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The role of the Dallas Housing Authority in providing decent, affordable and low-income housing for blacks, 1985-2003

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This study examines whether the Dallas Housing Authority has succeeded in providing adequate housing for black families in Dallas, Texas. Furthermore, this research examines whether the Dallas Housing Authority has complied with the *Walker v. HUD, 734 F. Supp 1289 (N.D., TX. 1989)* suit in building public housing in non-minority areas despite opposition from other pressure groups.

This study begins with the premise that the Dallas Housing Authority is adequately providing public housing to black families in Dallas County, Texas. A case-study approach was used to analyze data gathered to determine whether equality and fair housing are being practiced by the Dallas Housing Authority, although opposing viewpoints would indicate otherwise.

The researcher's conclusion supports the premise that the Dallas Housing Authority is meeting the needs of black families in providing adequate low-income housing on a temporary basis.
THE ROLE OF THE DALLAS HOUSING AUTHORITY
IN PROVIDING DECENT, AFFORDABLE AND LOW-INCOME HOUSING
FOR BLACKS, 1985 - 2003

A DISSERTATION
SUBMITTED TO THE FACULTY OF CLARK ATLANTA UNIVERSITY
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY

BY
BRIAN C. WHITE

DEPARTMENT OF POLITICAL SCIENCE

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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACKNOWLEDGEMENTS</td>
<td>................................................................................</td>
<td>ii.</td>
</tr>
<tr>
<td>LIST OF TABLES</td>
<td>................................................................................</td>
<td>vi.</td>
</tr>
<tr>
<td>CHAPTER</td>
<td></td>
<td>................................................................................</td>
</tr>
<tr>
<td>1</td>
<td>INTRODUCTION ................................................................</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Statement of Problem ..................................................................</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Purpose of Study .......................................................................</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Research Questions ....................................................................</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Methodology ...............................................................................</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Significance of Study ................................................................</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Limitations of the Research ................................................</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Definition of Terms ...................................................................</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Outline of Dissertation .......................................................</td>
<td>14</td>
</tr>
<tr>
<td>2</td>
<td>REVIEW OF THE LITERATURE .....................................................</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Introduction ............................................................................</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Housing Policy in Dallas .......................................................</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Ecological Theory ....................................................................</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>Black Suburbanization ................................................................</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>Racial Segregation ...................................................................</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>Site Selection Process ...........................................................</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>Impact of Public Housing on Neighborhoods ................................</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>Conclusion ...............................................................................</td>
<td>35</td>
</tr>
<tr>
<td>3</td>
<td>DALLAS, TEXAS: ITS ORIGIN, DEMOGRAPHICS AND HISTORY OF OPPOSITION TO FAIR HOUSING FOR BLACKS</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>Origins of Dallas, Texas ........................................................</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>Dallas Demographics ..................................................................</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>Population ..............................................................................</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td>Education ................................................................................</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>Housing ...................................................................................</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Political Voice for Blacks in Dallas .......................................</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td>Conclusion ...............................................................................</td>
<td>66</td>
</tr>
</tbody>
</table>
CONCLUSION

The Difference Being Made by DHA
Opportunity for Lessons Learned
The Effects of Political and Legal Confrontation

BIBLIOGRAPHY
## LIST OF TABLES

<table>
<thead>
<tr>
<th>Table</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Population, Median Income, and Poverty Level, Dallas, TX, 1970...</td>
<td>41</td>
</tr>
<tr>
<td>2. Population, Median Income, and Poverty Level, Dallas, TX, 1990...</td>
<td>42</td>
</tr>
<tr>
<td>3. In the United States District Court: Civil Case</td>
<td>45</td>
</tr>
<tr>
<td>4. School Desegregation Timeline</td>
<td>49</td>
</tr>
<tr>
<td>5. Review of Public Housing Lawsuit</td>
<td>150</td>
</tr>
<tr>
<td>6. History of Public Housing Lawsuit</td>
<td>166</td>
</tr>
</tbody>
</table>
CHAPTER I
INTRODUCTION

The idea of adequate shelter has been a concern since recorded history. Although shelter comes in various forms, history is replete with examples of families not having adequate shelter. The problem has been most acute in black households across the United States. Even today, after a century of increased government intervention in this policy area, adequate and affordable housing remains a major concern.\(^1\) Jane Tanner’s research concluded that the home ownership rate among white families in America is 73 percent. Among black families, home ownership is less than 47 percent.\(^2\)

The housing reform focus at the local and national levels is on the badly deteriorated neighborhoods, but a major concern is the equity of the housing policy. To illustrate this point in Dallas, Texas, it is necessary to examine how the ruling in *William v. City* had an impact on the allocation of affordable housing to low-income black families.\(^3\) This case not only discusses racial intolerance in the political arena, but also outlines the discriminating practices of the city of Dallas with regard to

\(^1\) Peter Salins, “America’s Permanent Housing Problem,” *Housing America’s Poor* (Chapel Hill; University of North Carolina Press, 1987), 5.

\(^2\) Jane Tanner, "Affordable Housing: Is There A Shortage?" *Congressional Quarterly* 11 (February 9, 2001), 100.

public housing. Further, it discusses the need to stop housing discrimination for the
good of the city’s future.⁴

From 1876 to 1907, the municipal government structure of Dallas was mayor-
council. A mayor was elected at large and members of the city council elected from
single-member council districts.⁵ In 1907, the Dallas city charter was amended by
adopting a section, entitled “Segregation of the Races,” which authorized the city council
to pass ordinances “to provide for the use of separate blocks for residence, places of
public amusement, churches, schools and places of assembly by members of white and
colored races.”⁶ Because of the growing discontent by white citizens over public policy
at the city level, the charter was changed to a council-manager form of government that
required the hiring of a professional manager. This form of government limited the
mayor’s role in setting policy for the city.⁷

The city is surrounded by several other cities including Irving, Richardson, Grand
Prairie, Garland, Mesquite, Balch Springs, Sunnyvale and Desoto. Dallas County is
governed by five-person County Commissioners Court, comprised of four county
commissioners elected by district and a county judge, elected at large, who presides over
the County Commissioners Court.

In the era of the Great Depression and with the newly developed council-manager
form of city government in Dallas, federal funds were acquired to provide low-income

⁴ Ibid., 1318.
⁵ Ibid., 1321.
⁶ Ibid.
⁷ Char Miller and Heywood T. Sanders, *Urban Texas* (College Station: Texas A&M University
Press, 1990), 142.
housing for city residents. These federal funds were used to provide key improvements in infrastructure for sewers, roads, parks and schools in Dallas.\(^8\) In addition, Dallas participated in the New Deal social programs. The city received $4 million for the unemployed from the Federal Emergency Relief Administration.\(^9\) Dallas also secured the only Public Works Administration public housing project in Texas. The project was built by the city to justify the exclusion of black families from living on land north of the central business district.\(^10\) In 1938, the city council created the Dallas Housing Authority, which developed a six million dollar public housing program shortly after Congress passed the Housing Act of 1937.\(^11\)

The Dallas Housing Authority (DHA) is comprised of a five-member board of commissioners. The board members are appointed by the mayor and serve two-year terms. The board is responsible for setting policy for the DHA and for appointing a President/CEO to manage the day-to-day operations of the DHA.\(^12\)

The objectives of the DHA are to:

1. provide decent, safe and sanitary housing at low rental rates for eligible low-income families currently living in substandard or overcrowded housing conditions;

2. provide decent, safe and sanitary housing designed and built to serve the special needs of eligible low-income single elderly and elderly couples;

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\(^8\) Ibid.

\(^9\) Ibid., 143.

\(^10\) Ibid.

\(^11\) Ibid.

\(^12\) James L. Stephenson, *Annual Report for Dallas Housing Authority* (Dallas: The Housing Authority of the City, 1973), 2.
3. allow low-income families to help themselves through the provision of good housing at rents they can afford;

4. provide a "stepping-stone" from slum living to low-rent housing with the ultimate goal of home ownership or the ability to pay an economic rent in standard private rentals;

5. encourage good citizenship and individual responsibility in the care of apartments and yards;

6. serve low-income families and elderly persons in a friendly and efficient manner;

7. cooperate with all branches of local government;

8. assist in the overall improvement of the city; and

9. serve an economic cross section of the low-income group with the ultimate goal of a better-housed community.

Since the DHA was established, it has worked to aid families who are homeless and who need other types of family support, such as family counseling and job training.

David Cohn, in 1940, published an essay entitled "Dallas." In his essay he discussed the shortcomings of Dallas and, in particular, the living conditions of black families. According to Cohn's article, census data revealed that of the 50,000 black families living in Dallas at the time, several thousand occupied dwellings that needed major repairs. Furthermore, at least 32,000 thousand dwellings contained no private baths or toilets.

The black population could only live in certain areas of town. As the black population grew, the city and the DHA began working to clean up black slum areas in

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13 Miller and Sanders, Urban Texas, 142.

14 Ibid.
1938. DHA made plans for black families to move into white neighborhoods if the cleanup was not completed. This turned out to be the case, i.e., the cleanup was not completed, and blacks migrated to white neighborhoods. This migration resulted in the black families' homes being vandalized and bombed.

In the 1940s, black families responded to the vandalism and violence by calling the local police for protection, and they continued to move into white neighborhoods because of the growing population. The United States entered World War II, and between January 1940 and February 1941 the U. S. Department of Defense awarded more than 91 million dollars in defense contracts within the city of Dallas. No single business activity more profoundly affected the city than did aircraft manufacturing. Lockheed's aircraft plant at Love Field and Southern Aircraft Company were the two largest companies to receive federal contract.

Although the black population grew during the war, new housing to accommodate this growth was sparse. Many of the federal housing units built by the government were for whites only. After the war, blacks received only 176 of the 5,325 units available for returning veterans. In 1945 the proportion of black families living in

15 Ibid., 145.
16 Ibid.
17 Ibid.
18 Ibid., 147.
19 Ibid.
20 Ibid.
21 Ibid.
substandard housing was nearly three times as high as for white families. A. Maceo Smith, a racial relations advisor for the Federal Housing Administration (FHA), pointed out that “it is harder to find houses for Negroes in Dallas than in any other city in the South.”

In 1950, the “Report of the Joint Committee on Negro Housing,” prepared by the Dallas Chamber of Commerce, the Dallas Citizens Council, and the Dallas Inter-Racial Committee, found that “the shortage of housing for Negroes in Dallas is acute and critical.” The report also found that serious tension had resulted among both the black and white populations. Some of the present Negro residential districts were hemmed in and could not possibly be expanded without the displacement of white residents. On several occasions, blacks attempting to move into the neighborhood of South Dallas were met with the bombing of their residences.

Black residents worked with the Dallas police and fire departments to try to solve this problem. No real solutions were found.

The Joint Committee on Negro Housing report in 1940 recommended the implementation of public housing in West Dallas. It stated:

(a) The Negro housing sections, if carefully zoned and properly restricted by the city or county, will attract Negro families of good character, people who, under proper environment, will make citizens of whom our community can be proud.

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22 Ibid.
23 Ibid., 151.
25 Ibid.
(b) We remind the people of Dallas that if we do not provide home sites for Negroes who want to, and can afford to, buy or rent suitable and decent homes, the alternative is terrible overcrowding, dissatisfaction, disease, tension resulting from Negroes buying into white neighborhoods and many other serious consequences.\textsuperscript{26}

On September 25, 1950, Dallas Mayor Wallace Savage requested DHA to annex West Dallas for the construction of the 3,500-unit West Dallas Project, the largest low-rise public housing complex in the nation.\textsuperscript{27}

With the completion of the West Dallas development in 1954, DHA ceased building public housing units until the 1970s. This was due mostly to the fact that in the 1960s, the citizens and leadership of Dallas had grown more conservative and, as a consequence, less willing to help West Dallas improve the housing stock. Instead, local attention focused on rehabilitating areas closer to the downtown area. This was part of the larger program to encourage development in and around the central business district. The city of Dallas had turned to work on the physical needs of the central business district while problems of race and public housing continued to haunt Dallas.\textsuperscript{28}

**Statement of Problem**

The problem of race and public housing in Dallas came to the attention of the federal government in the case of *Walker v. HUD*\textsuperscript{29}. In this case, seven black women brought suit against the Dallas Housing Authority (DHA) and the U. S. Department of Housing and Urban Development (HUD) challenging their policies and practices that

\textsuperscript{26} Williams v. City, 734 F. Supp 1317 (N.D. Tex 1990).

\textsuperscript{27} Ibid.

\textsuperscript{28} Miller and Sanders, *Urban Texas*, 153.

maintained and perpetrated racial segregation in DHA’s housing programs. According to the plaintiffs, DHA and HUD maintained segregation within DHA’s programs by assigning white elderly tenants to predominately white projects and black elderly tenants to predominately black projects.\(^{30}\) In addition, the plaintiffs alleged that the defendants practiced racial segregation by placing all black tenants in only black areas of town. This made racial discrimination persistent in DHA’s policy. Further, the Section 8 vouchers utilized by DHA also placed black families only in black areas of town. The plaintiffs cited examples of perpetual racial segregation. These examples included the fact that:

1. DHA had 12 public housing projects for low-income families that were 90 to 95 percent black; and

2. DHA’s other two family projects were 99 percent Hispanic (Little Mexico) and 82 percent black (Cedar Springs).\(^{31}\)

Moreover, the West Dallas projects were in terrible condition. According to Walker v. U.S. Department of Housing and Urban Development:

> Because of the appalling conditions at West Dallas—housing that was barely fit to live in; almost 1300 vacant units that were boarded up; severe problems with drug dealers, with other crimes, with transients, and with vandalism; health risks due to lead contamination; a bitter life with roaches and rats and rubbish; and little or no hope that these things would change; people in need were refusing to accept housing in the West Dallas projects. In 1986, the rejection rates for George Loving, Edgar Ward and Elmer Scott ranged from 58 percent to 60 percent.\(^{32}\)

Ten years after the plaintiffs filed the lawsuit DHA was ordered by the U. S. District Court to build public housing in predominately white neighborhoods. The

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\(^{30}\) Ibid.

\(^{31}\) Ibid, 1276.

\(^{32}\) Ibid.
Highlands of McKamy Homeowners Association sued to stop the building of public housing for low-income black families but lost in 1998. DHA completed the low-income housing and moved 75 residents to Frankford Town Homes, located in North Dallas, a predominately white neighborhood. Homeowners living near two other proposed North Dallas public housing sites sued DHA and won in federal court. They based their suit on a claim of reverse discrimination and violation of the 14th Amendment which is the equal protection clause of the Constitution. In March 1999, DHA received a ruling from the U. S. 5th Circuit Court of Appeals sending the *Walker v. HUD* case back to the District Court for more hearings. In January 2000, the U.S. Supreme Court declined to hear the plaintiff's appeal. A federal mandate was issued requiring DHA to increase the availability of Section 8 subsidized housing opportunities in the private sector throughout the entire Dallas area.

**Purpose of the Study**

The purpose of this dissertation is to examine whether DHA has lived up to the decision of *Walker v. HUD* and whether blacks and low-income residents have been able to secure affordable housing. Moreover, the study will also examines whether DHA has complied with the *Walker v. HUD* decision which required it to buy scattered-site housing for low-income black residents throughout Dallas including housing in predominantly white communities of Dallas, Texas.

**Research Questions**

The study addresses the following research questions:

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33 Mike Williams, “High Court Rejects Dallas’ Judge Order on Public Housing,” *Houston Chronicle* (January 19, 2000), 3A.
(1) Does the Dallas Housing Authority have the authority to provide low income housing for blacks?

(2) Does the *Walker v. HUD* case provide the "best of all possible ways" to ensure that race will be eliminated as a consideration in the construction of public housing in Dallas County Texas?

(3) Can the Dallas Housing Authority be forceful in using its authority to create a plan to use Section 8 certificates and vouchers to remedy the lack of new public housing in predominately white areas?

It is critical that these questions are addressed in order to determine whether families received fair housing provided by the DHA. The researcher chose to evaluate the impact of DHA programs and policies on 3,116 black households residing in predominately black areas where the poverty rate exceeds 40 percent.

**Methodology**

The research questions were explored using primary and secondary data sources. The primary data sources comprised interview data collected in Dallas in 2000. Using an hour-long, in-person interview schedule, twenty participants were interviewed. The interviews were conducted at various locations, including, but not limited to, participants' houses, local black owned businesses, and the DHA. With interviewees' permission, the interviews were recorded using a micro recorder. The participants were selected from black and low-income residents living in housing projects managed by the DHA. Interviews were also conducted with Mike Daniels, the plaintiff's attorney in the *Walker v. HUD* suit; Fred Blair, editor of the *Elite News*; Ruby Barton and Marie Shelton, original tenants of the first Dallas housing projects; and DHA department staff members. Other interviews were conducted with church historians, residents who patronize Grams

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34 Ibid.
Barbershop, fraternity and sorority historians, and members of the local Dallas Chamber of Commerce.

Secondary data were collected from the Dallas Housing Authority because it had information on each public housing unit and on the families who lived there. Staff members of DHA informed the researcher about other Dallas Housing Authority issues.

Relevant journals, monographs, research reports and court cases were also used to get a better sense of the history of housing policies at the national level and in Dallas in particular. Journals provided statistical analyses and case studies to assist in understanding issues and trends related to future housing policies. Karl and Alma Taeuber’s Negroes in Cities, and Darwin Payne’s Big D Triumphs and Troubles of an American Super City in the 20th Century, were especially useful in this analysis. Newspaper articles, typically not very relevant in scholarly research, provided important information about DHA and its policies with the city, especially the Dallas Morning News, and the Dallas Express, a Black newspaper that discusses the ideas and the concerns Black families which are relevant to housing policies.

Websites were valuable research sources for information concerning the mission, latest developments, and action of to the DHA. Two websites, in particular, were helpful: www.dallashousing.org, which discusses what DHA is about; and www.nhlp.org, which

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addresses policy concerns and issues with regard to housing needs and the latest HUD rules.

**Significance of Study**

This study is unique in that, unlike previous efforts to study housing conditions in Dallas tended that focused on how the DHA engaged in building houses, this study focuses on the demographic characteristics of the housing recipients. Moreover, rather than focusing on the black residents, many of the previous studies tended to concentrate on the views of the land use planner, city representatives, and developers who sought to reduce the black communities' access to the housing market. This study is designed to fill the void by focusing on the low-income residents themselves and the impact that DHA's policies, procedures and programs have had on their quality of life.

**Limitation of the Research**

This study is limited to the use of secondary books, journals, newspapers and published documents on the Internet. The court case allowed the researcher to identify housing service problems experienced by black and low-income housing residents served by the Dallas Housing Authority. Many of the tenants were quite concerned about being interviewed for the study, thereby, only twenty residents responded to the survey.

**Definition of Terms**

The definition of several terms used in this study will facilitate ease in understanding the analysis for those not familiar with housing concepts.

*Public housing* consists of rental units owned by public housing agencies (PHA's), which are public or quasi-public entities. Public housing units are found in a
variety of housing structures including garden-style apartments, high-rise buildings, and even single-family homes.\textsuperscript{38}

**Project-based Section 8 housing** includes subsidized rental units in buildings owned and operated by private owners. Section 8 project-based subsidies can cover all of the units in a given housing development or a designated number of building units. Under this program, the federal government pays private owners the difference between a unit’s rent and the tenant’s rental payment, which is fixed by Congress at 30 percent of the tenant’s annual income.\textsuperscript{39}

**Tenant-based vouchers and certificates** are subsidies that help tenants rent housing in the private market. The subsidies cover the difference between the apartment rental rate and the tenant’s rental payments, usually set at 30 percent of the tenant’s income. Currently, about 1.5 million vouchers and certificates exist nationwide; nearly one million of these finance housing for families with children.

**Family Self-Sufficiency Program (FSS)** is a program developed by the DHA in an effort to provide Section 8 and public housing residents with supportive services and incentives, such as childcare, transportation, remedial education, job training and placement, and budget management skills, to help families become self-sufficient during the course of a five-year plan.

**The Housing Opportunity Program (HOP)** assists applicants in their efforts to locate affordable housing in non-impacted neighborhoods. These neighborhoods are defined as areas of Dallas that do not exceed 13 percent of the poverty rate and which

\textsuperscript{38} Ibid.
have less than 37 percent Hispanic, black, or other minority representation in the latest census tract. HOP staff provide relocation assistance and counseling services for interested individuals, make social service referrals, handle housing referrals, make certain that allegations of housing discrimination are reported to the proper authorities, and provide assistance in obtaining extensions on certificates and vouchers.

Outline of Dissertation

Chapter II presents the literature review, which covers a brief history of housing policy in Dallas, theories of housing location, suburbanization, and segregation. It also discusses site selection policies for low-income housing and the impact of public housing on neighborhoods. Chapter III explores the social, economic, and political characteristics of Dallas and how these are related to the issue of provision of adequate housing for blacks and low-income residents. Chapter IV illuminates the struggles of Black families to obtain decent, affordable housing in Dallas County, Texas. Chapter V analyzes the impact of decisions of the *Walker, et al. v. U.S. Department of Housing and Urban Development in Dallas, Texas* on the provision of housing by the Dallas Housing Authority for blacks and low-income residents in Dallas. Chapter VI is the conclusion chapter.

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CHAPTER II
REVIEW OF THE LITERATURE

Introduction

This literature review begins with a discussion of the housing policies in Dallas and then provides a summary of the historical development of housing for blacks in Dallas from the theoretical perspectives found in the literature. This includes a discussion of the relevance of ecological theory and theories and studies related to black suburbanization and racial segregation. These discussions are augmented by showing the relevance of site selection policies for the construction of public housing. The chapter concludes with a brief statement on the impact of public housing on neighborhoods and issues surrounding this subject area.

Housing Policy in Dallas

Several writers have discussed housing policy in Dallas as it relates to black families. Howard James' history of Dallas, points out how black families in Dallas first lived in Deep Elem. He also tells of how discussions of housing reform ceased after the beginning of World War II. A few years later, in 1963, Carol Thometz gave insight into housing policy from a city government perspective. Thometz points out that many of the elected officials did not want to see racial integration. She also highlights the fact

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40 Howard James, Big D is for Dallas: Chapters in 20th Century History of Dallas (Austin, TX: University Cooperative Society, 1957), 25.
that black families who went beyond their communities were often met with resistance in the local community and by local law enforcement officers.\textsuperscript{41}

In 1977, Sam Acheson noted that housing for black families was not only scarce, but that black families had limited places to live. This was also true for Mexican Americans.\textsuperscript{42}

In 1986, Jim Schutze discussed the politics of race in Dallas. His work highlights the bombings of the homes of new black residents in white communities. He argued there should be housing assistance for black residents because the population was increasing and many black families were living in slums.\textsuperscript{43}

A similar study about public housing in Dallas, Texas, was written by Roy Williams and Kevin Shay. In their 1993 book on the history of Dallas, they wrote about the first slaves to live in Dallas. Their research is significant because it tells how the different racial communities lived during the latter part of the 19th Century. A critical dimension of their work was how the state legislature put laws in place to enforce segregation in Texas.\textsuperscript{44}

Robert Prince also studied the history of Dallas. His work relates to housing for blacks in Dallas, and he revealed how local officials helped to perpetuate segregation in housing for blacks. His work also highlights how local and national leaders tried to

\textsuperscript{41} Carol Thometz, \textit{The Decision Makers: The Power Structure of Dallas} (Dallas: Southern Methodist University Press, 1963), 10.

\textsuperscript{42} Ibid.


\textsuperscript{44} Roy Williams, \textit{Time Change an Alternative View of Dallas} (Dallas: Three Fork Press, 1993), 45.
break down housing segregation in Dallas. These national leaders include the first black city councilman, Al Lipscomb, and the civil rights leader Dr. Martin Luther King, Jr.  

In 1994, Darwin Payne wrote about the big push for housing for black families in Dallas, Texas. He also wrote about the history of the Dallas Housing Authority. He acknowledged those who fought for integrated housing for blacks in Dallas including the National Association for the Advancement of Colored People (NAACP). Lastly, he gave details about the house bombings that some black families experienced.

In 1996, Patricia Hill analyzed the effects of the shift in the black population of Dallas, Texas and argued that more housing would be needed for black families in Dallas. She discussed how some civic leaders wanted to assist black families in acquiring better housing, and how others, such as the Klu Klux Klan, did not want to see black families progress.

In 1998, William Wilson wrote about a different aspect of the housing story in Dallas. He wrote about the first black suburb, Hamilton Park. The problem encountered in building Hamilton Park was that each city sector did not want to see this suburb in its area. Many black families, according to Wilson, had little money to own homes. Despite this fact, Hamilton Park’s progress was not impeded. With more families on the rise, this

suburb became one of the most respected areas of town for black families. Its construction was aided by government assistance and hard working families.48

Also in 1998, Robert Fairbanks wrote about the planning stages that evolved as the Dallas city council tried to help families who did not have adequate shelter. He highlights how developers in Dallas were influenced to help black families obtain shelter. He also discusses the influential court cases that helped to develop housing policies for blacks living in Dallas, Texas.49

Ecological Theory

The definition of ecological theory is that the residential location of ethnic and racial groups is linked to the group's socioeconomic status.50 The root of ecological theory, often referred to as "socioeconomic segregation," derives from Robert Park's work in 1925 at the University of Chicago. Park indicates that socioeconomic segregation is the theory that "changes in economic social status tend to be registered in changes in location."51 As part of his research, Parks traced the sequence of residential locations of the immigrant ethnic populations. Karl and Alma Taeuber also researched the theory of "socioeconomic segregation" and used Chicago as their model. They noted in their research that older, unattractive housing is used as temporary residence for new

49 Robert Fairbanks, For the City As a Whole (Columbus: Ohio State University Press, 1998), 192.
immigrants. As immigrants progress financially, they are more apt to leave depressed communities. More new families to the country replace the moving immigrant families.\textsuperscript{52}

Implicit in the socioeconomic status model is the basic assumption that a group’s status determines its ability to compete for housing sites in the open market. Because blacks have lower incomes than whites, the housing opportunities for blacks are restricted.\textsuperscript{53} Whites share the economic segregation faced by blacks, since the majority of poor households in America are white. Nonetheless, a pattern of dual housing markets exists, caused, in part, by long established practices of racial segregation in housing. While whites occupy certain areas of the city, blacks continue to compete for housing within their own neighborhoods.\textsuperscript{54}

The research over the last thirty years generally confirms the ecological theory that residential segregation in cities between ethnic groups relates directly to measurable differences in social and economic variables. Scholars have assessed the question as to whether the lower socioeconomic status of blacks was a major factor in explaining their high level of residential segregation.\textsuperscript{55}

Segregation is uniformly high between blacks and whites with equal incomes. Blacks and whites earning $30,000 a year are no less segregated from each other than

\begin{itemize}
\item \textsuperscript{52} Karl Taeuber and Alma F. Taeuber, \textit{Negroes in Cities: Residential Segregation and Neighborhood Changes} (Chicago, Ill.: Aldine Publishing Co., 1965), 45.
\item \textsuperscript{53} Ibid., 78.
\item \textsuperscript{55} Taeuber and Taeuber, \textit{Negroes in Cities}, 125.
\end{itemize}
blacks and whites earning $5,000 a year. Most empirical studies show that blacks and whites in poverty usually live in separate neighborhoods as do affluent blacks and whites. If families were distributed in neighborhoods on the basis of income instead of race, most neighborhoods would contain numerous blacks and whites with low racial residential segregation levels in cities and their suburbs.

