeterred by the Housing Authority's rejection and the loss of the famous planners, Founder's Park once again turned to a prominent, out-of-town planner to give shape to the grand vision. In July, the organization announced that Gary Hack, MIT professor and noted urban planner, had agreed to lead the planning process. Hack announced a four day visioning session in which neighborhood residents, landowners, city officials and other stakeholders would come together to fashion a shared vision, if possible. Founder's Park officials continued to insist that they would back down if the differing stakeholders could not reach a broad consensus about the future of the area.

⁵⁶ *Houston Post*, July 4, 1990

⁵⁷ Jane Baird, "Housing Authority seeks new Allen Parkway bids," *Houston Post*, August 11, 1990.

The visioning session attracted hundreds of participants but failed to sway opponents. Landholders continued to fear the overarching power of the TIF district, arguing that the plan would be irrelevant, since the TIF district board could change it at will later. Meanwhile, many public housing residents refused to attend the meeting, claiming that “the process is rigged. We don’t want to work with them so they can say when the thing’s finished, ‘You participated, you can’t object now.’”⁵⁸ Despite the dissent, the Founder’s Park leaders felt encouraged enough by the turnout to proceed with the planning process. The Cullen Center president noted that he “didn’t see anything here that couldn’t be dealt with,” and Hack selected a group of participants to work with him in the coming months to elaborate the plan.⁵⁹

Hack’s plan referred to the historical character of the neighborhood but the residents felt that it called for the destruction of their community. He believed that 100 of the 800 remaining houses that had contributed to the historic district could be saved, and he proposed clumping the historic houses together in a small district.⁶⁰ Although the plan called for the elimination of the rest of the area, including Allen Parkway Village, the new neighborhood of nearly 5000 new residences would have a similar ambience to the Freedmen’s Town it replaced. Hack’s plan resonated with ‘new urbanist’ ideas, calling for a pedestrian oriented community, where residents could walk to the corner grocery.⁶¹ Freedmen’s Town residents noted that, with no more than ten percent of the new construction targeted towards low to moderate income people, most of the current Freedmen’s Town population could not live in Founder’s Park.

Founder’s Park opponents objected to more than just the loss of units of affordable housing. They objected to the loss of the community itself. Professor Nia Bechel, author of the Allen Parkway Village application to the National Register of Historic Places, explained that Freedmen’s Town is “the genesis neighborhood of the African-American community of this city. . . a neighborhood that says ‘I started here.’ Someone’s cultural heritage should not be on the

⁵⁸ Interview Lenwood Johnson.

⁵⁹ *Houston Chronicle*, August 13, 1990.

⁶⁰ *Wall Street Journal*, April 12, 1991

⁶¹ *Houston Chronicle*, December 4, 1990

marketplace.” Residents objected to the naming of the development after the white founding father of Houston, whose connection to the neighborhood was weak. The name ‘Freedmen’s Town,’ was connected to the rich continuity of African American history. Founder’s Park referred to history, but not the history of the people who lived there and not the history that had won the listing on the National Register. The residents felt that the Founder’s Park plan simply revived every previous effort to displace Freedmen’s Town residents, and labeled planner Gary Hack, “the hired hit man.”⁶²

Fate of Founder’s Park

The directors of Founder’s Park released Gary Hack’s plan in December, about one year after the organization came forward with its intention to redevelop Freedmen’s Town. The plan, a fifty-eight page document articulating a vision of a nearly new neighborhood of mostly middle to upper income residences and small clusters of retail centers interspersed among parks and pedestrian pathways, was never implemented. The would-be developers insisted that they would implement their vision when the city resolved the Allen Parkway Village problem and when the city, county and state signed commitments to assist the developers.⁶³ When the city did finally resolve the Allen Parkway Village problem, the Housing Authority itself became the developer, funded by HUD.

Conclusion

The Founder’s Park plan failed to prevail because the developers could not overcome opposition from residents and landowners. The land owners believed that the Founder’s Park developers would use eminent domain to buy land at deflated prices, because many of them could remember the unfair prices paid by the City of Houston for the land taken to build Allen Parkway Village in the 1930s.⁶⁴ The public housing residents believed that the Housing Authority had once again joined forces with private developers, who would reap large profits by

⁶² *Wall Street Journal*, April 12, 1991

⁶³ *Houston Chronicle*, December 4, 1990

evicting the tenants. While that scenario did not hold true in this case, as the Housing Authority declined to work with Founder's Park, the residents of Freedmen's suspected that the Founder's Park scheme would build houses for middle and upper income people, thereby displacing mostly black and poor residents just as the city's slum clearance program had done.

By hiring expensive, out-of-town planners and subscribing to a lengthy planning process, the leaders of Founder's Park appeared to embrace a new kind of urban development for Houston. Rather than hatch a plan in the back rooms of city hall, the developers invited all dissenters to join them in creating the plan. Even though the planners never quite achieved a legitimate level of community participation, they created a plan anyway. The purpose of the planning process thus seems to have been to create a sense of ownership by Founder's Park of the right to direct the redevelopment of the neighborhood and to co-opt the residents into adopting the Founder's Park vision.

The corporate chiefs that dreamed up Founder's Park drew on a salient precedent -- Houston founder John Kirby Allen, a real estate speculator who by virtue of his burial in a Freedmen's Town cemetery lent his name to Founder's Park. In trying to entice investors and residents, Allen described his swampy, new town as "part reality, part mirage, a city always becoming, a city where what it's going to be counts more than what it is." The Founder's Park developers were not as successful as Allen, since the 5200 people who lived in the Fourth Ward decided that what was already there—Freedmen's Town—counted more than what the Founder's Park developers wanted the neighborhood to become.

⁶⁴ Interview Barry Klein.

CHAPTER FOUR

Hope VI 1993-1999

New Mayor Bob Lanier Tries His Hand at Resolving the Impasse

When Bob Lanier ran for Mayor of Houston against incumbent Kathy Whitmire, he blasted her record in the Fourth Ward, claiming that she had abandoned the neighborhood and its people. Throughout her long tenure as Mayor during the 1980s Whitmire had supported the demolition of Allen Parkway Village and had encouraged the City Planning Director to sign a contract with most of Freedmen's Town landlords to sell their land, in aggregate, to a developer. Her administration's redevelopment agenda for Freedmen's Town did not incorporate the current residents and failed to succeed, in large part because of resident resistance.⁶⁵

Despite their dwindling numbers, Freedmen's Town and Allen Parkway Village residents were more politicized, and suspicious of any city sponsored redevelopment initiative in their community by the time Lanier took office.⁶⁶ Frustrated by the intractable disputants, District Court Judge Hoyt had ordered the Housing Authority and the residents into mediation to resolve the multiple lawsuits against the Housing Authority. The ongoing mediation constrained the new mayor from taking an active role in finding a solution to the dispute; he promised, however, that if the negotiations failed, he would take a leading role.

True to his word, after negotiations failed in 1992, Lanier began examining the City's options, and by 1993 he had a new strategy. Though the strategy was new the agenda was the same: demolition of Allen Parkway Village. The Housing Authority would apply for a new, huge source of funds from HUD, whose urban revitalization program, known as HOPE VI, targeted the nation's most severely distressed public housing. HOPE VI grants funded massive transformations, including in many cases large-scale demolition, of selected developments.

⁶⁵ Michael Cinelli, "Demolish, replace most of Allen Parkway Village," *Houston Post*, September 26, 1991 and Alan Bernstein, "Lanier says Fourth Ward policy failure," *Houston Chronicle*, September 26, 1991.

Lanier actively pursued the HOPE VI grant, which would not only give the city a huge infusion of money to fund construction, but would almost certainly facilitate demolition and would also legitimize it.⁶⁷ HUD, along with the general public, had deemed that throughout the country high-density public housing, such as Chicago's notorious Cabrini Greene, had failed. According to conventional wisdom, the warehousing of extremely poor people in one place had fostered high crime rates and other social pathologies. The severe, modernist design that characterized many public housing developments only exacerbated the problem by isolating residents from the larger community and by stigmatizing the public housing itself, which was easily distinguished from market-rate housing.

HOPE VI aimed to reinvent public housing by targeting the most severely distressed developments, those that warehoused the poor in obsolete, deteriorated and crime-ridden developments. By demolishing most of the buildings and rebuilding contemporary housing that fit into surrounding neighborhoods, HUD hoped to integrate public housing developments into their surrounding community. The new developments would be so appealing that higher income people would want to live there and would be willing to pay market rents. Mixed income communities that did not look like stereotypical public housing developments would presumably eradicate the social pathologies associated with high-density public housing. Lanier figured that Allen Parkway Village fit the description of severely distressed public housing.

Lanier also figured that HUD Secretary Henry Cisneros would look kindly upon Houston's application, since he would likely remember that Lanier, in a prior role as member of the Texas Highway Commission, had approved a spur road around San Antonio, then governed

⁶⁶ By the time he took office, the fragile Fourth Ward had lost one-half of its population between the 1980 and 1990 census. Allen Parkway Village had also lost most of its population, from nearly 1000 families in 1980 to fewer than 30 by Lanier's inauguration.

⁶⁷ Kathy Kiely, "Lanier wants to relocate Allen Parkway Residents," *Houston Chronicle*, March 30, 1993, p. A-1. Lanier's envisioned tearing down Allen Parkway Village, and using proceeds from that and new HUD grant to buy foreclosed apartment complexes from the Resolution Trust Corporation, which had plenty of apartment properties in its portfolio in the wake of the S & L crisis in Texas.

by Mayor Cisneros. According to HOPE VI director Milan Ozdinec, Houston received the HOPE VI grant because Cisneros needed to return the favor to Lanier.⁶⁸

The application submitted by HACH and endorsed by the City Council requested \$32 million to demolish 850 units at Allen Parkway Village, to renovate 150 units, and to build 420 new units in either the surrounding neighborhood or scattered throughout the city.⁶⁹ The Housing Authority proposed to use the proceeds from the sale of Allen Parkway Village land not only to replace the lost public housing units, but also to build more units than the law required.

If Lanier's relationship with the Secretary ensured that Houston would receive one of the highly competitive HOPE VI grants it did not ensure that Lanier's vision for the redevelopment of Allen Parkway Village would prevail. HUD awarded Houston a HOPE VI grant in 1993, but did not approve the details of the proposal.

HUD Secretary Cisneros Mediates Between Mayor Lanier and the Residents

Cisneros announced the award, and discussed his vision for the redevelopment of Allen Parkway Village at a well-attended congressional hearing called by Chairman of the House Subcommittee on Housing, Henry B. Gonzalez. Gonzalez, a staunch supporter of the Allen Parkway Village Resident Council and opponent of demolishing existing housing units, called the hearing, held at Allen Parkway Village so that Cisneros, Lanier and Housing Authority Executive Director Joy Fitzgerald could explain their plans to the residents and hundreds of interested Houstonians. Gonzalez also ensured that the residents and their supporters had plenty of opportunity to articulate their concerns about the City's plans and to advocate for alternatives, such as complete renovation.

⁶⁸ Milan Ozdinec, presentation at the Massachusetts Institute of Technology, Department of Urban Studies and Planning, April 21, 1999.

⁶⁹ James Robinson, "Council backs housing project demolition," *Houston Chronicle*, July 15, 1993 and David Plesa, "Despite objections, council Oks Allen Parkway Village demolition," *Houston Post*, July 15, 1993, page A-21.

A few days before the meeting, Lanier expressed confidence that the hearing would have no impact on his plans, telling the press that “the fate of Allen Parkway Village was sealed.”⁷⁰ He had received word from HUD that Houston would receive its HOPE VI grant, with which he intended to demolish Allen Parkway Village and sell the land. He believed that the opposition of the residents would not interfere with his plans. Upon arriving at the meeting, however, Lanier quickly found out that the fate of Allen Parkway Village was far from sealed. Secretary Cisneros pulled the Mayor aside before the meeting to warn him that HUD was looking for a promise from the city that none of the Allen Parkway Village site would be sold⁷¹. At the hearing, Cisneros made his point forcefully:

This is a very important principle because I know this has been in the press over the years and there has always been a suspicion that somehow the city, the housing authority, HUD, the Federal authorities, were in collusion to sell this beautiful tract of land to developers who would then convert it into highrise commercial development or more expensive residential development. I have said to Mayor Lanier that to prove that that is not the case, I would be willing to say with the mayor...that not a single square foot of this site ought to be sold away from the housing authority.⁷²

Cisneros thus tried to hew a middle road, between the agenda of pro-developer Mayor Lanier and the agenda of anti-demolition Chairman Gonzalez. Cisneros envisioned the demolition of the old buildings and the replacement on the same site of new, subsidized units. Lanier had little choice but to agree with Secretary Cisneros, who controlled the disbursement of more than \$30 million. Although Gonzalez applauded Cisneros' promise not to sell any of the land, he still insisted that any demolition would be illegal, under the Frost-Leland Amendment. Wary as ever, the residents of Freedmen's Town and Allen Parkway Village nevertheless remained somewhat encouraged by the Secretary's proposal. Allen Parkway Village Resident Council President Lenwood Johnson called Cisneros' idea “a step in the right direction.”⁷³ Freedmen's

⁷⁰ Houston Post, December 10, 1993.

⁷¹ Michael King, “Once More Unto the Village Dear Friends, Once More!” *Houston Press*, December 23, 1993, page 7.

⁷² House Committee on Banking, Finance and Urban Affairs. Subcommittee on Housing and Community Development Hearing. December 14, 1993. Page 13.

⁷³ James Robinson, “Cisneros Has Plan to Save Housing Site” *Houston Chronicle*, December 15, 1993, page 1A.

Town Association President Gladys House “appreciate[d] his show of faith-but I only trust God . . . because Secretary Cisneros is on a limited term . . . and a new government or entity [could] come in and just disregard this so-called good faith.”⁷⁴

While agreeing with residents that the Allen Parkway Village site should remain a resource for affordable housing, Cisneros joined a host of Houston area officials in recommending that the existing buildings should be demolished. He attributed the decline of Allen Parkway Village to “a mixture of mismanagement and obsolescence.” Conceding that the Housing Authority had traditionally mismanaged the development,⁷⁵ Cisneros nonetheless believed that the development had become obsolete. Underscoring his belief that the design of Allen Parkway Village made the development unsuitable, and therefore should be scrapped, Cisneros stated:

It is my firm belief that public housing ought to be characterized, where possible, by low densities so that we don't jumble people up together, by attractive design, so that people can feel they are entitled to live in conditions that are as attractive as anyone else in America.⁷⁶

With its high densities and, according to Cisneros, unattractive design, Allen Parkway Village described a distressed public housing development waiting for rebirth. Cisneros thus put the blame for its decline on both the mismanagement by the Housing Authority and the outmoded design of the buildings themselves.

Secretary Cisneros' pledge to keep the Allen Parkway Village site as a resource for public housing encouraged the residents, who nevertheless continued to object to Cisneros' belief that the development itself was obsolete. Arguing that the neglect of the Housing Authority largely explained Allen Parkway Village's deterioration, The Resident Council, with the support of the Freedmen's Town Association, continued to press for redevelopment of the full 1000 units.

⁷⁴ House Committee on Banking, Finance and Urban Affairs. Subcommittee on Housing and Community Development Hearing. December 14, 1993. Page 27.

⁷⁵ Scott Harper, “Auditors give an ‘F’ for upkeep,” *Houston Post*, December 18, 1992, p. A-27 and *Houston Chronicle*, December 12, 1992 for federal auditors evaluation of the Housing Authority. The Gonzalez-Cranston affordable housing act of 1990 required HUD to evaluate and inventory the nation's public housing. None of the 30 apartments occupied at Allen Parkway Village passed the audit, resulting in a failing grade for HUD and some nominal repairs by HACH.

Rebutting the experts' analysis of the pathologies created by such places as Allen Parkway Village, the residents liked living there and continued to insist that at full residency, the development would be even better. Reverend Thompson, a member of an ecumenical group dedicated to supporting the residents, explained in an editorial:

After reading that APV is a dilapidated old eyesore, a warehouse ghetto ...a visitor would be surprised to see that APV is quite the opposite. It is an island of peace in the heart of a throbbing city, an oasis with expanses of grass and towering oaks...APV is no warehouse...But it is exciting to think what more it could be if authorities would encourage creative imagination and give priority to human development over real estate.⁷⁷

Also rebutting Cisneros' argument that Allen Parkway Village was obsolete, Architectural Historian Stephen Fox pointed out that the Housing Authority had already renovated several other contemporaries of Allen Parkway Village. In fact, one of the renovated developments, Irvinton Courts, was not only as old as Allen Parkway Village, but actually had the same exact design, since the Housing Authority saved money by using the same plans drawn for Allen Parkway Village. Clearly, then, the Housing Authority's argument that APV was too obsolete to renovate was a rhetorical strategy in support of its demolition agenda.⁷⁸

Despite the residents' persistent claims that their ideal would be to live in a renovated Allen Parkway Village, and that the development's design enhanced the quality of life, city and HUD officials continued to believe that the development's older design imposed an inferior quality of life. Mayor Lanier questioned the paternalistic attitude of some of the middle class advocates for renovation. Addressing a lawyer and civil rights activist, Lanier asked "Have you visited these places?...You think this is a place for people to live? Oh bullshit. That's bullshit"⁷⁹

⁷⁶ House Committee on Banking, Finance and Urban Affairs. Subcommittee on Housing and Community Development Hearing. December 14, 1993.

⁷⁷ Vincent Thompson, "Saving Allen Parkway Village will benefit whole community," Special to the *Houston Post*, 1991. Reverend Thompson responded to the argument voiced by Housing Authority Commissioner John Zipprich among others, that Allen Parkway Village created a 'reservation' of poverty. See *Houston Chronicle*, April 25, 1991.

⁷⁸ House Committee on Banking, Finance and Urban Affairs. Subcommittee on Housing and Community Development Hearing. December 14, 1993. Page 30.

⁷⁹ Michael King, "Once More Unto the Village Dear Friends, Once More!" *Houston Press*, December 23, 1993, page 7.

While Lanier may have been justified in questioning the attitude of the middle class, suburban activists, he continued to overlook overwhelming evidence that the residents themselves believed that Allen Parkway Village was a good place to live, if taken care of properly.