Nevertheless, the debate that fuels the discussion of class as opposed to race is the cornerstone debate over why black residential segregation continues. A study by William Clark and John Ware analyzed black residential segregation and socioeconomic status in the southern California counties of Los Angeles, Orange, Riverside, and Ventura. Their results show decreasing segregation with increasing levels of socioeconomic status.

On the other hand, most scholars contend that American cities were still quite segregated at the turn of the 21st Century. For example, Massey and Denton, in 1987, estimated that the likelihood of black and white individuals sharing a common neighborhood in 60 standard metropolitan statistical areas of the United States was 5 percent. Even more recently, in 1998, Yinger cited evidence that little had changed since 1987. Yinger observed "housing agents sometimes discriminate to take advantage of perceived weaknesses in the bargaining position of blacks". Yinger underscores a

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58 William Clark and John Ware, "Trends in Residential Integration by Socioeconomic Status in Southern California" *Urban Affairs Review*, vol. 32, no. 6 (1997), 825-843.

variety of techniques that lenders can use to discriminate in mortgage markets despite the Fair Housing Act of 1968 and the Equal Credit Opportunity Act of 1974.60

**Black Suburbanization**

A suburb is defined in most studies as an incorporated place located within the boundary lines of a metropolitan area that lies just outside of central city. Historically, blacks have been excluded, relative to whites, from this portion of the metropolitan area.61 Many scholars have documented patterns of black suburbanization across the United States. Black suburbanization, however, is characterized as a slower and less dramatic movement than the inner city transition from all white to all black neighborhoods. It is driven primarily by less demand for housing by whites as the black population increases.62 Further, the majority of blacks remain confined outside the suburbs without the luxury of a residential choice based on preferences. However, most blacks are often unable, due to racial discrimination, to move to the suburbs that offer better public services and tax rates as discussed in Davidson’s article. This problem of lack of spatial mobility occurs despite blacks’ dissatisfaction with public services in central cities.63

Researchers have also documented a pattern of segregation associated with black suburbanization. Census data shows that patterns of segregation in central cities are being

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60 Ibid.


repeated in the suburbs. Black suburbanization is largely confined to deteriorating inner suburbs. Overall, less segregated suburbs are found in southern and western states, and the most segregated areas are located in the Northwest and Midwest.

Farley and Frey, in 1994, offered a detailed explanation to account for the geographical differences in the segregation patterns. First, residential integration occurs more easily in smaller and mid-sized metropolitan areas, which is a more typical characteristic of the southern states. Secondly, towns with military bases are less segregated due to frequent population changes. Thirdly, the recent construction spurts in the South have made its suburbs seem less segregated when compared to other geographical regions across the United States. This phenomenon is due to the fact that a greater proportion of newer housing is associated with less segregation and that homes built in the 1970s and 1980s were subject to the Fair Housing Act of 1968. Institutionalized discrimination persists in older metropolitan areas of the industrial north and in some areas in the South. Finally, political reasons also explain segregation in the community. Some local governments have planned segregated suburban areas.  

Structural forces that inhibit or promote black suburbanization are also the subjects of investigation by many scholars. Results of these studies have revealed that socioeconomic status is not a predictor of black suburbanization. Blacks of higher socioeconomic status were found to be much less likely than whites to move to the

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Results also reveal that black suburbanization is not the result of public policies and programs designed to attract or accommodate minorities. For example, blacks affected by court orders stemming from the 1969 federal court decision *Gautreaux v. Chicago*, which aimed at relocating low-income blacks from public housing to some private housing units in middle-income white suburbs, faced serious problems such as acquiring transportation and finding a landlord who was willing to rent units to them. In Detroit, for example, Farley, et al. found that blacks in suburban Detroit believe that "pervasive racial discrimination by real estate agents and lenders" is the cause of segregation.

On the other hand, other scholars have focused on the characteristics of the suburban communities attracting blacks. Results reveal that the characteristics of the suburbs open to blacks usually include those with a poor tax base, low service expenditures, and high population density. In other words, suburbs with a higher percentage of blacks do not have the resources to meet the needs for better services. Locational models reveal that whites, Asians, and Hispanics usually live in suburban

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census tracts with higher socioeconomic indicators than blacks. Blacks are usually residing in suburban tracts with substantially lower socioeconomic characteristics.  

Finally, the case-study approach was used to investigate trends and variations in black suburbanization. In 1992, in Michigan, Darden and Farnel used census data on more than 100,000 people to identify the percentage of the black population suburbanized since the 1960s. The study revealed that in 1990, only 5 percent of the black population lived in suburban areas. 

Racial Segregation

Several studies of residential racial segregation have been conducted on national, regional, and local levels. These studies confirm that residential segregation by race is much greater than segregation by socioeconomic status in American cities. A classic example is the study of residential segregation in Chicago by Taeuber and Taeuber. They concluded in 1950 that income differences among the 75 community areas accounted for only 14 percent of the observed racial segregation. Using 1960 census data, Kantrowitz, Rosenber, and Lake found high levels of ethnic residential segregation years after the European migration ceased. The Puerto Rican population remains segregated in the Bronx, Brooklyn, and Manhattan.

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72 Ibid.
Guest and Weed studied segregation in Cleveland from 1930 to 1970 and in Boston and Seattle from 1960 to 1970. They conclude that ethnic populations are segregated by socioeconomic status, but that ethnic segregation would continue to exist even if the economic status that differed among the various ethnic groups disappeared. Hermalin and Farley came to a similar conclusion in their study of residential segregation in the 29 larger urbanized areas of the United States from 1960 to 1970. They stated: “We believe that economic factors continued to account for little of the racial segregation of neighborhoods in central cities.”

Farley extended the analysis to consider the separate effects of racial and socioeconomic segregation. Using 1970 census tract data, Farley measured the residential segregation of blacks and whites. High levels of racial segregation were found in all 29 urbanized areas among blacks and whites that were of the same socioeconomic status. Farley ascertained:

Racial segregation is much more extensive than social class residential segregation. Whites in any social class category are more highly segregated from blacks in that same social class than they are from whites in different social class categories.

Studies of black residential segregation in the 1980s reveal that most metropolitan areas experienced a slight decline, according to Goeing and Kamely. Of the 60 areas

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reviewed, 54 declined in residential segregation. Nonetheless, cities such as Chicago, Detroit and Cleveland remained considerably high in residential segregation.\textsuperscript{76}

Analogous to the studies in the 1980s was the research of the 1990s regarding residential racial segregation. Brickford and Massey completed one of the few research studies of the 1990s. They found that segregation in residences is quite high, particularly in cities like Chicago. Massey and Kangiaupni also conducted similar research in this area. They argue that public housing plays a critical role in generating high rates of neighborhood poverty. They conclude that:

Public Housing thus represents a key institutional mechanism for concentrating numbers of poor people within a small geographic space often within dense, high-rise buildings. Because low-income projects were systematically targeted to black neighborhoods in a discriminatory fashion...this institutional mechanism greatly exacerbated the degree of poverty concentration for one group in particular--blacks.\textsuperscript{77}

Public housing projects may be viewed as testing grounds for the achievement of racial desegregation in residential areas. The projects are integral parts of the neighborhood in which they are constructed, and they are subject to the process of residential segregation. One offspring of building public housing in neighborhoods is the notion of white flight. Crowder argues that whites tend to leave an area once public housing is built. Not all whites leave, however.\textsuperscript{78} Massey and Denton's study of residential segregation confronting the vast majority of blacks (not just those in poverty)


\textsuperscript{77} Ibid.

\textsuperscript{78} Kyle Crowder, "The racial context of White mobility: An individual-level assessment of the White flight hypothesis," \textit{Social Science Research} 29 (June 2000), 223.
was written in 1993. They argue that segregation explains the characteristics of concentrated poverty better than alternative explanations, such as the culture of poverty, institutional racism, government welfare policy, and structural economic change. Moreover, barriers to integrated neighborhoods are more pronounced for blacks of all economic classes than for non-black of any economic class, and these barriers have not been alleviated significantly by federal mandates such as the Fair Housing Act of 1968.79 While not focusing specifically on black inner-city poor, Borjas developed a model to examine the employment skills the inner-city poor from one generation to the next. He suggests that parental earnings refer to the earnings of the parent’s generation of the ethnic group. He demonstrates that ethnicity has a major influence on economic empowerment. Moreover, he suggests that racial segregation will always have a special negative impact on children’s earnings, and that living in an ethnically integrated neighborhood can lead to a better rate of pay due to changes in education and employment.

In 1996, Massey expanded the idea of racial and ethnic groups’ expansion in neighborhoods in his work, “Age of Extremes.” Massey’s analysis of extreme social classes is important in the study of class segregation because it points out the probable consequences of residential separation for not only the poor but also for the affluent.80

Massey and Denton work in 1993 and Massey’s work in 1996 were analyzed of the spatial distribution of affluent and poor classes. Instead of examining income

segregation within the black, white, Hispanic, and Asians population, Massey and Egger explore segregation within the population as a whole. They conclude that the geography of inequality has taken place among affluent and poor families, where affluent families have become more concentrated in neighborhoods of families of various races, while poor families have become isolated in areas with other poor families. In Massey's 1996 work he concludes that this level of spatial polarization continued into the 1980s along with rising economic inequality. The result of this "Age of Extremes" is that affluent families live in neighborhoods characterized by advantaged schools, fewer crimes, superior services, and a vibrant economy. On the other hand, poor families are concentrated in areas with poor schools, high crime rates, inadequate services, and unemployment.81

Although significant studies suggest whites discriminate against blacks by barring them from moving into their neighborhoods, research also suggests that blacks want to live among themselves. In 1965, Kenneth Clark asserted that considerable psychological suffering occurs in the ghetto. "Most Negroes take the first steps into an integrated society tentatively and torn with conflict.... A person who has been forced to be ashamed of his identity cannot easily accept himself as a human being and surrender either the supportive group or its identifications."82 More recently, in 1997, Orlando Patterson and Stephen Thernstrom have maintained this view. They blame persistent segregation on the strongly held preferences of blacks. They cite evidence about the

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increasingly racial attitudes of whites, specifically the greater tolerance of whites already living with black neighbors. They contend that whites are not to blame for continuing segregation. Instead, blacks prefer to live with their own race, and their preference for residential segregation has not changed over time. For example, in 1982 Thernstrom reported that only 4 percent of blacks wished to live in majority white neighborhoods. By 1997 this had barely increased to 5 percent. Neighborhoods remain segregated, they argue, because blacks overwhelmingly prefer majority black areas or locations that are evenly integrated. After reviewing such evidence, Patterson concludes: "The answer which liberal students of segregation repeatedly insist as stepping stones is that persistent segregation is partly—and for most middle-class blacks largely—a voluntary phenomenon." This reasoning led Krysan and Farley in 2002 to the conclusion that even if real estate brokers and lenders treat blacks and whites identically, segregation will persist since blacks prefer to live with blacks.

In 1996, William J. Wilson examined in detail the social consequences of decreased employment opportunities and decreased contact with middle-class institutions in high-poverty black neighborhoods. In Chicago, for example, young men with few skills and employment options in the 1990s could not support themselves or their families in the formal economy and, therefore, turned to the informal economy. With little

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employment or services outside the ghetto, individuals had little reason to experience life outside the ghetto and thus they learned social values that were at odds with perceived middle-class standards. Wilson argues that access to stable, well-paying employment rather than residential integration is most important for the transformation of high-poverty black communities.86

A link between the “segregation-first” hypothesis of Massey and Denton and the “jobs-first” hypothesis of Wilson is the spatial mismatch hypothesis. As stated by R. M. Fernandez in 1994:

[Limitations on the residential choices of minorities, particularly the almost total exclusion of African Americans from white suburban areas, inhibit access to jobs (especially low-skilled jobs), which have been steadily dispersing from central cities to suburban areas of most metropolitan areas for at least the past 30 years. Consequently, racial barriers in housing are hypothesized to be responsible for a large portion of the low rates of employment and low earnings of minority workers.87]

Fernandez adds that firms choose to relocate from urban areas to suburban areas to acquire cheaper land and infrastructure, to have access to better-qualified workers, and to escape from inner-city social problems.

This spatial mismatch hypothesis has been the subject of intense study since its proposal by Robert Kain in 1968. Inner-city unemployment in the midst of a robust metropolitan economy is often referred to as spatial mismatch. The phrase refers to the


spatial separation of unemployed central city workers and low-skilled job vacancies that are increasingly concentrated in the suburbs of major U.S. metropolitan areas. In 1987, Jencks and Mayer divided the spatial mismatch hypothesis into two parts: a "demand-side" argument and a "supply-side" argument. The demand-side argument states that suburbanization of blue-collar jobs would reduce employers' tendencies to hire black workers for fear of offending white workers and residents. The supply-side argument states that even if suburban employers were willing to hire blacks, barriers in housing, transportation, and information would reduce labor force participation among blacks. Christopher Jencks finds sparse and inconsistent evidence for the demand-side argument, and abundant but conflicting evidence for the supply-side argument; this is due to selective migration of blacks to the suburbs. Fernandez surveyed more recent literature and concluded that selective migration cannot be the sole or primary explanation for spatial mismatch effects.

Spatial mismatch has been characterized by three important features: (1) the unemployment rate for low-skilled central city residents exceeds that of comparable suburban dwellers; (2) the low-skilled job vacancy rate is higher for suburban firms than for central city firms; and (3) wages for low-skilled workers are higher at suburban firms than at central city firms.

Ihlanfeld offers three reasons why companies do not fill vacancies in other locations. One reason is because of racial discrimination. A second reason is because of

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transportation costs. Those living in the inner city may find the expense of traveling from home to not be worth the effort over a period of time. A third explanation is that inner-city workers find it difficult to gathering information about suburban jobs that are advertised in certain sectors of communities and not others. 

N. Edward Coulson, et al., proposed a possible solution to the problem created by the spatial mismatch theory. They concluded that the remedy is to reduce the cost of public transportation in various places and to mitigate search frictions, which imply working with all sectors of the community to promote jobs ads. 

Because public housing is built in certain areas, the federal government and local housing authorities have initiated policies designed to encourage desegregation. The historical development of these policies is presented below.

Site Selection Policies

Donald Foley’s research analyzed the criticism of the site selection policies of local housing authorities. The Housing Acts of 1937 and 1949 tied public housing construction to slum clearance. The research shows that over 80 percent of these projects were located in run-down central city neighborhoods already inhabited by poor racial and ethnic groups.

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Although support for public housing may have brought the votes from the low-income population, few city officials found it politically wise to locate projects in their home districts.\(^93\) There was similar consensus among suburban city governments to exclude public housing developments simply by not authorizing the construction of multi-family dwellings.\(^94\) Public housing was kept out of the suburbs of the central cities and located in poor neighborhoods.

While there has been little recent research related to racial segregation in public housing, statistics show the majority of residents in public housing units and on waiting list are black. Part of the reason so many blacks live in public housing is because of the shift in the economy and society. Robert Murdie quotes Wilson who has suggested that, because blacks have become part of the underclass, public housing is all these families can afford.\(^95\) Schill, in 1993, contended that several factors contribute to racial concentration in public housing. One factor is low-income ceilings. Another factor is that as whites earn more money they are inclined to live in suburban communities.\(^96\)

The increasing concentration and isolation of poor and minority households in public housing have created an environment that has hurt the quality of life for residents. Lemann’s work in 1991 argued that the black urban underclass has been established in plantation-like communities headed by female heads of households. The Civil Rights era


\(^95\) Ibid.

did not help families in the housing projects. The “War on Poverty” was bad because it made enemies of local elected officials by giving money to families and by passing local government. Lemann asserts that to help families in the projects, more government jobs will have to be created.97

Kotlowitz looked at the residents of public housing in Chicago in 1991. He pointed out that there were no children living in public housing because they had seen too much of a bad situation. His research suggested that the stereotypical ideas of public housing residents were wrong. Children can grow up in public housing to become productive citizens, but the odds are quite low because of horrible events they may experience and the lack of positive role models.98

Impact of Public Housing on Neighborhoods

Although concentrations of poverty within public housing have been well documented, little research has been done to examine the effects of public housing developments on their surrounding neighborhoods. The few studies that have examined the impact of public housing on neighborhoods have failed to find a negative effect.99

Three studies that examined the effects of public housing on neighborhood composition reached contradictory conclusions. Carter and Schill referred to Goldstein and Yancey’s 1986 study and concluded that public housing in neighborhoods has little


98 Ibid.

effect in the surrounding community.\textsuperscript{100} Carter and Schill also note Galster and Keeney's research in 1993 in which they examine the effect of subsidized housing in neighborhoods. Unlike Goldstein and Yancey, they found a significant relationship between the number of units of subsidized housing and an increase in the proportion of Black residents. They reported that the magnitude of this is small.

The third study by Massey and Kanagaupan in 1993 examined Chicago census tracts to determine whether the existence of public housing constructed between 1950 and 1970 was related to the needs of families with income below the poverty line. They found a positive statistically significant relationship between the existence of public housing in a census tract and the proportion of families in poverty in 1980.

\textbf{Conclusion}

The review of the literature carefully examined the themes and policies that have been utilized with regard to housing programs. While policies have been put into place to stop housing discrimination, research shows that discrimination still exists. Further research indicates that these housing needs suggest a broader issue with regard to jobs and the economy. A conclusive study that public housing brings down the property value of surrounding neighborhoods has not been done. Yet the literature suggests that black families who choose to live in the suburbs are still not welcomed with open arms.

This study will add to the body of literature because it discusses decisions that were made based on demographic characteristics of the housing recipients rather than

how the Dallas Housing Authority has engaged in building houses. Many of the former studies tended to provide the views of land use planners, city representatives, and developers who sought to reduce black community residents' access to the housing market but excluded the views of the housing recipients. This study is designed to fill this void by focusing on the perspective of the low-income housing.
CHAPTER III

DALLAS, TEXAS: ITS ORIGIN, DEMOGRAPHICS AND HISTORY OF OPPOSITION TO FAIR HOUSING FOR BLACKS

Students of Political Science, Public Administration, Urban Planning, and Public Policy Analysis have indicated there is a close association between social and economic factors and the level of black power and empowerment in the South.

Mack H. Jones has declared that in order for researchers to forthrightly facilitate an understanding of the nature of black power one should first include a discussion about the type of social and economic demographic conditions existing within a community.101 For more than half a century, social scientists have worked with government, social and academic leaders and government to provide affordable housing in North Texas. This chapter focuses on how demographic characteristics have influenced the Dallas Housing Authority's ability to provide decent, affordable, and low-income housing for blacks in Dallas, Texas. Similar to Jones' position, William J. Wilson has expounded on the necessity to analyze the dynamics of how politics, race, and class affect the public policy making process.102 Constructing such an analysis will allow us to provide systematic

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and supportive data to determine characteristics essential to providing blacks in Dallas, Texas. This discussion shows a link between the income of families and the housing that income will purchase.

**Origins of Dallas, Texas**

Dallas is located in North Central Texas on the Trinity River in the center of Dallas County. John Neely Bryan founded the city in November 1841. The origin of the name Dallas is unknown. When Dallas County was founded in 1846, Dallas was designated as the temporary county seat. Later, in 1850, voters selected Dallas as the permanent county seat. The Texas Legislature granted Dallas a town charter on February 2, 1856.

From 1837 to 1887, Indian tribes occupied most of Dallas County. The Caddo and Cherokee tribes were forced out of Dallas County by Texas soldiers. While the soldiers were forcing the Indian tribes out of Dallas, Bryan was convincing families to move there. Bryan was also instrumental in helping Dallas become a major service center for new families to the area.

As the white settlers migrated to the Northern Texas region, most of them brought their slaves with them from states like Kentucky and Louisiana. The first slave of record in Dallas County was a man named Allen, who came with John Huitt to Farmers Branch,

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104 Ibid.

a city established in Dallas County in 1843. The growth of cotton plantations fueled the demand for slaves. In fact by 1860, slaves made up over 30 percent of the total population. In Dallas County, the black slave population rose 500 percent from 207 in 1850 to 1,074 in 1860, and made up 12 percent of the population.

In the late 1870s, banking and insurance emerged as major industries in Dallas. In addition, Dallas businessmen launched the State Fair of Texas (which brought revenue to the city). Dallas also acquired telephones in 1881 and electricity in 1882. By 1890, Dallas ranked as the most populous city in Texas with 38,067 residents.

**Dallas Demographics**

**Population**

According to the 1970 United States Census, the population of Dallas, Texas was estimated at 992,695, of which 24.9 percent (247,181) was black. In that same year in Dallas County, the total population was estimated at 1,327,321 of which 16.6 percent (220,512) was black. The median income of black households in Dallas County in 1970 was $6,279. The city of Dallas, according to the 1970 Census, had a population of blacks with a median household income of $6,309. The median household income of white residents in the city of Dallas was $11,289. The percentage of the black population

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106 Ibid., 33.
107 Ibid.
living below the poverty level was 25.1 percent compared with 5.1 percent of the white population living below the poverty level (see Table 1). Dallas County, in the 1970s, had a median household income for Blacks of $6,279. The median income of whites in Dallas County was $11,477. The 1970 Dallas County census data further revealed that 25.3 percent of black Families (12,459) lived below the poverty level. By 1980, the population of Dallas County had risen to 1,556,419.

The State of Texas had approximately 1,445,813 blacks in 1970. Blacks constituted 12.5 percent of the state population. This percentage exceeded the black national percentage, which was 11.0. In 1970, blacks comprised 24.9 percent of the population in Dallas and 16.6 percent of the Dallas County population. The difference can be explained by the fact that Dallas became one of the largest technology centers in the nation, thus employing a larger number of blacks. The companies making up the technology force included Ling-Tempco-Vought (LTV Corporation) and Texas Instruments.

In addition, Dallas developed the Dallas Market Center, the largest wholesale trade complex in the world. The opening of Dallas/Fort Worth International Airport also attracted jobs for blacks. Racial integration of public facilities began on August 15, 1961, when a carefully orchestrated plan sent blacks to lunch counters and businesses throughout the city for equal service. This plan was the work of a biracial committee.

111 Ibid.

112 Ibid.
Table 1

Population, Median Income, and Poverty Level, Dallas, TX, 1970

<table>
<thead>
<tr>
<th>TOTAL POPULATION</th>
<th>WHITE POPULATION</th>
<th>BLACK POPULATION</th>
<th>MEDIAN HOUSEHOLD INCOME</th>
<th>% OF PERSONS BELOW POVERTY LEVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>992,695</td>
<td>745,514</td>
<td>247,181</td>
<td>Black-$6,309 White-$11,289</td>
<td>Black-25.1% White-5.1%</td>
</tr>
</tbody>
</table>

Source: U. S. Bureau of the Census, *County and City Data Book, 1972.* (Washington, D.C.: U. S. Printing Office) appointed by the Dallas and Negro Chambers of Commerce. This committee devised a publicity campaign and notified business owners in advance. It was only after this work was done that progress was made for blacks in employment in Dallas, Texas.  

While Dallas was still segregated by race in the 1970s and 1980s, blacks continued to make moderate progress in the political arena and in economics. The 1980 census showed that minorities made up 81 percent of those in poverty in Dallas County with blacks comprising 57 percent. Although employment in Dallas tripled from 1963 to 1983 and Dallas County gained over 200,000 people in the five years after 1975, unemployment rates for minorities remained stagnant and significantly higher than the rates for whites.  

In 1991, Bob Ray Sanders, a radio and talk show host said:

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"Nowadays, the established power structure works in subtle, indirect ways to hold oppressed people back."\textsuperscript{115}

By 1990, Dallas' population had declined to 1,006,877, but the number of blacks had increased to 296,994.\textsuperscript{116} According to the 1990 census, those numbers did not improve over a twenty-year period. The data further revealed that, in 1990, of the 1,006,877 total population of the city of Dallas, 26.4 percent of the black population was living below poverty level compared to only 6.2 percent of the white population. The median household income for blacks was $21,242, only half of the $42,952 for whites. In Dallas County the numbers were similar. The median household income for blacks was $21,645, and 23.9 percent of blacks was living below the poverty level with a median household income for whites was $43,383 and only 5 percent living below poverty level (see Table 2).

<table>
<thead>
<tr>
<th>TOTAL POPULATION</th>
<th>WHITE POPULATION</th>
<th>BLACK POPULATION</th>
<th>MEDIAN HOUSEHOLD INCOME</th>
<th>% OF PERSONS BELOW POVERTY LEVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,006,877</td>
<td>557,957</td>
<td>297,018</td>
<td>Black-$21,242</td>
<td>Black-26.4%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>White-$42,952</td>
<td>White- 6.2%</td>
</tr>
</tbody>
</table>


\textsuperscript{115} Ibid.

\textsuperscript{116} Ibid., 165.
Education

According to the 1970 U.S. Census, 68,376 people were enrolled in the public school system in Dallas; of these people 30.7 percent were black. Moreover, 10.6 percent of the black population was enrolled in private elementary or high schools and 2,657 blacks were enrolled in kindergarten. The report also indicates that 5.5 percent of the black population completed less than five years of school, 54.2 percent completed at least four years of high school, and only 14.0 percent had four or more years of college. On the other hand, the white students were in the majority and 69 percent of the white population enrolled in elementary or high schools. Further, 5,128 white students were enrolled in kindergarten. This report also indicated that 8.2 percent of the white population completed less than five years of school. A majority of white students (50.1 percent) completed four years of high school but only 22.0 percent completed four or more years of college.

In 1990, the educational statistics of Dallas County remained discouraging for blacks. Between 1960 and 1970 a majority of the black population in Dallas County lived in a segregated area which limited where they attended school. Only 18.1 percent of blacks lived in owner-occupied housing units compared to 73.0 percent of the whites who lived in owner-occupied units.

117 Ibid.
118 Ibid.
119 Ibid.
120 Ibid.
Segregation in Education

Evidence of segregation in the Dallas Independent School District (DISD) has been presented in Federal Court. On Tuesday, October 6, 1970, in the *Tasby v. Estes* case, the DISD was accused of operating a racially, ethnically, and economically segregated school system under a de jure segregated attendance plan. Although some elementary schools were integrated, beginning in the early 1960s Mr. Tasby’s children had to pay to ride city buses to an all-black school when they could have walked to a white school located closer to their home.121 On Friday, July 17, 1971 Judge William M. Taylor, U.S. District Judge for the Northern District of Texas, found the defendants guilty (see Table 3). In his words:

Seventy schools are 90 percent or more white (Anglo), forty schools are 90 percent or more black and forty-nine schools with 90 percent or more minority; 91 percent of black students in 90 percent or more of the minority schools, 3 percent of the black students attending schools in which the majority is white or Anglo. It would be less than honest not to conclude that elements of a dual system still remain. And this was not the result of changes in neighborhood patterns, nor was it the result of a 1965 court order; rather, the Dallas school board had failed to make the necessary efforts to correct the situation, despite the fact that it and its administration were aware of the problem.122

Proposed Remedies to School Segregation

The Judge ruled that Dallas must gerrymander secondary school attendance zones to mix students and bus students from one school to another to “help ethnic groups communicate with each other.”123 The Judge also agreed to allow black and Hispanic

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121 Scott Parks, “Is DISD ready to move on?” *Dallas Morning News* (October 31, 2002), 13A.

122 Glen M. Linder, *Desegregating Schools in Dallas* (Dallas, TX: Three Forks Press, 1996), 74.

123 Ibid., 75.
children to transfer from schools where their race was a majority and to use television to link classroom with student learning.\textsuperscript{124}

Table 3

\begin{tabular}{|l|c|}
\hline
\textbf{IN THE UNITED STATES DISTRICT COURT} & \textbf{FOR THE NORTHERN DISTRICT OF TEXAS} \\
\textbf{DALLAS DIVISION} & \\
\hline
\textbf{EDDIE MITCHELL TASBY, ET AL.} & \textsuperscript{§} \textbf{CIVIL} \\
\textbf{vs.} & \textsuperscript{§} \textbf{ACTION} \\
\textbf{CHAD WOOLERY, GENERAL SUPER-} & \textsuperscript{§} \textbf{NO.} \\
\textbf{INTENDENT, DALLAS INDEPENDENT} & \\
\textbf{SCHOOL DISTRICT, ET AL.} & \textsuperscript{§} 3:CV-4211-H \\
\hline
\end{tabular}

\textbf{NOTICE TO CLASS MEMBERS}

Notice is hereby given to all African American and Hispanic students and their parents of the Dallas Independent School District that a hearing has been scheduled by the honorable Chief Judge Barefoot Sanders in the above referenced matter regarding the DISD's Motion for Unitary Status. This hearing will be conducted beginning at 9:00 a.m. on May 9, 1994, in the courtroom of Judge Sanders, Court 15B16, United States Courthouse, 1100 Commerce Street, Dallas, Texas 75242, which is on the 15\textsuperscript{th} floor of the above referenced building.

Unitary status is being sought by the DISD as the termination of the school desegregation issues raised in this litigation, which has been on file since October 6, 1970. Should the Court grant such motion, under whatever terms and conditions it sees fit, supervision by the federal court of the Dallas Independent School District and its desegregation efforts will terminate on the date selected by the court.

You are invited to attend and observe.

\begin{tabular}{|l|}
\hline
Edward B. Cloutman, III & E. Brice Cunningham & Robert H. Tomas \\
3301 Elm St. & 777 S. Thornton Fwy. \#121 & P.O. Box 50100 \\
Dallas, Texas 75226 & Dallas, Texas 75203 & Dallas, Texas 75250 \\
Counsel for Plaintiffs & Counsel for Integration & Counsel for Defendants \\
\hline
\end{tabular}


\textsuperscript{124} Ibid., 76.
On August 17, 1971, Judge Taylor completed his final desegregation order. He ordered the Dallas Independent School District to:

1. desegregate its faculty and staff;
2. provide transportation on a non-segregated and nondiscriminatory basis; a majority-to-minority transfer option permitting eligible students to transfer to any school in the district and providing transportation for students who made the change;
3. insure that all extra-curricular activities continue on a desegregated basis;
4. appoint a Tri-Ethnic Committee with new and enlarged powers to report monthly on progress of the program;
5. report to the court on November 1, 1971, and on August 15, 1972, and annually thereafter on April 15 of each succeeding year;
6. [recognized that] the case is to remain with the district court to the end of the desegregation plan to ensure that a unitary school system be maintained in the Dallas Independent School District.\textsuperscript{125}
7. [implement] a Confluence of Cultures program designed to produce quality, integrated schools;
8. [implement] a Compensatory Education Program;
9. consult [with] and [gain the] approval of the Tri-Ethnic Committee for the selection of future school sites or the start of any construction, as well as a directive that all work be done in a manner that would prevent the recurrence of a dual school structure.

**Status of Equity in Public Education**

Although 50 years have passed since the Supreme Court ruled against segregation in public schools in *Brown v. Board of Education*, the DISD is still operation under a

\textsuperscript{125} Ibid., 79-80.
court order to desegregate students in the school system.\textsuperscript{126} There has been a push, however, to end the court order. Former Dallas School Superintendent Marvin Edwards convinced the DISD Board of Trustees to ask the court to relieve it from the court order in 1988, about 17 years into the lawsuit. U.S. District Judge Barefoot Sanders refused to alter his original desegregation order. DISD Superintendent Chad Woolery urged the Board of Trustees to ask Judge Sanders the same question in 1994. Judge Sanders retained his jurisdiction, which implied that the order was still needed (see Tables 4).\textsuperscript{127}

Dr. Mike Moses, the current DISD Superintendent, would now like the DISD Board of Trustees to ask Judge Sanders to release the DISD from the 31 year old court order that requires measures to improve education for minority children. Dr. Moses has indicated he would like to use the $560,000 per year for administrative court cost to help pay for teacher’s salaries and to educate more students. Second, he has indicated that minority students in the DISD are now the majority; consequently, the order is moot. Third, Dr. Moses believes that DISD has done what it has been told to do.

In October 31, 2002, 165,000 students enrolled in the Dallas Independent School District: 57 percent Hispanic, 34 percent black, 7 percent white and 2 percent Asian or American Indian. Most of the 11,000 white students in the District are concentrated in North Dallas, East Dallas, and Seagoville.\textsuperscript{128}

In order for Dr. Moses’ request to be heard in Court, five of the nine members Board of Trustees must agree by vote. His request will be met with challenges. Several

\textsuperscript{126} Scott Parks, “Is DISD ready to move on?” \textit{Dallas Morning News} (October 31, 2002), 13A.

\textsuperscript{127} Ibid., 13 A.

\textsuperscript{128} Ibid., 13A.
Board members do not believe the court order should be lifted because the statistics do not show a complete compliance with the court order. Kathlyn Gilliam, a former Dallas School trustee and member of the black Coalition to Maximize Education, has indicated that DISD has not complied with the court order. Lee Alcorn, president of the Coalition for the Advancement of Civil Rights on May 17, 1994 contended that the gap between white and minority students' test scores is still wide and thus a court order is needed to oversee the issue.129

Sandra Malone, court-appointed monitor of DISD's progress under the court order, maintains that DISD should still be under the court order. Under the court order, the District makes two reports per year to account for its compliance efforts. Ms. Malone evaluates these reports and presents updates of DISD's work to the court. On October 17, 2002, Ms. Malone indicated that DISD had plenty of work to do. She cited the exclusion of minorities from honors programs. She also pointed out that test score information presented by DISD is not clear and needs further clarification. In her words, the statement and statistics presented, "...regarding the narrowing of the gap, are offered without the support of essential details".130


130 Tawnell Hobbs, “DISD hasn’t given enough data desegregation, monitor says compliance problems also noted,” Dallas Morning News, (October 17, 2002), 1A.
## SCHOOL DESEGREGATION TIMELINE

* A look at DISD's 48-year history with desegregation:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept. 12, 1955</td>
<td>The NAACP files a lawsuit alleging racial discrimination in separate schools for black and white students.</td>
<td>Apr. 7, 1976</td>
<td>Judge Taylor issues an order requiring busing for all grades and creation of magnet schools to bring students into predominantly minority neighborhoods.</td>
</tr>
<tr>
<td>Sept. 6, 1961</td>
<td>A small group of black first-graders enrolls in all-white elementary schools to begin a “stair-step plan” of integrating one grade at a time. DISD remains overwhelmingly segregated.</td>
<td>Mar. 23, 1981</td>
<td>U.S. District Judge Barefoot Sanders is assigned to the <em>Tasby</em> case.</td>
</tr>
<tr>
<td>Jul. 3, 1965</td>
<td>The 5th Circuit Court of Appeals throws out the stair-step plan and orders immediate desegregation.</td>
<td>Feb. 1, 1982</td>
<td>Judge Sanders issues a new order requiring improved programs for minority students and hiring goals for minority faculty and administration staff.</td>
</tr>
<tr>
<td>Oct. 6, 1970</td>
<td>The Dallas Legal Services Foundation files a suit, <em>Tasby vs. Estes</em>, for 21 Black and Hispanic children. It calls on DISD to comply with U.S. Supreme Court desegregation decisions.</td>
<td>Apr. 28, 1988</td>
<td>The DISD school board votes to ask a federal court for “unitary” status, declaring that the district has erased vestiges of the dual school system for blacks and whites.</td>
</tr>
<tr>
<td>Aug. 1971-Jul. 1975</td>
<td><em>Tasby vs. Estes</em> remains in limbo at the appeals court, which finally returns the case to Judge Taylor for a more extensive integration plan.</td>
<td>Oct. 2002</td>
<td>The DISD superintendent tells the school board that it’s time to seek a new ruling from Judge Sanders that could lead to the end of the <em>Tasby</em> suit.</td>
</tr>
</tbody>
</table>

Source: *Dallas Morning News*, October 31, 2002
According to the district's report, black students in the DISD who took the Stanford-9 National Test in Reading, in Spring 2001, scored in the 44th percentile among all students nationally, while Hispanic students scored in the 43rd percentile. White students scored in the 71st percentile. The national average was the 50th Percentile. In 1994, Hispanics and blacks in the DISD were in the 31st percentile, while whites were in the 62nd percentile. According to the District's reports, blacks and Hispanics scored better than the previous year.

In addition, Ms. Malone was also skeptical about other aspects of DISD's report. She visited Woodrow Wilson High School, J.L. Long Middle School, and Lakewood Elementary School. She reported there was a clear separation of students in regular classes composed primarily of ethnic minority students. Whites populated honors and other advanced classes. She added that regular classes tended to be larger than honors classes. Her report also noted that most of the students assigned to the advanced classes were white. The separation of students is also visible in electives and extracurricular activities.

Judge Sanders could dismiss the case if the DISD can show good cause according to a 1994 ruling.131

Housing

In 1970, the U.S. Census Bureau reported that 26,686 of the housing units in Dallas County were owned and occupied by blacks. The data also indicate that 2,071, nearly 10 percent of the housing units, lacked some or all plumbing facilities.132 A total of 126,182 owner-occupied housing units, owned by blacks, existed in Dallas County.133
Jane G. Green, President of JG & Associates, along with the Greater Dallas Housing Opportunity Center, conducted research to support their thesis that there existed discrimination in housing. In 1974, they found that 70 percent of blacks surveyed had experienced discrimination. Tactic of discrimination were subtle and included independent brokers showing less expensive homes to blacks, Blacks being asked more questions about their finances than whites, and Blacks being shown homes in less integrated areas.

To counter such discrimination tactics, the state legislature enacted the Title VIII of the Civil Rights Act of 1968 and 1988, which makes discrimination in housing because of race, creed, or color illegal. The enactment of Title VIII has helped real estate companies and apartment associations to work together to stop these discriminating practices.

The work that has been put forth to end discrimination in housing in Dallas was analyzed in the 1980s by Karl Taeude of the University of Wisconsin. Although Dallas

131 Ibid.
133 Ibid.
135 Ibid.
136 Ibid., A-2.
has worked to end such illegal practices, Dallas was ranked 10th among the 28 most segregated cities across the nation.\textsuperscript{137}

In the 1990s, housing segregation concerns shifted to the practice of \textit{redlining} or of withholding bank loans in certain areas for black families seeking to buy a home. While there have been agreements between community organizations and banks that this process must stop, it is clear more work must be done. Congress passed the Community Reinvestment Act in 1977 after finding that some financial institutions redlined low-income neighborhoods, particularly minority areas. The Federal Deposit Insurance Corporation examines financial institutions each year for compliance with the Community Reinvestment Act.\textsuperscript{138}

Although rules have been put in place to help cut out redlining, statistics show it still exists in Dallas. According to the City Housing Assistance Plan, the number of families living in substandard housing has grown from 47,600 in 1974 to a 1988 estimate of 75,800, a 59 percent increase.\textsuperscript{139} Moreover, the City has not put forth a strong effort to help those families in substandard housing. Federal money that has been allocated to help families with housing has not been spent.\textsuperscript{140} On January 4, 1989, the Dallas County Commissioners Court agreed to require banks seeking the county's depository contracts

\begin{itemize}
  \item \textsuperscript{138} Lawrence E. Young, "County Sets Bank Policy," \textit{Dallas Morning News} (January 4, 1989), A1.
  \item \textsuperscript{139} Craig Flourney, "Federal grant money spent on bureaucracy, not poor," \textit{Dallas Morning News} (March 8, 1990), C2.
\end{itemize}
to prove that they provide loans and other services to low-income neighborhoods.

Commissioner John Wiley Price, a strong advocate of the new program and respected community leader, indicated:

Historically, local banks and insurance companies have been the purveyors, the main perpetrators of discriminatory practices that have led to the disenfranchisement of our (minority) communities; Price said. 'What we are saying to the local financial community is you can continue to red-line, but not with our (the county’s) money.'

The City has also been working to reduce the practice of redlining. It has encouraged banks not to discriminate. It has instituted a $30 million mortgage program aimed at helping families obtain and maintain a home. The city wanted to utilize the money before the deadline to avoid the risk that the funds might be reallocated by the federal government.

It is clear that many black residents in Dallas County have had problems obtaining education, income, and housing. While these conditions have improved over the years, there is still work that must be done. This work includes actions by those in local government agencies. The facts indicate that programs are available to help families, but management of these programs could be handled better. Moreover, the research shows some institutions are not doing business in a fair manner. If equality is to exist, then certainly the work of various institutions in the private and the public sectors is needed.

140 Ibid.
142 Craig Flournoy, "Federal grant money spent on bureaucracy, not poor," Dallas Morning News (March 8, 1990), C2.
A Political Voice for Blacks in Dallas

From the beginning of the 20th Century, blacks in Dallas faced obstacles that
prevented them from voting or participating in politics. The most serious of these
barriers was the Terrell Election Law of 1905 that allowed the Democratic Party's county
executives to determine who could vote in party primaries. Although the law did not
specify race, it was understood that party executives would not allow blacks to vote in the
primaries. In 1923, the Texas Legislature amended the Terrell Election Law, which
excluded blacks from Democratic Party primaries. The amendment stated that "In no
event shall a Negro be eligible to participate in a Democratic primary election held in the
state of Texas, and should a Negro vote in a Democratic primary election such ballot
shall be void and election officials shall not count the same."  
Texas repealed the Primary Law of 1923; however, the voters went to the polls in 1923 to
support the law. Upon passage, the officials began to use the law to determine voting
qualifications. Blacks challenged the white primary several times. In 1927, the
NAACP helped Lawrence A. Nixon, an El Paso dentist, win an unanimous decision from
the U.S. Supreme Court declaring the Texas election statute unconstitutional. In 1932,
Nixon and the NAACP won a second Supreme Court decision invalidating the state's
attempt to bypass the 1927 decision. Nonetheless, the state then allowed the Democratic
Party to declare itself a "voluntary association" with the right to choose its membership

143 Donald Strong, "The Rise of Negro Voting in Texas," American Political Science Review, 42
(June 1948), 511-12.

144 Ibid.

and set qualifications for participation in its primary. From 1935 to 1944, blacks in Dallas and in the State could vote in municipal, school board and general elections but not in the primaries, which selected the candidates.

A state poll tax also prevented Blacks from voting. The Poll Tax passed in the State Legislature in 1902. Each eligible voter was required to pay a poll tax of $1.75 at the time he or she paid property taxes each year. Many blacks and poor whites chose not to vote rather than pay the tax.146

Nevertheless, blacks were allowed to vote in spite of the poll tax. In many instances, blacks used this law as a rallying point for black political activism in Dallas. For example, *The Dallas Express*, the black newspaper with the largest circulation in the city, ran advertisements encouraging blacks in Dallas to pay the poll taxes and to vote. By 1928, less than a third of blacks in Dallas paid their poll taxes and voted. Moreover, the editors of the *Express* examined the county poll tax lists and found that many black pastors, doctors, lawyers and teachers did not pay their poll tax.147

In the 1930s, several black organizations began to work to change the voting problem in Dallas. In 1933, the Dallas Negro Chamber of Commerce hired a Texarkana native, A. Maceo Smith, as Executive Secretary of the Chamber, to develop economic programs and political activities in the black community.148 In 1934, Smith and the Negro Chamber of Commerce participated in Alpha Phi Alpha fraternity’s annual “Education for Citizenship” week to encourage service activities by blacks. During that

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week, Smith argued that voting was the duty and right of every good citizen. He also stressed that blacks in Dallas could improve the services they received from the City if they united and participated in the political process. Participants in this event went on to form the Progressive Citizens League. The Progressive Citizens League, with the Negro Chamber, organized the poll tax payment campaign among blacks in Dallas as well as the unsuccessful lawsuit against the Democratic Party’s white primary in Dallas County.  

The problems facing blacks in Dallas were many. Racial segregation forced them to live in areas where streets were unpaved, law enforcement was lacking, housing was overcrowded and inadequate, and city government neglected living standards. In addition, the city refused to build a library for blacks. The worst situation, however, was the segregated public school system. Dallas had only one black high school called Booker T. Washington. It was overcrowded and the facilities were not accommodating. Furthermore, the Great Depression exacerbated the problem.  

The campaign by blacks to use the political process to address these problems was boosted in March of 1935 when Ammon S. Wells ran for the State Legislature. Wells, a native of Dallas, stirred excitement in the city because of his ideas. Most blacks supported Wells because they believed he could win with a split in the white vote. Some blacks opposed Wells candidacy because they feared racial violence in the city if he won. Many whites in Dallas who did not want a black representing the city in the

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148 Ibid.
149 Ibid., 24.
state legislature shared these feelings. When Wells refused a request to withdraw, a banker representing the Dallas Chamber of Commerce, pressured A. Maceo Smith by promising to build a Negro exhibit at the 1936 Texas Centennial if Smith could convince Wells to withdraw from the race. Smith refused. On the day of election, March 16, the Ku Klux Klan circulated flyers to black neighborhoods threatening violence if Wells won. Due to the threats, Wells finished sixth in the race.\textsuperscript{152}

It was implied for Dallas’ black leadership that if more blacks had paid their poll tax, Wells would have won. The number of blacks turned out to vote, over 45,000, also stunned them. The success and failure of Wells’ campaign helped develop a big push for a second poll tax payment campaign.\textsuperscript{153} The Dallas Interdenominational Minister’s Alliance (IMA), an organization of black ministers and pastors, joined with the Progressive Citizens League and the Dallas Negro Chamber of Commerce to coordinate the campaign. The IMA provided the funds to support the campaign, which took place in May of 1935 immediately after the Wells’ campaign. In addition, the IMA wanted to make black voters a factor in Dallas politics. Reverend Maynard H. Jackson Sr., then pastor of New Hope Baptist Church, served as spokesman for the IMA. Jackson argued that blacks in Dallas lacked political clout and had been taken advantage of by the city’s white politicians. He also stated that the IMA campaign would not support any political factions in the city, but would form a Christian coalition vote for political muscle. He also noted that voters registered in the campaign would support only the politicians who

\textsuperscript{152} Ibid.

\textsuperscript{153} Dallas Express, March 23, 1935.
supported the objectives of blacks in community activities, parks, school facilities, employment, police protection, sanitation, and street improvements.\textsuperscript{154}

The second poll tax campaign officially began in October of 1935. A. Maceo Smith recruited volunteers to visit homes in the black community to pass out literature and to persuade blacks to pay their poll tax.\textsuperscript{155} The campaign also organized black social and fraternal organizations in support of their efforts to pay poll taxes for those people who could not afford to pay their own. Smith, Jackson and others volunteered to work with the poll tax campaign; they gave speeches at meetings and churches for support. Under their leadership, the campaign featured methods such as essay contests on citizenship, black schools, a mock trial which tried a citizen for failing to pay his poll tax, and nine mass rallies at churches to discuss issues related to the paying of the poll taxes. Despite these efforts, the campaign was short of its goal of getting 10,000 blacks in Dallas to pay their poll taxes. They achieved about half that number.\textsuperscript{156}

The group then turned to the federal government for help. Both Jackson and Smith made trips to Washington in 1936.\textsuperscript{157} Jackson sought aid from the federal government in obtaining jobs for blacks as postal workers in Dallas. After the Dallas Chamber of Commerce refused to support an appropriation of $100,000 from the state legislature for a Negro exhibit at the Texas Centennial, Smith traveled to Washington to lobby for federal support. With the endorsement of Vice President John Nance Garner

\textsuperscript{154} Ibid., May 11, 1935

\textsuperscript{155} Ibid., September 14, 1935, November 23 and 30, 1935.

\textsuperscript{156} Ibid.

and other Capitol Hill politicians, Smith got $150,000 of the $3 million appropriated by the federal government for the Centennial designated for a Negro exhibit. The appropriation supported black participation in the Centennial celebration and the building of the Hall of Negro Life at Fair Park.\(^{158}\)

According to Smith, three organizations emerged from the participation of the black electorate in the Centennial: The Texas Conference of Branches of the NAACP, the Texas State Negro Chamber of Commerce, and the Texas Negro Peace Officers Association. On “Negro Achievement Day,” October 19, 1936, blacks from all over the State met in Dallas for black college activities and an opportunity to plan and coordinate statewide efforts to fight segregation and to encourage participation in the political process.\(^{159}\)

In the fall of 1936, Jackson, Smith, and other black leaders reorganized the Progressive Citizens League into the Progressive Voters League (PVL) to coordinate the political activities of blacks in Dallas. The new organization consisted of representatives from all black groups in the city; they served as an advisory committee for the PVL’s voters’ education and poll tax payment activities. A nine-member executive committee, which included Jackson as president and Smith as vice-president, directed the PVL’s activities. Other members of the first executive committee were C. E. Smith, Attorney Roger Q. Mason, A. A. Braswell, Mrs. George Moore, Mrs. Lovie Mae Jackson, Julius McCowan, and Mrs. W. E. Shallowhorne. The last two members were elected at-large

\(^{158}\) Ibid., 31.

from the advisory committee and reflected the PVL’s attempt to represent as broad a constituency as possible. While Jackson, Smith, and the executive committee chartered the PVL’s direction, the advisory committee did most of the work. Each advisory committee member represented an organization, such as the Mooreland YMCA, the Knights of Pythias, or a church fraternity, sorority, or women’s social club. He or she was responsible for ensuring that each member of the organization paid the poll tax in order to vote. Some members of the PVL advisory committee did not represent a particular organization but worked in private homes to register blacks who were not members of the fifty-two organizations represented in the advisory committee.160

The first objective of the PVL was to carry out a third poll tax payment campaign. The PVL worked to obtain poll tax payers for the April 1937 city council election. It rallied a house-to-house campaign and asked various community leaders to speak to citizens in support of paying the poll tax.161

The third poll tax campaign in Dallas was conducted from October 1936 to January 1937. The black vote became one sixth of Dallas electorate power in the April 1937 city council election. Four civic associations in Dallas were competing for civic council seats: the Forward Dallas Association, the All Dallas Association, the Dallas Democratic Association, and the Utility Rates Reduction League. All recognized the potential strength of the black vote in Dallas and sought their support. The PVL had organized the black vote in Dallas into a block and advocated certain positions to endorse


161 Dallas Express, October 31, 1936 and January 9, 1937.
any candidate.\textsuperscript{162} For the first time in Dallas history, the white civic association that controlled local politics had to bargain with the Dallas black electorate. The PVL developed a five-point platform to present to two major civic organizations, the Citizens’ Charter Association and the Forward Dallas Association. The \textit{Dallas Express} also published the “Platforms of the Voters League,” which included these five points:

1. A crime reduction campaign, which covers all phases of law and order affecting life and property of Dallas Negroes.

2. Adequate parks and recreational places and facilities for the use and enjoyment of Dallas Negroes.

3. Adequate proration of city work [i.e., a fair share of the city jobs for blacks in Dallas].

4. Adequate school facilities.

5. City cooperation on the promotion of better housing and slum clearance units in Negro districts.\textsuperscript{163}

On the same day the PVL published its platform, the executive committee announced its endorsement of the Forward Dallas Association. It did not endorse the Citizens Charter Association because its platform did not address many of Dallas’ needs in the black Community. One promise that was made by the Forward Dallas Association was “that when they present matters to the council they will be met, not by deaf ears, but by intelligent, earnest and sympathetic responses.”\textsuperscript{164}

In the April election, the Forward Dallas Association won five of nine city council seats. Two of the contested seats were won in run-off elections. The PVL claimed


\textsuperscript{163} Marvin Dulaney, “The Progressive Voters League,” 32.