Cisneros' award of a HOPE VI grant did loosen up the deadlocked Allen Parkway Village dilemma, insofar as all of the stakeholders looked forward to utilizing \$32 million to improve public housing on the Allen Parkway Village site. However, Cisneros could not resolve the remaining, fundamental point of contention—how much of Allen Parkway Village would be demolished and how many units of affordable housing would take its place. Lanier continued to agree with Housing Authority officials that most of Allen Parkway Village should be demolished. The residents believed that all of it should be renovated, and counted on their ace in the hole – Henry Gonzalez' oversight of the Frost-Leland Amendment preventing the use of federal funds to demolish any part of Allen Parkway Village.

The residents began to craft their own master plan, which would use the HOPE VI funds to create a new Allen Parkway Village. The residents envisioned graduate students from area universities and service providers living together with elderly residents and low-income families in a Community Campus. The students would help to provide needed human services, such as medical care, child-care and job training, in exchange for rent subsidies.⁸⁰ HUD Secretary Cisneros and Resident Council President Lenwood Johnson endorsed the community campus concept in a document entitled "Guiding Principals, Stakes in the Ground." The guiding principals reiterated the prohibition against selling any of the Allen Parkway Village site, but it also left open the possibility for demolition, which would be determined by planning teams. The document also pledged one-for-one replacement with hard units, rather than portable vouchers.⁸¹

The consensus reached with the "Stakes in the Ground" document survived only a short while. The residents refused to work with HUD and the Housing Authority on the planning

⁸⁰ Testimony of Catherine M. Roberts to U. S. House Subcommittee on Housing and Community Development, Allen Parkway Community Campus.

⁸¹ Guiding Principals document, signed by Lenwood Johnson, Henry Cisneros and Congresswoman Sheila Jackson Lee on March 22, 1996. Courtesy of Lenwood Johnson.

process until HUD released a \$300,000 grant allocated to the residents. The grant was meant to ensure the residents' ability to negotiate on an equal footing with the Housing Authority. Once again, the residents and the Housing Authority officials were at loggerheads, unable to work together.

The Housing Authority proceeded to create its own master plan without the residents' involvement. The City Council approved the Housing Authority's application to demolish, despite a raucous demonstration and pleadings by the residents and many others, to hold off. The vote set demolition in motion before the Housing Authority had finished its master plan, and crushed the residents' dreams of creating their community campus. In moving to demolish Allen Parkway Village before a replacement plan existed, the Housing Authority and the City Council reinforced the residents' belief the Housing Authority's primary goal was to demolish Allen Parkway Village.

By March 1996, the Housing Authority had gained approval from the Advisory Council on Historic Preservation, the Texas Historical Commission, HUD and the Housing Authority of the City of Houston (HACH) for its plan to renovate 286 units and to demolish the rest. The residents continued to work on their own plan and to insist that demolition would be illegal. Indefatigable Resident Council President Lenwood Johnson remarked, "community effort has stopped four other [HACH] demolition applications. There's no reason to think that community effort can't stop this one."⁸²

For the first time, however, Lenwood Johnson was wrong about the community's ability to stop the demolition. The residents and city officials never negotiated a compromise solution. Instead, the issue was resolved, as were so many with respect to Allen Parkway Village and Freedmen's Town, on the federal level. With the Democrats' loss of control of the United States House of Representatives in 1994, the residents' most powerful ally, Henry Gonzalez, lost the chair of the Banking Finance and Urban Affairs Committee. In short order, Congressman Tom Delay (R-Houston) successfully orchestrated the repeal of the Frost-Leland Amendment, leaving the Housing Authority with the power to demolish Allen Parkway Village. One month after

Congress repealed Frost-Leland in June of 1996, the Housing Authority evicted the remaining tenants and proceeded to demolish Allen Parkway Village.⁸³

Lanier's HOPE VI strategy succeeded where others had failed because HUD became a central character in the dispute. In prior efforts to demolish Allen Parkway Village, HUD was sometimes slightly in favor of demolition (during the Reagan era) and sometimes in favor of preservation (Carter era) but ultimately bowed to the courts and the local actors to work out the dispute. With the new HOPE VI program, however, HUD had become committed to demolition, and therefore insisted on moving the process forward. While the residents did receive major concessions, insofar as the site would be preserved for affordable housing and not sold, still HUD's HOPE VI program allowed the mayor to carry out his agenda of demolishing Allen Parkway Village.

Evaluating HOPE VI

HOPE VI grew out of the recommendations of a national commission on distressed public housing. The commission discovered that only a small percentage of public housing developments fit the description of severely distressed and recommended massive transformations of both the physical design and the human services offered at these developments. Changes in the design of the public housing would allow for lower densities, more congruence with surrounding neighborhoods and greater opportunities to integrate the development into a larger community. Congress allocated billions to HUD to fund the innovative HOPE VI program, designed to reinvent the most distressed public housing and concomitantly to change the public's opinion about subsidized housing on the whole.

The residents of Allen Parkway Village agreed that their home qualified as distressed but differed fundamentally with HUD's analysis of the cause of the distress. Physical design and high densities of people did not explain Allen Parkway Village's decline. Nor did the residents suffer from isolation from the larger community but had in fact marshaled the support of

⁸² Gerald Moorhead, "The Final Days," *Preservation News*. March/April 1996.

⁸³ "Moving Day," *Houston Chronicle* June 13, 1996.

Freedmen's Town residents, who believed that the presence of Allen Parkway Village enhanced their community. Rather, the Housing Authority's consistent neglect of maintenance, the intentional depopulation and the ongoing belief that the value of the land should determine who could live in the shadow of downtown combined to cause the severe distress of Allen Parkway Village. Residents believed that the remedy for the distress lay in renovating the units, and developing a political commitment to the tenure of public housing residents living once again in large numbers on the valuable land.⁸⁴

Ironically, the residents' most ardent defenders, Resident Council President Lenwood Johnson and Chairman of the House Banking, Finance and Urban Affairs Committee Henry Gonzalez, both had a hand in the creation of HOPE VI. Gonzalez helped to create the original commission on severely distressed public housing, committed his considerable political capital to funding the commission's recommendations, and sponsored the appointment of Lenwood Johnson to the commission. Both men continued to disagree with HUD and the Housing Authority that Allen Parkway Village fit into the paradigm of poorly designed public housing. Political agendas had created the problems at Allen Parkway Village, not a flaw in the physical design. Though the residents did not object to the large grant per se, in that they believed the money could be well spent in repairing Allen Parkway Village, the HOPE VI grant came with the presumption that the buildings would mostly be demolished.

Houston received a HOPE VI grant not only because Allen Parkway Village had deteriorated but also because the Secretary of HUD owed Houston's Mayor a favor. Even though Cisneros prevented Lanier from selling the land outright, the grant did allow the Mayor to achieve a personal goal of ridding the city of Allen Parkway Village and of making Freedmen's Town hospitable to middle income development.

In an audit of the HOPE VI program the General Accounting Office (GAO) found that other grants had been made in a similar manner. GAO reported that HUD granted \$381 million to 37 ineligible applicants, and "as a result, the Department assumed increased risks of primarily benefitting local organizational priorities, in a subordinate manner to the national

⁸⁴ Interview Lenwood Johnson

goals.”⁸⁵ The report also found widespread demolition of viable units, and that the needs of the public housing residents and those in surrounding neighborhoods were not being met, or even addressed by the applicants.

⁸⁵ GAO audit fiscal year 1997.

CHAPTER FIVE

Houston Renaissance 1994-1999

Overview

Once HUD finally approved the demolition of Allen Parkway Village, Mayor Bob Lanier lost no time in turning his attention to the surrounding Fourth Ward. As ever, the news of the demise of the public housing development raised prospects for high-end redevelopment of the neighboring Fourth Ward. In light of the City's failed 1980s attempt to broker a deal between the landowners and prospective developers, Lanier took a different tack. In 1994 he facilitated the creation of a non-profit, Houston Renaissance, that would direct the redevelopment of the Fourth Ward. Although dubbed a private non-profit, Houston Renaissance operated strictly with public funds targeted for affordable housing and spent in excess of \$10 million dollars to acquire properties throughout the Fourth Ward. Along with the public funds came the stipulation that Houston Renaissance build at least 250 units of affordable housing in the neighborhood.

Thus the City of Houston, through its vehicle Houston Renaissance, attempted a highly unusual strategy for redevelopment of a distressed area: outright purchasing of the neighborhood. Barred from using more traditional methods of shaping or targeting development, such as zoning, and smart enough to avoid using eminent domain, which is a form of political suicide in Houston, the Mayor in effect acted as a private developer would by purchasing the land piece by piece.

Although the City charged the non-profit to acquire land and to implement a master plan for its redevelopment, Houston Renaissance spent all of the public funds on land acquisition. The organization dissolved because the public funding ran dry and because of the Attorney General's investigation into deceptive trade practices. At its demise, Houston Renaissance had succeeded in acquiring over one million square feet of land, but had not built a single unit of housing. Title to the properties, which together comprised at least one-quarter of Freedmen's Town, passed to the City. Unfortunately, while the Mayor chose agents capable

of assembling land, the organization itself never built the requisite credibility either with the dwindling Freedmen's Town residents or with private lenders or philanthropists to rebuild the neighborhood.

Even though Houston Renaissance never built any housing, the rapid acquisition of property initiated a series of evictions, as landlords prepared to sell their properties, and private sector developers purchased and razed houses, in anticipation of the neighborhood's gentrification. The rate of evictions sped up once title to the properties passed to the City, which preferred to raze properties than to act as a landlord, even though the implementation of Houston Renaissance's master plan remains unlikely.

Creation of Houston Renaissance

Both of Bob Lanier's immediate predecessors had eyed the redevelopment of the Fourth Ward and had tried to assist interested developers by urging the Housing Authority to demolish Allen Parkway Village. Those efforts failed as did private sector efforts, such as Founder's Park. Like his predecessors, Lanier sought to turn around the ailing area; during his mayoral campaign he even accused prior Mayor Kathy Whitmire of abandoning the people of the Fourth Ward.⁸⁶ Lanier, a former real estate developer, sought to succeed where his predecessors had failed by taking the lead in the redevelopment, rather than working for a particular developer. Within his first two years in office, he scored a victory that had eluded Houston's mayors for nearly two decades: the approval from HUD, via the HOPE VI program, to redevelop Allen Parkway Village. Next, he sought to take control of the rest of the Fourth Ward.

In addition to HUD's approval of Houston's HOPE VI application to remake Allen Parkway Village, Lanier was working within another important context: the defeat in 1993 of a citywide referendum proposing to adopt zoning. Although Houston's voters had rejected zoning on several prior occasions, pro-zoning advocates thought they had amassed enough support to win the 1993 referendum. During the last few months before the vote, however, a unusual and highly effective coalition of opponents to zoning emerged to winnow away the pro-zoning vote,

and they ultimately defeated the proposed zoning ordinance by a few percentage points. The most vocal opponent, property rights activist Barry Klein, relentlessly disseminated a vision of zoning that impinged on property rights, enriched developers and created unwieldy and expensive bureaucracies. Klein's powerful message created momentum, but the anti-zoning forces needed help to solidify their lead. The leader of the anti-zoning crusade, Julio Laguarta, approached Bill Calhoun, a well known African American businessman, and convinced him that minority entrepreneurs would be especially injured by zoning, which would restrict home business operations. Calhoun appealed to other leaders in the African American community, especially ministers, and convinced them.⁸⁷ The ministers' endorsement of the anti-zoning crusade, along with the African American communities remembrance of the proposed racially based zoning ordinances of 1929, contributed to the large percentage of African Americans who voted against zoning and turned the tide against the zoning advocates. Another important last-minute zoning opponent was architect Frank Kelly, an initial supporter of the measure, who argued that political compromise had so watered down the proposed ordinance that it was useless.

Even though Lanier was a weak supporter, at best, of the proposed ordinance, zoning would have given Lanier one tool that his predecessors lacked to encourage redevelopment in the Fourth Ward. After its defeat, he approached the anti-zoning activists and asked them to propose an alternative vision for sparking redevelopment of distressed inner city neighborhoods. Houston Renaissance thus was born, and counted a high percentage of anti-zoning crusaders, such as Julio Laguarta, Frank Kelly, and Bill Calhoun, on its board of directors.⁸⁸

⁸⁶ Alan Bernstein, "Lanier says Fourth Ward policy failure," *Houston Chronicle*, September 26, 1991

⁸⁷ Siegan, Bernard H. *Land Use Without Zoning*. Houston: Bartholdi and Lazarus. 1993. Chapter 10 discusses the relationship of zoning to segregation, a very powerful argument for minorities to oppose zoning. See also Silver, *Twentieth Century Richmond*, pp 109-113 for the use of zoning to control black residential patterns in Richmond.

⁸⁸ Press coverage of Houston Renaissance's origins generally attribute the idea to Bob Lanier, and his housing advisor, Michael Stevens, who approached Julio Laguarta. Interviews suggest that the idea came

The Acquisition Phase

Charged with redeveloping the Fourth Ward, the newly formed organization sought first to acquire land in the neighborhood, and then to sponsor a master planning process for the redevelopment. Houston Housing Finance Agency, a conduit for Fannie Mae affordable housing funds that was headed by Lanier advisor Michael Stevens, loaned \$3.4 million to Houston Renaissance to start acquiring land in 1995. Houston Renaissance director Julio Laguarta went on a shopping spree, acquiring more than one million square feet of land within a year.

Laguarta faced two daunting challenges in acquiring Fourth Ward land: clarifying ownership despite the murky title issues resulting from generations of family ownership and informal building practices and reaching agreement of sales price without causing a speculative run up of land. A group of Italian American families had controlled much of the land in the Fourth Ward for decades. In some cases, families traced their ownership back to the 1920s, when their immigrant ancestors first bought property. Few of the properties were encumbered by mortgages, nor had many passed through other conventional legal processes, such as title searches, associated with the transfer of property. The deed records in some cases did not register changes in ownership since the 1920s, as successive generations inherited property without issuing deeds. For Houston Renaissance, establishing ownership proved difficult. Indeed, controversies over ownership of Fourth Ward land are still surfacing.⁸⁹

Apart from the question of who owned Fourth Ward land Laguarta faced numerous entanglements over property lines. All of the buildings in the 80-block district targeted by Houston Renaissance were built before 1935, long before the city required any permits for buildings.⁹⁰ As a result the neighborhood grew very informally, with additions put on, and extra buildings squeezed onto lots. The separation between property boundaries, never particularly rigid, blurred over time. Houston Renaissance enjoyed the advantage of seeking to acquire all

out of a series of conversations between the Mayor and the cadre of anti-zoning activists. See Houston Chronicle "New Era for Fourth Ward" October 4, 1998 and Interview with Bill Calhoun.

⁸⁹ For discussions of title problems in the Fourth Ward see: *Houston Press*, September 10, 1998, *Houston Chronicle*, October 4, 1998 and December 30, 1998 and Harris County Registry of Deeds, Volume 3814 Page 3822 for affidavits of ownership.

the property in the neighborhood, which would obviate much concern over original property boundaries. Still, establishing ownership created more headaches in the Fourth Ward than in neighborhoods that had experienced more transformations.

The need to dampen a speculative atmosphere required finesse. Few landlords, encumbered by properties that generated too little income to pay property taxes, could resist hoping that the City's deep-pocketed agents would finally deliver the long expected payoff on their Fourth Ward holdings. Houston Renaissance, however, sought to pay as little as possible for the land. When in 1984 a confederation of landlords signed a Memorandum of Agreement with the City, the group set a minimum price of \$20 per square foot. Twelve years later, Houston Renaissance offered only \$5 per square foot. Although some landlords willingly accepted the low price, others assumed that the city, or other eager developers, would pay more to the holdouts. To convince the holdouts, Laguarda called on his long history of relationships with area property owners.⁹¹ Frances Corso Quartaro, a vocal property owner whose family had owned land in the neighborhood for several generations, wrote a letter to the uncooperative landlords, urging them to accept \$5 per square foot. She explained that Houston Renaissance would not buy any land in the Fourth Ward, and would cancel existing contracts to purchase land, if the organization could not count on participation from a majority of landowners.⁹² Laguarda, through Quartaro, convinced many of the landowners who remembered the disappointment of the 1980s, when every development that was heralded as a sure thing evaporated, leaving them with unprofitable properties.⁹³

For those land owners who remained unswayed by Quartaro's argument, Laguarda threatened a worse outcome. The City itself had invested so much in Houston Renaissance's acquisition of property; if the proposed redevelopment were threatened by the resistance of

⁹⁰ Houston did not establish a building code until the 1970s, and only because the Model Cities program would not allocated funds to cities without a building code.

⁹¹ Laguarda's relationship with the Fourth Ward dates to at least 1979, when he advised Mayor McConnell about the redevelopment of the neighborhood.

⁹² *Houston Press*, April 4, 1997.

⁹³In 1979, when consultants hired by the city first explored city-sponsored redevelopment of the Fourth Ward, going prices in the neighborhood ranged from \$8 to \$20 per square foot. In the 1950s when Cullen

property owners looking to profit unreasonably, the City could be convinced to use eminent domain to acquire the needed land. The price paid then, Laguarda warned, surely would not exceed \$5 per square foot and might in fact be less.⁹⁴ Ultimately, Laguarda convinced enough of the landowners to sell that Houston Renaissance was able to acquire more than one million square feet of Freedmen's Town land for approximately \$5 per square foot.⁹⁵ The method that the zealous opponent of zoning used was to threaten the landlords with eminent domain in order to gain control of the entire neighborhood. Thus, Laguarda came to believe that the Houston Renaissance project to reshape Freedmen's Town was more important than his ideologies about zoning.

The property owners, many of whom had owned land in Freedmen's Town for decades, did not realize a huge profit on their holdings. Many were simply relieved to be out of the business of owning run down rental properties whose historical and emotional significance for their tenants and others created a tense and complicated situation.