\textsuperscript{164} \textit{Dallas Express}, March 27, 1937; \textit{Dallas Morning News}, April 3, 1937.
victory in this election because blacks had voted as a block for candidates. The
election return indicated that black votes had been especially helpful in the run-off
election. The Forward Dallas Association publicly acknowledged its debt to black voters in Dallas.\textsuperscript{165}

The Forward Dallas Association rewarded the PVL for its support by acting on
several of the PVL's platforms. During the summer of 1937 the city council planned for
a new black high school, Lincoln High School, which was completed in 1939. The city
also worked to develop the Wahoo Recreation Center for blacks in Dallas and increased
jobs for blacks by 300%. The city council also voted to employ a black as a police
officer in Dallas; however, no one was hired because of mass protest by white citizens.
Nevertheless, blacks had positive proof that they could use the political process to
improve the quality of life in their community.\textsuperscript{166}

The 1937 election was a great victory for the PVL and set the standard for future
elections for the next thirty years. In every election, the PVL organized poll tax payment
campaigns. It interviewed candidates in local races and endorsed candidates in local,
state, and national races. The PVL was very serious in representing the interests of
Dallas' black community. For example, the PVL endorsed the Citizen Charter
Association in 1939 but not in 1941 when the organization failed to investigate the
bombing of black homes in South Dallas.\textsuperscript{167}

\textsuperscript{165} Strong, "The Rise of the Negro Voting," 519.

\textsuperscript{166} Marvin Dulaey, "The Progressive Voters League," 33.

Jackson and Smith left the grass roots organization to work on other projects. In 1940, Dr. L.G. Pinkston, A.A. Braswell, Charles Brackins, and Nathan Chalmers were the new leaders of the PVL. With the support of Minnie Flanagan, a PVL board member, they worked for more voter registration drives and educational activities.\textsuperscript{168}

In 1944, the U. S. Supreme Court ruled in \textit{Smith v. Allwright} that all-white primaries were unconstitutional. The committee argued that blacks were being discriminated against in Texas primaries. The court ruled in the plaintiff's favor. After the Supreme Court's ruling, the PVL announced that it would remain nonpartisan and not become part of the Democratic Party. Several PVL members and the NAACP disagreed with this strategy. The split in the PVL took place at the state and local level. After overcoming resistance of white Democrats in Dallas County, blacks in Dallas voted in their first Democratic Party primary in 1946. Three blacks from the PVL, Dr. E. Homer Browne, Reverend Stacy Adams, and Nathan C. Chalmers won Democratic Party precinct chairs. This split was the first political break in the Dallas Black community.\textsuperscript{169}

Because of the new elections, the PVL aligned itself with the Democratic Party and changed its name to the Democratic Progressive Voters League (DPVL). Other political organizations emerged to take the place of the DPVL, but those did not have a strong impact. The 1950s and 1960s would bring in new leadership to work for black concerns in Dallas, Texas.\textsuperscript{170} These concerns, however, now challenged the structure of the election process in Dallas.

\textsuperscript{168} Marvin Dulaney, "\textit{The Progressive Voters League}," 33.


\textsuperscript{170} Marvin Dulaney, "The Progressive Voters League," 34.
The first court case that pushed for election equality in Dallas was the *Lipscomb v. Wise*, which was decided in 1995. The plaintiff, Al Lipscomb, argued that the city's at-large method of election of members of the city council diluted the black citizens' vote. The election scheme presented by Dallas is a combination single-member and at-large districts. It provides for eight elected from single-member districts and three elected at-large, including the mayor. The eight council members elected from the eight single-member districts must reside within the district they represent and are elected by a majority vote of the residents of their district. The three at-large seats have no residency requirements and are elected by a majority of all votes cast within the entire city. One of the at-large council seats is designated as mayor.\(^{171}\)

The plaintiff argued that voting dilution took place in the 1959, 1961, 1969, and 1991 city council elections. In each instance, the black candidate received over 50 percent of the vote in the black neighborhoods. In the at-large elections, however, the black voice was consistently diluted because the whites always ended up with the most votes.\(^{172}\)

Because of these patterns, and the current law, the District Court ruled that the citywide, at-large system of electing members to the Dallas City Council was unconstitutional, because this system was intentionally adopted and maintained to dilute the voting strength of blacks.\(^{173}\)

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\(^{172}\) Ibid.

\(^{173}\) Ibid.
The court further upheld the plaintiff's argument because Dallas had a history of past discrimination in general (from 1907 to 1975) and because a "customary lesser degree of access [was provided to blacks in] ... the process of slating candidates than enjoyed by the white community."\(^{174}\)

Similar to the *Lipscomb* case was the *Williams v. City* in 1988. The plaintiffs were Roy Williams and Marvin Crenshaw. Several months later, in 1988, other minorities intervened and joined as a party plaintiff. They were part of the Ledbetter Neighborhood Association composed largely of Mexican-Americans. They brought suit against the City alleging that the system for the election of members of the city council members violated the Voting Rights Act.\(^{175}\)

The issue concerned the 8-3 system for the election of members of the Dallas City Council (i.e., eight single-member districts and three at-large places). Under this system, no Blacks have ever been elected to one of the at-large seats; only one Mexican American has been elected at-large under the 8-3 system. The defendants, Mayor Annette Strauss and several council members, argued that the best person is being chosen to fill the at-large seats. Further, they argued that minorities could raise enough money to run effectively for an at-large seat.\(^{176}\)

On March 28, 1990 the District Court ruled in favor of the Plaintiffs. The court's position was that the 8-3 system for electing city council members violated Section 2 of

\(^{174}\) Ibid.

\(^{175}\) *Williams*, 734 F. Supp. at 1317.

\(^{176}\) Ibid.
the Voting Rights Act because it diluted the votes of politically cohesive blacks and Hispanics in Dallas. Specifically:

Under the 8-3 system, African-Americans and Hispanics are denied access to the 3 at-large seats because they cannot raise-from their own communities-the enormous amount of money (at least $150-200,000) that is required for an effective at-large, city-wide campaign in Dallas; and

under the 8-3 system, blacks have been unfairly prohibited from electing more than two single-member district council members by the “packing of blacks into two districts with 75-87 percent concentration and 85-01 percent total minority population (Districts 6 and 8) and by the “cracking” of the remaining African-American population in Dallas between Districts 1 and 7, to prevent the creation of a third black district.177

Conclusion

The political, housing, and social conditions for Black families in the City and in Dallas, County, Texas have been slow to change. This fact has been documented by the political history that has evolved in Dallas. There continues to be racism in the school system such as Tasby v.Estes. It conveys that although education is important for the vitality of the city, certain educational policies have been put in place to preclude minorities from obtaining a quality education. For example, minority students were not pushed to attend advanced placement classes. If this is going to change there must be monitoring of the progress of students and the hiring of faculty. It is necessary to track what works and what does not work in the ever-growing student population. Moreover, obtaining a great education has a direct baring on a families living condition. Statistics show that a great education leads to a great career and more of an opportunity to choose where one would like to live. The Walker V. HUD has suggested this in the research for

177 Ibid.
the case. Although other factors also play role in providing assistance in housing, it is
no secret that to obtain and maintain housing education is required. The DHA has been
working on this point although progress had been slow. Chapter IV will further
illuminate the struggles of black families to obtain decent, affordable housing in Dallas
County, Texas.
CHAPTER IV

HISTORY OF HOUSING FOR BLACK FAMILIES

IN DALLAS, TEXAS: 1920-1985

The original charter for the City of Dallas was written in 1907 and it contained a section entitled "Segregation of the Races." This section was repealed in 1968. Before this section was repealed, however, the city council passed ordinances providing for the use of district blocks for housing, for amusement, for churches, and for schools by whites and blacks. 178 Under the Segregation-of-the-Races section of the Charter (and in accordance with its spirit),

The City Manager specified the areas of Dallas that were reserved for whites, for Negroes and for Mexicans, and the city council passed a number of racially motivated ordinances, including one that required blacks to sit in the back of the city buses.

... The council tried to solve the Negro housing problem, and keep blacks from moving into the white areas of Dallas by having the DHA construct the massive, 3500 unit West Dallas Housing Project.

... Even as late as 1960 the Dallas Independent School District resistance to desegregation was bolstered by a federal judge who wrote that most of the whites and Negroes in the city do not favor integration of the schools because this is in all probability, the most direct and surest route to amalgamation of the races. 179

178 Lipscomb, 399 F. Supp. at 782.

179 Ibid.
The Charter provision grew out of a long history of Dallas politics. During the 1920s, businessmen consolidated their hold on the city’s political and civic leadership by communicating to the citizens that they were promoters of the city’s welfare. Business leaders reformed city government, which resulted the adoption of a council-manager form of government with the council members elected at-large council. They also maintained a permanent political organization, the Citizens Charter Association (CCA), to guarantee that “the right type” of men would be elected to city government.\(^{180}\)

Shortly after the governmental reform movement, the city’s most influential bankers, Robert L. Thornton and Nathan Adams, organized the city’s leading businessmen into a group called the “Yes or No Council,” which became known as the Dallas Citizens Council (DCC). The DCC was chartered in 1937. This organization united the city’s most powerful businessmen into a civic organization with the financial resources to get things done. Rather than selfish competition, it emphasized cooperation for the good of Dallas.\(^{181}\)

**Early Housing for Blacks**

Before public housing became available to blacks in Dallas, blacks did not have adequate housing in Dallas or in Dallas County, Texas. According to Alwyn Bar, in the book *Black Texans*, many black families lived in small, dilapidated houses with no

\(^{180}\) Robert Fairbanks, “From Consensus to Controversy,” *Legacies* 1, No. 2 (Fall 1989), 37.

\(^{181}\) Ibid.
plumbing or screens on dirt roads or streets. The first black neighborhood in Dallas, at the beginning of the 20th Century, was located at what is presently known as Elm Street and Central Avenue. The population evolved to what is presently known as Deep Ellum. Later, a large black community formed, starting at Thomas Avenue and incorporating Hall Street, Boll, San Jacinto, Good Street, and Washington Avenue. This neighborhood began in the 2700 block of Thomas Avenue and extended to the 2700 block of Washington Avenue. The area also included Hall Street from Ross Avenue to State Street. Often, more than one family crowded into dwelling units and shared the rent. Although there were several blocks of black neighborhoods, less than 14 percent of blacks owned homes in Dallas. This statistic remained consistent well into the 1930s.

The largest black newspaper in Dallas was the *Dallas Express* founded in 1892. In the 1930s, its founder, W.E. King, wrote about many issues concerning the black community. One of these was the lack of low-cost federal housing for blacks. The city had one federal housing project, Cedar Springs Place, completed in 1937 for 181 families. However, Cedar Springs Place was strictly for low-income white families.

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184 Ibid.

Further public housing units were made possible in 1937 by the passage of the U.S. Housing Act, which authorized the U.S. Department of Housing and Urban Development to buy 90 percent of the bonds issued by a municipal authority for low-income housing projects. As the *Express* pointed out, federal housing for Negroes would represent "a symbol with far greater meaning than mere shelter. It would set up a new direction in the thinking of such people who felt they were foredoomed to live in the city's alleys in close proximity to the open toilets with which Dallas is generously studded. Blacks were continually confronted by the ugliness and filth underlying the city's supposed beauty."  

In addition to the creation of the Housing Act of 1937, the city council created the Dallas Housing Authority, which included four businessmen and a Jewish rabbi. The Dallas Housing Authority worked on the public housing program from 1939 to 1942. Led by Executive Director D. L. Stephenson, it erected more than 1,500 segregated units for whites, blacks, and Mexican Americans. Construction of the largest units for blacks, Roseland Homes, called attention to the city's most serious housing problem.

### The Role of the Press

In a 1938 municipal government housing survey, it was discovered that the majority of black housing was found to be substandard. A *Dallas Morning News* article,

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186 Ibid.

stated: “The shortage of housing for Negroes in Dallas is acute and critical. Serious tension has resulted. Many Negroes are living under conditions that threaten our entire community’s health and welfare.” The survey estimated that the black population of metropolitan Dallas had jumped from 50,000 to 80,000 in the last ten years. The extra 30,000 residents represented 8,000 new families who needed homes. The net increase of Black dwellings since 1940 had been about 1,000. Thus, “… 7,000 Negro families are doubled up or tripled up… At least 4,000 additional dwellings are needed in the immediate future to relieve the distress and tension”.

The article pointed out other problems that created a shortage of black housing. The first problem was the limited, incomes of black families, which made both rent and mortgages unaffordable. Second, building sites were limited which meant that there were only a few places where blacks could live at that time. The City was faced with the critical question of how housing would be provided for Blacks in Dallas when there were only a few places where blacks could live.

Because the housing opportunities were limited, blacks were left with four options:

1. Continue to live doubled up.

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189 Ibid.

190 Ibid.
2. Build or rent a substandard shack. (Much of this is being done at the
great discredit of the city). In Negro slum areas, fifty people lived in
nine shacks less than three feet apart. They all used an outdoor
hydrant for drinking, bathing and laundry water.

3. Live in standard dwelling units that were provided by private builders
with or without government aid for rent or purchase for $25 to $30
monthly.

4. Live in public housing. Dallas had 900 units and had a waiting list of
7,000 black families.191

The report also implied that there were two factors necessary to cure the black
housing problem. First, all housing should be built within the corporate limits of the city
or in areas where government regulation could ensure that new slums would not crop up.
In conjunction, housing residents must have access to police, fire and health protection,
zoning laws, transportation, schools, recreation, and shopping facilities. Second, a
satisfactory solution could be found only in racial segregation. This should prevail so
long as segregation does not mean discrimination.192

Not only was a black newspaper publishing articles about the plight of blacks in
housing, so was The Dallas Morning News. Alonzo Wasson wrote about the issue in
various editorials. One was entitled “Removing City Slums.”193 In it he wrote that to
maintain a beautiful city it is necessary to tear down slum areas. Furthermore, he said:

“...slums are maintained at a high cost to city taxpayers and those

191 Ibid., 9.
192 Ibid., 8.
193 Alonzo Wasson, “Dallas Slums-Paper” (Texas, Dallas: Texas and Dallas History), 4.
who contribute to welfare agencies. Slums breed diseases, increase mortality rates and place a heavy burden on public health agencies. They are firetraps that run up the cost of protection against conflagrations. They breed vice and crime adding much to the cost of police services. They place an additional load on taxpayers by the chronic tax delinquency of much slum property.”

Wasson wrote another editorial entitled “High Cost of Slums”. In this editorial he pointed out that slum dwellings and apartments may be inexpensive to those who occupy them, but they are expensive to the city. These slum areas have a high rate of tax delinquency, which implies the city was not receiving the taxes for which it is entitled. In addition, slum areas, according to Wasson, impair the tax values of neighboring property. Moreover, they drained the city treasury because of the cost of police, fire, and health protection.

Racial Tensions and Housing

Nonetheless, racial problems continued to grow in spite of efforts to advance housing for black families. The black community’s success in getting the new Lincoln High School built was marred by new tensions arising in the transitional neighborhood where the school had been built. Many whites felt threatened by the school’s location in a neighborhood they considered to be their own. Threats of bombings and of other

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194 Ibid.
195 Ibid.
196 Ibid.
197 Darwin Payne, Big D: Triumphs and Troubles of an American Super City in the 20th Century, 228.
violence arose as Lincoln High School opened in January 1939. On the first day of school the doors remained closed because of a temporary injunction. By noon, however, the injunction was lifted and classes began.

The DHA decision to build a Slum Clearing Project in a black North Dallas neighborhood to ease racial tensions met resistance from lacks concerned with the fate of those who would be displaced by the project. There were few vacancies for blacks throughout the city. In a series of meetings beginning on June 19, 1939, those concerned gathered at the Munger Avenue Baptist Church and denounced the government’s decision to undertake slum clearance in their neighborhood. They argued that rather than being a slum Hall-Thomas was “the most highly cultivated, progressive and sanitary Negro community in Dallas.”198 At one gathering there were seventy-five black property owners who vowed not to sell and ended their meeting by singing “I Shall Not Be Moved.” The DHA recognized the severity of the re-housing problem. At one DHA meeting officials even recommended re-housing the black families in tents.199

In spite of having acknowledged the problem, the DHA never devised or implemented a plan to re-house the people who had been dislocated. As a result, a few black families purchased homes in South Dallas in an already established black neighborhood. When they tried to move in September of 1940, they were met with an

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199 Ibid.
angry mob of neighborhood whites, including many rock-throwing housewives. This event precipitated more than eleven months of violence in the South Dallas neighborhood.  

Racial tension continued. The black population in Dallas and other southern cities multiplied during the Depression of the 1930s. Blacks were forced to leave the rural areas for employment in the city. In 1940, there were 61,605 blacks living in Dallas, Texas. A 1940s study showed that 83.5 percent of black housing was tenant-occupied in many substandard conditions. Even when blacks could afford to live in certain areas, whites resisted their moving into their communities. A Dallas Housing Authority survey in 1940 found 19,620 tenant families living in substandard housing in Dallas. Anglo Americans occupied more than half of these (10,096); blacks occupied 8,350; and the remaining few were occupied by Mexican Americans.  

Escalating Resistance to Blacks  

In the fall of 1939, white residents in South Dallas began meeting to plan ways to stop black encroachment into their neighborhoods. Whites were concerned with black children who were walking through white neighborhoods to school. In fact, the idea of banning blacks from a few streets was suggested but never implemented.

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200 Ibid., 158.

201 Ibid., 229.

202 Ibid.
Many whites were agitated by the expansion of blacks into the South Dallas area of Oakland Avenue, Pine Street and Eugene Street near the Oakland Cemetery. Some whites proposed building an eight-foot concrete or brick wall to mark the border between black and white neighborhoods.\textsuperscript{203}

The tension lingered. A series of bombings, mysterious fires, and the throwing of stones and bricks rocked the area in late 1940 and 1941. In an effort to force a black funeral home on Oakland Avenue to move, a mob of whites threw stones and broke electric signs. Several months later, the city council purchased the property to ease the situation. One witness stated that white citizens considered purchasing black-occupied residences to keep the community white.\textsuperscript{204}

In 1940, dynamite shattered the front porch and front windows of a vacant house in the 2600 block of Hatcher that stood between two houses occupied by black families. Three months later another home was bombed. No one was injured. Police assigned extra detectives to patrol the neighborhood. The mayor indicated the race relation issue would be high on his priority list in the coming year of 1941.\textsuperscript{205}

South Dallas was not the only area with racial turmoil about integrated housing. In September 1940, blacks moved into two adjoining houses in an all white neighborhood on Howell Street near North Dallas High School. Hundreds of white residents--most of

\textsuperscript{203} Ibid.

\textsuperscript{204} Ibid.

\textsuperscript{205} Ibid.
them said to be housewives—surrounded the house and bombarded it with stones. Blacks who drove by in automobiles were stoned. Other blacks witnessed the scene. This made blacks apprehensive about going into the existing neighborhood. In addition, the police did not make any arrest. In fact, the only thing they did was to make whites disperse after midnight.206

Because of the overflow of black families into white areas, and other political pressures, Roseland Homes was built in 1942. It was low-cost housing for 650 black families (see Figures 1 through 4). To be eligible to live there, the head of household had to have a job and be of good character.

The Means Family Experience

One of the first black families to move into Roseland Homes was Wilfred Means, Sr. and Ruby Lee Means (formerly Ms. Ruby Lee Carter). Mrs. Means came to Dallas as Ruby Lee Carter from Kirvin, Texas, which is located one hour southeast of Dallas. She moved in with her two sisters who lived in the servants’ quarters of Mr. and Mrs. Paul Stone, Sr. on Oak Lawn in North Dallas. Mrs. Means indicated that the accommodations were livable for a couple of years but she knew it would not be suitable for an extended period of time; there was no kitchen, and transportation was hard to obtain.207

Ruby Lee began the 9th grade at Booker T. Washington High School and graduated in 1938. The following year, she entered C.J. Walker Beauty College in North

206 Ibid.
Dallas and graduated in 1939. As a way of supporting herself, while attending the beauty college, Ruby Lee kept children. After graduation, she worked at Flora-Mays Beauty Salon located at 2300 Thomas Avenue in North Dallas. In 1941, Ruby Lee Carter married Wilfred Means, Sr. of Mexia Texas. It was not long before World War II began.

In 1942, after the bombing of Pearl Harbor and America’s entry into World War II, Wilfred Means did what many black males did during that time—he joined the military and went off to war. While the war was going on, Mrs. Means moved the family (herself and two children) to Roseland Homes. This move was made in order that the family would be able to save money to purchase a home and for their children to attend college.208

Although the plan worked, the marriage ended in separation in 1946. Both parents worked together, however, to see that their children received a good education and had a decent place to live. Always resourceful, Mrs. Means, by 1943, had saved enough money to purchase a beauty shop, which was named Skyway Beauty Salon. The shop was located on Warren and Oakland. Not only did she prosper in business, but also she would later move into a house at 1806 Driskell where she lives to this day. In 1954 she remarried.209

208 Ibid.
209 Ibid.
The Barton Family Experience

Ruby Lee’s experience is a textbook example of how a black family could grow and prosper in Dallas. In 1943, as Mrs. Means, she and her family moved to Roseland Homes a public housing unit so they could save money and plan to buy a home.210 They raised their two children in Roseland Homes along with other black families. Although the family began in public housing, this experience motivated her to start and maintain a successful business as one of Dallas’ earliest black business owners. More importantly, the opportunity gave the family a chance to obtain a home and raise children who would exceed all expectations to become pillars in the Dallas community.

Mrs. Means (who remarried in 1954 and become Mrs. Barton) recalls: “It was tough, but I knew what I was doing was right.” Now 90 years of age, Mrs. Barton points out that their stay in Roseland Homes units was not going to be permanent. She believed that buying a house would help her family grow and help them save money for their children to attend college.211

In 1951, before becoming Mrs. Barton, the Means family purchased a home at 6730 McTeir. This area was known as the Elm Thicket area. To the community at large, it was known as the Love Field area. Mrs. Barton recalled that many black families populated the area at that time. The local government used its eminent domain power to

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210 Ibid.
211 Ibid.
purchase this land to build an airport. In the course of events, Mr. and Mrs. Barton were able to purchase a home at 1806 Driskell in South Dallas.\textsuperscript{212}

The growth of black neighborhoods, with no place to go, continued to be a problem in Dallas, Texas. Half a dozen homes occupied by blacks were dynamited or firebombed in a matter of months in the early 1950s.\textsuperscript{213}

**Expanding the Housing Supply for Blacks During the War Years**

Although World War II began in 1939, the black housing crisis continued during the coming years. There was still opposition to building black housing in many areas throughout Dallas.\textsuperscript{214} Housing developers were reluctant to build because of these potentially violent oppositions. The director of the Dallas district of the Federal Housing Administration (FHA) actively discouraged most large projects for several years.

The Chamber of Commerce did not concern itself with the black housing crisis. A crisis was defined when the homes of the black residents of South Dallas were bombed.\textsuperscript{215}

By the end of 1941, the DHA began construction on three public housing projects. It developed a new project for whites in East Dallas. The new housing development housed 250 families. The DHA also expanded Cedar Springs by adding 220 units to the

\textsuperscript{212} Ibid.

\textsuperscript{213} Ibid.

\textsuperscript{214} William H. Wilson, "This Negro Housing Matter," *Legacies* 6, No. 2 (Fall, 1994): 28.

\textsuperscript{215} Ibid.
181 already erected. Finally, the DHA built a 200-unit project for Blacks in East Dallas.216 Between 1941 and 1945, the DHA constructed 1,569 public housing units in Dallas. Of those, 900 units were for blacks and 102 for Mexican Americans. Despite these achievements, the civic leaders’ recruitment of the war industry and the military housing needs intensified the city’s housing crisis. When the Housing Authority completed the Cedar Springs Place addition in November 1942, military personnel associated with the Eighth Service Command, rather than low-income residents, became its first occupants. The DHA also turned Washington Place Homes over to the military after completion. As a result, the DHA reported in 1945 that families of servicemen occupied 30 percent of its dwellings.217

Dallas Mayor David Rodgers thought the housing crisis for blacks was critical. During the same time, The Dallas Morning News ran a twelve-part series on the city’s slum problem written by reporter Allen Quinn.218 After documenting the city’s problem of black housing, Quinn went on to emphasize its negative impact on the city. Citing both the bad health and economic impact slums had on the city, he concluded: “There can be no excuse for Dallas keeping the slums which are a cancerous growth upon the city’s health.”219 Quinn blamed the greed of white landlords, the economic conditions of

216 Robert Fairbanks, For the City As a Whole (Columbus, Ohio: Ohio State University Press, 1998), 163.

217 Ibid. 191.

218 Ibid.

219 Ibid.
blacks, and the lack of adequate housing codes and zoning laws for creating slums. And, because of segregation, he concluded, "virtually every Dallas Negro, no matter what his economic or intellectual status, lives under slum conditions or in slum surroundings. It isn't from choice; he has no where else to go." Although Quinn wanted more private building of black housing, he recognized that public housing was necessary. Mayor Rodgers echoed this point, and several years later, a joint Congressional Committee came to Dallas and confirmed that blacks in Dallas lived in overcrowded and appalling living conditions.

**Early Efforts to Address the Housing Shortage**

Dallas sought a prestigious planner, Harland Bartholomew, to help solve the black housing crisis. Beginning in 1943, he issued a stream of reports called "Your Dallas of Tomorrow." Bartholomew did not suggest black expansion into white neighborhoods. Instead, he surmised that the black population would grow. He suggested that many city leaders would agree to support corporations with construction of mostly single-family, low-cost housing in non-white areas. He proposed four locations that were not close to any white neighborhoods. Two of these locations were in West Dallas; another was near the city's airport, Love Field; and a fourth was in South Dallas.

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220 Ibid.
221 Ibid.
222 William H. Wilson, "This Negro Housing Matter," *Legacies* 6, No. 2 (Fall, 1994), 28.
223 Ibid.
With the development of these areas, many people requested the building of levees to protect against water overflow. Bartholomew also suggested that there were some black families already living in the areas.\(^{224}\)

By 1945, when Bartholomew was issuing the cost of his planning reports, black leaders and housing contractors formed an alliance to suburbanize black housing. They worked to pursue planned developments. Circumstances limited their plan, however. The idea was not connected to the elites and it did not have political power or adequate financial resources to purchase land.

Attempts to find building sites started in 1945 and continued into 1950. Leading contributors in these efforts were A. Maceo Smith, a leader in the black community, and the local race relations advisor of the FHA, and John W. Rice, the Secretary-Manager of the Dallas Negro Chamber of Commerce and chairman of its housing committee.

Although leaders like A. Maceo Smith, real estate agents, and builders were able to build some housing for blacks, it was not nearly what Dallas blacks needed. Fewer than 1,000 new dwellings for blacks were built, although the black population increased by 30,000 between 1940 and 1950. Whites diverted efforts by private developers to build large projects for blacks on the city’s outskirts.\(^{225}\) For instance, builder Hub Hill’s plan to erect a 2,000-unit housing development just south of the Dallas city limits, near

\(^{224}\) Ibid. 29.