Planning

In acquiring a substantial proportion of the Fourth Ward, Houston Renaissance achieved much more than any prior redevelopment effort and, by dint of a \$10 million bankroll from the City, had acquired the land by 1996, after only two years of existence. By 1997, however, the organization had stalled. No new land had been acquired, no houses had been built and, most seriously, no private entities had been enticed to join the enterprise. The Houston Housing Finance Agency, a quasi-public agency that had lent Houston Renaissance more than \$6 million, with the expectation that the sale of the new units of affordable housing in the neighborhood would repay the loan, pressured Houston Renaissance for action. An alliance of ministers, representing not only the interests of neighborhood residents but also

Center acquired blocks of Freedmen's Town land closer to downtown, sales prices were about \$3 per square foot. See interview with Saverio Giammalva.

⁹⁴ *Houston Press* April 3, 1997.

⁹⁵ *Houston Press* July 31, 1997

their own interests as landowners, complained that the community had been left out of Houston Renaissance's plans.

Houston Renaissance responded to these pressures by hiring, upon the recommendation of the ministerial alliance, the high profile, Boston-based planning firm, Stull & Lee.⁹⁶ Architect and urban planner David Lee brought extensive experience working within sensitive, highly contested urban neighborhoods. Introducing himself to the community with an open meeting, held at Antioch Baptist Church in July, 1997, Lee was cordially received by the residents in attendance. He faced, however, a demoralized group. By 1997 barely 350 residents remained in Freedmen's Town, and many had given up hope of reversing the decay and displacement that had steadily depleted their numbers.⁹⁷ Other participants at the meeting included Congresswoman Sheila Jackson Lee, and the executive director of Central Houston, a partnership of downtown business people.⁹⁸

Lee addressed himself to the residents, whom he hoped would be part of the planning process, assuring them that he intended to incorporate as much of the neighborhood as possible. Despite his conviction, the residents remained skeptical. Jacquelyn Beckham, a neighborhood resident for more than thirty years and a homeowner, patiently explained

Mr. Lee, you've stated and restated how you're new to the issue. Well, I can tell you, this is nothing but the same old stuff. We've been here again and again and again. If the developers had any love for our community, they'd have come to us long ago.⁹⁹

As for Lee's assertion that redevelopment could accommodate all kinds of people, at all levels of income, seventy year old resident of the Fourth Ward Lucinda Campbell reasoned "It's no longer convenient for people to live in the suburbs, but maybe those people don't want to live next door to me."¹⁰⁰

⁹⁶ Interview Josh Hill

⁹⁷ *Houston Press* July 3, 1997

⁹⁸ Central Houston had expressed preferences for a higher income residential neighborhood to replace the Fourth Ward. A brochure from this era shows a downtown area map in which Freedmen's Town in marked "new residential" Interview Barry Klein.

⁹⁹ *Houston Press*, July 31, 1997

¹⁰⁰ *Houston Press*, July 31, 1997.

The plan that David Lee produced under a tight six-week deadline respected many of the historical characteristics of Freedmen's Town and tried to accommodate existing residents into the new neighborhood. Lee achieved a measure of community consensus on his detailed plan, which envisioned the development of 2000 units, over 100 acres. Because Houston Renaissance only controlled approximately 26 acres, and in a disjointed array, the organization was not able to implement the plan without further resources.¹⁰¹

Houston Renaissance's board of directors hoped to get some immediate benefits from the document by shopping the new plan around to banks, foundations, and even real estate investment trusts (REITS) in hopes of funding its implementation. Banks declined to extend a revolving line of credit, foundations passed and, although some real estate development companies expressed an interest in taking over the operation, and promised to complete the requisite number of affordable units, the board of Houston Renaissance was not yet ready to give up control.

The primary result of the new plan was a wave of evictions, as property owners prepared to sell to other, private developers that began moving in on Freedmen's Town land.¹⁰² Around Thanksgiving, word spread that the REIT that had remade Dallas' equivalent of Freedmen's Town into a high-end townhome community had expressed interest in Houston Renaissance, causing panic to set in among remaining residents. At least 42 families were evicted, including one 77 year woman, Willie Taylor, who had to leave her home of 50 years, in the neighborhood that her ancestors had helped to build.¹⁰³

Partnering with the Housing Authority

While the Dallas-based REIT failed to join the Houston Renaissance team, the Housing Authority, flush with a new \$21 million grant from HUD to revitalize Freedmen's Town, joined

¹⁰¹ *Houston Chronicle*, October 4, 1998

¹⁰² Perry Homes, a development company specializing in building luxury townhomes in close-in neighborhoods purchased at least 12 lots during this period. See Harris County Registry of Deeds

¹⁰³ *Houston Press*. November 13, 1997

forces with Renaissance Houston. The Housing Authority had decided to replace some 250 units of Allen Parkway Village housing within Freedmen's Town and elected to work within Houston Renaissance's plan. Houston Renaissance then appealed to the City Council to reduce its affordable housing burden, from 250 to 150 units, arguing that the Housing Authority's replacement units would provide affordable housing. The City Council agreed to the reduction without requiring Houston Renaissance to return any of the money granted to the organization to create affordable housing.¹⁰⁴

Neighborhood residents complained about the tactic, pointing out that Freedmen's Town residents could not afford HUD's replacement housing, which targeted the high end of the moderate-income market. The new HUD houses would sell for over \$100,000. Even with deep subsidies, no resident of Freedmen's Town or of Allen Parkway Village could afford the 'replacement' housing. Housing Authority Executive Director Joy Fitzgerald defended the program, saying "It's just the direction HUD is going in these days. There's just not enough money to build and maintain housing for people who would only pay two dollars a month in rent."¹⁰⁵ Houston Renaissance thus did not plan to re-house the displaced residents, and it chose to use city rather than federal money so that the organization would be under no legal obligation pay displacement costs. The federal Uniform Relocation Act requires that projects using federal funds pay the moving costs and rent differentials for displaced tenants. Mayoral Advisor Michael Stevens explicitly considered these costs burdensome and sought to avoid compliance with the Uniform Relocation Act by using proceeds from a City of Houston affordable housing bond, rather than available federal monies, for the Houston Renaissance project.¹⁰⁶

¹⁰⁴ *Houston Chronicle*, October 21, 1997

¹⁰⁵ *Houston Press*, July 31, 1997. Note that actual rents were much greater than two dollars per month.

¹⁰⁶ *Houston Press*, February 11, 1998 reported the following comments from Stevens in the City Council Minutes: "Compliance with the Uniform Relocation Act would cost an estimated \$2.9 million and would require giving a series of potentially troublesome notices to all of the landowners and tenants in the Fourth Ward...As a result [hired a lawfirm] to seek waivers from [hud] with respect to certain of such notices." When they didn't get the waivers, Stevens turned down 2.1 million from HUD. City Council then

Scandals and Set-backs

As Bob Lanier looked toward retirement as Mayor at the end of 1997, he could claim some successes in the Fourth Ward that had eluded his predecessors. The Housing Authority was knocking down Allen Parkway Village and the City had taken control of a large chunk of Freedmen's Town, which would be rebuilt with mostly middle to high-income residences and some affordable housing. Freedmen's Town residents hoped that his successor, Houston's first African American Mayor Lee Brown, would demonstrate more sensitivity to the plight of the residents who would be evicted from their homes.

Brown, who had enjoyed Lanier's strong endorsement, steered clear of the Freedmen's Town issue for a while, supporting neither the residents nor the Housing Authority. During the summer of 1998, criticism of Houston Renaissance continued to build. The ministerial alliance, which had advocated and helped to fund David Lee's consensus building planning process, complained that they had been left out of any further decision-making. Houston Renaissance had still not built a single unit of housing and had run out of public funding. Critics wondered what exactly the \$10 million had purchased for Houston's citizens.

Brown expressed concern over the exclusion of the ministers, and the community they represented, from the Houston Renaissance program. He worried publicly that Houston Renaissance had used the ministers to pay lip-service to the idea of a partnership with the community but had continued to make decisions without taking the community into consideration. Brown worried: "my uneasiness and concern [was] that there either was or was not a partnership. They were telling me that, well, the coalition brought no money to the table. But what the coalition brought to the table was a community in order for them to get their money." Houston Renaissance responded quickly with an offer to give the ministerial alliance an option to purchase 100,000 square feet of land for affordable housing development.¹⁰⁷

Board members of Houston Renaissance approached Brown, hat in hand, to assist them in dredging up more money. Banks had refused to lend money to the organization, yet again.

approved 3.4 million from affordable housing bond (to reimburse HHFC for money already lent to purchase Fourth Ward land).

If the city would agree to subordinate its claim on Houston Renaissance's holdings, lenders might agree to loan money. Brown refused, arguing that the subordination would allow banks to repossess the property should Houston Renaissance default on its loan and that the bank would not be required to build affordable housing. Mayor Brown's wariness of Houston Renaissance's ability to pay its debts stemmed not only from the organization's track record of seeking new city grants to replace debt, but also from increasing signs of fiscal trouble within the organization. Under mounting pressure to investigate, Brown ordered an audit of Houston Renaissance. He believed that the organization's directors had not fundamentally abused the public's trust but had perhaps approached the discharge of funds with less rigor than is usual for a publicly funded enterprise.

Critics argued that Houston Renaissance directors and consultants earned salaries that were unreasonable for employees of a publicly funded non-profit dedicated to expanding affordable housing options. Julio Laguarta, for example, had collected \$369,000 in salary, and looked forward to making a commission on each Fourth Ward transaction he brokered, which could add an additional \$400,000. Executive Director Robert Boyd, who commuted from Florida for much of the time that he ran the organization, collected as much as \$262,000 in a twelve month period.¹⁰⁸

Brown expressed confidence, however, that the audit would reveal no major irregularities and that Laguarta had performed a Herculean task in amassing as much of the Fourth Ward as he did. Furthermore, Laguarta had undertaken a new strategy crucial to the success of Houston Renaissance. During the Fall of 1998, Laguarta lobbied land owners in the Fourth Ward to support the creation of a Tax Increment Reinvestment Zone (TIRZ) district, in principle a very similar proposal to the Tax Increment Finance (TIF) district unsuccessfully proposed by the Founder's Park group in 1990. The TIRZ district would allow the city to pay for development in the Fourth Ward now, by issuing bonds based on the districts increased future valuation, and would allow Houston Renaissance to impose some land use controls on

¹⁰⁷ *Houston Press*, October 4, 1998.

¹⁰⁸ *Houston Press*, October 4, 1998.

the area. The TIRZ district would thus give Houston Renaissance additional clout with bankers and developers, who would be more likely to fund the development with the TIRZ districts' assured stream of revenue and the land use controls to implement the plan. Mayor Brown and other members of the Houston Renaissance board defended Laguarda's well-paid role in the organization, arguing that no-one else could have marshaled as many signatures in support of the desperately needed TIRZ district as Laguarda.

Crisis in Public Confidence

The Houston Housing Finance Agency refused to lend any more money to Houston Renaissance until the organization had more disciplined leadership and had its finances in order. Despite Houston Renaissance's endorsement of LaGuarda's activities, the organization heeded the Houston Housing Finance Agency's recommendations. In September, Houston Renaissance announced that developer and former head of the Greater Houston Partnership's Chamber of Commerce John Walsh would take over as Executive Director, in an atmosphere that a city councilor described as a "crisis in public confidence."¹⁰⁹

Walsh found Houston Renaissance in considerable disarray, financially and organizationally. He vowed to straighten out the finances and to ensure that the TIRZ district petition would pass the City Council's review. Walsh also had his eye on the Attorney General's brewing interest in investigating Houston Renaissance's practice of spending public money without a public vote. In what may have been the most serious challenge to Houston Renaissance's continued existence, property rights activist Barry Klein resurfaced, insisting that the proposed TIRZ district was in fact zoning in disguise and claiming that Laguarda had collected invalid signatures for the petition.

Two announcements in December, 1998 signaled the demise of Houston Renaissance. The Texas Attorney General's office announced an investigation into Houston Renaissance, whose practice of spending public money without an open public vote violated the Deceptive

¹⁰⁹ *Houston Chronicle*, October 4, 1998.

Trade Practices Act.¹¹⁰ Meanwhile, Barry Klein announced that he had acquired enough rescission statements from Fourth Ward land owners, who had changed their minds about the TIRZ district upon discovering that the city could choose to grant the TIRZ district board of directors the power of eminent domain. Klein further pointed out that, when Houston voters turned down the zoning proposal, they also voted to require the city to put any future land use controls to a citywide referendum, which had not happened for the Houston Renaissance TIRZ district proposal.¹¹¹ Thus the brainchild of a group of anti-zoning activists foundered eventually on the zoning issue, as Houston Renaissance's board members came to believe that the redevelopment could not be successful without land use controls. Their desire to remake Freedmen's Town overrode their ideological opposition to zoning. Their defeat of zoning in 1993 made the institution of any land use controls very difficult, subject to a citywide referendum as well as the scrutiny of other zoning opponents.

The Demise of Houston Renaissance

Though it would take another few months for Houston Renaissance to sign over its holdings to the city, the Attorney General's probe, Barry Klein's attack against the TIRZ district, and the ongoing audit of the organization's finance effectively killed the organization. Executive Director John Walsh resigned in February, after the audit showed violations in the handling of the \$3.4 million city grant. Although the contract prohibited Houston Renaissance board members, employees and directors from profiting from the redevelopment of the Fourth Ward, Houston Renaissance had made payments to people, such as Julio Laguarda, in violation of the contract. Other questionable actions included incurring penalties for making late property tax payments and losing the original application, a sign, according to the auditor, of Houston Renaissance's lack of diligence in compliance.¹¹²

Houston Renaissance consisted then of an empty bank account, 1.2 million square feet of Freedmen's Town land, much of which had been cleared of houses and residents, a

¹¹⁰ *Houston Chronicle*, December 19, 1998

¹¹¹ Interview with Barry Klein and *Houston Chronicle* November 24, 1998.

redevelopment plan, and mounting legal problems. Walsh resigned assuming that Houston Renaissance would transfer title to the properties over to the city and then dissolve. The Attorney General's office announced that the probe of Houston Renaissance would continue, despite the organization's demise.

The Mayor's office insisted that the Fourth Ward redevelopment project could still be resolved successfully. Lee Brown insisted that he "feel[s] very good about where we'll end up. We will follow through on the city's commitment to create affordable housing"¹¹³

Lessons learned

Houston Renaissance proved, through its failure, the difficulty of implementing a comprehensive plan to direct the development of one of Houston's urban neighborhoods. The directors of Houston Renaissance came to believe that some kind of land use controls, such as a TIRZ district would provide, were necessary for the organization to be able to shape the neighborhood. Simply purchasing much of the land did not, in the end, give Houston Renaissance the leverage it needed to complete the master plan. The need to bring in planners from as far away as Boston to lead a planning process also highlights the lack of a local constituency for planning.

To overcome the difficulties of planning in Houston, an organization would have to be much more efficient and well managed than Houston Renaissance. The inflated salaries and lack of oversight contributed to the inability of Houston Renaissance to gain any measure of credibility within the Houston community.

The Houston community itself, both the leadership in Freedmen's Town and in City Hall, failed to protect the interests of Freedmen's Town residents, as hundreds of people lost

¹¹² *Houston Chronicle*, February 8, 1999, February 18, 1999 and March 2, 1999.

¹¹³ *Houston Chronicle*. March 6, 1999

their homes in a taxpayer-funded takeover, which eliminated affordable housing without building any replacement.

Part I Conclusion

City Hall sits on land once part of Freedmen's Town. From the mayor's office, only the interstate highway separates Freedmen's Town from downtown. Houston's mayors might have sided with the Freedmen's Town residents. They might have walked under the highway overpass and looked at the world from that side of the highway. Instead, four successive mayors looked at Freedmen's Town in the same way as downtown businessmen and developers saw it: a struggling, outdated, poor, embarrassing slum.

Thus in a city whose voters rejected zoning because they were ideologically opposed to government intervention in land use decisions, four successive mayors plotted to control the development of Freedmen's Town. In order to unleash the market forces that were believed to be inevitably poised to assimilate Freedmen's Town into downtown, Houston's mayors devised an array of government-funded interventions. They used city affordable housing bonds to purchase and demolish Freedmen's Town residences, manipulated HUD funds to demolish Allen Parkway Village, and used the city's affordable housing finance agency as a slush fund for public/private ventures. The city also intervened by refusing to spend money allocated for Freedmen's Town, such as grants to repair Allen Parkway Village, Community Development Block Grant (CDBG) funds, and infrastructure improvements.

In light of the failure of the development community to understand the wild real estate market cycle in Houston, the mayors' commitment to serve development interests, and to treat the developers as wiser than the Freedmen's Town residents constitutes a grave failure of responsibility. Although Freedmen's Town undoubtedly sits on highly desirable land, private development was not forthcoming even though the city used its money and power to pave the way. Meanwhile the residents were ill served.

Given the array of powerful forces committed to redeveloping Freedmen's Town, why were the various efforts so unsuccessful? How did the residents manage to fend off development for as long as they did? The next section discusses the residents' multiple strategies to control the fate of their community.

PART TWO: THE RESIDENTS' STRATEGIES

Introduction

The Freedmen's Town residents seemed powerless to forestall development: they did not own land, marshaling a constituency for public housing hard was difficult, and they were dealing with a city where developing land to its highest and best use is a sacred act. Nonetheless, they fought tooth and nail against the city's various attempts to redevelop their neighborhood. In opposing the powerful forces arrayed to wipe out Freedmen's Town, the residents were fighting against extinction but were also fighting an ideological battle. To survive, they would have to convince a number of people that their community – its history, its people and its structures—was more important than the more lucrative development that could replace it. They fought this battle of beliefs in the trenches, using any method that might gain them some more time in Freedmen's Town. The residents sought historic preservation status for their community, launched a plethora of lawsuits to constrain the Housing Authority, and enlisted supporters from outside the neighborhood to broaden the constituency for their survival. Ultimately their success would rest on whether the political culture could change and accept the presence of poor, minority people living in public housing or in run-down homes in the shadows of downtown.

The following chapters detail the residents' primary strategies: litigation, leverage and historic preservation. Unlike the city's strategies, which tended to be chronological, the residents' strategies are grouped by themes.