\(^{225}\) Robert Fairbanks, *For the City As a Whole* (Columbus, Ohio: Ohio State University Press, 1998), 163.
Cockrell Hill and Arcadia, ignited protest from the two suburban communities as well as nearby Oak Cliff. White homeowners claimed the location of an all black subdivision near their neighborhoods would lower real estate values. Moreover, they alleged that such a development exploited blacks by locating them so far away from employment opportunities. Because of pressure from inside and outside the city, the city council refused to provide water for the development and therefore blocked additional black housing. Other actions continued in this vein for five other large-scale black developments. Not only did little new black housing appear, but also completed public works projects, such as the construction of Central Expressway and the expansion of Love Field, further prevented the building of black housing in Dallas.

Coping With Limited Housing

Faced with limited housing opportunities, blacks responded in several ways. Many doubled or tripled up with relatives, friends, or others, creating overcrowding. Other black families moved into an incorporated tract, West Dallas, separated from the city’s downtown area by the Trinity River. Located on the flood plain that had been remodeled by the levees, the housing site still had flooding due to drainage problems. It was estimated that over 9,000 blacks resided in this area of nine square miles. This area had flimsy shacks, abandoned gravel pits, garbage dumps, open toilets, and shallow

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226 Ibid. 192.

227 Ibid.

228 Ibid.
wells. Fewer than 10 percent of West Dallas dwellings contained indoor toilets in 1948, and only 15 percent of the houses had running water. Problems with inadequate water and sewage explained the area’s disproportionately high number of typhoid, tuberculosis, and polio cases. The area also became a notorious center of criminal activity.229

**Enduring More Bombings—The Shelton Experience**

More prosperous blacks attempted to find housing in South Dallas and bought houses from whites eager to leave their neighborhoods. Some Dallas whites reacted as they did in 1940 with bombings and arson to keep blacks from moving into their neighborhoods. On February 8, 1950, whites bombed Horace Bonner’s home at 2515 Southland Street but no one was hurt.230 During the next one and half years, bombers attacked twelve black homes in a two-square mile neighborhood of South Dallas.

One of the earliest homes to be bombed in South Dallas was owned by Robert and Marie Shelton. Mrs. Shelton moved from Madison County in Bryan, Texas, to Dallas in 1938. She came to Dallas for an education and to find work. Her original goal was to study business at Booker T. Washington, Dallas’ only black high school. The black students who lived in the city went to school from 8:00 a.m. until 12:00 noon, and black students from the country went from 12:00 noon until 4:00 p.m. Although Mrs. Shelton originally intended to study business, she changed her educational plans because the facilities were poor. For example, her typing class had a textbook but no typewriter.

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229 Ibid.
230 Ibid., 193.
In spite of this setback, Mrs. Shelton worked and got her beautician license. She and another licensed beautician, Mrs. Ruby Lee Barton, opened the Powder Puff Beauty Salon in 1948. The shop was on the corner of Thomas Avenue and Hall Street. They both explained that moving to South Dallas was hard. Mrs. Shelton said that at that time blacks did not own homes. Instead, they lived in rented rooms, public housing, and the servants' quarters of houses owned by whites. Mrs. Shelton explained that her situation was not unique. She lived in a room at 5509 Gaston Avenue from 1944 until 1946. Then she moved into a room at the Jackson House at Munger and Caddo from 1947 to 1949. Next, she moved to 3411 Kimble Street in South Dallas in 1948 and 1949 before living at the present day location.231

Mrs. Shelton remembered that the process of buying their home on Pine Street was a struggle. First, she and Robert had to negotiate aggressively with the mortgage company to work out a deal so they could afford the house they bought on May 8, 1950. Second, the neighbors did not want her to live next door to them. They offered her money to move. She also endured racial slurs. Finally, there was her child. While they lived in the neighborhood, she worked hard to protect her children from possible racial harm.232

The Sheltons turned off their lights early the first night of their stay. Their home was bombed. Her husband's leg was hurt, but the rest of the family was not injured. The first to arrive at their house was the National Association for the Advancement of

231 Ibid.

232 Ibid.
Colored People (NAACP). They decided to post an armed guard at her home for the next six months to protect the family. The police arrived and took a report, but the crime was never solved. Furthermore, the NAACP accused the police of being the ones to throw the bomb into the house. The NAACP found out later that the whites met at a local church right down the street from Mrs. Shelton.

Mrs. Shelton explained that even though Mills Grocery Store on Oakland Street and other homes had been bombed, she was determined to remain in her neighborhood. This was her home and she was not going to move even if it would cost her life. In her words: “We are going to fight it out.” She knew that her options were limited, for blacks could only stay in servants’ quarters or rented rooms.233

Mrs. Shelton remembered that the bombings continued. At one place, however, a homeowner shot back at the bombers; after that, the attacks declined. In addition, she said, when the black community began to speculate about the police involvement, that is when the bombings ceased.234

The City’s Response to Bombings and to Housing Needs

The bombings made the Dallas’ city leaders work to find answers to the black housing crisis. The mayor, Wallace Savage, pushed for public housing to be built for blacks in Dallas, Texas. Plans by the city council and the DHA were in the works, but

233 Ibid.
234 Ibid.
they did not materialize because of state politics. Furthermore, there was fierce resistance against public housing by groups such as the Dallas Council for Free Enterprise, established by local realtors and homebuilders, and this also stalled the building of public housing. Chaired by D. A. Frank, the Council for Free Enterprise lobbied against slum clearance and public housing, arguing it would provide “temptations for great corruption and favoritism.” Frank also claimed that he had not “found any place in Dallas he would call a slum.”

In 1948 a reporter and columnist for the Dallas Morning News, Lynn Landrum, wrote about the housing needs for blacks. His article was written at the request of several black civic leaders. Landrum blended a discussion of the white man’s debt to blacks with a denial that integration was a solution to minority housing. He wrote that blacks inhabited grisly, segregated slums and grim segregated public housing in officially desegregated northern cities. “A good, all-Negro [housing] addition, run as the Negroes themselves want it run, is better than any other solution,” Landrum wrote.

The lack leaders and various other black and white groups met in an effort to end the housing crisis. In March 1948, John Rice said: “to help the crisis we need to look at

235 Robert Fairbanks, For the City As a Whole (Columbus, Ohio: Ohio State University Press, 1998), 192.

236 Ibid.

what is good for Dallas as a whole.” Now standing before the Dallas Home Builders Association (DJBA), Rice appealed to mortgage lenders and homebuilders to accept certain, if reduced, profits in the production of black housing. “Only 10 percent of the 4,000 Negro families who need homes in Dallas can pay $4,500 to $5,000”, he said. “The next 30 percent with family incomes ranging from $1,500 to $2,000 would like decent homes but will have to accept housing at a price below $4,500. The remaining 60 percent, by no stretch of the imagination, would ever be able to own homes.”

Rice did not want to mention public housing. Nevertheless, he called for single-family and multiple-family housing to meet the needs of blacks.

In April, the black Texas public higher education institution, Prairie View Agricultural and Mechanical College, held a conference on “Better Housing for Negroes in Texas.” For two days it mounted an attack upon the housing problem of minorities. The meeting brought together various interracial groups. Despite notable progress in building black subdivisions elsewhere, they discovered there was little hope for Dallas. One participant said, “It is harder to find houses for Negroes in Dallas than in any other city in the South.” He declared. “Dallas is the answer to the question often asked…. Does anyone care?”

238 Ibid.
239 Ibid.
240 Ibid.
241 Frank S. Horne, “College Housing Clinic Aids in Meeting Housing Problem,” Journal of Housing 5 (July 1948), 184-86.
The contractors came to the conference, although not exactly with the pure motives that Smith might have wished. A concern for overcrowded blacks, for profit, for the racial stability of existing neighborhoods, and fears of expanded public housing, all motivated the contractors to plan sizable, well-grouped black neighborhoods. Unfortunately, the announcement or discovery of almost every proposed black subdivision created opposition. Whites based their persistence on the threat to land values and future white development, the doubtful suitability of the land for residences, and racial disharmony. The results were frustration for contractors, black expansion into white areas, and a subdivision built in Hamilton Park.²⁴²

Proposed Black Subdivision in Mesquite, Texas

One solution in 1948 was to build a 6,000-unit black subdivision in an incorporated territory ten miles southeast of downtown Dallas. The land was in Mesquite, Texas. The plan proposed to establish a park, a shopping center, 5,000 houses and 1,000 brick apartment units.

The plan drew immediate protest from surrounding whites. "A project with 6,000 units included would mean a Negro population of about 30,000 would suddenly be placed right in the middle of a fast-growing area containing many first-class houses costing from $7,000 to $10,000.00."²⁴³ Hal F. Buckner, president of Buckner Orphan Home, was a

²⁴² William H. Wilson, "This Negro Housing Matter," Legacies 6, No. 2 (Fall, 1994), 31.

²⁴³ Dallas Times Herald, April 11, 1948, Section 3.
principal objector. In April a group composed of officials from the Mesquite Chamber of Commerce, the Mesquite Lions Club, the Mesquite Women's Club, and the City of Mesquite, all protested.

What began as a protest group soon became the East Dallas Chamber of Commerce, a collection of fifty people representing nine incorporated or unincorporated communities. The chamber prepared to raise funds and to employ an attorney to combat the possible effects of blacks in the community, assuming black residents would have a detrimental impact. These effects would include a decline in the existing property values, inadequate services to the site, inexpensive houses that generate insufficient taxes to support the necessary new schools, and a negative impact on new white residential development.²⁴⁴

The building of these houses hinged on FHA's approval for construction on low-cost mortgage loans. It would not succeed. The FHA district director, Ronald Shepherd, asserted that a black housing development should be located as near as possible to downtown and to industrial areas, and should have good transportation to residential sections that would employ domestic help. Because the plan was ten miles from downtown and because the white protesters had criticized the plan for its lack of adequate transportation, the plan was rejected.²⁴⁵

The Cedar Creek Project

²⁴⁴ *The Dallas Morning News*, April 13, 1948, Section 2.

²⁴⁵ Ibid., April 15, 1948, Sec. 2, 1.
In July, two other builders, Torn Lively and Ira Rupley, proposed a project of 247 houses on a 61-acre site in the Cedar Creek area. The land was four miles from downtown. Bus transportation and utilities were available as well as a black shopping area, and several black churches. However, one major problem about this area was inadequate drainage. Opposition by the FHA had already been discussed. It was not FHA’s policy to approve African-American housing projects in the face of significant opposition.246

Cedar Creek whites had already circulated a petition against building the houses there. They organized the Cedar Crest-Skyline Improvement League. The organization’s formal objective was to oppose by all legal and reasonable means any attempt to impose conditions on personal and property rights. In fact, the organizers once exclaimed: “We are not going to lie down and let them put a Negro settlement five blocks from our doorstep. No nice section of Dallas would stand for it and we won’t either.” The Improvement League appointed an executive committee to present a petition of 614 signatures to the city council against the construction of the houses.247

At first the builder, as did the previous builder, appeared determined to see the project through. “There is no question we will go right ahead with our plans with no hesitation at all. We are not disturbed about this chatter. We anticipated it. Whites would be no closer to blacks than 200 feet.” Within a few days the protestors presented their

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246 Ibid., July 13, 1948, Section 2, 1.

247 Ibid., July 16, 1948, Section 2, 20.
petition to the council and suggested an alternative site. The opposition gained momentum. When the dust settled, the builder’s plans were abandoned.

The John Stuart Plan

In August, another developer, John Stuart, accused the FHA of blocking his proposed development for blacks. Stuart’s plans were to build on two acres east west in the Trinity area. The site would accommodate five hundred to eight hundred units at a price of $5,000 to $6,000 and some rental duplexes. The U.S. Army Corps of Engineers certified that the levee would protect the area from a flood “of considerably greater magnitude than the greatest known flood.” The housing committee of the Dallas Negro Chamber of Commerce approved the project. It was west of Arlington Park, a developing, but small, Black sub-division that had encountered no white opposition. The location, five miles from downtown, was convenient to public transit transfer points and to most sections of the city where blacks worked.248

The FHA would quell Stuart’s plans. FHA officially stated that “from our investigations of the site, we would not be able to approve it because of the possibility of flood waters should the levee ever break.”249 Contrary to their ruling on this site, the FHA insured mortgages in other places that were behind the levee. New Orleans is an example. Other places behind the levees were eligible for FHA insured mortgages. New Orleans was the first city to build behind the levee. When the FHA Commissioner

248 Ibid., August 27, 1948, Section 2, 1.
249 Ibid.
upheld the original ruling on Stuart’s proposed project, Stuart promised an appeal. In his words, “The need for adequate Negro housing is acute.”

The most controversial search for black homesteads was Joseph Martin’s search in 1948. Martin, a white, small-scale homebuilder, observed that in post-World War II Dallas, “hordes of builders, large and small, were building homes for the white veterans but none were interested in the Negro veteran.” He searched for a location away from white developments that would not oppose a black settlement. He and his associates found and purchased a black-owned, eighty-seven acre farm outside the city limits, on the northeast edge of White Rock Lake, about seven miles northeast of downtown. The name was Bel Aire Estates. Four or five whites and some 50 to 60 Black families owned the farms.

Although Martin thought there would be little opposition to his idea, it was later discovered there was a lot of opposition. A prominent white landowner obtained a State district court injunction closing a county road giving access to Bel Aire Estates through his property. The landowner strung a barbed-wire fence across the road. Beginning in the summer of 1949, blacks had to find other ways to travel to and from their lots. Martin sued to get the injunction lifted. In February 1950, he persuaded the district judge that the

250 Ibid.


252 Dallas Morning News, February 19, 1950, Section 8, 1.
road was public property. The white landowner’s attorney filed an appeal and the fence remained in place.253

Martin turned to the city and the FHA for help with utilities and financing. The city informed him that water lines and sewers could not be extended within two to three years. Martin made a proposal to the FHA for a community water system and septic tanks, but he found that the FHA requirements were unrealistic. He proceeded with his idea anyway with 350 lots. Mr. Martin also put his idea in the newspaper to gain attention. In January of 1949, his company offered a Lincoln Continental convertible to the buyer who wrote the best completion of the phrase “I bought a lot in Bel Aire Estates because …”. The same advertisement announced a sale of lots regularly priced at $2,000 for $900 each. Martins’ plans included a country club, a swimming pool, and a shopping center. By April 1950, he had sold 225 lots.

In spite of all the accomplishments that had been made by Martin and his associates, the problems for the development of the black community were apparent. The lack of available and affordable financing limited actual construction to fourteen houses. Moreover, the absence of lot sales, the lack of support from key black leaders in the community, and the fact that the area was undeveloped did not help Martin. Martin argued “sitting back and bringing down objection and criticism have little weight in the eyes of the colored folks who are forced to live in the squalor and crowded conditions

253 Ibid.
while your government bureau [chiefs] spins around in swivel chairs to seek utopia for them."254

By April 1950, Martin and his co-developers were badly overextended. The Bel Aire Estates was on the brink of bankruptcy. In May, unnamed developers, builders, and landowners intervened and helped Martin uproot the black settlement. They bought him out and refunded investments of lot purchases and house owners. At the same time, they announced that Bel Aire should be changed to a white neighborhood to conform to the general neighborhood north of White Rock Lake.255

Because of pressure from the Free Enterprise Council and the Dallas Home Builders Association, the city postponed actions on public housing and gave builders ninety days to propose private solutions to the black housing crisis. One proposal was to allow blacks to encumber South Dallas.256 However, many whites fought this idea vigorously. Roland Pelt, builder and councilman, proposed building a Negro City on vacant land in the Trinity River bottom in Northwest Dallas.257 He argued that the city, or Dallas businessmen, could buy land and then resell it to private builders for development following a city approval plan. This would be a logical place to build

254 William H. Wilson, Hamilton Park: A Planned Black Community in Dallas, 20.
255 Ibid.
256 Robert Fairbanks, For the City as a whole: Planning, Politics and Public Interests in Dallas, Texas, 1900-1965, 193.
35,000 to 40,000 homes for blacks, according to Councilman Pelt. It would also include a business district, churches, shopping centers, a university, and public schools.258

Black leaders did not agree with the proposal because it was at the bottom of the river and because of its proximity to businesses. John W. Carpenter, president of the Dallas Chamber of Commerce, agreed with black leaders, indicating that the area would only be useful for residential development.259

There was a move and formulation by the Dallas Chamber of Commerce and Dallas Citizens Council of Negro Housing in Dallas County to study the housing crisis. The two goals were to emphasize that all housing solutions should take place within the city limits of Dallas and to support segregation of the two races as long as there was no discrimination.260 The committee considered many arenas in which to combat the black housing crisis. In addition to welfare, a serious health issue needed to be considered.

First, the committee proposed to annex West Dallas. Next, the committee wanted to locate good housing sites for blacks that were able to afford better housing. Further, it recommended that DHA build 1,000 units for Blacks in twelve months and 1500 units in eighteen months. It also recommended that the city officials cooperate with the DHA in an urban re-development program. In addition, it suggested the creation of an Inter-Racial Committee of not less than fifteen citizens to study the bombings in South Dallas.

258 Ibid.

259 *Dallas Examiner*, March 4, 1950, 3.

Finally, the Committee asked that all citizens assume individual responsibility in meeting the black housing shortage in a spirit of Christian helpfulness.261

In October of 1950, the Dallas Citizen's Council and the Dallas Chamber of Commerce worked to build more public housing. They acted out of concern for the negative impact that the lack housing shortage would have upon the city. While they were not enthusiastic, they believed building public housing would decrease crime, sicknesses and racial tension.262

The Annexation of West Dallas

With the support of the city's business elite and the Citizens Charter Association (CCA), the DHA built a 1,500-unit project for whites, 1,500 units for lacks and, 500 units for Mexican Americans. The city annexed West Dallas to accomplish this goal. The West Dallas housing did not stop the growing slums in Dallas.263 The same year builders finished these public housing units; Congress passed the Housing Act of 1954, which established the Urban Renewal Program. The federal government's Urban Renewal Program provided funds to cities so that local redevelopment agencies could clear slums and sell the land, below cost, for private and public development. The Housing Act also included a new mortgage insurance program that encouraged the rehabilitation of existing


dwellings in designated urban areas. At first, Dallas was not able to participate in slum clearance because the state had not passed appropriate legislation; but the emphasis on rehabilitation provided an alternative way for Dallas to clean up its slums.264

In anticipation of the new law, the city established a seven-member Citizens Housing Rehabilitation Committee. Under the leadership of Alexander Bal, a city planning official, the committee selected the Little Mexico area, sixty acres north of downtown, to pilot the city’s rehabilitation program. With the assistance of FHA backed modernization loans, the city’s rehabilitation program helped clean up some of Dallas’ worst areas.265

Despite this success, Dallas continued to suffer from inadequate low-income housing and slum conditions. As a result, when the state passed an urban renewal program in 1957, civic leaders turned their attention to West Dallas. As it had done seven years earlier, the Dallas Citizens Council (DCC) initiated action by appointing a committee to investigate West Dallas. On the basis of that survey, which found the conditions replicated those of wartime concentration camps, the committee recommended that the city undertake massive slum clearance of a selected area in West Dallas.266


The DCC report led to the creation of the Citizens Committee for Urban Renewal. Composed of bankers and businessmen, the committee helped convince the city council to secure grants from the federal government to conduct a feasibility survey for urban renewal in West Dallas. Until this time, it appeared that the city’s leaders would turn to urban renewal because the city’s welfare depended on it. The general public seemed supportive of urban renewal. A 1958 *Dallas Morning News* poll found 59 percent favored renewal for the city. Despite such support, no urban renewal occurred in Dallas. Factors preventing it include changes in city politics and the new priorities of the city’s business leadership.\(^{267}\)

City politics in the 1930s, 1940s and early 1950s had been non-partisan and dominated by the city’s business elite. The Citizens Charter Association claimed to work for the city as a whole. It had the support of middle upper-class voters, the city’s blacks, and the AFL laborers. By the late 1950s, the CCA coalition began to lose its support. Neighborhood groups such as the North Dallas-Walnut Hill Improvement League started to play an important role in local politics by emphasizing only group needs.\(^{268}\)

**The Emergence of New Politics and Its Impact on Housing**

The development of the Republican Party for Dallas had a major influence on the political climate in the city in the 1950s. Republican Bruce Alger’s surprise election to


\(^{268}\) Ibid.
Congress in 1954 is an excellent example of change taking place in Dallas. Alger, a realtor and former president of the White Rock Chamber of Commerce, drew support from North Dallas because of his strong opposition to federal interference in local affairs. Although city elections officially remained non-partisan, a growing partisanship entered municipal politics as never before. This type of politics was new to the area and disrupted the Dallas Citizens Council's work on social issues of the city.269

One of the first results of this new politics surfaced when Bruce Alger attacked the federal urban renewal programs in April of 1958. He argued it was better to see local money finance any renewal schemes. In response to this new idea, the Citizens Committee for Urban Renewal asked the city council to postpone its plans for a public referendum on urban renewal until after the congressional vote of 1958.270 The issue of urban renewal entered the 1959 municipal campaign. When Earl Cabell, dairy storeowner, challenged Mayor Robert Thornton for office, he questioned the Citizens Charter Association endorsement of urban renewal and promised to work against its implementation. Cabell called the urban renewal progress "the most socialistic measure to ever be pressed on the citizens of Dallas."271

By the 1950s there appeared to be a new mood in Dallas emphasizing citizen participation in local government rather than merely elite guidance. A growing climate

269 Dallas Morning News, April 13, 1958.
270 Dallas Morning News, April 15, 1958.
also surfaced: that the city's leaders were more interested in improving the downtown areas than working for Dallas as a whole. Some citizens suspected that the movement to improve West Dallas was a ploy to get local approval for programs that ultimately would benefit downtown.272

While Thornton squeaked to victory, Cabell's supporters got their way with regard to urban renewal. The mayor was unable to unite the Dallas Citizens Council for Urban Renewal. He opted for a revitalization program for West Dallas: it would use FHA monies but avoid the federal government's slum clearance program. No referendum was ever held in Dallas over the Slum Clearance Component of Urban Renewal.273 The likelihood of additional federal help appeared to decrease even more after the election in 1961 of Earle Cabell as Mayor. Cabell was an outspoken critic of urban renewal and an opponent, generally, of federal government involvement in any local affairs. Cabell had a commitment to improve West Dallas, however, and was impatient with the slow pace of rehabilitation documented by new studies of that area. The city's newspapers also publicized the state of West Dallas housing conditions. Eventually, Mayor Cabell offered his support to urban renewal.274


273 Dallas Morning News, March 8, 1959, 12.

274 Dallas Times Herald, October 4, 1959, 2.
The Push for Public Housing Rather Than Urban Renewal

The mayor had opposed urban renewal because it used eminent domain to use of privately owned land for public purpose. Rather than embrace urban renewal, Cabell turned to public housing for help. He worked to implement a program for West Dallas. The program called for an additional 3,000 public housing units on vacant land in the city. Those units would allow enforcement of housing codes in West Dallas without hurting the tenants who lived in the substandard dwellings. Moreover, West Dallas homes meeting the minimum codes would be spared the bulldozers, something that would not have occurred under slum clearance.275

The mayor's proposal created a stir and won support from both the Dallas Morning News and the Dallas Times Herald. However, other groups, like the Dallas Real Estate Board, were opposed to the idea. In June of 1961, realtor Lyn Davis called for a public referendum on public housing.276

Cabell did not sit idle as opposition grew. He lobbied the city's businessmen and the Dallas Citizens Council for support. Because of the divided views of Democratic and Republican ideologies, however, the Dallas Citizens Council refused to endorse the mayor's plan.277

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As the November referendum neared, Congressman Bruce Alger intervened in the local debate. He called for the defeat of the referendum. He also called for the liquidation of West Dallas public housing. The combination of Alger’s words, the indecisiveness of the city’s businessmen, and the frightening prospect of future building of public housing resulted in a defeat of the public housing referendum with a 41,269 to 26,272 vote on November 7, 1962.278

DHA’s Freedom of Choice Plan

Because the city was less supportive of development of public housing, the Dallas Housing Authority worked to aid black families in the area of housing. The DHA accomplished this by assigning families in public housing by race despite the passage of the Title VI of the 1964 Civil Rights Act, 42 U.S.C.§ 2000.279

After delay and resistance, aided by City Attorney Alex Biekley, the DHA adopted the “Freedom of Choice” desegregation plan that was approved by Dallas’ mayor and other local officials. Although this plan was in place, white units remained 100 percent white and minority units remained 100 percent minority.280

In 1967, HUD rejected the use of “Freedom of Choice” plans by the DHA because it perpetuated racial segregation in low-income housing. HUD required all housing authorities to adopt a first-come, first-serve tenant selection policy and used a


279 Walker, 734 F. Supp. at 1289.

280 Ibid.
community-wide waiting list for all projects administered by the authority. The DHA rejected the plan. HUD responded by threatening to sue DHA and to withhold federal funds from both DHA and the City. As a result, the DHA stopped the “Freedom of Choice” plan.281

In 1969, the DHA sought to continue the “Freedom of Choice” plan. The DHA board prepared a resolution to HUD asking for a waiver to continue its plan. HUD did not respond. Nevertheless, the DHA continued with its plan.282

In February 1970, the federal government notified DHA that its refusal to change tenant assignment plans was in violation of Title VI of the 1964 Civil Rights Act, 42 U.S.C. § 2000 d. As a result, HUD stopped funding to all DHA projects that had been approved. From 1969 to 1974, the DHA forfeited more than $31 million because the DHA board refused to end racial segregation in public housing in Dallas. This included the:

(i) allocation of money for several hundred units of new public housing for Dallas;

(ii) cancellation of HUD’s approval for the funding of Cliff Manor, a low-income project for the elderly;

(iii) loss of all modernization funds for over four years and the deferral of any modernization funds for West Dallas for almost a decade.283

281 Ibid., 1298.

282 Ibid.
HUD specifically asked the City for assistance in getting DHA to stop its violation of Title VI; it also asked the city to adopt tenant assignment policies that would help desegregate public housing in Dallas. The city council did nothing. This conduct by DHA and the City hurt the West Dallas area from 1969 through 1974. It was discussed in this manner:

Until 1969 the Dallas Housing Authority maintained its properties in a reasonable manner and kept the financial reserves high. During this period DHA accepted no federal money for modernization and much equipment and structural components (roofs, doors, windows, etc.) were near the end of their economic life and would soon need replacement. From 1969 to 1974 DHA did not participate in federal modernization programs. Faced with declining real income, the DHA management attempted to preserve financial soundness at the expense of physical maintenance. The physical condition of DHA properties deteriorated rapidly and most projects have never been returned to the condition they were in before...\(^\text{284}\)

\section*{A Change in Policy at DHA but Little Desegregation}

The mayor appointed a new DHA Board of Directors. In addition, William Darnall became Acting Executive Director for DHA. An assistant city attorney was also retained to represent DHA. With the new team, the DHA changed its policy on tenant selection and assignment plans to end discrimination. HUD acknowledged this plan.

\[^{283}\text{Ibid.}\]
\[^{284}\text{Report of the Task Force on Public Housing (Dallas, Texas: January 1983), 22-23.}\]
However, by DHA’s own admission, this new plan really did nothing to offer black residents of DHA projects an opportunity to move into desegregated housing.  

In 1975, the DHA began to operate the Section 8 program to provide rent assistance to tenants seeking low-income housing. While DHA helped a few families obtain Section 8 assistance, the record shows that still many families did not receive Section 8 assistance. This was because the suburbs did not want Section 8 housing in their areas.

In February 1980, HUD advised DHA to adopt a new tenant assignment and selection plan that would comply with Title VI of the Civil Rights Act. Specifically, DHA was notified that:

(i) Title VI requires DHA to remedy the situation under which white tenants find other public housing while black families must rely on DHA for housing assistance.

(ii) DHA’s Section 8 program should be used to increase housing opportunities for current DHA minority tenants, so non-minority applicants could be placed in the resulting project vacancies, thus reducing the segregated nature of DHA’s entire program.

The DHA’s response to HUD’s demand was to adopt a new policy that required persons who were tenants at any DHA project to wait 90 days after vacating their

285 Ibid.
286 Ibid., 1300.
287 Ibid.
apartment before they were eligible to apply for Section 8 assistance. The DHA also
adopted a revised tenant selection and assignment plan. However, it contained nothing
that would allow black DHA tenants to use the Section 8 program to move into non-
segregated housing. This plan received local but not national approval.288

In 1980, the DHA was completing two Section 8 developments for the elderly:
Lakeland Manor and Forest Green Manor. The DHA used a special waiting list to place
residents in these developments. The new residents were all white. The DHA opened
another development, Oakland Apartments. It was located in a black neighborhood and
had 100 percent black residents.289

In 1982, the DHA was working to build public housing. A lawsuit was filed
which challenged the sale of Washington Place to Baylor University Medical Center.
The settlement of Walker v. U.S. Department of Housing and Urban Development,
ordered DHA to build additional units with HUD funds in a similar location. When the
units were built, they were occupied with fewer black residents than previously stated.
Furthermore, units were built in a predominately white area with predominately black
residents. The name of this new development was Town Park.

There was substantial opposition to the location of Town Park in East Dallas.
First, many opponents disagreed because the unit was not built in a black area set by the
ordinance. Second, opponents argued that the location did not have adequate facilities

288 Ibid.
289 Ibid.
including stores and hospitals. They also argued that public transportation was not available, and opposed it because they believed the selection of Town Park would not further desegregation of public housing. Additionally, it was argued that public schools and neighborhoods would be adversely affected. Lastly, it was argued that the DHA was paying too much for Town Park. These very same arguments were raised again and again with regards to other public housing proposed in non-minority areas.290

In 1983, the City Task Force on Public Housing found:

(i) at least 35 percent of the West Dallas units were so deteriorated that they were uninhabitable; and

(ii) the underlying assumption for upgrading the West Dallas projects is that simply rehabilitating the housing units will not solve all of the problems. The large concentration of units in the West Dallas area has created poor security conditions and the overall perception that West Dallas is not a desirable place to live. The revitalization strategy must attempt to reverse this perception through provision not only of decent housing but also retail centers, security, and jobs.291

In the same year, the DHA prepared a master plan for rehabilitating units in West Dallas and for the revitalization of the surrounding community. The cost of the plan was $58 million. However, DHA was able to get support from HUD, the city, and private sources. HUD contended it would give only $18 million for this project and stipulated that no more money would be used to renovate West Dallas. In addition, DHA had to

290 Ibid., 1302.

291 Ibid., 1307.
“submit a workable plan that would restore both projects, and the surrounding community, to viability.”

The mayor’s task force recommended that the City use CDBG funds for rehabilitation of the West Dallas units. The city council refused, contending it was not worth the expense to the city.

The Washington Place settlement in 1984 also did not help matters. Although it provided for construction of more units in non-minority impacted areas, the requirements were not met. The DHA selected new sites, but political and neighborhood forces made construction impossible. Two months before the site selection deadline, the DHA asked HUD to approve placement of units in its existing Cedar Springs project. HUD gave its approval, but it violated the lawsuit settlement because it was a minority area. The DHA asked the City to amend its CDBG housing assistance plan to help construct units at Cedar Springs. The city complied with this request. However, HUD rejected this as well as the city’s attempted modification of its housing assistance plan because Cedar Springs “is lower-income and contains a high proportion of assisted housing units-and therefore was not a location acceptable for construction of the new units.”

The DHA sought help from the city in locating units in non-impacted areas. However, the city refused this request on the grounds that the proposal did not meet the

292 Ibid.
293 Ibid., 1308.
294 Ibid.
intent of the city's initial grant. The DHA managed to purchase scattered locations for construction of units. There was opposition to these sites by neighborhood groups and politicians.

DHA Executive Director Jack Herrington summarized the conditions of West Dallas in late 1986 at a congressional sub-committee hearing, just before the consent decree in the *Walker v. HUD* case:

> In the three West Dallas housing projects—George Loving Place, Edgar Ward Place and Elmer Scott Place—there is an urgent need to reverse 30 years of wear, deterioration, vandalism, poor maintenance and inadequate funding. The overall housing conditions and 1,200 vacant, uninhabitable units have a negative impact on surrounding neighborhoods, business, industry and the city as a whole. More than 8,000 adults and children live in a square mile area that has become, in many respects, a publicly owned slum.  

Because of the conditions in West Dallas, including vacant housing, high crime, and health risks due to lead contamination, people in need of housing there refused to accept housing in West Dallas. One of the plaintiffs, Mary Dews, a counselor for the Dallas Tenant Association testified. She stated:

> ...it was an awful experience. She talked about taking her own life if she couldn't do better and she did not want to take her family to West Dallas. She was just that firm about it. She hated West Dallas....

> ...[And] many of the tenants [at West Dallas] would come into the office and ask for housing or want to relocate or want to transfer. And because of the 90-day policy it's real hard...very hard, next to impossible. And they

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295 Ibid.
begin to cry. They talk about things like seeing children raped and syringes outside, the children going outside and picking up the syringes. And they want a better lifestyle for their children and for themselves. It’s just—it’s heart breaking, [they] just break into tears and start crying WE WANT OUT!296

The City has played a significant role in the segregation in public housing in Dallas, Texas. The Walker v. HUD case cites some examples:

...the City Manager selected the site for the DHA’s first “Negro” housing project;

...the mayor (and city council) requested the DHA to construct the 8,500-unit West Dallas housing project as a solution to the “Negro Housing Problem” of the 1950s, in order to keep Blacks from moving into white areas of the city;

...because of the city council’s opposition, the additional 3,000 units of public housing available in 1962 were denied to those in need of the low-income housing;

...because of the city support for (and the active participation of the city Attorney in) tenant assignment and selection plans, the DHA was permitted to forfeit over $31 million in federal funds from 1969 to 1974-and this loss resulted in the rapid and irreversible deterioration of West Dallas projects.

...the city blocked DHA’s development of the units of needed public housing that were available in 1978;

...the city did nothing to help the DHA locate sites for housing in non-minority areas, nor did it help the DHA use § 8 programs to move Black public housing families out of minority areas;

...the city supported the opposition to DHA’s efforts to locate the Town Park and Country Creek projects, and the Washington Place replacement units, in non-impacted areas;

...the city has done very little to enforce “fair housing,” or to increase the housing opportunities for the poor outside of minority areas, despite its obligation to do so under the CDBG program;

296 Ibid.
...the city has made (or promised) grants of CDBG funds to DHA when the particular project furthers segregation, but has refused CDBG grants to DHA for efforts to correct its past policies of discrimination (for example: funding for the mobility and relocation benefits under the Consent Decree in this case); and

...the city simply continues to refuse to recognize that it has any responsibility to help solve the monumental problems that are the legacy of the city’s mistake in having the West Dallas project built to keep at least 3,500 Blacks out of the white areas of Dallas.  

But if nothing else, this does demonstrate, as City Council member Lori Palmer testified, that:

...this particular city has not been kind to poor people and to minorities. It has not been kind in providing the adequate availability of housing for families with children in particular. We are finding ... a major lack of low-income housing in our city and we do not yet find the public will or the private will to change that...

U. S. Desegregation Policies Related to Public Housing

In 1896, the United States Supreme Court, in the case of Plessy v. Ferguson, established the “separate but equal” doctrine. Racial segregation persisted in public facilities. It was within this legal and political framework that federally assisted public housing was initiated.

Federal Assisted Public Housing

The failure of the mortgage market during the Depression brought foreclosure to thousands of homeowners. To help this situation, the National Housing Act of 1934 created the Federal Housing Administration (FHA), the Federal Savings and Loan

297 Ibid., 1309.

298 Ibid.
Insurance Corporation, and the Federal National Mortgage Association. The FHA developed racial segregation policies that remained in effect until 1950. One FHA policy determined that racial homogeneity was essential for the financial stability of a neighborhood. The FHA was involved in providing housing for the working and middle classes, but its policies were indicative of official attitudes toward segregation.299

Robert Wagner of New York sponsored the Housing Act of 1937. Its purpose was to cut slum areas, provide employment and locate good, affordable public housing. Local authorities developed and managed low-income housing. The federal government financed the program by authorizing annual federal contributions to authorize the capital cost. The federal contribution allowed rents to be reduced so that families, otherwise unable to afford adequate shelter, could be properly housed.300 Yet no provisions were made for families who were too poor to afford reduced rentals of subsidized housing. The projects were initially designed for underpaid workers and innocent victims of economic reverses who needed a break to tide them over in lean years.301

Early Public Housing Projects


The construction of public housing projects did not begin on a national basis until the onset of World War II. In support of the defense mobilization effort, Public Law 171 was passed in June of 1940. This bill waived the low-income eligibility standards for admission to the projects, allowing defense workers to live in public housing. At the end of the war, approximately 100,000 units were occupied and hundreds of local housing authorities were fully staffed. A senate subcommittee on Housing and Urban Development decided in August of 1945 to continue the public housing program. They asserted the following:

The local authorities had substantial vested institutional interests not only in continuing to handle the projects already in being, but [also] in resuming the program for which they had been created, and which had been preempted by the war.302

Racial desegregation was not a policy of the local authorities. The United States Commission on Civil Rights’ 1963 report to the President of the United States stated that “at the end of World War II, virtually all public housing in America was segregated.303

Political Debate on Housing Desegregation

Political sanctions concerning racial segregation were debated during the years following World War II. On May 3, 1948, the U. S. Supreme Court ruled in Shelly v. Kraemer that “private agreements to exclude persons of designated race or color from the


use or occupancy of real estate for residential purpose did not violate the 14th Amendment, but that it is in violation of the equal protection clause of the 14th Amendment for state courts to enforce them.\textsuperscript{304} Congressmen from southern states, including Texas, were opposed to desegregation and were able to delete an anti-discrimination clause from the Housing Act of 1949.\textsuperscript{305}

In 1950, the Federal Housing Administration deleted its rule that neighborhoods be racially homogenous. Following the case of Brown v. Board of Education in 1954, two circuit courts of appeal ruled that government enforced segregation in public housing denied citizens equal protection of the law and was, therefore, in violation of the 14th Amendment.\textsuperscript{306} In 1960, public housing projects in 32 states were operating on an open-occupancy basis. The following cities had anti-segregation policies: New York, Los Angeles, Cleveland, Pittsburgh, Seattle and Boston.\textsuperscript{307}

The executive branch of the federal government first attempted to assure non-discrimination in public housing when John F. Kennedy issued Executive Order 11063, entitled "Equal Opportunity in Housing," on November 20, 1962. This order had little


\textsuperscript{306} Sauer, “HUD Order on Non-discrimination in Public Housing Tenant Selection Explained,” 608.

impact on housing segregation for it applied only to newly constructed projects and lacked enforcement regulations. 308

The Civil Rights Act of 1964 codified the federal government’s policy on non-discrimination when it enacted Title VI, which stated:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. 309

Federal enforcement regulations under Title VI became effective on January 1, 1965. These laws applied to all federally assisted housing projects and urban renewal agencies for public housing. Title VI required “the elimination of discrimination not only in the selection and assignment of tenants, but also in the selection of sites for projects and in the provision of services. 310

In August of 1965, local housing authorities were given federally approved plans issued by HUD to end discrimination in tenant selection and assignment. Local officials were allowed to choose between or to combine “first come, first serve” and “freedom of choice” plans. Many chose the latter method, which did not guarantee freedom of choice in public housing. 311 In 1967, the following statement was issued by the General Counsel of the Department of Housing and Urban Development (HUD):

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309 Ibid., 188.


311 Ibid., 609.
Under these plans, the entire burden for expressing a choice or project or location was upon the individual applicants, who were to make this choice in many communities in which segregated housing patterns had been traditional. The existence of a segregated pattern of occupancy was in itself a major obstacle to true freedom of choice, since few applicants had the courage to make a choice by which they would be the first to change the pattern. Without inducement of local authority staff, the plans tended to perpetuate patterns of social segregation and consequently separate treatment.\textsuperscript{312}

The 1965 tenant assignment plan did not assure non-discrimination in housing. In most cases, it contributed to the continuation of segregated housing patterns.

In 1967, HUD developed a modification of the 1965 tenant assignment procedures in order to comply with Title VI. This was done at the request of President Lyndon B. Johnson who had not been able to get Congress to enact a comprehensive fair housing law during the 1967 sessions of Congress.\textsuperscript{313}

In addition, President Johnson appointed the Kerner Commission to explore the links between racial discrimination and urban policy. The President charged the Kerner Commission to investigate “the origins of the major civil disorders in our cities, including the basic causes and factors leading to such disorders.” The commission was also charged to propose methods and techniques for averting or controlling such disorders, including the approximate role of the local, state and federal authorities. Nine months

\begin{flushright}
\textsuperscript{312} Ibid.
\textsuperscript{313} Ibid.
\end{flushright}
later, in March 1968, the commission, chaired by Illinois Governor Otto Kerner, delivered a report to the American nation. It included the following statement:

Our nation is moving toward two societies, one black, one white-separate and unequal.... Reaction to last summer's disorders has quickened the movement and deepened the division. Discrimination and segregation have long permeated much of American life; they now threaten the future of every American.\(^{314}\)

Moreover, the commission pointed out that America was more racially divided than ever before. This point was made although such groups as the Southern Christian Leadership Conference, the Congress of Racial Equality, the NAACP, and the Student Non-Violent Coordinating Committee had all prompted Congress, in 1964 and 1965, to enact the two most sweeping civil rights statutes written into American Law: The Civil Rights Act of 1964 and The Voting Rights Act of 1965. Together, these Acts were designed to end racial discrimination in education, employment, voting, and governmental programs.

According to the report, resulting residential separation was virtually absolute:

- Almost all Negro population growth (98 percent from 1950 to 1966) is occurring within metropolitan areas, primarily within central cities.
- The vast majority of white population growth (798 percent from 1960 to 1966) is occurring in suburban portions of metropolitan areas.

As a result, central cities are becoming more heavily Negro while the suburban fringes around them remain almost entirely white.315

Only in the area of housing did the commission prescribe solutions tailored to address the urban/suburban racial segregation central to its analysis of the underlying problem. The commission’s suburban housing strategy was twofold. First, it called for a comprehensive and enforceable federal open housing law to cover the sale or rental of all housing, including single-family homes. To implement the law, the commission urged voluntary community action to disseminate information about suburban housing opportunities to urban minorities and to provide education in suburban communities about “the desirability of open housing”. Second, the commission urged an expansion of federal housing programs that would target more low- and moderate-income units in suburban areas, to be implemented through a revitalized federal housing program that would add six million units to the federal low-income housing inventory within five years.316

The Urban Crisis of the 1970s Through the 1990s:

The Kerner Commission Report Revisited

Although it has been over 30 years since the Kerner Commission Report of 1968 was published, current research shows that blacks still face a significant level of discrimination in the areas of unemployment, poverty, and housing. In housing, the

315 Ibid., 8.
316 Ibid., 12.
Commission pointed out that blacks often lived in sub-standard housing facilities. The Report also noted greater overcrowding among non-white units, and offered evidence that a higher proportion of non-whites paid at least 35 percent of their incomes for housing in many cities.

Several current trends are positive: overall housing quality arguably has improved and the percentage of poor renters receiving some form of housing assistance has grown substantially. William Apgar reports that according to the 1987 American Housing Survey, 4.3 million households resided in public housing or rental housing otherwise subsidized by federal, state, or local governments. Much of the increase in housing assistance has gone to aid households at the lowest end of the income distribution range. Among poor renters with incomes between 50 percent and 100 percent of the poverty threshold, the increase was more modest, rising from 681,000 (or 23 percent) in 1974 to 1,370,000 (or 33 percent) in 1987.

Yet, the low-income housing crisis has continued because of several factors. First, there has been a sharp slowdown in the production of new federally assisted housing. This fact exists because of shift in housing policies during the Reagan years. A second factor in the low-income housing dilemma is the disappearance of older low-income rental units from the private market. The third factor is the displacement of low-income tenants. The Fourth factor is the cut back of welfare assistance.\(^{317}\) The impact of

these trends has been especially severe among the Black and Hispanic urban poor. According to one study, some 37 percent of poor black households paid at least 70 percent of their income for housing costs.318

Title VIII of the Civil Rights Act of 1968

Title VIII of the Civil Rights Act of 1968 was established to help diminish the isolation of the urban ghetto and to promote a more racially integrated society. Title VIII prohibits the denial of housing on the basis of race, color, or national origin.319 Senator Walter Mondale sponsored title VIII. The legislation passed in the Senate but appeared unlikely to pass in the House. But, a series of events in the summer of 1968, including the assassination of Dr. Martin Luther King and riots in urban areas, prompted the House to pass the bill without delay. The Senate floor debates indicated Congress intended Title VIII to help disperse urban ghettos by implementing more integrated neighborhoods.

Towards this goal, Title VIII prohibits a wide range of discriminatory practices: the refusal to rent or sell housing on the basis of race or other status; discrimination in the term of sale or rental; discrimination in the advertising of housing sales or rentals; and discrimination in the terms of mortgage or home improvement financing. Section


3603(b) provides an exemption to this general prohibition under the following circumstances: the sale or rental of a single-family home by an owner who (1) does not own interests in more than three houses at one time; (2) does not use any type of broker or salesman; and (3) does not use any type of discriminatory advertising in violation of 3604(c).320

Special Authority of HUD

The Department of Housing and Urban Development (HUD) is the federal agency responsible for administering Title VIII. As such, it has the authority to investigate and consolidate files; it may ask the Department of Justice (DDJ) to enforce Title VIII through litigation. The Attorney General may pursue civil actions against the public and private entities for violations of Title VIII. Finally, individuals may litigate under the statute in either federal or state court. The plaintiff may be able to recover compensatory and punitive damages or seek injunctive relief.321

The Brooke Amendment

Before 1969, federal public housing subsidies consisted of annual contributions to cut capital costs and other subsidies for units occupied by elderly or handicapped tenants that were provided for by the Housing Act of 1961. Section 213(a) of the Housing and


Urban Development Act of 1969, known as the Brooke Amendment, lowered the amount of rent charged for a public housing unit to 25 percent of a tenant’s income. Congress then authorized an increase in public housing subsidies to cover the difference between project operating expenses and the amount of rental income received under the new procedure.322 This change ensured that families with extremely low incomes could live in public housing.323 In 1969, it was noted that public housing could no longer continue to serve the lowest income families because of rapidly rising costs. Albert A. Walsh, chairman of the New York City Housing Authority in 1969, advocated enacting the Brooke Amendment.324 Senator Edward Brooke, a Republican from Massachusetts and second black U.S. Senator elected since Reconstruction, explained that minimum rents needed to pay operating costs were excluding the very poorest of citizens from participation in public housing projects. He further indicated that this bill would help the most needy citizens with the issue of housing.325

U.S. Senator Thomas J. McIntyre, a New Hampshire Democrat, co-sponsored the housing bill with Senator Brooke. When the bill was introduced, he explained the need for it as follows:


323 Robert Taggart III, Low-Income Housing: A Critique of Federal Aid, 156.


325 Ibid.
The crisis in public housing is reaching dramatic proportions. Public housing authorities across the Nation are no longer able to provide adequate maintenance and services for tenants and at the same time preserve the low-rent character of the projects. Even though the Housing Act of 1937, which established the public housing program, stated that the program would serve those “families in the lowest income group” local authorities have been forced to set minimum income requirements and raise rentals in order to meet the rising costs of maintenance and operation. As a result, more and more of the poor and very poor are barred from admission to public housing projects.326

Further, Senator McIntyre contended the local housing authorities would no longer require minimum rents. Tenants with the very lowest incomes would be eligible for admission to public housing. It would also mean that tenants already living in public housing would not be spending a disproportionate amount of their incomes for shelter. The housing authorities would no longer have to resort to the only method available, raising rents, to support a decent place to live.327

When the bill was considered on the floor in September of 1969, Senator Brooke elaborated further on the need for the change. He stated:

Information available from HUD indicates that there are approximately 180,000 tenants in public housing projects who pay in excess of 25 percent of their income for such housing. This problem is further accentuated by inflationary pressures, which are increasing operating costs considerably. Many public housing authorities, unable to obtain additional funds to cover these increased costs, are looking to public housing tenants for their source of additional funds. But these public housing tenants are unable, in many cases, to meet prior payment schedules without allocating a disproportionate share of their income to

326 Congress, Senate, Committee on Housing and Urban Affairs on Banking and Currency: Hearings before the Committee on Housing and Urban Affairs, 115 Cong., 1st Sess., 4 August 1969, 973.
327 Ibid.
housing, and they find it impossible to do so as their rental payments increase still further.

We believe that no public housing tenant should pay more than 25 percent of their income for housing; however, we certainly would encourage public housing authorities to charge considerably less where it is economically feasible to do so.\textsuperscript{328}

Another aspect of the proposed Brooke Amendment was that it allowed for local public housing agencies autonomy to establish rents and eligibility requirements to pay those rents. This allowed agencies freedom to revise tenants' rents when operating cost outpaced increases in the tenants' income. President Nixon signed the bill into law on December 24, 1969.\textsuperscript{329}

\textbf{The Housing Act of 1975}

In 1974, lawmakers passed the Housing Act of 1975, which required that at least 20 percent of all new public housing units be set aside for families with incomes below 50 percent of the median income in a local area.\textsuperscript{330}

In the 1980s, President Ronald Reagan directed a shift in federal housing policies. He cut funds for new construction and created a system of vouchers to fund affordable

\begin{enumerate}
\item \textsuperscript{328} Congress, Senate, Committee on Housing and Urban Affairs on Banking and Currency: Hearings before the Committee on Housing and Urban Affairs, 115 Cong., 1\textsuperscript{st} Sess., 23 September 1969, 721-722.
\item \textsuperscript{329} William Wells, The Brooke Amendment Should Not Be Repealed, 4.
\end{enumerate}
housing. Implicit also in this change was the idea to raise rents for public housing tenants to 30 percent of a family's adjusted income.\textsuperscript{331}

The Tax Reform Act of 1986 triggered another shift in the provision of low-income housing. It provided special tax credits for investors who invested in existing, rehabilitated and low-income housing. It also spurred the idea of a low income tax credit. The Tax Reform Act is comprised of profit and non-profit firms working together to reduce rents in very low-income households. Cities generally added on funds they received from HUD, including Community Development Block Grants and money allocated through the Home Investment Partnership Act (HOME). These grants provide funds to state and local governments that were responsible for matching money to meet local housing needs.\textsuperscript{332}

Despite numerous housing programs, and federal experiments, the need for housing grew tremendously. In September 1987, Congress established a 26-member National Housing Task Force headed by Jones Rouse, founder of the Rouse Company, to reexamine America's housing policy. In 1988, it released the report "A Decent Place to Live" to suggest steps for public housing reform. These steps included more tenant involvement and tenant home ownership.

\textbf{The Bush Administration and Fair Housing}

\textsuperscript{331} Ibid., 808.

\textsuperscript{332} Ibid., 811.
President George W. Bush’s social policy was in agreement with Reagan’s as far as minimal government involvement toward social policy goes. Yet, Bush’s staff perceived that many voters were turned off by the image of not caring about human needs, as was the perception of many people toward the Reagan Administration. The promise of a kinder, gentler nation was included in his campaign message, along with the assurance that he would not raise taxes in order to pursue a more expansive social agenda.

Change in HUD Leadership

Representative Jack Kemp was selected as Secretary of Housing and Urban Development. Kemp was a popular conservative. He believed in government action to assist the disadvantaged. He believed programs should be designed to foster self-sufficiency. Like Reagan, he believed that too much government would hurt Americans’ quest for responsibility in housing.\(^{333}\)

Although Kemp was supported as the new Secretary of HUD, HUD’s former secretary, Samuel Pierce, had just been alleged to have been involved in a Section 8 Moderate Rehabilitation scandal. In May of 1989, Pierce appeared before the U.S. House Committee on Government operations. In many instances he claimed lack of recollection of any events. He also alleged that people working under him did dishonorable things.

He was later asked to review several answers he had previously given, but chose to invoke his Fifth Amendment rights.

Secretary Kemp began to work through the crisis. He worked on legislation that restricted the HUD Secretary’s control over discretionary funds, restricted the use of waivers of regulations, and put limits on consulting fees for HUD projects.

**Cranston-Gonzalez Affordable Housing Act**

With the work of Secretary Kemp and the support of the Bush administration, the Cranston-Gonzalez National Affordable Housing Act became law on November 28, 1990. The major elements of this new paradigm are as follows:

1. Primary reliance on tenant-based assistance through vouchers and certificates, utilizing existing standard housing.

2. Local control of existing production programs, exercised either through local government or through local nonprofit community development corporations.

3. Homeownership as a central strategy for assisting low-income households.

4. Integration of other social services with housing.

The first component to be discussed is the Assisted Housing Plan. This Act authorized additional units of Section 8 certificates and vouchers for families in assisted housing.