CHAPTER SIX

Historic Preservation

Antioch Baptist

At the turn of the century, the Fourth Ward extended to the geographical heart of Houston. By 1978, municipal structures and corporate towers had replaced most of the original Fourth Ward buildings on the downtown side of the highway. One of the last extant buildings from the old Fourth Ward on that side of the highway was also one of the most important. Founded in 1869, Antioch Baptist Church, the oldest and most prestigious historically black congregation in the city, occupied the same building designed in 1875 by African American architect and former slave Richard Allen.¹¹⁴ The congregation was under tremendous pressure to sell to nearby Cullen Center, a multi-tower office complex wedged around the old church. Led by the founder's great-granddaughter, the congregation opted not to sell, leaving the church now completely surrounded by glassy office towers. The process of galvanizing the congregation to defend its important legacy led to the successful application of Antioch Baptist to the National Register of Historic Places, the first such listing of a Fourth Ward structure.¹¹⁵

The advocates for the preservation of Antioch Baptist Church appealed to a prosperous and influential congregation, which had cherished and maintained the Church building since 1875. Advocates for the preservation of the rest of Fourth Ward, comprised mostly of run down rental buildings on the other side of the highway, faced a tougher battle.

Freedmen's Town Historic District

In 1980, the City Council sponsored a feasibility study of redevelopment options for the Fourth Ward that described the neighborhood as "obsolete." The consultants suggested that the highest and best use for the land in the neighborhood would be higher density residential.

¹¹⁴ Texas Trailblazer Series 2, No.5 Richard Allen.

¹¹⁵ Afro-American Collection, Metropolitan Research Center. Antioch Missionary Baptist Church of Christ.

The report identified Allen Parkway Village as the most appealing land for this purpose but included all of Freedmen's Town in its recommendations. Successful redevelopment would require overcoming the stigma of the area, especially the blighting influence of Allen Parkway Village, which was run down and populated by poor, mostly African-American tenants. The study acknowledged that city officials were concerned that the current residents be treated fairly, yet the proposal presupposed displacement of the residents and recommended the destruction of most of the urban fabric in order to overcome the neighborhood's negative image.¹¹⁶ Belying the apparent stigma attached to living in the Fourth Ward, the report noted a "high degree of social cohesion in the Fourth Ward and a strong desire on the part of many residents to remain there." Furthermore, fewer than three percent of residential units in Freedmen's Town were estimated to be vacant. The authors concluded that even though people seemed to like living in their neighborhood and that the landlords had no trouble finding tenants, the residents would be happier if the whole area were razed and they could return to live in newly constructed housing.¹¹⁷

Freedmen's Town ministers and black business people joined residents in decrying the report's findings. The group was particularly scandalized by the study's claim that more than half the residents interviewed would leave their homes if they could. The report recommended placing Freedmen's Town residents into federally subsidized housing, which had not yet been built. Residents did not believe that the Housing Authority would be able to build any new public housing, and they wondered how a new development would be any less of a blight than Allen Parkway Village. Residents and ministers concluded that the City had "joined forces with developers."¹¹⁸

In response to this report of obsolescence and to the outrage of the neighborhood's residents, a group of Fourth Ward ministers and black business people proposed the creation of an historic district which would preserve some of Freedmen's Town. Al Calloway, Vice president of the Houston Citizens Chamber of Commerce, proposed a fifteen block district that

¹¹⁶ Economics Research Associates, Working Paper. October 1, 1979.

¹¹⁷ ERA report, page 20.

would preserve the history of Freedmen's Town while housing some current residents.¹¹⁹ New, private development could then be directed outside of the district. The group's proposal offered a compromise that would allow much of the development proposed in the ERA report while preserving some of the neighborhood for its residents and for posterity.

Paralyzed by the outcry from the neighborhood, the City Council did not immediately pursue the ERA report's recommendations for redevelopment. Nor did it seriously consider the residents' coalition proposal. Rather, the City Council's primary reaction to this report seems to have been to delay action – no infrastructure improvements, no spending of the \$10 million rehabilitation grant allocated by HUD to renovate APV, no CDBG allocations for this district, deemed too far gone for these funds, no building permits issued. When, in 1983, the City Council sponsored another report, again recommending the demolition and redevelopment of Allen Parkway Village and the Fourth Ward, the residents were prepared.¹²⁰

In 1984, Freedmen's Town residents nominated forty blocks of their community to the National Register of Historic Places. The residents wanted not only to acknowledge the crucial importance of their community but also to acquire some defense against increasing pressure from downtown business interests and city hall to redevelop the area. Freedmen's Town Association, which was formed in 1981 to organize residents and to advocate for development sensitive to both the neighborhood's historic importance and to the current residents needs, promoted the nomination.

Architectural historian Stephen Fox and Freedmen's Town Association President Gladys House argued in the application to the National Register that Freedmen's Town exemplified a southern black urban community built in the early twentieth-century. The forty block historic district once formed part of a much larger area that was the most important African American community in Houston, they argued:

Because of its association with the first settlement of the city's freed slaves and because of the central role it played in the development of the black community in the late

¹¹⁸ *Houston Chronicle*, Friday April 4, 1980.

¹¹⁹ The historically black Chamber of Commerce which was founded in the Fourth Ward before World War II.

¹²⁰ Allen Parkway Village Technical Report. 1983.

nineteenth and early twentieth-centuries, Houston's Fourth Ward, the location of the Freedmen's Town Historic District, has long been considered the "Mother Ward for Black Houston. Founded just after Emancipation on the southern banks of Buffalo Bayou, the original Freedmen's Town settlement eventually grew to become the economic, spiritual and cultural focus of Houston's black community. ¹²¹

Freedmen's Town Association sought designation for their neighborhood as a nationally recognized historic site not only to raise the area's profile but also to gain some measure of protection against the city's intent to encourage large-scale redevelopment there. According to Fox and House:

Because of its proximity to downtown Houston and the constantly rising value of land, what is left of the western section of this neighborhood is now also being threatened on all sides. Even more so today than in the early part of this century, when it was locked in by unbending segregation, what remains of the Freedmen's Town community stands like an island set apart. In both reality and spirit, however, it still represents all that survives of Houston's oldest free black settlement. ¹²²

The Department of the Interior recognized the significance of Freedmen's Town by placing the district on the National Register of Historic Places in 1985. Freedmen's Town Association and its allies thus succeeded in changing the terms of the debate—outsiders could no longer easily characterize the neighborhood as obsolete, from here onward the residents insisted that their district would be called the historic Freedmen's Town.¹²³

Listing in the National Register confers several advantages on historic properties. Owners of listed properties can seek favorable tax treatment. The district as a whole could receive consideration in planning for Federal, federally licensed, and federally assisted projects as well as eligibility for Federal grants in aid.¹²⁴

¹²¹ Freedmen's Town Historic District. National Register of Historic Places Inventory-Nomination Form, 18.

¹²² Freedmen's Town Historic District. National Register of Historic Places Inventory-Nomination Form, 18, Page 11. Though the text of the application to the National Register emphasized the positive aspects of Freedmen's Town history, the authors here nicely refer to the external, negative forces that enforced the cohesiveness of the neighborhood. "Rather than forming a single, recognizable "ghetto" as was the case in many larger northern cities, black Houstonians came to reside in a handful of enclaves or "urban clusters...[which] remained largely invisible to city officials and to the majority of white Houstonians. As Blaine Brownwell has suggested in describing general black housing patterns throughout the urban South, these black enclaves were like 'islands set apart.'" Sorelle, p. 216

¹²³ *Houston Chronicle*. February 15, 1985.

¹²⁴ Legal notice of public hearing considering the Fourth Ward Historic District by the State Board of Review, published in the *Houston Chronicle*, July 24, 1984.

Given that the City had no plans to apply for federal grants or to participate in federal projects that would respect the districts historic character, favorable tax treatment for property owners remained the major benefit conferred by listing on the National Register. However, by the mid-1980s fewer than five percent of the residents of Freedmen's Town owned their homes. Most of the property owners in Freedmen's Town were absentee landlords who had vociferously opposed the listing because they stood to benefit more from large-scale redevelopment than from restoring the existing buildings, even with tax breaks.

The owners of the majority of land in Freedmen's Town often acted in unison¹²⁵ Quite a few of the landlords descended from Italian-American immigrants who settled in the neighborhood in the 1920s and opened grocery stores and other small businesses.¹²⁶ Although the ownership pattern was finely grained, the owners were able to act in concert. Aware of the redevelopment potential of the holdings, these landlords committed to hold out for the value of the land, in aggregate, rather than selling piecemeal. This ability, and willingness, to act as a kind of monopoly alerted residents to the decided possibility that their neighborhood would be redeveloped completely, but it also bought them some time, in that the landlords would not sell gradually.¹²⁷

Because the landowners intended eventually to sell their holdings in Freedmen's Town to a large developer, they did not repair or maintain their houses. By 1980, Freedmen's Town was still an inexpensive place to live, but living conditions had worsened.¹²⁸ The houses were structurally sound but needed maintenance and had not been updated. Ironically the very conditions that allowed the City to describe the Fourth Ward as "obsolete" contributed to its designation as "historic."

¹²⁵ In 1984 land owners representing 85 percent of Freedmen's Town signed a memorandum of agreement with the City to sell the land at a set price.

¹²⁶ According to Passey and Wintz, no rigorous research has been done to support this claim. The author's interview with Saverio Giammalva, at one time a major landowner in the neighborhood and descendant of Italian immigrant grocers lends credence to the theory, if not rigor. Interview with Patricia Smith Prather: "Mostly Italian landowners held on to their land in the Fourth Ward, blacks didn't [in contrast to 5th ward]" See also item 8, page 8 NRHP and Rives Taylor, "Fourth Ward and the Siege of Allen Parkway Village"

¹²⁷ Frank Spata, largest landowner in 1980 said 'he could have moved blacks out years ago by leasing his properties to Mexican-Americans at twice the rent" Post March 9, 1980.

¹²⁸ ERA, page 16.

While the Freedmen's Town Association began to build support for the application to the National Register in 1983, the landowners formed their own association, the Fourth Ward Property Owners Committee to seek out a single developer for the entire Freedmen's Town District. The decision by the Housing Authority in 1983 to request permission to tear down Allen Parkway Village suggested to the landlords that they should prepare for speculative interest in their properties. The property owners began to work closely with the City Planning Director who was spearheading the effort to redevelop the area. According to Frances Corso, a property owner, the Fourth Ward Property Owners Committee considered only a few of the buildings to be historic and worth preserving. City Planning Director Efraim Garcia clearly thought that the residents had overplayed their hand by requesting such a large district: "What they (Freedmen's Town Association) have done by putting together a district of 40 blocks of basically slums is to hurt their chances of getting the district. They didn't think this thing through."¹²⁹

Garcia argued further that even the suggestion that the area might be designated historic would cause a flurry of demolitions and evictions, as property owners would prefer vacant developable land to dilapidated, historical rental units. The owners and city officials, however, did not really take seriously the possibility that the residents' application would succeed, since a majority of landowners in the neighborhood would have to agree to the designation. Since the property owners association controlled 80 to 85 percent of the area, they never thought the designation would happen.¹³⁰

Despite the confidence of the property owners, and given generous notice that the State Review board would review the application, the Freedmen's Town Association prevailed. It is unclear why the opposition of the landowners did not prevent the designation. Some property owners complained that they had not been properly notified because the Historical Commission used an outdated list of property owners. Given the ample press coverage, and the supposed unity of landlords representing eighty-five percent of the land in the district, however, this

¹²⁹ City Planning Director Efraim Garcia, *Houston Chronicle*, July 19, 1984.

seems like a thin excuse. Insofar as each property owner received only one vote, no matter how large or small the size of the land, perhaps the property owners misunderstood the process. A small monopoly of property owners controlling eighty-five percent of the land might actually have had fewer votes than the small group of owner occupants and churches that owned the remaining fifteen percent of Freedmen's Town land. Also, some property owners possibly did not consider the application likely to be approved under any circumstance because they remained unconvinced of the historic value of their own property. They may not have registered their opposition to the designation with the Historical Commission, whereas the residents and their allies were well organized in favor of the petition. Finally, several recent scandals suggest that the murky chains of title in the neighborhood might have clouded the true ownership of the properties. Since much of the land had been passed down through several generations and since few parcels were mortgaged, the ownership status of the land had not been subject to many title examinations. Land acquisition costs for any recent redevelopment proposal have allowed for a substantial amount of title work in order to clear up ownership issues.¹³¹ Regardless of why the property owners did not manage to block the designation as they had vowed, in the aftermath the property owners association discounted the importance of the designation, noting that they were still free to demolish property.

Even though legal property owners could still demolish houses in Freedmen's Town, the Freedmen's Town Association succeeded in creating a kind of moral ownership of their neighborhood through its national recognition as an historic district. The residents and the Association would be able to invoke the historic status, recognized on a national level, when redevelopment plans failed to include preservation. They could now argue that buildings in

¹³⁰ For evidence of property owner objections in the press see: *Houston Downtown Magazine*, November 5, 1984, *Houston Post* July 27, 1984, *Houston Chronicle* July 19, 1984

¹³¹ See Harris County Register of Deeds, Volume 3814 Page 3822 for an example of Affidavits recorded simultaneously with conveyance of title from heirs of property to Houston Renaissance, Inc. In this example several heirs stipulate that they have been in possession of the property since at least 1972, and that no other person has ever asserted any claim of ownership of said premises or any right, title or interest. In addition to uncertainty of ownership these affidavits addressed the highly imprecise legal descriptions of property, as buildings and additions were built long before any building permits were required in Houston. See also *Houston Press*, September 10, 1998 for discussion of blurred property lines and utility easements and *Houston Chronicle*, December 30, 1998 on the validity of property owners' signatures on a petition for Tax Increment Reinvestment Zone.

their neighborhood should be preserved not only because they housed people in need of affordable shelter but also because they housed a priceless history¹³².

The residents scored a success, if not an absolute one. The city, through its Planning Director, continued to seek actively a single developer to raze and reconstruct a middle to high income community in place of Freedmen's Town, and the property owners continued to support the most profitable redevelopment schemes. The Freedmen's Town Association did achieve two important tactical victories: the terms of the debate had changed in that the 'obsolete' Fourth Ward had become the 'historic' Freedmen's Town and the moral ownership of the neighborhood had shifted towards the residents and away from the legal owners.

San Felipe Courts/Allen Parkway Village

The Resident Council of Allen Parkway Village, embroiled in direct conflict with the Housing Authority of the City of Houston and its proposal to the public housing development, followed the lead of their neighbors in Freedmen's Town by nominating their home to the National Register of Historic Places in 1987. Like the Freedmen's Town residents, Allen Parkway Village residents applied for historic designation in the face of a direct threat by the City of Houston to raze and redevelop their neighborhood.¹³³ Again like the Freedmen's Town Association, The Resident Council specifically sought to use the designation to raise the profile of their struggle. Listing on the National Register of Historic Places allowed The Resident Council to forge alliances outside the neighborhood with groups of architects and preservationists and also hampered redevelopment schemes, even by the small inconvenience of dealing with Historic Preservation requirements when razing property. The historical importance of the development was perhaps less compelling in the case of Allen Parkway Village than for Freedmen's Town. The residents' application did elucidate, however, that the community planning principles and publicly spirited architecture that inspired the architects of Allen Parkway Village made the development as viable a home for lower income people in 1987

¹³² Interview with Gladys House, March 26, 1999.

as in 1941, when the project opened. Architectural Historian Stephen Fox, in his testimony to the U. S. House of Representatives Subcommittee on Housing and Urban Affairs Field Hearing on the Rehabilitation of Allen Parkway Village explained:

Allen Parkway Village is an outstanding example of public spirited architecture, landscape design, and community planning that states unequivocally that low-income families have a legitimate place at the very center of Houston, not as barely tolerated transients, but as citizen-residents. The quality of the complex's architecture, the intelligence of its planning, the extraordinary durability of its construction and the generosity of its park-like grounds are the historical attributes of the San Felipe Courts Historic District that gave it its distinction to begin with, and they are the qualities that will continue to make it, if properly rehabilitated and managed, not only a desirable historic neighborhood for low-income Houston families, but a belated monument to the success of public housing in Houston.¹³⁴

Gaining historic designation thus allowed the residents to articulate their belief that the housing development needed only repair and adequate maintenance to provide high quality affordable housing to some of Houston's poor families and to counter the claim, made by Mayor Bob Lanier, amongst others, that the design of San Felipe Courts/Allen Parkway Village, doomed the project to failure by concentrating 1000 units in one location.¹³⁵

After so many years defending their right to live at Allen Parkway Village, the residents believed that the high density of poor non-white people and not high density itself was the reason for tearing down the development. Indeed, virtually any plan proposed for the redevelopment would necessitate equal or higher densities of people.¹³⁶ In this respect, the residents felt that they were facing a strikingly similar battle to those residents of the Fourth Ward displaced by the original slum clearance project that created San Felipe Courts in the late 1930s.

¹³³ HACH applied again in 1983 to HUD for permission to demolish APV. The \$10 million grant issued by HUD to rehabilitate rather than raze the complex had not been used.

¹³⁴ Rehabilitation of Allen Parkway Village, Houston, TX. Field Hearing before the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs. December 14, 1993.

¹³⁵ IBID, p. 123.

¹³⁶ Note that Mayor Lanier lived in highest density publicly subsidized housing in Houston, luxury high rise tower in River Oaks, bailed out of bankruptcy due to S & L crisis, by government.

History of Slum Clearance in Freedmen's Town

In the 1930s Houston's African American community embraced the slum clearance efforts funded by the United States Housing Authority, which paid up to ninety percent of the construction costs of public housing projects that incorporated slum clearance.¹³⁷ The Housing Authority of the City of Houston (HACH), established in 1938 to administer the project locally, built two of its four initial projects for black families. Although the black press registered little protest against slum clearance per se, the announcement that the project planned for the Fourth Ward would be reserved for whites only caused an uproar. Adding insult to injury, the Housing Authority paid to the homeowners they displaced too little to buy another house in most parts of Houston. Landowners, black and white, joined forces to protest the unfair prices, but to no avail. Furthermore, despite federal stipulations meant to guarantee a certain percentage of public housing jobs to blacks, they were excluded from construction and managerial jobs.¹³⁸

During this period, Houston's African American community was engaged in fighting discrimination on much broader terms, as well. The *Houston Informer* frequently criticized the FHA policy of not backing mortgages to black applicants, which effectively restricted the housing options and institutionalized segregation.¹³⁹ Backed by the NAACP and the Houston community, a Houston dentist successfully argued to the U. S. Supreme Court in 1944 that the Democratic Party's exclusion of black voters effectively disenfranchised him, since Houston was essentially a one party town. This victory virtually assured African Americans the right to

¹³⁷ Wagner-Steagall Act of 1937 established the United States Housing Authority. From NRHP Item 7, Page 4.