The second component of the Act was the Home Investment Partnership Act (HOME) Program. The Act provided for the production of new and rehabilitated units.
It placed production under local control by providing block grants that could be used for various housing development strategies. In addition to rehabilitation of units, the Act permitted HOME funds to be used for construction if other needs could be proven necessary.

HOME also required that 15 percent of local funds be set aside for use by community housing development organizations. This requirement prompted the formation of groups that provided affordable housing.

The third component of the Act was Homeownership. A large part of this component was the Housing Opportunities for People Everywhere (HOPE) program. This element implies that homeownership was a central element in self-sufficiency and pride for low-income persons. Moreover, HOPE I dealt specifically with public housing. It worked for the sale of project units to tenant management organizations. HOPE II allowed for a similar process in privately owned projects receiving federal assistance, HOPE III established non-profit organizations to build or rehabilitate units for purchase by low-income persons.335

The fourth component of the HOME Act is the integration of social services. This HOME Act provided for the Family Self-Sufficiency program. The goal of this program was to wean families from all forms of public assistance. The family received

334 Ibid., 258.

335 Ibid., 258.
public support for housing and other needs, while receiving assistance for education and job training necessary for upward mobility.

The Clinton Administration and Housing Policies

In the early 1990's presidential candidate Bill Clinton wrote a book entitled *Putting People First*. In it he called for the elimination of drug dealing in public housing. He also advocated that criminals should not be permitted in public housing units.336

The presidential election of 1992 meant new ideas with regards to housing for the poor. Bill Clinton drew ideas from a book by David Kusnet, *Speaking American: How the Democrats Can Win In the 90's*. He argued the party should advocate the use of government to improve the lives of ordinary citizens, including addressing many of the core social problems they have always defended. Yet he believed Democrats must also deliver a clear message that they support the value of hard work, family, public civility, and other types of responsibilities. If the Democrats appear to be soft on crime, or unwilling to require some effort from the poor in return for government benefits, the Republicans will use these ideas to convey that the Democrats do not have a great plan to assist the poor.337

Another influence Clinton had was that of Professor Robert Reich who wrote extensively on the economic problems of the 1980s. Reich was critical of the Reagan

336 Ibid., 810.

Administration “hands-off” strategy for promoting economic growth. He advocated business and government working together for wise investments to help society. \(^{338}\)

Clinton’s campaign strategy showed he had taken both kinds of advice to heart. He took a tough stance on welfare, promising to end “welfare as we know it” and replace it with strict requirements for work or job training. He emphasized job creation strategies and programs such as health care reform that would deliver benefits to a diverse population. He also distanced himself from some black leaders like Jesse Jackson, whom voters associated with the old Democratic attitudes. \(^{339}\)

**Restructuring and Reforming HUD**

The Clinton administration worked on four themes for the Housing Program Initiatives. To this end, President Clinton picked Henry Cisneros, former Mayor of San Antonio, to lead the Department of Housing and Urban Development. First, Cisneros worked to reform HUD itself. He called for cutting 1,000 jobs in order to remove a layer of bureaucracy. He also searched for ways to simplify the planning documents required by HUD from local communities. \(^{340}\)

He also tackled the agency’s troubling financial problems, for instance the numerous bankrupt private housing projects under its control. Because of the failing

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housing program initiations, HUD had to dispose of certain units. Later, Congress gave HUD more flexibility to dispose of these projects.341

A second theme Cisneros worked on was to remove tight bureaucratic controls on local public housing authorities. The report on “Reinventing Government,” written by Vice President Al Gore, gave a lot of attention to public housing. His work also advocated allowing local public housing agencies the freedom to run their own show.

Scaling Back HOPE Programs and Reemphasizing Fair Housing

The Clinton Administration also scaled back the HOPE programs. HOPE I and HOPE II, designed to facilitate the sale of public housing units and federally subsidized private rental units to their tenants, was cut in Clinton’s budget. Funding for HOPE III, a program to build or rehabilitate additional units for low-income home ownership, was limited to those projects that had already received planning grants.

A third major theme stressed under Clinton’s leadership was a renewed emphasis on fair housing. One part of this emphasis was the provision of more housing opportunities for minorities in predominantly white areas. Cisneros had expressed the view that racial segregation is one of the most serious barriers to the advancement of minorities. He criticized discrimination in the private market, and he promised tough enforcement of fair housing laws. He also criticized the perpetuation of racial and ethnic segregation through site selection of federal projects, and he promised a new emphasis on

341 Ibid.
wider distribution of units across jurisdictions. He also tried to settle some of the
outstanding discrimination suits against public housing authorities.

In 1999 HUD initiated an experimental program, called “Move to Opportunity”
(MTO), modeled after local experimental programs in Chicago and other cities. This
program encourages and supports families receiving housing vouchers (including some
who are currently tenants of public housing) to move to neighborhoods where their race
is underrepresented. Particularly encouraged are minority moves to majority areas since
it is felt that this will enhance job and educational opportunities for these families. The
Chicago program was initiated in response to the lengthy Gautreaux litigation, and it is
regarded as having been reasonably successful in “deconcentrating” about 6,000 minority
families away from traditional minority areas.342

The other part of the fair-housing strategy was aimed at upgrading existing low-
income and minority areas. Cisneros promised an attack on redlining of inner-city
neighborhoods both by lending institutions and by companies providing property
insurance. Some banks are already induced to cooperate with government and nonprofit
agencies in special lending programs for lower-income homeowners or neighborhoods,
because they fear that approval of mergers and other business transactions by banking

the Urban Affairs Association Meeting, New Orleans, La.
regulators may be delayed if their Community Reinvestment Act profile is not acceptable.343

The fourth housing program initiative theme of the Clinton Administration was the need to commit more resources to assisting the homeless. This is a problem that has been greatly understated by previous administrations. Particularly grim is the fact that approximately 500,000 people are to be found homeless on any given night. The plan stresses that while problems such as mental illness contribute to homelessness, the shortage of affordable housing is a central factor in its existence as well.

HUD's annual review is critical of the federal resources going to support housing for the affluent in the form of taxes. It also advocates increased resources for housing assistance and expanded programs for the mentally ill, including aggressive outreach programs.

Greater Flexibility for Housing Authorities

In 1993, Vice-President Al Gore worked to help President Clinton maintain his policy in public housing. In Al Gore's report, "Creating a Government that Works and Costs Less," he espoused the idea that public housing agencies should have more flexibility to enforce rules and regulations. Further, he called for the management of new

public housing free of most regulations, provided that they meet performance standards set by HUD.344

**Empowerment Zones**

One of the Clinton Administration’s policy initiatives has spoken directly to the overall development of cities. Since such policies have a direct impact on housing and neighborhood improvement, it will be highlighted here. The initiative was the Empowerment Zone, signed into law in August of 1993. It designated six urban and three rural empowerment zones and utilized a competitive application process. Zones must have substantial concentration of poverty. Applications must include a strategic plan emphasizing sustainable economic development through job creation and coordination of related social and community services, from housing, to education, to drug abuse prevention and community policing. Among the benefits these zones would receive are:

1. Tax-exempt facility bonds for certain private business activities;

2. Social service block grant funds, passed through the state, for activities identified in each state’s Strategic Plan;

3. Special consideration in the competition for funding in numerous federal programs;

4. An employer wage credit to employers for hiring zone residents.345

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345 Ibid., 273.
Another 60 cities and 55 rural areas were designed as Enterprise Communities. They will benefit from items 1 and 3 above and block grant funding would be lower

Quality Housing and Work Responsibility Act.

On October 21, 1998, President Clinton signed the Quality Housing and Work Responsibility Act of 1998 (QHWRA). The Act allowed more flexibility for local public housing agencies to help families obtain affordable housing. Similarly, public housing agencies now had discretion to set admissions policies that could help welfare reform. In addition, QHWRA also pushed for agencies to develop a plan providing for the de-concentration of the poor in public housing. Furthermore, it allowed more flexibility for public housing agencies to set payment standards for rental subsidies. For families that do not work, the Act required residents to perform eight hours per month of community service. Adults who are enrolled in an economic self-sufficiency program or that comply with state welfare program requirements, however, are exempted from the mandatory community service.

The Bush Administration and Home Ownership

During President George W. Bush’s campaign, in April of 2000, he indicated he would focus on increasing homeownership rather than on programs to boost rental housing. He proposed allowing low-income families to use up to a year’s worth of


347 Ibid., 3.
federal rent subsidies for down payments on a house. In addition, these families would still receive subsidies during the first five years they are paying mortgages. President Bush made the following remarks about his support for homeownership in Cleveland in April of 2001:

Looking at today’s construction boom, it’s easy to forget that many Americans are still waiting for this experience. The homeownership rate among whites in America is 73 percent. Among African Americans and Hispanics, it is 47 percent.

Right now the government offers help to low-income families, but mainly in the rental market. Through what’s known as the Section 8 program, the federal government makes up the difference between fair-market rents and what a given family is able to pay.

This is a good aim, as far as it goes—but we should extend it further. Instead of receiving monthly voucher payments to help with the rent, I propose a path to ownership.

Under my plan, low-income families can use up to a year’s worth of rental payments to make a down payment on their own house. And for five years after that, as they pay their mortgage and build equity, they can still receive housing support, just as they would if they were still renting.

It makes a lot more sense to help people buy a home than to subsidize rental payments forever. They are not only gaining property but also independence and the sense of belonging that ownership brings.

For the millions of low-income families not enrolled in Section 8, we will create a new program called the “American Dream Down Payment Fund.” When a low-income family is qualified to buy a house but comes up short on the down payment, we will help them. If they and the bank can come up with 25 percent of the down payment, the government will pay the rest, up to $1,500.
This simple reform could help over 650,000 families in five years purchase homes.348

Another key component of Bush’s housing agenda is boosting savings accounts for those in the lowest 20 percent of the income scale. Bush proposed an individual development accounts program in which banks would be encouraged to match up to $1,300 in savings in exchange for federal tax credits. Some argue this is not a good idea because most people need education and counseling on keeping an account.

At the end of 2000, President elect Bush selected Melquiades Rafael Martinez as Secretary of HUD. During his Senate confirmation hearings, Martinez said he would work to ensure that more minority families could buy their own homes. In his words he said:

...despite record-high levels of homeownership, Blacks and Hispanic-Americans homeownership rates remain below 50 percent. That is not acceptable.349

Martinez, a wealthy personal injury lawyer and former chairman of the Orlando Housing Authority in Florida, assured the committee he was not part of the wing of the Republican Party that wanted to cut out HUD. Martinez contended the nation faces a looming housing problem in rural areas and in cities. He also pointed out that the number of affordable houses for sale had declined while the number of poor people seeking housing had grown. In his own words he said: “Unless we make sure that everyone is

348 “Affordable Housing,” Congressional Quarterly (February 2001), 104.

participating in this great economic expansion and until we ensure that barriers to homeownership are torn down for everyone .... until then, our job is not done.350

Promoting Bush’s campaign theme of “Compassion Conservativism,” Martinez said he hoped to create partnerships with private entities to help solve the housing problems. He also added he would promote Bush’s plan to provide tax credits to financial institutions that help low-income families finance houses.

Bush’s proposals and those of others depend on financial support from Congress. And with the nearly even split between Republicans and Democrats, it remains to be seen how much bipartisan cooperation will work.

Conclusion

The history of housing for black families in the city of Dallas, Texas has faced many barriers. These barriers have not only arrived from the agency but also from the city of Dallas. While concerned citizens have been working for justice in housing, the accomplishments have been slow. They have come from tenants and concerned citizens. They, along with others, have endured racial segregation and house bombing in their communities. Among these individuals include A Maceo Smith, Ruby Barton, and Marie Shelton. The area of West Dallas was annexed to blacks to help in the housing crises. However, this did not help. With the spread of blacks to South Dallas, fighting ensued. The city of Dallas tried to respond with new ideas. However, no surrounding community would aid these families. With compromise, the area of Hamilton Park was developed to

350 Ibid.
help a few black families with living conditions. In addition, blacks could live in certain sectors of South Dallas. However, the greatest help has been provided by the courts. The *Walker v. HUD* case will provide further discussion about implementing solutions for the housing needs of black families in the city of Dallas, Texas. These laws have helped although they continue to be revised to meet the needs of the residents on the Dallas Housing Authority.
It has been 67 years since 1939 when the U.S. Congress prohibited racial discrimination in housing, directing that “all citizens...shall have the same right...as is engaged by white citizens...to inherit, purchase, lease, sell, hold, and convey real and personal property.” \(^{351}\) In 1954, the Supreme Court held that federal, state and local governments are constitutionally obligated to eschew racial discrimination in their programs and activities. \(^{352}\) In 1968, the Court held that the Constitution requires disestablishment of existing segregation and elimination of the vestiges of past segregations “root and branch.” \(^{353}\) These mandates were reinforced in 1964, 1968, and

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1994 by the U. S. Congress. The 1968 Federal Housing Act required HUD to act affirmatively to end segregation in the federally assisted housing.”354 Despite these legal

354 Florence W. Roisman, “Long Overdue: Desegregation Litigation and Next Steps to End Discrimination and Segregation in the Public Housing and Section 8 Existing Housing Programs,” *Cityscape* 4, No.3 (1999), 171.
requirements, housing programs administered by federal, state, and local government agencies consistently have been characterized by racial discrimination and segregation. In particular, residents of both public and Section 8 housing still suffer separate and unequal treatment on the basis of race. HUD has acknowledged the existence of “a profoundly disturbing pattern of racial disparities within the public housing system.” Most black public housing residents live in largely Black and poor communities. Black public housing residents endure housing and neighborhood conditions that are vastly inferior to those of white public housing residents. Similarly, HUD has found a pattern of racial segregation and economic isolation in Section 8 programs across the country.

Yet, HUD has helped to create and exacerbate these conditions. The few desegregation steps HUD has taken have been motivated by civil rights suits filed against the department. In the landmark case of Hill v. Gautreaux, HUD and the Chicago Housing Authority (CHA) were found guilty of perpetuating racial discrimination in housing. The Supreme Court, in 1976, ordered the formulation of a racial dispersal

355 Florence W. Roisman, “Long Overdue: Desegregation Litigation and Next Steps to End Discrimination and Segregation in the Public Housing and Section 8 Existing Housing Programs,” Cityscape 4, No.3 (1999), 171.

356 Ibid.

357 Ibid.

358 Ibid.

359 Walker, 734 F. Supp. at 1289.

360 Roisman, “Long Overdue: Desegregation and Next Steps to End Discrimination and Segregation in the Public Housing and Section 8 Existing Housing Programs,” 172.

strategy that would place a specific number of black public housing residents in racially desegregated neighborhoods throughout the Chicago metropolitan area.\textsuperscript{362}

At the heart of the court’s findings was:

(1) CHA “deliberately located public housing to perpetuate and intensify racial segregation,” and

(2) The consent decree established a Section 8 certificate program and a Section 8 Project-Based program, in addition to programs for building scattered site public housing.\textsuperscript{363}

The Supreme Court ordered the CHA to develop a racial dispersal strategy that was to include placing 7,100 black public housing residents in racially desegregated neighborhoods throughout the Chicago metropolitan area. This program included unit-based and tenant-based programs.\textsuperscript{364}

Major characteristics of the program included the following:

1. Households eligible to participate in the program consist of those that live or have lived in Chicago family public housing since 1981;

2. Households selected to participate in the program are chosen by the Lending Council from the total pool of eligible participants;

3. Participating households must relocate to racially desegregated neighborhoods, defined as neighborhoods that have no more than a 30 percent black population, and

4. Households that move to an eligible location must remain at that location for a year before moving to another location without losing their right to the Section 8 certificate.\textsuperscript{365}

\textsuperscript{362} Hill \textit{v.} Gautreaux, 425 U. S. 284 (1976).

\textsuperscript{363} Ibid.

\textsuperscript{364} Ibid.

\textsuperscript{365} G. E. Peterson and K. Williams, “Housing Mobility: What has it Accomplished and What is its Promise?” \textit{Housing Mobility: Promise or Illusion?} (Washington, D.C.: The Urban Institute, 1995), 21.
A Study by James Rosenbaum in 1987 examined the long-term effects of the Gautreaux program. Families were surveyed to compare households that moved within Chicago to those that moved to the suburbs. His major findings revealed that:

1. The employment level was significantly higher for mothers who moved to the suburbs than for those who moved within the city;

2. The likelihood that the children completed high school and attended college was far greater for those who grew up in the suburbs; and

3. Suburban dwellers expressed that greater personal safety was one of the chief benefits of living in the suburbs.366

The Gautreaux program paved the way for deconcentration of poverty programs. It was generally looked upon as a successful strategy for helping low-income families. Evidence has shown the program to be successful in improving family living conditions, improving employment opportunities for adults, and improving education and employment for youth (for a list of desegregation suits in which HUD is a defendant in Texas cases, see Figure 1).367

This chapter discusses the Walker v. HUD case and its implications with regard to discrimination against public housing and Section 8 residents of Dallas, Texas.

On June 25, 1985, plaintiff Debra Walker, a black woman eligible for federal low-income housing assistance, filed suit against the Mesquite, Texas alleging that Mesquite had failed to enter into a cooperation agreement with the Dallas Housing Authority (DHA) in violation of 42 U.S.C §§ 1981, 1982, 1983, and 42 U.S.C. § 3604. Walker claimed that the city’s refusal in this regard made subsidized rental housing in Mesquite


unavailable to her on the basis of her race. Walker amended her complaint to assert a class action. Six named plaintiffs, all black women eligible for Federal housing assistance, were added to the original complaint. They were Jeanett Washington, Hazel Williams, Zelma Long, Renita Brown, Lillie Thompson and Mary Dews, a counselor at Dallas Tenants Association.368

The complaint was further amended to include other Dallas metropolitan suburbs such as Carrollton, Plano, Richardson, Irving, Addison, Garland, and Farmers Branch as defendants. Eventually, these suburban communities agreed to participate in DHA’s Section 8 program and were dismissed from the litigation. This settlement left DHA and the U.S. Department of Housing and Urban Development (HUD) as defendants.369

Thus, the court found that DHA and HUD had established and perpetuated racial segregation in the West Dallas housing projects. Furthermore, Dallas Housing Opportunity Program (HOP) was mandated by a consent decree following the court’s finding that the Dallas Housing Authority and HUD had established and perpetuated this segregation.370

The consent decree and other remedial orders sought to move the West Dallas housing project residents and those on the public housing waiting list to non-impacted areas through the Section 8 program. From 1987 to 2000, several court actions followed in an effort to resolve the lawsuit. Non-impacted areas were defined as census tracts containing fewer than ten Section 8 families. In addition, a predominantly white area in

368 Walker v. City of Mesquite, 858 F.2d 1071 (5th Cir. 1988).

369 Ibid.

370 Walker, 734 F. Supp. at 1231.
Dallas was defined as an area that did not exceed 13 percent of the poverty rate and had less than 37 percent Hispanic, black, or other minority representation. This strategy helped to move Section 8 households, but it did not lead to desegregation. Under the 1987 settlement, HUD provided an additional 1,435 Section 8 certificates. Other remedies included the construction of new units in scattered site locations, a reduction in the number of units in the West Dallas public housing projects, and improvement of existing public housing units.\[^{371}\]

The 1987 consent decree established targets for household moves under Section 8. DHA agreed to place 15 percent of its Section 8 households in non-impacted areas within one year. Within three years, DHA was ordered to have 50 percent of low-income households located in non-impacted areas, either in Dallas or in the suburbs. At least 15 percent of the households were to be placed in the suburbs.\[^{372}\] The suburbs agreed not to resist the use of DHA section 8 certificates in their jurisdiction in return for being dropped from the lawsuit. Below is a brief summary of the twists and turns in the lawsuit, one that turned out to be the most expensive in Dallas' history (see Table 5).

Many of the DHA housing units were located in West Dallas, which has always been considered an undesirable area in which to live. This area is bordered by the Trinity River to the north, the Continental Street Bridge to the east, I-30 to the south, and Loop 12 to the west. The population of the area was composed primarily of minority households: 60 percent black and 30 percent Spanish origin.\[^{373}\]

\[^{371}\] Ibid.

\[^{372}\] Ibid.

\[^{373}\] Craig Flourney, "Federal Grant Money Spent on Bureaucracy, Not Poor," *Dallas Morning News* (March 8, 1990), C2.
The population of the area was composed primarily of minority households: 60 percent black and 30 percent Spanish origin. West Dallas was one of the poorest communities in the city. The median income, in West Dallas, in the 1980 census, was $9,481 compared to a city median of $21,872. Out of 8,669 households in West Dallas, 2,751 households (32 percent) live below the poverty level; 4,308 or (50 percent)

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of these households received public assistance or Social Security benefits. The 1980 median housing value was $16,876 and the median rent was $86.\textsuperscript{376}

Unemployment was high (twice that of the city) and education levels low in West Dallas. With regard to education, 75 percent of the adult population did not complete high school compared with 32.8 percent citywide. Only 5.2 percent of the West Dallas population had some college education compared to 39.8 percent in other areas of the city.\textsuperscript{377}

Housing conditions in West Dallas were poor in comparison to the rest of Dallas. West Dallas had the largest proportion of boarded up units (10.9 percent) and the largest percentage of over crowded households (10 percent) in the city.\textsuperscript{378}

\textbf{West Dallas Projects—History and Conditions}

The West Dallas project is the second largest public housing project of any type in the United States. Three West Dallas sites compromise 3,500 units; these are George Loving (1,500), Edgar Ward Place (1,500), and Elmer Scott Place (500). Approximately 1,200 of these units are vacant and boarded up because DHA does not have the funds to restore them. Additionally, the units are on a lead site that the DHA estimates will take millions of dollars to clean up.\textsuperscript{379}

The crime rates in West Dallas are high. It is noted that a considerable amount of drug dealing occurs there. DHA’s recorded statistics indicate that murder occurs in the

\textsuperscript{376} Ibid.

\textsuperscript{377} Ibid.

\textsuperscript{378} Ibid.

\textsuperscript{379} Walker, 734 F Supp. at 1231.
West Dallas projects almost five times more often than it does in the rest of Dallas. For rape, the incidence rate is over six times higher than for the rest of Dallas.

Several unsuccessful efforts have been made to cure the West Dallas area. From 1967 through 1975, the DHA applied for rehabilitation funds for all of its housing units. DHA was denied funds by HUD because the DHA violated Title VII.\textsuperscript{380} In 1976, the DHA secured a $13,000,000 grant for the West Dallas Projects, but it was not enough for the 3,500 units.\textsuperscript{381}

In 1983, the DHA applied for a $54,000,000 grant to rehabilitate West Dallas. HUD only granted $18,000,000 with strict conditions. However, HUD did not give DHA the funds because the DHA failed to meet the preliminary requirements.\textsuperscript{382}

\textbf{Debra Walker et al. Consent Decree (1987)}

In 1987, Debra Walker et al., Plaintiffs, and HUD and the DHA, Defendants, entered into a Consent Decree for the purpose of resolving the issues raised by the \textit{Walker v. HUD} lawsuit. In general, the decree provided that: (1) DHA would refrain from discriminating in any form with regard to all existing or future DHA-owned housing; (2) DHA would make available to all people, regardless of race, the same right to lease and own property as is afforded to white citizens; and (3) DHA would, within ten days of the entry of the decree, send a notice to all incorporated municipalities located in

\textsuperscript{380} Ibid.

\textsuperscript{381} Ibid.

\textsuperscript{382} Ibid.
the Dallas metropolitan area making them aware of DHA's goals in achieving the objectives of the decree.383

Some of the specific provisions of the Decree were:

1. DHA was to move the West Dallas housing project residents and those on the public housing waiting list to non-impacted areas throughout the Section 8 program. Non-impacted areas were defined as census tracts containing fewer than ten Section 8 families in 1987;
2. DHA was to place 15 percent of Section 8 households in non-impacted tracts within one year. 50 percent were to be relocated to such areas either in Dallas or the suburbs within three years;
3. A minimum of 15 percent of households were targeted for the suburbs (In exchange for being dropped from the lawsuit, the suburbs agreed that DHA Section 8 certificates could be used in their jurisdiction);384 and,
4. Concerning the West Dallas units, the DHA agreed there was virtually no possibility of achieving an acceptable physical and social living environment without a massive commitment of resources to the West Dallas units, and that even with such a commitment of resources, there was no prospect for any long-term viability. Therefore, remedial efforts included allowances for modernization of certain sections of units. In addition, DHA was required to submit a plan regarding units to be reviewed by HUD, submit an application to HUD for approval to relocate all residents of the clearance areas of units without regard to race, and demolish the units located in the clearance area, as noted in the Plan.

The major provisions of DHA's Plan included the following:

1. Establishing a new Housing Mobility Division within DHA's organizational structure to promote and make housing mobility possible for Blacks and other minority families;
2. Providing counseling and assistance to families seeking housing in areas where few Section 8 certificates or voucher holders reside;
3. Working with organizations involved in fair housing issues;

383 Walker, 734 F.Supp. at 1289.
384 Ibid.
4. Achieving a decent, safe, and sanitary environment for residents of the West Dallas project by modernizing 800-900 units. Of the remaining 2,600 units, demolish those currently vacant and relocate current occupants outside the West Dallas area;

5. Providing special opportunities to families currently participating in the existing Section 8 housing program; and

6. Conducting public information and outreach programs to landlords with units in the Dallas metropolitan area.385

Opinion Walker I (1989 Special Master)

In 1989, the court held that the DHA violated the Consent Decree of 1987 in the following areas: delay in implementation of a new, nondiscriminatory tenant assignment and selection plan; failure to provide tenant mobility services; failure to meet the decree’s first year goal for the use of Section 8 assistance in non-impacted areas; refusal to use a substantial number of Section 8 certificates and vouchers allocated by HUD; and failure to meet the decree’s deadlines for the site selections, constitution, and initial occupancy of 100 units of new low-income public housing. To address the violations, the court appointed a Special Master to monitor compliance of the decree by all parties.386

Opinion Walker II (1989 Frost-Leland Amendment)

The Frost-Leland Amendment was named for its two Congressional sponsors, Representatives Martin Frost (D-Dallas) and Mickey Leland (D-Houston). The amendment was part of the Department of Housing and Urban Development Independent Agencies Appropriations Act of 1988.387 This amendment specifically prohibited the use of federal funds in the demolition of three projects in West Dallas and in Houston.388

385 Ibid.

386 Ibid.

387 Walker, 734 F. Supp. at 1290.
The Frost-Leland Amendment resulted from the development of a diverse coalition, which arose in response to the consent decree. Reasons for opposing the decree ranged from politics to racism. The mayor and the city council were in disagreement. Dallas Mayor Starke Taylor was not in support of the Frost-Leland Amendment. The city council members were not in support of the consent decree because they believed the mayor did not have the authority to act on the city’s behalf.\textsuperscript{389}

City council members Al Lipscomb and Matti Nash, black representatives whose districts encompassed the West Dallas housing development, opposed the demolition of any buildings in the projects because the demolition would cause the current residents to move into other neighborhoods thus reducing the population in their district and diluting the voting power of blacks. Council member Lori Palmer’s objection to the decree was based in part on her belief that Dallas was simply not ready for blacks to move to suburbs and non-impacted areas with Section 8 assistance.\textsuperscript{390}

In addition to the council members, a group of housing advocates joined the coalition against the consent decree because of their belief that affordable housing was in such short supply in Dallas that the market would be unable to absorb the loss of affordable housing.\textsuperscript{391} Congressman Leland, in further clarification of the Frost-Leland Amendment, stated that the intent behind the amendment was to prevent the demolition

\textsuperscript{388} Ibid.