¹³⁸ The African American community appears to have won at least part of the battle, since within a short time African American managers and staff were hired at both 'negro' developments.

¹³⁹ "Houston Negroes to Get Housing Unit." *Informer*, December 10, 1938. "Whites to Get Fourth Ward Site." *Informer*, October 7, 1939. "Fear Ouster Would Be Prelude to Exodus of Fourth Ward Negroes" *Informer*, April 20, 1940. "Home Owners Protest Small Value Placed on Property by Government in Fourth Ward," *Informer*, March 30, 1940. "Citizens To Fight Ejection From Homes To Finish," *Informer*, April 27, 1940. "Committee Takes Protest to Housing Head; Race Called," *Informer*, October 14, 1939. "U. S. Specifications on Housing Project Ignored by Council," *Informer*, March 16, 1940. "Race May Take Fight to Court to Get Due Share of Skilled Work," *Informer* March 23, 1940. "Housing Authorities Want More Rent But Managers' Pay Stands," *Informer* July 15, 1944. "A Crying Need," *Informer* April 24, 1943. "For A Better South," *Informer* April 24, 1943.

vote.¹⁴⁰ It is interesting to note that Houston's African American community seemed more intent on gaining access to well paying jobs, to the ballot, and to mortgages than to preserving the houses in the Fourth Ward or to increasing the percentage of public housing units allotted to them. When the dust settled on the slum clearance program in the City, however, the *Houston Informer* analyzed the pattern of segregation that had emerged:

The cards were stacked against Negroes in the beginning. The Planning Commission of the city of Houston had long since planned to empty the Fourth Ward of Negroes. The Zoning map will show this design¹⁴¹. So, when the Housing Authority suggested that the First Negro project be build on empty land, they had in mind moving Negroes out of the Fourth Ward into that area and the establishment of a white group in the place of the Fourth Ward Negroes. It might have been better for Negroes to have hung their fight on the issue of the location of the Cuney project. But, it's far short of the truth to say that Negroes contributed to the ousting of themselves from the Fourth Ward by accepting the Cuney project. The city Authorities would have fought just as hard then for their scheme to oust Negroes from the Fourth Ward as they have fought lately...Even...[those]who opposed the establishment of the first project in the Third Ward, subsequently accepted it in the belief that the next project for Negroes would be established in the Fourth Ward. This writer didn't smell the rat back there either.¹⁴²

The Housing Authority of the City of Houston thus managed to pull off this bait and switch -- by building the 'negro' developments up front, the HACH had a pre-existing place for the displaced residents of Freedmen's Town to move when the signature, white only project destroyed their community.¹⁴³ The African American community, however, would never forget it.

When the slum clearance projects were completed, Houston's African Americans had lost ground, not only by losing part of the Fourth Ward but also in terms of the net number of housing units available to them after slum clearance. Of the 2,112 units demolished, 1,741, or

¹⁴⁰ see Smith v. Allright 321 US 649 (1944). "High Court Frees Dixie Negroes," *Informer*, April 8, 1944., Sapper, page 91, and Bayor page 21 for evidence of the reverberations of the decision throughout the South. See also Grovey v. Townsend for history of Houston's African American community's involvement in gaining the right to vote, and Sweatt v. Painter for subsequent struggle to gain access to graduate education for African Americans in Texas, also shepherded by the Houston community.

¹⁴¹ Zoning map refers to a comprehensive plan created in 1929 when city officials optimistically assumed that Houston would join other cities in instituting zoning. Though voters of course never embraced zoning, and Houston has never had a legitimate comprehensive plan the city somehow managed to effect the racial redistricting apparent in the 1929 plan, with the notable exception of the continued dominance of African Americans in the Fourth Ward.

¹⁴² " F.D. R. And Strauss Asked to Give Aid" *Informer* July 13, 1940.

¹⁴³ See Houston's Public Housing Program, 1940, page 9, quoted in NRHP Item 8 page 5 for an example of the City's forthright desire to "obliterate an undesirable section while providing affordable housing for

eighty-two percent, were characterized “non-white” whereas only 897 total units in the new public housing developments were allocated to ‘non-white families’—a net loss of over 1200 units.¹⁴⁴ By 1945 the Housing Authority capped its waiting list of eligible black families at 5000. The demand for scarce public housing units never abated. By 1987, the situation had not improved, as more than five thousand families waited for housing.

Mindful of the HACH’s legacy of displacement and cognizant of the pressing need for more units of public housing, the Allen Parkway Village Resident Council never wavered in its opposition to any demolition. Applying for historic designation was, in some sense, a strategy to ensure that history would not be repeated. By memorializing the creation of white-only development that had destroyed a black community, the Resident Council hoped to preserve a resource of affordable housing for all kinds of future Houstonians.

The Resident Council enlisted the assistance of Rice University Architecture Professor Nia Becnel, to complete the application. Even though the development’s ostensible owner, the Housing Authority, along with City Hall did not support the application, Allen Parkway Village was added to the National Register of Historic Places in 1988, after being added to the State list in 1987.¹⁴⁵ Although their successful application was a coup, given the open hostility towards it from local authorities, the historic preservation designation offered only weak protection against demolition.¹⁴⁶ According to Jim Steely, director of the National Register Program for the Texas Historical Commission, once the property was listed on the National Register, “federal funds can not be used to demolish without extensive analysis and documentation by federal preservationists. There is no guarantee that it won’t be demolished.”¹⁴⁷ Unlike other cities, such as New York, no local preservation laws existed that would offer any further protection against demolition.

some of Houston’s white families.” The subtlety of the manipulation lay in the timing of the announcements.

¹⁴⁴ Housing Authority of the City of Houston, Annual Report 1944-1945. See also Bayor, page 58 for discussion of similar practices in Atlanta.

¹⁴⁵ Houston Chronicle, October 6, 1987.

¹⁴⁶ Barna. *The See-Through Years*, page 122.

¹⁴⁷ Houston Chronicle, October 6, 1987

Aware of the thin protection historic preservation offered, the Resident Council conceived of the push to get listed on the National Register as only one part of a multi-pronged strategy. They pressured Congressman Mickey Leland, via their ally and chair of the House Banking Finance and Urban Affairs Committee, Henry Gonzalez, to write federal legislation specifically prohibiting the use of federal funds to demolish Allen Parkway Village. The advantage of the listing on the National Register was not, then, in prohibiting the use of federal funds to demolish the structure, but was in delaying the development process and in raising the profile of the residents' struggle.¹⁴⁸

The Resident Council consciously evoked Allen Parkway Village's relationship with Freedmen's Town in its argument for the historic importance of the public housing development. "Together, these two communities represent a compelling historical continuum: a classic, late 19th-century low-income neighborhood and its idealistic 20th-century "slum clearance" successor.¹⁴⁹

Conclusion

In light of the recent destruction of Allen Parkway Village and much of Freedmen's Town, historic designation did not offer the residents much protection in their fight against demolition. The residents were well aware of the weaknesses of the strategy. Gaining national recognition for the historic importance of their community was just one part of a multi-pronged strategy. The added regulations for demolishing historic properties hindered any redevelopment scheme, buying the residents valuable time. The residents of Allen Parkway Village, in particular, realized the need to fight at the federal level, since federal agencies would have to play a central role in any redevelopment decision.

The less tangible benefits of historic designation were at least as important to the residents. The press coverage garnered by the successful applications provided a forum for the residents to reframe the redevelopment issue. By characterizing their neighborhood as historic,

¹⁴⁸ Interview with Lenwood Johnson, March 27, 1999 and Allen Parkway Village Rehabilitation Proposal, Residents' Council September 19, 1993.

the Freedmen's Town residents could counter arguments that their neighborhood was obsolete. Allen Parkway Village residents argued in their application that the public housing development was a successful example of community planning, countering the argument that the development was outdated and fatally flawed in its design.

Since the Housing Authority's first attempt in 1941 to make the Fourth Ward disappear from the view of white, middle class Houston, African Americans have struggled to defend their right to exist in the center of Houston. Elevating the history of the neighborhood to a level of national historic importance was another way of making visible 'invisible Houston' and to legitimate the claims of the residents to be there. In articulating the history of their community, the residents did not gloss over its painful aspects. Thus, the Freedmen's Town Association fought to save the hanging tree located in their neighborhood, along with the churches. And the Resident Council of Allen Parkway Village would not forget the divisive history of segregation and displacement inscribed into their built environment. In defending Allen Parkway Village against yet another parry by the Housing Authority in 1993, resident ally Stephen Fox explained:

Thus, Allen Parkway Village represents, over the entire course of its existence, one lamentable chapter after another in the racial politics of 20th-century American housing. Today, historians are much keener than once was the case to the experiences and culture of marginalized peoples who, because of poverty and racial prejudice, were judged not to have contributed significantly to American history. In this respect, Allen Parkway Village and Fourth Ward emerge as important monuments to a more searching and inclusive view of American history and culture, one that does not suppress the existence of injustice and discrimination.¹⁵⁰

Ultimately, though, placing Allen Parkway Village and the Fourth Ward on a par with other, more traditionally recognized historic monuments, still only elevated the neighborhood to a relatively insecure status. Texans in general and Houstonians in particular have yet to embrace historic preservation, if designating property as historic could interfere with sacred property rights. Essayist Joel Warren Barna explains: "[ownership] is the right to use or dispose of a building however the owner pleases. Such rights have been exercised with

¹⁴⁹ NRHP nomination.

¹⁵⁰ Testimony of Stephen Fox, p. 155. House Field hearing, December 14, 1993.

unquestioned vigor throughout Texas for as long as anyone can remember. The significant historic preservation fights of the 1980s...waged by do-gooder groups seeking to stop owners from exercising their rights to alter or destroy buildings only proved the rule.”¹⁵¹ Historic preservationists consistently lost to developers, no matter whose history the structures commemorated.

Houston’s fledgling historic preservation movement embraced the importance of Freedmen’s Town, but on its own terms. Fearing that the continued neglect and abandonment of Freedmen’s Town would result in its complete loss, historic preservationists successfully lobbied to remove the Jack Yates house from the neighborhood, and to place it in a park with other historic homes. While this move recognized the importance of the father of Freedmen’s Town to all Houstonians, severing the historic building from its community was a cruel blow to the people fighting to preserve the neighborhood. African American historic preservationist Patricia Smith Prather described the pain this move caused, and the reason that she supported it:

Really, there has been a systematic dismantling of that historic community. I helped in one piece of that, which I feel badly about. When we moved the Jack Yates house out of there it was sort of like giving in...I was on the side of preservation—if we couldn’t move it out of there we’d lose it. It was unoccupied, we couldn’t get insurance and we were going to lose it. Symbolically, though, doing that, other preservationists said, with respect to Freedmen’s Town, it ain’t gonna happen.

¹⁵¹ Barna, *The See-Through Years*. Page 231.

CHAPTER SEVEN

Leverage

Introduction

A key part of the residents' strategies was to enlist the support and assistance of powerful people outside of the neighborhood, to counteract the powerful array of interests aligned against them. The residents were very successful in attracting professionals, particularly architects and lawyers, to their cause. Legislators such as Henry Gonzalez and Mickey Leland pressured the city from their vantage in Washington. The Freedmen's Town Association used the Community Reinvestment Act to force banks and other lenders to invest in the neighborhood. Leveraging relationships with groups outside the neighborhood allowed the residents to broaden the constituency for their struggle, to raise its profile, and to bring in resources to the neighborhood.

Freedmen's Town Association and the Community Reinvestment Act I

Freedmen's Town Association President Gladys House believed that Freedmen's Town residents themselves should take control of the neighborhood's development. House had demonstrated the capacity to get things done, and generated a host of worthy projects, but always struggled to find funding. Excluded from the City's block grant programs, and too rag-tag for most foundations, the Association devised an alternative and successful strategy for funding their projects: blackmailing banks.

The reinvigorated Community Reinvestment Act allowed community based organizations to protest lenders that had not reinvested in their communities. In this case, because downtown had appropriated Freedmen's Town, the Freedmen's Town Association could legitimately object to any Houston banks' activities. Banks involved in mergers paid particular attention to complaints registered by community organizations, since regulators will delay mergers to investigate such complaints. The merger mania of the early 1990s gave the Freedmen's Town Association extraordinary leverage. By 1991 nearly every bank and savings & loan association had donated money, lent money or deposited money in the Freedmen's Town Credit Union.¹⁵²

Even though most of Houston's lending institutions 'reinvested' in Freedmen's Town, few bankers liked the Freedmen's Town Associations' extortionist methods. Gladys House could, and did, write a mean letter accusing banks, for example, of making insulting donations of only \$1000. Bankers openly protested these tactics, but they paid nonetheless, fearful that the letter writing campaign could scuttle multi-million dollar mergers. In response to the bankers' complaints of feeling threatened, House countered: "So they feel threatened. How do you think black people felt? Our communities were deteriorating and we couldn't get any loans. That's a threat."¹⁵³

¹⁵² *Houston Chronicle*, February 17, 1991.

¹⁵³ IBID

She dismissed any suggestion that she would do better with the banks by using a softer touch. Freedmen's Town by 1991 had deteriorated rapidly. The scheme to package the neighborhood for a developer in the 1980s and the Founder's Park scheme in the 1990s had both failed, but House knew that the city or a group of developers would eventually propose another scheme. Freedmen's Town Association needed to start acting like its own developer, and it needed to do it immediately. She could not afford to let bankers off easily.

The Freedmen's Town Association funded a plethora of activities. Small businesses, such as a washateria and a sandwich shop, received start up loans. Residents painted houses, planted community gardens and opened a credit union. Eventually they planned to start building new houses to fill in the vacant lots scattered throughout the community.

Several obstacles prevented the Freedmen's Town Association from enjoying even more success with the Community Reinvestment Act funding. The organization kept atrocious financial records, when they kept records at all. House explained that more important things, such as getting the funding and starting programs, occupied her time. She would not spend scarce dollars on an accountant's salary. The shoddy record keeping, however, prevented other organizations, such as foundations, which did not have a fear-based relationship with Freedmen's Town, from donating to the organization.

Ultimately the more severe obstacle to Freedmen's Town's success was the organizations' deteriorating relationship with other leaders in the community. A group of ministers and other leaders formed the Freedman's Town Association/Fourth Ward Neighborhood Association as an alternative to the Freedmen's Town Association. House dismissed the ministers' influence, explaining "I listened to preachers all my life talk about the problems in my neighborhood. Talk, talk, talk. That's all they did. These folks are going to talk our community out of existence." The lack of unity amongst the community's leadership would eventually undermine Freedmen's Town chances to survive the city's next attempt to gain control of the neighborhood.

Houston Housing Concern:

Aware that City Council could ignore the pleas of the dwindling Allen Parkway Village residents, the residents recognized the need to amplify the constituency for Allen Parkway Village beyond the residents themselves. Resident Council President Lenwood Johnson facilitated the creation of an advocacy group called The Houston Housing Concern in the mid-1980s. With membership of 100 civic and religious groups from all parts of Houston, the group ostensibly advocated for increased affordable housing for Houston's low-income citizens. In reality, the group dealt primarily with Allen Parkway Village and Fourth Ward issues.¹⁵⁴

Lenwood Johnson described the leadership of Houston Housing Concern as "a group of suburban white women, married to oil company executives." The Houston Housing Concern adopted resolutions almost exactly like those of the Resident Council, but when the middle-class suburban matrons presented their views, members of the City Council listened. Presumably, the city councilors listened not only because the white, middle-class members of the organization tended to garner more consideration themselves, but also because they conceivably represented a formidable voting bloc.¹⁵⁵

Joan Denkler, president of Houston Housing Concern from its beginning in the middle 1980s, testified twice before Congress, appeared on many occasions before the City Council and spoke frequently to the press. In addition to broadening opportunities to articulate the residents' vision, members of the non-profit organization often came to the defense of the residents, when the press or the Housing Authority demonized them. For example, in 1993 Lenwood Johnson's constant harrangue of the Housing Authority and city officials had prompted accusations that he was not only intransigent but also living off donations to the tenants' organization. In response, Ms. Denkler testified that Mr. Johnson lived in complete poverty and in complete service to his friends and neighbors.¹⁵⁶

¹⁵⁴ See testimony from Houston Housing Concern members to Congress in 1985 and 1993, "Resolution to Bring the Allen Parkway Village issue to a Quick Conclusion," "Resolution Opposing a Tax Incremental Finance District in Fourth Ward/North Montrose" and letter "Just Say No to Founder's Park." The HHC's views expressed in all of these documents demonstrate remarkable alignment with the Resident Council's agenda.

¹⁵⁵ Interview Lenwood Johnson, March 26, 1999.

¹⁵⁶ Testimony before House Banking, Finance and Urban Affairs Committee, 1993, page 75.

In a particularly clever tactic, the Houston Housing Concern melded the Allen Parkway Village and Fourth Ward residents' concerns to the ever popular argument of protecting property rights. The City's development schemes for Freedmen's Town would inevitably require some type of land use controls, such as Tax Increment Finance (TIF) Districts or even takings by eminent domain, according to literature circulated by the Houston Housing Concern. TIF districts essentially siphon all future increases in taxes in a specific district to pay for infrastructure improvements, causing City services on the whole to suffer either through dilution of services or through a tax increases. The same voters throughout Houston that had defeated zoning would not like the 'back-door zoning' brought by TIF districts, especially if the TIF diverted revenue from their own municipal services. Likening the City's intention to displace Freedmen's Town and Allen Parkway Village residents to the specter of the dilution of property rights and to the threat of diminished services alerted a wide group of voters to the neighborhood's struggle.¹⁵⁷ The Houston Housing Concern campaign certainly assisted the demise of the Founder's Park scheme, which was dependent on a TIF district that Houston voters refused to endorse.

Henry B. Gonzalez

In Henry B. Gonzalez, the people of Allen Parkway Village and the Fourth Ward found an ideal champion. The thirty-two year veteran of the U. S. House of Representatives entered politics as young man in San Antonio because of the bitter, racially tinged battle to site public housing in Houston's neighboring city late in the 1930s. Opponents of public housing hired thugs to attack a Jesuit priest who had been working for the creation of public housing; a college-aged Henry Gonzalez defended the priest both in spirit, by joining his crusade, and in body, by protecting him when he was attacked, by stoning in one instance. He went on to work for the nascent housing authority and then to become the first Mexican American member of the Texas Legislature. In his first, legendary year as a state representative, Gonzalez set the record for longest continuous filibuster. For seventy-two hours the young man argued alone

¹⁵⁷ Kate Thomas, "Developers eye back-door attack on taxpayers' pocketbooks," *Houston Post*, July 25,

against a series of segregationist measures designed to combat the recent Supreme Court decision in *Brown v. Board of Education*. When he finally finished, bare foot and exhausted, he had extinguished two out of six of the segregationist initiatives. He moved on to the U. S. Congress in time to witness the creation of HUD in the early sixties and spent the next thirty-eight years as a member of Congress serving on housing committees. Throughout his career, he continued to throw himself into the defense of public housing, and was never afraid to recognize the ugly racial politics and discrimination toward the poor that swirled around the Allen Parkway Village conflict. He also had learned the power of wearing down his opponent through endless debate.¹⁵⁸

Congressman Gonzalez entered the Allen Parkway Village fray in 1979. Leveraging his membership on the House Banking, Finance and Urban Affairs Committee, Gonzalez interceded when the Housing Authority of the City of Houston announced its intention to raze Allen Parkway Village. Gonzalez arranged a meeting with HUD's secretary and Houston's congressional delegation. Together the group hashed out an alternative. Instead of encouraging the Housing Authority to apply formally for demolition, HUD could issue a \$10 million grant for renovation and repair. The Housing Authority rescinded its application and accepted the money, and Congressman Gonzalez retained a personal interest in seeing that grant used for its intended purpose.

In light of the Housing Authority's failure to attempt any rehabilitation since 1979, Gonzalez viewed the Housing Authority's 1984 demolition application to HUD with grave concern. By this point, the \$10 million grant had funded only a study recommending demolition and some shoddy, temporary roof patching. At least \$8.5 million remained. At the behest of Resident Council President Lenwood Johnson, the Congressman held a hearing of the House Banking, Finance and Urban Affairs Committee in Houston, to review the state of Allen Parkway Village. Neither Housing Authority Executive Director Earl Phillips nor any other

1990.

¹⁵⁸ 1993 Hearing before House Committee on Banking, Finance and Urban Affairs. Page 62.

representative of the organization attending the meeting, nor did the Authority allow the Congressman to hold the hearing at Allen Parkway Village.¹⁵⁹

In exile at a nearby community center, Congressman Gonzalez heard testimony from the incensed Allen Parkway Village tenants and others. Freedmen's Town residents argued that saving Allen Parkway Village was the only way to prevent the City from handing over Freedmen's Town to developers. Activists and professionals rebutted the Housing Authority's claims of obsolescence, and presented evidence that Housing Authority employees had vastly overestimated the cost of renovation in hopes of making demolition more feasible. As a result of the hearing, Gonzalez personally requested that HUD secretary Pierce withhold his agency's decision on the demolition application until more information was available. Commenting later on his unusually personal role in the Allen Parkway Village issue, Gonzalez explained:

Yes, I don't like to improperly interfere, but we have been in the last 8 years for sure in very, very constant and close contact with Mr. Lenwood and others. I did make myself obnoxious to the then leaders of the city, both the housing authority as well as the local government. As both chairman of the Subcommittee on Housing and as an individual intervenor, I attempted to ward off the demolition by going through several levels in order to have some impact.¹⁶⁰

While Gonzalez continued to hold off Pierce--by some accounts on at least three occasions the Congressman personally asked the HUD Secretary to wait on the application--¹⁶¹ he was also working in his own backyard, the House Banking, Finance and Urban Affairs Committee, of which the 70 year old Congressman from San Antonio was by now Chairman. He urged Houston Congressman Mickey Leland to craft legislation designed to prevent HUD's from demolishing Allen Parkway Village. Congress passed the so-called Frost-Leland Amendment in 1988, just as HUD Secretary Pierce' tolerance for Gonzalez' interference had begun to run out. In a 1987 letter to Gonzalez, Pierce scolded that HUD "has provided almost 2 ½ years for you to complete your study of APV. During that time, the project has continued to

¹⁵⁹ Interview with Lenwood Johnson, March 26, 1999 and 1993 Hearing before House Committee.

¹⁶⁰ 1993 Hearing, page 58.

¹⁶¹ *Houston Post*, December 11, 1986

deteriorate and may now pose a danger to the relatively few remaining residents.”¹⁶² HUD did not, however, have a chance to review the application before Congress approved the Frost-Leland Amendment, barring the use of federal funds to demolish Allen Parkway Village. After the U. S. District Court upheld the Frost-Leland Amendment in 1989, the Housing Authority withdrew its still pending 1984 application to HUD for the right to demolish Allen Parkway Village.

When the Housing Authority’s demolition proposal resurfaced in 1993, Congressman Gonzalez held yet another field hearing in Houston to discuss the proposal.¹⁶³ This time, the Housing Authority allowed the Chairman to hold the meeting at Allen Parkway Village. Housing Authority Executive Director Joy Fitzgerald, Houston Mayor Bob Lanier and HUD Secretary and former mayor of Gonzalez’ hometown of San Antonio Henry Cisneros, all attended. Despite Lanier’s claim reported the day before in the press that Houston had secured the HOPE VI grant and that the majority of the projects’ land would be sold off to private developers, HUD Secretary Cisneros pledged that none of Allen Parkway Village’s valuable land would be sold to developers. Under the watchful eye of the powerful Chairman of the committee responsible for overseeing HUD, the HUD Secretary thus hewed a middle road intended to please all three parties. Houston’s Mayor still looked forward to a major overhaul of the ‘eyesore’ of Allen Parkway Village, funded with a deluxe \$32 million grant from HUD; the public housing residents had some measure of security that the overhaul would benefit lower income people; neighboring Freedmen’s Town residents felt that their neighborhood could still rely on the presence of public housing at Allen Parkway Village to fend off excessive developer speculation.¹⁶⁴

¹⁶² Michael King, “Once More Unto the Village, Dear Friends, Once More!” *Houston Press*. December 23, 1993, page 7.

¹⁶³ In the interim between the Houston hearings, Congressman Gonzalez managed to pass the Cranston-Gonzalez Housing Act of 1990 under the Reagan Administration. The Act resulted from four years of intense debate and negotiation and represented a major victory for housing advocates. See Keyes, *Strategies and Saints*, page 226.

¹⁶⁴ Michael King, “Once More Unto the Village, Dear Friends, Once More!” *Houston Press*. December 23, 1993, page 7.

Gonzalez, however, had not pledged his life to fighting for public housing in order to give up on the existing Allen Parkway Village. Long after the honchos departed the 1993 hearing, Gonzalez continued to listen to residents, activists and consultants, many of whom fondly remembered his 1985 visit. He revealed his willingness to fight the HOPE VI grant by questioning the city's ability to provide one-for-one replacement of Allen Parkway Village, since HACH had not successfully sited public housing in Houston in years. Gonzalez also called the proposal illegal:

This is in direct contravention of the Amendment that the late Mickey Leland (D-Houston) and I put into law in 1988 that specifically prohibits the use of any federal funds in any fiscal year to demolish Allen Parkway Village.¹⁶⁵

By the time that Tom Delay (R-Houston) reintroduced the idea of repealing Frost-Leland in 1996, the Gonzalez had lost chairmanship of the powerful Committee to the new Republican majority, and could not prevent its repeal in 1996. The HOPE VI project, calling for the demolition of at least eighty percent of Allen Parkway Village's units, went forward.

In his last intercession on behalf of Allen Parkway Village residents, Congressman Gonzalez arranged for a grant of \$300,000 for the Resident Council in 1995. He hoped that the money would allow the residents to take their place at the table in deciding how the lucrative HOPE VI grant would reshape Allen Parkway Village. Gonzalez wished to avert repeating 1991's forced mediation debacle, in which the residents felt outgunned by the array of professionals lined up on behalf of the Housing Authority. The residents never received the money, since the Housing Authority and the Resident Council could not agree on the terms of the grant. The contract drafted by the Housing Authority required the residents to promise not to sue the Housing Authority and to sign away other rights. By this time, the ailing 80 year old Gonzalez could not assist the residents, who never found another champion like him.

¹⁶⁵ 1993 Hearing and Michael King, "Once More Unto the Village, Dear Friends, Once More!" *Houston Press*. December 23, 1993, page 7.

Congressman Mickey Leland

Congressman Mickey Leland, a Houston democrat with deep personal ties to the Fourth Ward, actively advocated the residents' position both in Washington and Houston. Accused by some constituents of spending too much time dealing with issues of hunger in Africa in lieu of concentrating on poverty in his own district, Leland associated himself, starting in 1987, with the intensely local issue of preserving Allen Parkway Village and Freedmen's Town as places for low income African Americans. Leland's primary contribution to the dispute, the Frost-Leland Amendment, prohibited the use of federal funds to demolish Allen Parkway Village and two public housing development in Dallas. Ironically, Leland then came under fire for using his position in Congress inappropriately to resolve local issues and to meddle with local decision makers, such as the Housing Authority.

Several key strategists, namely Henry Gonzalez, Lenwood Johnson and Martin Frost, fashioned The Frost-Leland Amendment, but Mickey Leland championed the measure through Congress. In the local battle that brewed, Leland primarily opposed Tom DeLay, (R-Houston) whose district did not include the Fourth Ward, but who did argue for the interests of the city and the Housing Authority. DeLay contended that preserving Allen Parkway Village amounted to condemning poor people to live in outmoded, decrepit housing. By selling the land, the Housing Authority could afford to build twice as many units as it would lose. Tellingly, DeLay insisted that the demolition proposal "is supported by the Houston Housing Authority, by the City of Houston, the city of Houston government and the politicians of the city of Houston."¹⁶⁶ He did not mention the expressed preferences of the residents.

Leland responded by arguing that HUD should be preserving public housing as a resource, but under the siege of the Reagan administration's privatization agenda, the agency was undermining the interests of low income Americans. With at least 5,000 people on the waiting list, and additional tens of thousands of eligible applicants, it did not make any sense to destroy a resource for affordable housing. Even if the Housing Authority could make good

¹⁶⁶ Congressional Record, September 2, 1987

on its pledge to produce twice as many units with the proceeds of the sale, Leland insisted that, without a reasonable, actual plan for the replacement units, the residents could not believe the Housing Authority's pledge. Nothing in the Housing Authority's history led the residents to believe that the agency could build more units of public housing. Finally, Leland represented the actual preferences of the residents, with whom he had a personal relationship. "If we destroy Allen Parkway Village, we would destroy a whole community, a whole neighborhood, and, yes, even a history."¹⁶⁷ The actual site of Freedmen's Town and of Allen Parkway Village could not be duplicated elsewhere; even if the Housing Authority managed to build thousands of replacement units, it could never rebuild the lost community.

Leland patently distrusted DeLay's argument for the destruction of Allen Parkway Village. He did not believe that the Housing Authority and the City, after years of corruption and mismanagement, had instantly developed the capacity to build affordable housing on a large-scale. Instead, Leland believed that "The proposal to demolish Allen Parkway Village is fueled by the Reagan Administration's disdain from building and renovating public housing projects and the desire of some to build private developments close to the downtown business districts."¹⁶⁸ After the acrimonious debate, the vote followed strictly partisan lines, as democrats sided with Leland and republicans with DeLay. Since democrats outnumbered republicans in 1988, Frost-Leland passed into law.

Leland stayed involved with the Allen Parkway issue until his tragic 1989 death in an airplane accident. When HUD continued to consider the Housing Authority of the City of Houston's demolition application, Leland reminded the agency that "the intent of the Frost-Leland amendment was to disallow HUD's approval for the demolition of these developments -- for such action makes no sense and is bad public policy."¹⁶⁹ The Housing Authority retracted the application shortly thereafter. Leland had succeeded in removing HUD's ability to assist the Housing Authority in razing Allen Parkway Village, and thereby handing his constituents in

¹⁶⁷ Congressional Record, September 2, 1987

¹⁶⁸ Congressional Record, September 2, 1987

¹⁶⁹ Congressional Record, June 22, 1988

Freedmen's Town and Allen Parkway Village a solid victory over the local political and business elite.

CHAPTER EIGHT

Litigation

Introduction:

Allen Parkway Village residents wanted to change the political climate and conventional wisdom about the failure of public housing. They knew that their home could be a good place for low-income people to live, if properly repaired and maintained. By the 1980s, however, the general attitude of Houstonians toward Allen Parkway Village was that the decrepit and abandoned buildings demonstrated the failure of high-density subsidized housing and that the desirable location of the land made the tenure of the dwindling number of residents a shameful waste. Changing the local political culture that held that valuable land must be developed into its most lucrative use was a daunting task, but ultimately the residents believed that without a local mandate to preserve public housing, the Housing Authority and the political elite of Houston would eliminate Allen Parkway Village.

If creating a mandate for the maintenance of public housing defined long-term success, in the short term the residents needed to prevent the demolition of Allen Parkway Village. Initiating a broad range of legal actions against the Housing Authority allowed the residents to temporarily constrain the Housing Authority from razing Allen Parkway Village, while also widening the public awareness of their plight. The significant press coverage garnered by the various lawsuits created another forum in which the residents could articulate their vision, in hopes that the constituency for preserving public housing would grow.

The lawsuits unearthed unsavory practices, such as racial steering, strategic evictions, and intentional neglect, used by the Housing Authority in its attempt to erase Allen Parkway Village. The Resident Council's significant victories increased the group's credibility as a force to be reckoned with, and also obliged the Housing Authority to deal with residents' concerns, at least for several years. The strategy succeeded in bringing in support both from other residents of Freedmen's Town and from architects, lawyers and activists from outside the neighborhood. The disadvantage of the legal strategy, over the long run, was that public opinion shifted from

perceiving the Resident Council as David fighting the Housing Authority's Goliath to perceiving the residents as perpetual malcontents. In the end, the Housing Authority played the same legal game, doggedly appealing every decision, complying only minimally with court orders and never reconsidering its intent to raze the public housing development. In the end, finding competent legal assistance for nearly twenty years proved impossible for the impoverished residents, whose legal strategy alone could not change the dominant political will in Houston.

Racial Steering and Evictions

Once the Housing Authority made clear its intention to demolish Allen Parkway Village in 1978, existing residents became obstacles to be removed, rather than important stakeholders. As the first well-publicized lawsuit against the Housing Authority detailed, the Housing Authority chose to use racial tension to its advantage in attempting to minimize the trouble the residents could cause in objecting to the demolition. Between 1980 and 1983, the Housing Authority passed over every Black family on the waiting list and instead placed a large number of Indo-Chinese families into Allen Parkway Village.¹⁷⁰ The plaintiffs in the class action suit alleged that the Housing Authority deliberately attempted to dilute the organization of the largely Black tenants of Allen Parkway Village.

A class-action lawsuit filed by the American Civil Liberties Union (ACLU) on behalf of the Black applicants denied admission to Allen Parkway Village related the plight of Ms. Johnson, a representative plaintiff. Ms. Johnson applied for a public housing unit around the time that the Housing Authority decided to raze Allen Parkway Village. The plaintiffs alleged that the Housing Authority "considered that demolishing a low income project with a predominately Black population would engender intense political opposition. In order to defuse this opposition Defendant (HACH) intentionally adopted practices which would steer Blacks out of Allen Parkway Village while placing Indo-Chinese into Allen Parkway Village."¹⁷¹ Not only did

¹⁷⁰ Houston's Vietnamese community is the second largest in the U.S., largely due to the refugee population arriving after the Vietnamese conflict ended in the 1970s and the subsequent arrival of family members.

¹⁷¹ Abstracted from Luis Cano manuscript collection, Folder 6.

the Housing Authority give priority to the new Indo-Chinese applicants, but it did not rent any apartments to Black families, even as they became vacant. As of the time of the suit (1983) 300 apartments sat empty and Indo-Chinese residents had become the majority. The plaintiffs, representing all other African Americans who had been placed on the waiting list, argued that they had been denied housing because of their race.

In the wake of the lawsuit, the Housing Authority ceased to rent any apartments at Allen Parkway Village and instead boarded up units as they became vacant. This policy corresponded to the Authority's submission of a formal application to HUD to demolish the development in 1984. Furthermore, the Housing Authority moved to evict a number of the Indo-Chinese families in residency at Allen Parkway Village. The families had moved in illegally, according to HACH. It turns out that a Housing Authority employee had been soliciting kickbacks from the Vietnamese tenants in exchange for entry into an apartment without waiting. As Vietnamese families departed, the HACH employee would register a new family under the same name, thus circumventing the wait list. Once HACH fired the employee, the residents themselves were held liable for their fraudulent actions and served notice of eviction.

Contrary to the Housing Authority's predictions, the primarily African-American Resident Council rallied around the Vietnamese families. The Council went to court, gaining a one-year reprieve from evictions for the families. In addition to signaling their ability to work together despite racial differences, the Resident Council sought to prevent the attrition of their population. The Vietnamese families that moved out certainly would not be replaced, under the Housing Authority's plan to depopulate Allen Parkway Village. When, years later, the last families were finally evicted from Allen Parkway Village, the residents, both African American and Vietnamese, mourned the loss of their community gardens, filled with southeast asian vegetables along with more typical texan greenery. Thus, if the Black residents acted strategically in defending the Vietnamese families' right to live at Allen Parkway Village, the solidarity that the move engendered lasted far longer than the duration of the suit.

Gulf Coast Legal Foundation 1984-1987

In 1984 The Housing Authority of the City of Houston (HACH) submitted an official proposal to HUD requesting permission to demolish Allen Parkway Village. While HUD had previously rebuffed HACH's demolition schemes, instead directing the agency to renovate the dilapidated development, HUD accepted the 1984 proposal. HACH's formal demolition request alarmed the Resident Council, which responded with alacrity. Fortunately for the residents, HUD typically required extensive assessment and feasibility studies before approving any demolition, which bought the residents time to try to prevent the demolition.

The Resident Council engaged Gulf Coast Legal Foundation (GCLF) to represent the interests of the public housing tenants. GCLF, a legal-aid foundation, offered free long term legal assistance, a boon to the impoverished residents. Lawsuits brought by the ACLU had already generated positive press coverage and shed light on some of HACH's unsavory practices. The relationship with Gulf Coast offered opportunities for the residents to bring a broader range of suits against the Housing Authority, in order to address their fundamental concern that Allen Parkway Village would be demolished without any practical replacement. While the ACLU dealt with class action law suits alleging that the Housing Authority's policy of racial steering had violated tenants' civil rights, Gulf Coast could tackle the much broader range of concerns not related to civil rights violations.

Unfortunately, residents and observers later came to believe that Gulf Coast mishandled the residents' claims. In particular, Gulf Coast waited a long time, more than three years, to file suit against HACH. During those three years, 1984 to 1987, HUD repeatedly told HACH that any attempt to demolish Allen Parkway Village without a plan for replacing every unit would be illegal. Although on at least three occasions between 1984 and 1987 HUD labeled HACH's actions illegal, Gulf Coast waited until 1987 to make the same argument in a lawsuit filed on the residents' behalf. During that period, the occupancy of Allen Parkway Village

declined from over 900 occupied units to fewer than 120, as the Housing Authority stopped renting apartments.¹⁷²

Gulf Coast only filed suit after the legal aid organizations' negligence received negative press coverage. The lack of action caused speculation that Gulf Coast entertained an agenda other than that of protecting the public housing residents' interests. An advocate for the public housing tenants described a meeting with Gulf Coast: "I was attacked [verbally] by one of the Gulf Coast board members, who told me they clearly do have board members who don't want this suit to succeed."¹⁷³ The Gulf Coast board received funding via the City of Houston's Community Development Block Grant program and therefore the Mayor could exert pressure on the organization, alleged the Resident Council. The ties between the Mayor and Gulf Coast disturbed the residents, given Mayor Whitmire's public commitment to demolishing Allen Parkway Village.

In the wake of negative publicity, Gulf Coast did pursue a lawsuit against the Housing Authority. Though ultimately dismissed in 1993, the suit constrained the Housing Authority to some extent.¹⁷⁴ The Resident Council relied on a number of strategies besides legal intervention. In 1987 the Resident Council managed to get Allen Parkway Village onto the National Register of Historic Places, and in response to pressure exerted by the Resident Council, United States Congressman Mickey Leland sponsored legislation in 1988 prohibiting the use of federal funds to demolish Allen Parkway Village. Although ultimately none of these measures proved strong enough to prevent the destruction of Allen Parkway Village, together they tied up the Housing Authority in litigation for nearly 10 years.

The Frost-Leland Amendment

Before HUD had the opportunity to act on the Housing Authority's 1984 request to demolish Allen Parkway Village. Mickey Leland squeezed the so-called Frost-Leland Amendment

¹⁷² *Public News*, August 12, 1992

¹⁷³ IBID

into a 1988 omnibus appropriations act. HUD's failure to act on the request can be explained in no small measure by Congressman Henry Gonzalez' repeated requests to HUD to delay action. Aware that even the powerful chairman of the House Banking, Finance and Urban Affairs Committee could not stall HUD forever, the residents, along with Chairman Gonzalez, pressured Congressman Leland to create some additional legislative protection for Allen Parkway Village. Congressman Leland joined forces with Dallas' Congressman Martin Frost, whose constituents faced a similar battle over aging public housing. The following line added to a House appropriations bill answered the residents' prayers:

None of the funds appropriated by this Act or any other Act for any fiscal year shall be used for demolishing George Loving Place, at 3320 Rupert Street, Edgar Ward Place, at 3901 Holystone, Elmer Scott Place, at 2600 Morris, in Dallas, Texas, or *Allen Parkway Village, 1600 Allen Parkway, in Houston, Texas.*¹⁷⁵

Temporary Injunction against the Housing Authority, 1989

The Allen Parkway Village Resident Council lost no time in taking advantage of the Frost-Leland Amendment. When in 1989 the Housing Authority used federal funds to study demolition options, the residents sued, alleging that the Housing Authority had violated Frost-Leland by using federal funds to pave the way for demolition. The residents argued further that the Housing Authority's persistent neglect and refusal to rent any apartments in Allen Parkway Village constituted a *de facto* policy of demolition.¹⁷⁶

The residents scored an important victory when Judge Hoyt granted them a temporary injunction against the Housing Authority. The injunction temporarily prevented the Housing Authority from using federal funds to demolish Allen Parkway Village, to move residents or to buy replacement units, until the residents' pending lawsuit came to trial.

¹⁷⁴ GCLF also sponsored an appraisal of APV, which concluded that the land under the development would sell for 27 million. Contrasted with the Housing Authority's oft stated claim that the land would be worth in excess of 150 million, the appraisal provided excellent public relations for the Residents' Council.

¹⁷⁵ United States Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988, Pub. L. No. 100-202, Title IF, Section 415, 101 Stat. 1329-213.

¹⁷⁶ *Houston Chronicle*, April 14, 1989

The Housing Authority had argued that using federal funds to study demolition did not constitute a violation of Frost-Leland. By initiating action against the Housing Authority over the soft costs of demolition – the consultants’ studies that would analyze the best way to demolish the development--The Resident Council aggressively pushed for a confirmation of Frost-Leland. The Court bolstered the residents’ position, agreeing that “the term ‘for demolishing’ refers not simply to the physical act of destruction but to the process by which destruction is commenced and finished. In this regard, destruction of property may begin long before physical destruction occurs.”¹⁷⁷ The Court thus sent a strong message to the Housing Authority that the definition of ‘demolishing’ encompassing any action that would eventually lead to destruction of property.

Judge Hoyt sided with the residents’ charge that the Housing Authority intended to destroy Allen Parkway Village either through straightforward demolition, or through malign neglect. He reasoned:

The evidence shows that the HACH commenced destruction of the APV apartments in 1983. Ever since the HACH’s application for renovation was rejected by HUD [in 1978], the HACH has ceased to actively repair and to improve APV apartments. Indeed, this policy of no-renovation has admittedly contributed to the uninhabitability of over 90 percent of the available units. *The HACH’s 1984 formal application to demolish the APV apartments simply memorialized a de facto policy to raze the apartments.* . . .As a matter of public policy, funds should not be used to study and plan an activity which activity cannot be legally accomplished with those same funds. (emphasis mine)

Judge Hoyt held that the Housing Authority had engaged in a course of conduct that created an uninhabitable environment for the tenants and held that the Frost-Leland Amendment intended to stop that course of action. He not only granted the temporary injunction but also predicted that the residents would ultimately prevail in their claim, which formed the underlying basis for this suit.¹⁷⁸ The underlying basis of the suit, the fight that the residents’ hoped eventually to win, rested on the residents’ argument that they had standing to sue the

¹⁷⁷ Resident Council of Allen Parkway Village V. U. S. Department of Housing and Urban Development. C. A. No. H-89-0292. Order.

¹⁷⁸ Resident Council of Allen Parkway Village v. U. S. Department of Housing and Urban Development. C. A. NO. H-89-0292, entered April 13, 1989.

Housing Authority. In a preview of his opinion on the question of the residents' standing, Judge Hoyt explained that, although the residents have no right to live in Allen Parkway Village, they can require the Housing Authority to provide 'decent, sanitary and safe housing.'¹⁷⁹

The Resident Council rejoiced in the victory. The temporary injunction constrained the Housing Authority from several courses of action inimical to the survival of the public housing development. Judge Hoyt's decision also gave the residents reason to anticipate an even greater victory in the final judgement—forcing the Housing Authority to renovate. The Resident Council wanted the Housing Authority not only to stop assisting the deterioration of Allen Parkway Village, but also to start restoring the development to habitability.

Although the Housing Authority rescinded its application to HUD seeking approval for demolition, the agency vowed to appeal Judge Hoyt's decision.¹⁸⁰

1991 Victory, Permanent Injunction

District Court Judge Hoyt gave Allen Parkway Village's residents cause to rejoice again when, in 1991 he granted a permanent injunction. Although HACH had withdrawn its application to HUD, Hoyt ruled that live issues existed as long as HACH refused to use allocated federal funds available for renovation. (The 1979 10 million dollar grant still had not been used for any renovation.) Specifically, the court: Prohibited HACH from using federal funds to 'promote, advance or explore the demolition of Allen Parkway Village, ordered HACH to account for all federal funds issued to the Authority since 1979, ordered HACH to submit a plan for the renovation and rehabilitation of Allen Parkway Village, granted permanent injunction under

¹⁷⁹ Specifically, the decision argued that "residents are allowed to sue per *Monele v. New York City Dept. of Social Services*, 436 U. S. 658 (1978) supporting the conclusion that municipalities are "persons...Once it is established that the Plaintiff is a resident of a public housing facility, that tenant may enforce any federal statutory right appertaining to that status and the facility, particularly where the activity complained of falls into an area protected or regulated by statute. . ."

¹⁸⁰ *Houston Chronicle*, February 26, 1989.

Frost-Leland, and ordered HUD to set aside the remaining funds from the 1979 \$10 million allocation.¹⁸¹

The Resident Council exulted in their victory. Assured that the Housing Authority could not at this point legally proceed with demolition, the residents felt, for the first time, that they had gained the upper hand. The residents drew much more value from the decision than simply relief at having legal restraints placed on the Housing Authority. The Residents' Council hoped the decision would enhance its ability to build power from the community, would give the residents precious time to bring other pressure to bear on the mayor, and would increase credibility for their efforts. The strategy of leveraging the positive outcome in the courts suggested that the residents did not intend to rely solely on the courts to solve the conflict, but that the successful lawsuit could support other ongoing efforts to convince the City to embrace the residents' vision.

Neighboring Freedmen's Town residents shared in the Allen Parkway Villagers' victory. Freedmen's Town resident Jacqueline Beckham hoped that the victory would bring in more supporters, people who had resisted joining the residents because the situation seemed futile. Allen Parkway Village resident-activist Wessie Scyrus echoed Beckham's interpretation of how the Resident Council's success would affect other residents of the neighborhood: "They [residents] felt that there was no way poor, Black people could stand against an avaricious system, but now those people are praising God and singing hope."¹⁸²

Lenwood Johnson, indefatigable President of the Resident Council, hoped to amplify the scope of the verdict to influence the Mayor's overall affordable housing program and anticipated that the reprieve would give them more time to change the political climate. He promised that "we're not going to be idle. We're going to start trying to bring some pressure to bear on the mayor so she can tell her housing department to provide housing for low-income people and use those resources that are available."¹⁸³

¹⁸¹ Abstracted from the U. S. District Court of Appeals reversal. Resident Council of APV v. HUD, et al. 980 F. 2d 1043; 1993 U. S. No. 91-2454.

¹⁸² *Houston Defender*, April 14, 1991.

¹⁸³ IBID

In addition to giving the residents time to try to sway the Houston City Council and Mayor Whitmire, the verdict lent the residents increased credibility. According to Ms. Beckham, before the verdict the developers and the city councilors that wanted to raze Allen Parkway Village never considered the residents much of a threat. When they dealt with Lenwood Johnson, “they didn’t know he was a force to be reckoned with because he’s Black, he’s poor, he lives in the ghetto and so, therefore, [they were saying] we just won’t pay any attention to him.”¹⁸⁴ In the aftermath of the 1991 verdict, few stakeholders found it possible not to pay attention to the residents.

The Housing Authority complied with the Judge’s order and submitted a plan to use the remaining money allocated by HUD to renovate 150 units, but also filed a notice of appeal. Chagrined by the Housing Authority’s scheme to renovate only a fraction of the units, the residents continued to press for a complete renovation of 1000 units, and continued to press for resolution of its existing 1987 suit against the Housing Authority. Judge Hoyt’s decision, then, granted the residents a reprieve, but did not resolve the longstanding dispute, as both sides persisted in pursuing legal action.

1992 Mediation

Faced with an increasingly litigious dispute, Judge Hoyt ordered the Resident’s Council into mediation with the Housing Authority in April, 1992. The Residents’ Council, confident that the courts would side with them should their suit make it to trial, balked at the forced mediation. After the residents skipped several meetings, Judge Hoyt publicly redressed them, signaling an end to his perceived partisanship towards the public housing residents. Calling the Resident Council paranoid, he explained that they had to learn to work with the Housing Authority, and to stop looking towards the courts to manage the dispute.¹⁸⁵

¹⁸⁴ IBID

¹⁸⁵ *Houston Chronicle*, December 11, 1992.

In this case the Resident Council felt betrayed not by the judge or their elected leaders but by their own counsel, Gulf Coast Legal Foundation. Although Gulf Coast had provided excellent representation during the trial, the residents objected to the foundation's handling of their interests during the mediation process. Against the residents' wishes Gulf Coast agreed to hire Conflict Management, Inc. (CMI) a nationally recognized mediation firm specializing in Alternative Dispute Resolution. The residents believed that CMI's prior relationship with Houston's City Council biased the firm towards the Housing Authority. Indeed, later accusations by other mediation firms of unfair bidding backed up the residents' theory. Boycotting the mediation, however, only drew the wrath of Judge Hoyt, nearing the end of his patience with the residents' complaints.

Frustrated with the Resident Council obstinate attitude towards the mediation, CMI approached residents individually in an effort to circumvent the Resident Council's authority to speak on behalf of all Allen Parkway Village tenants. Reverend Vincent Thompson, a member of the advocacy group The Houston Housing Concern, characterized Conflict Management, Inc.'s attempt to approach the residents individually as an effort to divide and conquer, by dividing the Black and Vietnamese residents.¹⁸⁶ Meanwhile, Gulf Coast met with Judge Hoyt without reporting back to the Resident Council.

After eight months of negotiations, the Housing Authority believed a solution to the dispute was forthcoming. Although the court had placed a gag order on all parties, participants later reported that they thought the residents would finally agree to some reduction in public housing units on the Allen Parkway Village site if the Housing Authority would agree to renovate and maintain those units properly. To the surprise of the other disputants, Lenwood Johnson led the residents in walking out of the negotiations. By speaking to the press about why he left the mediation, Johnson faced a charge of contempt of court. Believing that the facilitators only asked concessions only of the residents, and not of the public housing authority, Johnson told the press: "I cannot continue to let poor people be

¹⁸⁶ *Houston Press*, August 12, 1992

compromised.”¹⁸⁷ The Resident Council President explained in his contempt of court hearing that Gulf Coast had met with the Judge without informing residents and had refused to bring residents’ concerns about the process directly to the Judge. Judge Hoyt declined to cite Johnson or the other residents for contempt.¹⁸⁸ The Resident Council dismissed Gulf Coast as their legal counsel and contracted members of the Houston Housing Concern to act as legal counsel during the next few years.

Members of the Resident Council risked jail to avert acquiescing to any loss of public housing units. Press coverage of the walkout, however, revealed a growing lack of sympathy with the residents. Even sympathetic Houstonians had tired of the seemingly endless dispute. After nearly twenty years of using litigation and public relations to constrain the Housing Authority, these twin strategies were nearing the end of their effectiveness.

1993 Defeats

By walking out of the mediation, the Resident Council indicated that they believed they would fare better in the court system. Two cases would be argued in 1993: the long standing 1987 suit in which the tenants argued that the Housing Authority’s mission to provide housing to low income people obliged the agency to renovate all 1000 units and the Housing Authority’s appeal of the 1991 decision that it had violated Frost-Leland by using federal funds to demolish Allen Parkway Village.

The United States Court of Appeals dealt a severe blow to the residents’ legal strategy by overturning Judge Hoyt’s 1991 verdict. Agreeing with the Housing Authority’s contention that the residents did not have standing to sue the Housing Authority, the court did not rule on whether or not the Housing Authority had violated Frost-Leland. Essentially, the court argued that Frost-Leland did not impose a binding obligation on public housing agencies. The court did leave room for future action by the residents, since they would have standing to sue HUD.

Were HUD to ...approve an application by HACH to demolish all or part of APV, the residents of APV would undoubtedly have the right to review HUD’s final agency action

¹⁸⁷ *Houston Chronicle*, December 11, 1992.

¹⁸⁸ *Houston Chronicle*, February 3, 1993.

for compliance with the Frost-Leland Amendment...As this case now stands, however, HUD has simply not engaged in any final agency action that is reviewable.¹⁸⁹

The Housing Authority was then free to continue to allow Allen Parkway Village to decay and even to spend federal money to demolish it, as long as HUD, or any other federal agency, was not a part of the decision. Although the court's decision favored the Housing Authority, the residents could at least be sure that, if HUD were to approve a demolition plan, they would have standing to sue under Frost-Leland.

Later in 1993, the court rendered an unfavorable, and surprising, decision on the pending 1987 lawsuit. Judge Hittner ruled that residents had only received the right to sue for project improvements since 1988. Since only 111 units were occupied at that time, the residents could only require the Housing Authority to restore 111, rather than the full 1000 units the residents had always demanded. This decision, coupled with the earlier dismissal of the injunction, left HACH free to plan to raze most of Allen Parkway Village. Frost-Leland still would prevent HUD from using federal funds to demolish the complex, but the Housing Authority now faced far fewer obstacles than in 1991, when Judge Hoyt had ordered the Authority to use available resources for renovation and to cease all plans to raze Allen Parkway Village. The residents vowed to appeal. But the Housing Authority, with the important patronage of new Mayor Bob Lanier, had developed a plan to end-run the Frost-Leland Amendment. The final solution to the problem of Allen Parkway Village would not be decided in the courts¹⁹⁰.

Hope VI:

In response to the residents' boycott of mediation, the Housing Authority took a very aggressive approach to pursuing demolition, without input from community groups. Mayor Bob Lanier entered the fray, strongly supporting the Housing Authority's application to HUD's HOPE VI program. HUD introduced HOPE VI in 1993 to address the nation's most severely

¹⁸⁹ Resident Council of Allen Parkway Village v. U. S. Department of Housing and Urban Development, et al. United States Court of Appeals for the Fifth Circuit. No. 91-2454.

distressed public housing. The highly competitive grants, some in excess of \$50 million, allowed public housing authorities great flexibility in reshaping distressed public housing, much of which gets slated for demolition.¹⁹¹ The Housing Authority of the City of Houston applied for nearly \$40 million which, along with the remaining \$8.9 million from the 1979 grant, would renovate only 150 units of Allen Parkway Village, raze the remainder, build some replacement housing onsite, and sell off the rest of the land. To the dismay of the resident leadership, the housing authority board voted unanimously to approve the demolition.¹⁹²

Repeal of the Frost-Leland Amendment

Once HUD awarded the Hope VI grant to redevelop Allen Parkway Village, the residents knew that they had lost ground, perhaps irretrievably. Throughout, the residents believed they still had their ace in the hole, the Frost-Leland Amendment. If the Housing Authority proceeded to raze Allen Parkway Village without replacing the units, the residents could still sue. Quietly, without the knowledge of the residents or the press, Congress repealed Frost-Leland in June 1996. Resident Council President Lenwood Johnson later explained that Houston Congresswoman Sheila Jackson Lee had supported the repeal, believed necessary for the lucrative HOPE VI grant to be disbursed.¹⁹³ The Housing Authority evicted the remaining residents later that same month.

Conclusion

Resident Council President Lenwood Johnson described the residents' legal strategy as an effort to "find out the rules, make the City obey the rules that are being broken or ignored, and figure out how to change the rules to help us."¹⁹⁴ The Resident Council found out that the

¹⁹⁰ *Houston Post*, August 13, 1993.

¹⁹¹ <http://www.hud.gov:80/progdesc/hopevia.html>. April 26, 1999.

¹⁹² *Houston Chronicle* May 20, 1993

¹⁹³ Lenwood Johnson phone interview. March 23, 1999. Repeal of Frost-Leland: Public Law 104-134. The Congressional Record records Congresswoman Lee's objection to the repeal of Frost-Leland in November, 1995 but no further debate was entered. The repeal was introduced in March, and became law in June.

¹⁹⁴ Lenwood Johnson interview. March 27, 1999.

Housing Authority used racial steering to disrupt the residents' organization and political clout. They found out that the Housing Authority used many illegal procedures in soliciting applications and pursuing evictions, and they tested the legal limits of their standing, as public housing residents, to require the Housing Authority to comply with its mandate to provide affordable housing to Houston's low-income residents. And for a while at least the residents managed to change the rules, by introducing the Frost-Leland Amendment.

No-one, not the residents, not the Housing Authority, not the City Council and not the general public ever thought, in 1978, that the question of whether or not to demolish Allen Parkway Village would take nearly twenty years to resolve. The danger in using a litigious strategy for such a long dispute, then, lay in the exhaustion of sympathy caused by endless cycles of lawsuits and in the far superior resources the Housing Authority of the City of Houston and HUD could bring to bear.

CHAPTER NINE

Conclusion

How could this happen in 1999?

The recent destruction of Allen Parkway Village and most of Freedmen's Town seems to be an anachronism, the kind of mistake that cities used to make in the era of urban renewal. Closer examination reveals that the destruction began not in 1999 but in 1977 when the first of a series of mayors committed to tearing down Allen Parkway Village and voiced the belief that the transformation of Freedmen's Town was inevitable. From city hall, it was clear that downtown was expanding westward, moving inexorably towards Freedmen's Town. Why shouldn't the city think like a developer and maximize its holdings? The mayors listened to the developers, agents of the glorious Houston real estate market, and sought to liquidate the city's holdings. Each mayor imagined that he or she would be the one who finally removed the blight of this neighborhood and paved the way for the expansion of Houston's corporate palaces.

Each of the city's efforts failed. HUD turned back four demolition applications, no developer bought into the city's packaging of the Fourth Ward, Founder's Park failed to generate support, and Houston Renaissance collapsed without building a single house. Yet each of these efforts contributed to the slow death of this community. While the city failed to effect a planned transformation of Freedmen's Town, it nevertheless managed to starve the community by failing to perform its perfunctory obligations: trash piled up, sewers and streets collapsed, and Allen Parkway Village was abandoned, even though funds existed to perform these duties. In sum, the near-destruction of this community happened not in 1999, when the bulldozers were most prominent, but over the past twenty years, during which time the city acted in the interests of real estate developers, and not in the interest of citizens.

How could this happen in Houston?

The mayors justified their interventions in Freedmen's Town with the language of the real estate market. The land was too valuable for poor people to live on. They were not the highest and best use. By erasing the publicly subsidized housing that served as a buffer against the gentrification of Freedmen's Town, the city would free the real estate market to decide what was the area's highest and best use. As long as the city intervened in the guise of creating an unfettered market, the intervention made sense within Houston's dominant political ideology of *laissez faire*.

Apart from abdicating its responsibility to its citizens, the problem with the city's strategy of following the lead of developers was that the developers were wrong. Indeed the myopic vision of Houston's real estate developers in the late 1970s is now legendary. The city's developers built so much excess space that the decade that followed became known as the 'see-through years' since downtown was filled with empty skyscrapers that you could see through. Despite this evidence of the developers' mistakes and the saturated market for downtown land, Houston's mayors persisted in believing that Allen Parkway Village was a gold mine.

Why did it take so long?

Given the array of powerful forces aligned to wipe out Freedmen's Town, why did it take so long? The downturns in the real estate market played a key role in preventing private development during much of this period but did not explain the city's failure to demolish the existing neighborhood. The refusal of Freedmen's Town and Allen Parkway Village residents to accept the inevitability of unwanted development in their community prevented the city from bulldozing the area decades ago. Ingeniously leveraging a myriad of support, from lawyers, architects, suburbanites, activists and legislators, the residents kept challenging the city's right to determine who should live in Freedmen's Town. Without building a constituency within city hall, however, the residents were unable to change the prevailing idea that poor people should

not live on valuable land. Eventually, HUD developed a program that fit well with the city's agenda to tear down Allen Parkway Village and the mayor conjured Renaissance Houston to take over Freedmen's Town, vulnerable after years of neglect.

Although the residents did not win this struggle, neither did the mayors or the business interests they served. The Allen Parkway Village site will not be sold and will be preserved for some measure affordable housing. Residents did not want a mixed-income development that destroyed Allen Parkway Village and offered fewer units of subsidized housing, but nevertheless they prevented the absolute loss of this land as a resource of affordable housing.

As for the last mayor's grand scheme to redevelop Freedmen's Town, Renaissance Houston failed miserably. Although the residents of Freedmen's Town would not count the purchase of over one-quarter of their community, the demolitions, and evictions of many of the residents a success, they have not yet given up. As Renaissance Houston announced its demise in March 1999, Gladys House, President of the Freedmen's Town Association, broke ground on three new houses targeted to low income homeowners. She is just getting started.

REFERENCES

Primary Sources

Manuscript Collections

Luis Cano Collection. Metropolitan Research Center. (Dr. Cano was a Commissioner, Board Member of the Housing Authority of the City of Houston during the 1970s and 1980s.)

Works Projects Administration, Metropolitan Research Center, Houston Public Library, Houston, Texas.

Afro-American Collection. Metropolitan Research Center.

Allen Parkway Village File. Metropolitan Research Collection of the Houston Public Library.

Fourth Ward File. Metropolitan Research Collection of the Houston Public Library.

The Heartman Collection. Fourth Ward File. Texas Southern University

Sanborn Fire Insurance Maps for the City of Houston, Texas. Chicago: Sanborn Fire Insurance Company. 1924-1925 and 1940.

Morrison & Formy's Greater Houston City Directory, 1948, 1957

Polk's Houston City Directory, 1968

Cole's City of Houston Directory, 1988-1989.

Tobin Company: 1935 Aerial Photographs, series 722-3-55, 25-37E, 3A

ESA-DATA: 1944, 1953, 1969, 1979 and 1989 Aerial Photographs

Harris County Appraisal District Records. 3/27/98 Houston Renaissance listed as taxpayer of record for at least 108 properties in Freedmen's Town.

Newspapers

Houston Informer and Texas Freeman (1938-1960)

Forward Times (1960-)

Defender (1970s)

Houston Post (1938-1993)

Houston Chronicle (1970-1999)

Dallas Morning News (1985)

Freedmen's Journal Fall 1992 Volume 9 Number 7

Houston Chronicle

Houston Press (1988-1999)

Housing Law Bulletin, Volume 27, February 1997. Page 19.

Government Publications:

City of Houston 1997 Consolidated Annual Plan. Consolidated Performance Report. Department of Housing and Community Development, Margie Bingham, Director.

City of Houston 1998 Consolidated Annual Plan. Consolidated Performance Report. Department of Housing and Community Development.

City of Houston. Comprehensive Housing Affordability Strategy. (CHAS) 1993.

City of Houston Planning and Development Department. Housing Programs: A Summary of Houston's Past and Present Housing Programs and overview of Substandard Housing Conditions. 1992.

Houston Housing Authority. An Overview. 1978.

Houston City Planning. Housing Analysis, Low-Moderate Income Areas 1978.

Housing Authority of the City of Houston Annual Reports: 1940,1943, 1944-1945, 1957,

Freedmen's Town Historic District. National Register of Historic Places Inventory-Nomination Form. United States Department of the Interior. National Park Service. 1984.

San Felipe Courts Historic District (Allen Parkway Village since 1964) National Register of Historic Places Inventory-Nomination Form. United States Department of the Interior. National Park Service. 1987.

Economics Research Associates. Working Paper on Phase A: Reconnaissance: Prepared for: Houston Fourth Ward Advisory Committee. October 1, 1979.

Technical Report: Allen Parkway Village/Fourth Ward" Prepared for the Housing Authority of the City of Houston, September 1983.

Audit of the Fiscal Year 1996 HOPE VI grant award process. Office of the Inspector General, Department of Housing and Urban Development. 98-FO-101-0001. October 20, 1997.

Plans

Freedmen's Town Redevelopment Master Plan. Freedmen's Town Association. Houston, Texas. Hill Swift Architecture and Urban Design. Houston, Texas. June 1996.

Legislation

Public Law 100-202. Section 415 of the Department of Housing and Urban Development-Independent Agencies' Appropriations Act, 1988. Frost-Leland Amendment prohibiting the use of federal funds for demolishing Allen Parkway Village.

Public Law 104-134. Omnibus Appropriations Act. April 26, 1996. Repeal of the Frost-Leland Amendment.

Judicial Decisions

Grovey V. Townsend, 295 U. S. 45 (1935) Unsuccessful bid to end discrimination against Blacks in the Democratic Party. Political parties judged to be voluntary associations.

Smith v. Allwright, 321 U. S. 649 (1944) Successfully ends discrimination in the Democratic Party. Supreme Court ruled that since Texas was effectively a one-party (Democratic) state, barring entry to Democratic Party disenfranchised Black voters.

Sweatt v. Painter, 339 U. S. 669 (1950) Supreme Court ruled that Texas must offer opportunities for Blacks to pursue graduate studies, specifically law. Resulted in admission of Heman Sweatt, and five others, to University of Texas Law School. In a frantic effort to provide 'separate but equal' facilities, the State of Texas sponsored creation of a 'black' law school, Texas Southern, and funded creation of other graduate departments at Houston College, renamed Texas Southern University.

UNITED STATES CODE OF 1953 (5th ed.)

42 U.S.C. § 1983. Civil action for deprivation of rights. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R. S. § 1979.) Formed underlying basis of Resident's Council's suit against the Housing Authority, which 'under color of statute' had deprived residents of right to affordable housing, by violating Frost-Leland.

Texas Construction Group, Inc., et al., v. City of Pasadena, et al. No. A14-83-601CV. Court of Appeals of Texas, Fourteenth District, Houston. Pasadena had sued HACH and construction company over siting a new public housing development within ½ mile of Pasadena's city limits, without proper notice. (1983)

Lenwood Johnson, et al, v. The Housing Authority of the City of Houston, et al. No. A14-85-205-CV. Court of Appeals of Texas, Fourteenth District, Houston. Reverses trial court's denial of injunctive relief in case of evictions of Indo-Chinese from Allen Parkway Village. (1986)

Resident Council of Allen Parkway Village, on behalf of its members, et alia v. United States Department of Housing and Urban Development, Civil Action No. H-89-0292. U. S District Court for the Southern District of Texas. (1989) APV residents suit over misuse of federal funds to demolish APV. Judge Hoyt orders HACH in 1991 to desist from demolishing, or preparing to demolish APV until residents' lawsuit comes to trial. Dismissed in 1993.

Resident Council of Allen Parkway Village, et al., v. United States Department of Housing & Urban Development, et al., No. 91-2454. United States Court of Appeals for the Fifth Circuit.: Reverses the district court's April 4, 1991 order awarding permanent injunctive relief against HACH and HUD because the federal statute barring the use of federal funds to demolish certain federally subsidized low-income housing projects didn't create a private cause of action in favor of project residents.(1993)

Contracts and correspondence from the papers of Lenwood Johnson.

Resident Management Contract, Draft. Between Allen Parkway Village Resident Council and Housing Authority of the City of Houston.

Draft Contract Between Housing Authority of the City of Houston and Allen Parkway Village Resident Council. \$300,000 technical assistance grant to resident council.

Memo stating the position of the Resident's Council of Allen Parkway Village on the grave site. April 21, 1998.

Letter from Stanley O. Graves, Director, Division of Architecture to Joy Fitzgerald, Executive Director of the Housing Authority of the City of Houston, voicing concerns that APV project is not following historic preservation guidelines. March 10, 1998.

Letter from Christopher W. Hornig, Deputy Assistant Secretary to Lenwood E. Johnson, articulating HUD's frustration with the Houston community's inability to work together – HUD can't micromanage disputes. August 5, 1996.

A Critique and Response to the Technical Report Titles Allen Parkway Village/Fourth Ward. Lenwood Johnson and Barry Klein. November 1983.

Allen Parkway Village Rehabilitation Proposal. Resident's Council of Allen Parkway Village. September 19, 1993.

Fax to Andrew Cuomo from Resident's Council of Allen Parkway Village, in re: Impediments to the Development of the Allen Parkway Community Campus (APCC) November 10, 1998.

Guiding Principals ("Stakes in the Ground") For the Development of the Allen Parkway Community Campus. Signed by Lenwood Johnson and Henry G. Cisneros, Secretary U. S. Department of Housing and Urban Development. March 22, 1996.

Allen Parkway Community Campus Concept Narrative. May 1994.

Friends in Defense of Allen Parkway Village. Pamphlet directed towards Freedmen's Town congregations. Undated (but from 1998-1999)

Pamphlets:

Freedmen's Town Association, Inc Membership/Volunteer Application 1985.

Alumni, and Ex-Student Association of Colored High, Booker T. Washington Colored High,

Richard G. Lockett and Abraham Lincoln Schools of Freedmen's Town Membership Form. 1987.

Land Bank Trust. Unpublished pamphlet by the APV residents council.

Texas Trailblazer Series 2, Number 5. *Richard Allen* Editors Patricia Smith Prather and Bob Lee 1996.

Texas Trailblazer Series 2, Number 21. *Reverend Jack Yates*. Editors Patricia Smith Prather and Bob Lee 1996

Interviews

Bill Calhoun. President, Texas Casualty Insurance

Joshua Hill. Interim Dean, Texas Southern University

Gladys House. President, Freedmen's Town Association

Lenwood Johnson. President, Allen Parkway Village Resident Council

Saverio Giammalva. Residential and Commercial Real Estate Professional

Barry Klein. President, Houston Property Rights Association

Patricia Smith Prather. Texas Trailblazers Preservation Association

Cary Wintz. Professor of History, Texas Southern University

Secondary Sources

Books

Barna, Joel Warren. *The See-Through Years: Creation and Destruction in Texas Architecture and Real Estate 1981-1991*. Houston: Rice University Press, 1992.

Bayor, Ronald H. *Race & The Shaping of Twentieth-Century Atlanta*. Chapel Hill: The University of North Carolina Press, 1996.

Beeth, Howard and Cary D. Wintz. Eds. *Black Dixie: Afro-Texan History and Culture in Houston*. College Station: Texas A & M University Press, 1992.

Bullard, Robert D. *Invisible Houston: The Black Experience in Boom and Bust*. College Station: Texas A & M University Press, 1987.

McComb, David G. *Houston, the Bayou City*. Austin: University of Texas Press, 1969.

Siegan, Bernard H. *Land Use Without Zoning*. Houston: Bartholdi and Lazarus, 1993.

Silver, Christopher and John Moeser. *The Separate City: Black Communities in the Urban South 1940-1968*. Lexington, University Press of Kentucky, 1995.

Silver, Christopher. *Twentieth Century Richmond. Planning, Politics and Race*. Knoxville: The University of Tennessee Press, 1984.

Thomas, June Manning and Marsha Ritzdorf, editors. *Urban Planning and the African American Community, In the Shadows*. SAGE Publications, Inc. Thousand Oaks, CA. 1997.

Writer's Program of the Work's Progress Administration. *Houston: A History and Guide*. Houston: Anson Jones Press, 1942.

Unpublished Theses, Dissertations and Papers

Luna, Charles Steven. *Land Use Control in Houston: A Legal Analysis of Market Approach Techniques*. Unpublished Master's Thesis, MIT 1977.

Passey, Mary Louise. *Freedmantown: The Evolution of a Black Neighborhood in Houston, 1865-1880*. Unpublished Master's Thesis, Rice University, 1993.

Sapper, Neil Gary. *A Survey of the History of the Black People of Texas, 1930-1954*. Phd. Dissertation. Texas Tech University, 1972.

Sorelle, James M. *The Darker Side of 'Heaven': The Black Community in Houston, Texas, 1917-1945*. Phd. Dissertation, Kent State University, 1980.

Articles

Cuff, Dana. "Beyond the Last Resort: The Case of Public Housing in Houston," *Places, A Quarterly Journal of Environmental Design*, Volume 2 Number 4 28-43.

Moorhead, Gerald. "The Final Days. Houston appears ready to play out the last scene of the Allen Parkway Village saga." *Historic Preservation*. Volume 48 Number 2 March-April 1996.

Thomas, June Manning, "Planning History and the Black Urban Experience: Linkages and Contemporary Implications," *Journal of Planning Education and Research* 14.1 (1994).