\textsuperscript{389} Walker, 734 F. Supp. at 1231.

\textsuperscript{390} Ibid.

\textsuperscript{391} Gina Briley “Getting the Government Out of the Housing Business: Are Housing Vouchers A Viable Policy Alternatives?” (Thesis, University of Texas at Austin, 1997), 78.
of “these extremely vital public housing units.” In Leland’s view, the government would best serve the people by adding to the stock, not reducing it.392

This opinion concerned only one part of the decree involving the demolition of many of the vacant and uninhabitable housing units at the West Dallas project. The court held that the Frost-Leland Amendment, which “purports to prohibit the use of federal funds for the demolition of any of the housing at West Dallas-as required by the Consent Decree . . . ,” is unconstitutional.393 In effect, the court ruled that the West Dallas demolition could proceed in accordance with the court’s approval of the Consent Decree.

Opinion Walker III (1989 The City of Dallas)

This opinion held that the City was to be joined as a party defendant in the case of Walker v. HUD. The court ruled that the Consent Decree of 1987 would be modified to be binding on the City because “the undisputed facts establish that the city was a substantial cause of DHA’s deliberate racial segregation and discrimination in its public housing programs in Dallas . . . .”394

Opinion Walker IV (1990 Funding the Demolition of Public Housing)

This action was brought to determine HUD’s obligation to fund the demolition of public housing units. The United States District Court for the Northern District of Texas held that the Consent Decree required funding for the demolition of public housing units in West Dallas. An appeal of this decision was filed. The Appeals Court held that: (1) the Consent Decree did not stop HUD from funding housing units scheduled to be

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392 Ibid.

393 A. Polikoff, Housing Mobility: Promise or Illusion? (Washington, D.C.: Urban Institute, 1995), 44.

394 Ibid., 48.
demolished; (2) the federal statute eliminating funding for the demolition of public housing did not unconstitutionally interfere with pending litigation; and (3) the statute imposing preconditions of approval of demolition did not apply retroactively.

**Supplemental Consent Decree (1990)**

This Supplemental Consent Decree was established to set forth the obligations of the City in furthering the remedial goals of the original decree. Simultaneous to the city's battle against the court decision, tenant groups, church leaders, and community-based organizations came together to oppose the demolition of portions of the West Dallas housing projects. The reasons remained the same: political forces did not want the dilution of minority votes, nor did they look forward to losing any of their constituency; housing advocates agonized over the lack of affordable housing in the city; and church and community leaders were adverse to the loss of the community and the neighborhood.

In 1992, DHA, HUD, and the City arrived close to a settlement that would demolish 1,500 units and satisfy the demands of almost all players. The plan called for a settlement, which would renovate 617 units in West Dallas and construct 383 new units. While the severely distressed conditions of the West Dallas public housing caused an extremely high vacancy rate, the 617 renovated units could effectively double the number of families in the project units. The renovation would increase the livability of the units and therefore increase the likelihood of occupancy.

This plan seemed to satiate the various political interests in Dallas. First, over 90 percent of the cost of the plan would be borne by the federal government. Thus, the city did not have a financial interest in obstructing the plan, which Dallas approved on
October 14, 1992. Second, the plan would double the number of families in West Dallas. This would maintain a solid constituency for local council members as well as increase the voting power of the African-American community. Third, the commitment to the project would ensure the continuation of community and neighborhood building efforts currently being implemented. Finally, the promise of 383 newly constructed public housing units appeased the housing advocates. From a political perspective, everyone at the table would share a piece of the pie.

Unfortunately, not everyone involved in the Walker v. HUD case was at the table. The plaintiffs and their attorney Mike Daniel were not a party to the proposed solution. The plaintiffs opposed the plan because it fundamentally did not address the issue of segregation in Dallas public housing. By doubling the number of families in the West Dallas projects, the city, DHA, and HUD were continuing the restriction of African Americans to West Dallas; this action also contributed to the over concentration of minorities in low-income neighborhoods. Thus, the plaintiffs challenged the adoption of the new agreement before the Northern District Judge Jerry Buchmeyer.397

Before Judge Buchmeyer could rule, the new agreement was dissolved. The presidential election of 1992 caused a dismantling of political forces in Dallas. The confirmation of Henry Cisneros as HUD Secretary in 1993 significantly rerouted the desegregation plan agreed to the previous year. In September of 1993, Cisneros directed

395 Craig Flournoy and Randy Lee Loftis, “Council OK’s Renovation of West Dallas Project,” The Dallas Morning News (October 15, 1992), 25A.

396 Ibid.

397 Ibid.
HUD lawyers to discontinue efforts to gain approval for the negotiated settlement of the Walker v. HUD case.\textsuperscript{398} Cisneros withdrew the promise of HUD support and federal funding for the potential settlement.

In December of 1993, the new HUD administration presented its plan to settle the Walker v. HUD case. The new plan mimicked the 1987 consent decree, including the renovation of 1,200 units, the demolition of 2,300 units, and provisions of Section 8 assistance. In addition, the plan called for construction of 335 new units in non-impacted neighborhoods, or those without concentrations of minorities and below average incomes.\textsuperscript{399} Cisneros’ plan was celebrated nationally as a commitment to improving the lives of public housing residents. Locally, the plan received support from those previously opposed to demolition efforts. City officials, including the Dallas mayor and the DHA executive director, supported the HUD plan. In 1994, Judge Buchmeyer vacated the 1987 consent decree.\textsuperscript{400}

Although demolition of a portion of the West Dallas development began in 1994, implementation of the Walker v. HUD case settlement was halted. In 1994, the plaintiffs’ attorney petitioned the court to force the U.S. Justice Department to cease obstruction of the settlement and to name the Justice Department as a defendant in the suit. The Justice Department, acting as attorney for the federal government’s executive branch, obstructed the settlement by preventing HUD from agreeing to any final details on the grounds that

\textsuperscript{398} Craig Flournoy and Randy Lee Loftis, “A Way Out: Cisneros Housing Plan to Help Many Escape Poverty Experts Say,” The Dallas Morning News (December 13, 1993), 1A.

\textsuperscript{399} Craig Flournoy and Randy Lee Loftis, “Cisneros Offers Solutions to West Dallas Project,” The Dallas Morning News (December 5, 1993), 1A.

\textsuperscript{400} Gina Bailey, “Getting the Government Out of the Housing Business: Are Housing Vouchers A Viable Policy Alternative?” (Thesis, University of Texas at Austin, 1997), 84.
there were no findings establishing either Dallas public housing as segregated or the federal government’s role in promoting segregation. This position was clearly contrary to public statements made by top federal officials, including HUD Secretary Cisneros and U.S. President Bill Clinton. According to a Georgetown law-professor, the reluctance on the part of the Justice Department could be attributed to carry-over appointments from the Reagan-Bush years and a lack of leadership in crucial positions. Additionally, any admission of segregation would create liability on the part of the federal government and open the door for additional law suits throughout the country.

**Remedial Order Affecting DHA (1995)**

This order was handed down to set forth the actions DHA was to take in alleviating the concentration of poverty in its public housing projects. The ruling noted that 92 percent (2,876 of 3,116) of black households in DHA’s non-elderly public housing units resided in predominantly black or minority-concentrated areas where the poverty rate exceeded 40 percent.

It was not until the Remedial Order Affecting DHA was handed down in 1995 that the focus of the DHA program changed from dispensing Section 8 housing into non-impacted areas to more specifically dispersing households to low-poverty and non-minority areas. The result of DHA’s Remedial Order was that it opened up the entire city for relocation of Section 8 housing rather than restricting residents to predominantly Black areas. This strategy made it easier for residents of the West Dallas housing projects, and those on public housing waiting lists, to move to non-impacted areas. And while Black residents were allowed to use rent certificates to live in suburban areas, no...
significant changes in public housing practices followed. As late as 1994, more than 90 percent of black families in Dallas public housing still lived in mostly Black neighborhoods of concentrated poverty.\textsuperscript{402}

The most controversial aspect of the Judge’s orders of 1995 required that the housing authority provide 474 new public housing apartments in mostly white neighborhoods.

**District Court Remedial Order (1997)**

DHA officials first selected a site at Marsh Lane and Frankford Road for the new housing project. This site was non-impacted and occupied by middle-class residents. Many of the homeowners in the neighborhood opposed the selection of their neighborhood as a site for low-income housing. Nevertheless, the DHA opened the complex in May 1998. In 1996, DHA announced that it had selected two more sites—a 4.8-acre site at the northeast corner of Meandering Way and MaCallum Boulevard and an 8.8-acre site east of Hillcrest Road. The DHA planned to build 40 apartments at each site.\textsuperscript{403} This time, DHA worked to seek local community support to build housing in their community.

Despite DHA’s efforts to mend bridges with homeowners, Preston Highland and Highlands of McKamy homeowners associations filed suit to block the construction. They argued that the desegregation order was unconstitutional because it was a “race

\textsuperscript{401} Craig Flournoy, “Housing Plaintiff Rip Agency; Lawyers Say Justice is Promoting Segregation,” *The Dallas Morning News* (February 9, 1994), 27A.

\textsuperscript{402} Roismen, “Long Overdue: Desegregation Litigation and Next Steps to End Discrimination and Segregation in the Public Housing and Section 8 Existing Housing Programs,” 171.

\textsuperscript{403} Craig Flournoy, “Court Strikes down public housing ruling,” *Dallas Morning News* (March 17, 1999), 1A.
couscous remedy.” They also argued that public housing would harm property values. According to homeowner association president Joe Darby, the homeowners wanted to make sure this was not viewed as a race issue. He was quick to point out that Asian American, American Indian, Hispanic, and black homeowners were also against building public housing in their community. In fact, the lead plaintiff in the homeowner’s lawsuit was a black homeowner named Ginger Lee.

Leaders of the homeowners group insisted that socio-economics, not prejudice, is the motivation behind their drive to keep the housing project from their neighborhood.

Dallas City Council member Max Wells, whose district encompassed the housing project, said he planned to support the homeowners. He also stated: “If I were opposing this group, I would worry about how determined they are and their quiet rage.”

Opposition leaders planned an aggressive public-relations campaign aimed at influencing elected local and federal officials. They hoped to persuade Judge Buckmeyer to replace the project with Section 8 vouchers that poor families could use in predominately white middle class areas. “If that doesn’t happen, then we will try to pull together a war chest of funds and attempt to intervene in the lawsuit,” Mr. Wilkins said. The housing authority’s announcement of its plans to build in neighborhoods near their property prompted the formation of homeowner groups. At the same time strategy meetings were held in defense of building public housing.

407 Ibid.
The largest gathering of homeowners was held at Valley View Christian Church on May 11, 1995. Approximately 300 people came to express their concerns and they formed a committee to kill the proposed project. Several residents of the area interviewed about the planned project expressed fears; these ranged from drops in their property value to school overcrowding to rising crime rates. Adding to their fears, Mrs. Lisa Conrad, vice-president of The Meadow Glen Homeowners Association, said "A number of builders in the area have reported that customers have canceled contracts for new homes or are attempting to renegotiate deals."408

Leo Naeger, treasurer of the Louvere Homeowners Association, said he was ready to sell his duplex rather than live near the housing project. "My wife and I went house hunting last week," he said. He also believed that the housing authority should pursue de-annexation of the housing units from Dallas and join the city of Carrollton. In fact, he stated: "We feel we are the forgotten corner of Dallas. The only time the City thinks of us is when they want to put a new housing project here."409

The Highlands of McKamy and Preston Highland housing association hired attorneys Bob Goodfriend and Mike Lynn to fight the public housing project. Goodfriend believed he could beat Mike Daniels' constitutional argument that homeowners have to accept public housing projects in predominately white neighborhoods as a remedy for the vestiges of past racial discrimination. He argued that any remedy of past wrongs should be colorblind and race-neutral, not an intrusive, race based solution.

408 Ibid.

409 Ibid., 18A.
In August 1997, Judge Buchmeyer disagreed with the homeowners. He ordered the housing authority to proceed with the construction of the two housing projects. 5th U.S. Circuit Court of Appeals Overturns Remedial Order (1999)

The homeowner groups appealed Judge Buchmeyer’s decision in the District Court. On March 17, 1999, The 5th U.S. Circuit Court of Appeals in New Orleans ruled unanimously that Judge Buchmeyer’s decision was unconstitutional.

The court held: “We also recognize that [the use of vouchers] is overwhelmingly preferred by public housing families, that it allows market forces and personal preferences to control the homemaking decision, and that it has not proven ineffective at desegregating Dallas’ public housing programs when combined with a vigorous mobility program.” 410

Further, the 5th Circuit panel did not find any justification for what it called Judge Buchmeyer’s arbitrary definition of a white neighborhood as being at least 63% white. “There is no evidence in the record to support the court’s arbitrary definition of a predominately white neighborhood. The emphasis should instead be directed toward placing public housing participants in neighborhoods of their choice through a vigorous [voucher] program, non-black neighborhoods, census tracts in which no public housing currently exists, or non-poor neighborhoods.” 411

The three-judge panel ruling implied that the housing authority should use vouchers and certificates to achieve desegregation in housing. But, the 5th Circuit

410 Ibid.

opinion did not rule out the ultimate use of race in site selection. Instead, the panel ordered U.S. District Judge Jerry Buchmeyer to hold additional hearings to work out that issue.412

U.S. Supreme Court Denies Review (2000)

On January 19, 2000, the U.S. Supreme Court refused to review the Walker case. This action affirms the appellate court’s decision. The Court maintained:

Because there are promising, non-racially discriminating ways to continue desegregating public housing in Dallas, the provision of the court’s remedial order calling for the construction or acquisition of units of public housing in predominantly white areas is unconstitutional. It is premature to utilize such a last resort measure.413

The Clinton administration said the Supreme Court review was not warranted. It said the appellate court’s decision “is to a great extent fact-based” and does not preclude Judge Buchmeyer from “re-imposing a race-conscious site selection requirement if [he] finds, based upon a more complete record, that the race-neutral alternatives positioned by the court of appeals will not, in fact, fully remedy the violation.”414

U.S. Department of Housing and Urban Development Settlement (2001)

412 Craig Flournoy, “Court Strikes Down Public Housing Ruling,” Dallas Morning News (March 17, 1999), 1A.

413 Mike Williams, “High Court Rejects Dallas Judge’s Order on Public Housing,” Houston Chronicle (January 19, 2000), 3A.

414 Ibid.
On March 8, 2001, the plaintiffs and HUD reached a settlement. The settlement resulted in HUD giving DHA 3,305 rent-subsidy vouchers and $9.6 million to help low-income blacks move into predominantly white neighborhoods (see Table 6).

| October 1985 | Seven low-income black women sue the U.S. Department of Housing and Urban Development and the Dallas Housing Authority, saying thousands of poor black families are forced to live in segregated slums, including the 3,600 apartments West Dallas housing project. |
| January 1987 | A settlement calls for dramatically expanding the number of black families in neighborhoods using rent-subsidy certificates. At the West Dallas project, 832 apartments would be renovated with the rest being demolished. |
| September 1988 | The plaintiffs sue the city, saying officials obstructed the 1987 settlement. |
| August 1989 | U. S. District Judge Jerry Buchmeyer says the city engaged in conscious discrimination against minorities in public housing. |
| June 1990 | The city agrees to settle by spending $118 million to upgrade existing public housing. And expand opportunities for poor minority families. |
| January 1992 | Judge Buchmeyer strikes down the 1987 settlement. Plaintiffs say government officials have fallen short of their goals. |
| December 1993 | HUD proposes a 1,200-unit West Dallas Project. The rest of the West Dallas units would be demolished and replaced with rent certificates and public housing apartments. |
| May 1994 | Judge Buchmeyer rules that the housing authority and HUD are liable for deliberate racial segregation. |

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415 Kim Horner, "Deal Paves Way for Housing Aid-rent Vouchers, funds from HUD Close Chapter in desegregation case," Dallas Morning News (March 17, 2001), 1A.
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<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>February 1995</td>
<td>white areas of Dallas and its suburbs. At least 474 apartments must be new.</td>
</tr>
<tr>
<td>May 1995</td>
<td>DHA officials plan to build 75 apartments at the northeast corner of Frankford Road and Marsh Lane. More than 1,000 homeowners in far North Dallas sue to stop the project.</td>
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<tr>
<td>September 1995</td>
<td>Judge Buchmeyer orders the housing authority to proceed with construction of the far North Dallas project.</td>
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<tr>
<td>April 1996</td>
<td>Judge Buchmeyer orders HUD to equalize conditions between predominantly black and predominantly white projects. DHA plans to build two 40-unit public housing developments in far North Dallas.</td>
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<tr>
<td>July 1996</td>
<td>Homeowners associations from two neighborhoods file a federal suit to stop the two proposed housing developments.</td>
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<tr>
<td>August 1997</td>
<td>Judge Buchmeyer rules against the homeowners. They appeal to the 5th U.S. Circuit Court of Appeals.</td>
</tr>
<tr>
<td>March 1999</td>
<td>The appeals court strikes down Judge Buchmeyer's ruling calling for the construction of 474 public housing apartments in predominantly white neighborhoods.</td>
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<tr>
<td>January 2000</td>
<td>The U. S. Supreme Court refuses to hear the case.</td>
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**Implications of the Walker Case**
The fundamental appeal of the U.S. Civil Rights Movement was its sense of justice. As applied to public housing, it meant that poor people should have a right to determine where they would like to live. They should not have to live in shotgun or shack housing. The *Walker v. HUD* case broke new ground because it mandated building public housing in the suburbs. Moreover, it allowed neighborhood associations to have a say in building public housing in different areas of town. Advocates of these beliefs argued from the sure foundation of the Fourteenth Amendment of the U.S. Constitution: "No state shall deny...to any person, the equal protection of the laws."

Moreover, other literature such as the Report of the Kerner Commission argued for de-concentration of poor Blacks from the urban ghettos of the nation.

When the plaintiffs' attorney, Michael Daniel, argued the *Walker v. HUD* case, he was seeking to give definition and application to the Civil Rights Acts of 1964 and 1968 and to existing federal regulations. Daniel had to show that administrative practices intentionally guided the concentration of public housing in black neighborhoods. The Walker decision (and later litigation) set a precedent for the nation in determining that public housing could no longer be concentrated in urban ghettos of the United States. It also mandated that HUD equalize conditions among the races in housing, policy, and in other family services.

The *Walker v. HUD* case is an example of what happens to government agencies if they institute out-dated patterns of behavior and are overtaken by a great social movement, which finds support among many significant leaders in a community. Authorities at a higher level forcefully impose social changes.
The Kerner Commission called for both de-concentration of low-income blacks from public housing in the ghetto and for government programs to promote ghetto enrichment. Through such projects as Community Development Block Grants, there has been progress in inner city areas, but large areas of Dallas still need help.

Several lessons can be learned from the Walker v. HUD case. The first area that will be discussed is the cost of the case. Through September of 1999, the City spent $123 million in direct costs for products and services to satisfy the decree. This cost did not include the $943,000 in attorney’s fees awarded to the plaintiff’s attorney. Mr. Daniel also received $1,645,000 in attorney’s fees from the Dallas Housing Authority and $54,000 from HUD. The total recovery of attorney’s fees, thus far, has been around $2,642,000.416

As a result of the decree, the City has also had to pay for outside counsel. The Walker litigation has resulted in the City paying the law firm of McKool, Smith, $3,095,000 to represent it in the litigation. Fees paid to other lawyers prior to 1992 are not available but can be estimated at about $1 million.417

Like the City, the DHA had to pay for outside counsel that cost approximately $4,000,000. Additionally, once the city became a defendant in September of 1990, Judge Buchmeyer named Louis Weber, a close friend, to serve as special master of the case. Weber’s job was to mediate the parties’ differences. He was compensated with


417 Ibid., 11.
approximately $1,283,000 in fees from the City and over $1.1 million from DHA. Weber's hourly rate was $345.00 per hour.418

The grand total for the Walker v. HUD case exceeded $13,213,000. The enormous cost of the litigation implies that both the City and DHA have the resources to build affordable housing in affluent communities. The tax money of the citizens is better spent working together instead of fighting and paying for expensive litigation. This also proves that each party can obtain aid in promoting ideas to assist the poor in an efficient and effective manner.

The second lesson of this case is not all minority families are in support of building housing in non-impacted areas. Asian Americans, American Indians, Hispanics, and blacks have fought against building public housing in non-minority areas. Therefore, in order for the DHA to accomplish its goal in building public housing in non-minority areas, it must listen to the ideas of all the residents of the area.

The third lesson is that, because of the 5th Circuit Court’s ruling, Mr. Daniel will now argue that poverty, not race, is the reason public housing should be built in non-minority, affluent areas. In so doing, he does not contradict the 5th Circuit’s order, which says that the use of race as a criterion for the placement of public housing is unconstitutional. His argument is also expected to be approved by Judge Buchmeyer. The concern that placing DHA families in affluent communities in Dallas will bring down the other community members’ property values is dubious; no definitive statistics

418 Ibid.
support this idea. Furthermore, an increasing number of families are seeking culturally diverse neighborhoods in which to reside.

DHA’s leadership has grown more efficient and effective over the years. In March of 1979, Jack Herrington led the organization. While he was credited with helping some DHA families obtain housing, his work was not as innovative as that of future leaders. In 1989, he was forced to resign after the decision to resurrect the Robin Square Apartments. It was reported that this project cost DHA $3,000,000 and, after the resurrection, the property was still in very bad shape.419

The next president of DHA was Alphonso Jackson. Jackson was selected in January of 1989. He is a native of Dallas, born in the West Dallas area and is an attorney. Before his present position, he headed public and assisted housing in Washington, D.C. He was a hard worker and he is credited with improving the image of DHA. Jackson led DHA to acquire and redevelop a dilapidated shopping center next to West Dallas housing in an effort to improve the neighborhood property values and make shopping more convenient for families in the West Dallas area. In addition, he did the following:

- Increased the number of public housing units being renovated from fewer than 400 to more than 2,200;

- Instituted a comprehensive personnel system and a separate financial accounts system that tracks rent payments;

- Oversaw the sale of the Kenilworth-Parkside public housing project to tenants, making them the first public housing residents in the nation to sign a sales contract to buy their apartments; and,

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419 Craig Flourney, “Dallas Housing Director Resigns,” *Dallas Morning News* (December 10, 1988), 33A.
- Increased the number of evictions tenfold in an effort to rid the projects of drug users and those who habitually failed to pay rent.\textsuperscript{420}

Further, Jackson championed the Cisneros plan and a federal judge’s order to put public housing in far North Dallas and in the suburbs, in spite of opposition from thousands of North Dallas homeowners. Lastly, Jackson changed the rating of DHA from a moderate housing authority to a first-class housing authority. Jackson’s leadership was like night and day compared to that of the previous administrations. At the end of his tenure, he left DHA to work with a Dallas-based utility holding company.\textsuperscript{421} His hard work continued to pay off. In November of 2000, he was selected by President Bush and confirmed by the U. S. Senate to become the Assistant Secretary of HUD.

In June of 1996, Lori Moon was appointed as president of DHA.\textsuperscript{422} Ms. Moon had been working with Alphonso Jackson for almost a decade. She was part of Jackson’s success, and she was also credited with assisting DHA to transform the West Dallas neighborhood into a better community. Moon led the way for DHA to build public housing in predominantly white neighborhoods in far North Dallas. She is also credited with renovating Roseland Homes, the oldest public housing unit in Dallas, into one of the nicest areas in East Dallas today. This is monumental because it opened the doors for fair

\textsuperscript{420}Ibid.

\textsuperscript{421}Lori Stahl, "Dallas Housing Chief to step down," \textit{Dallas Morning News} (August 30, 2000), 27A.

\textsuperscript{422}Ibid.
market units as well as public housing within the DHA complex. Moreover, Moon helped to build new units for the elderly, another pressing issue in Dallas.\textsuperscript{423}

When Moon decided to step down as president of DHA in August of 2000 in order to complete her Ph.D. in Public Administration from the University of Texas at Arlington, she recommended Ms. Ann Lott to take her place as president of DHA.\textsuperscript{424} Lott took the position in August of 2000 and has been working hard to keep up the success at DHA. Under her leadership DHA has maintained HUD’s perfect score ratings as a superior housing authority. She has worked to give more families vouchers for assisted living. Moreover, on November 14, 2002, Ann Lott announced to the Lake Highlands community town hall meeting that DHA wanted to convert 226 units into public housing at the Hidden Ridge Apartments, near Interstate 635 and Skillman Avenue. One unit would be used as a learning center and another to house a live-in manager.\textsuperscript{425}

Leadership of DHA has clearly improved since the 1970s. This new leadership style has brought DHA many success stories, not only with regard to renovation of housing units, but also with respect to helping families with housing assistance. It has not been easy running DHA, but the leadership of Jackson, Moon and Lott moved DHA into the 21\textsuperscript{st} Century. While each leader had a different personality, the goals of each one were the same. They are working to maintain DHA’s status as one of the nation’s best housing authorities.

\textsuperscript{423} Ibid.

\textsuperscript{424} Ibid.

\textsuperscript{425} Holly Warren, “Housing agency urged to back off,” \textit{Dallas Morning News} (November 14, 2002), 23A.
Michael Daniel, the attorney in the *Walker* case, raised another point concerning the effect of property values. If local city government continues to improve the Lake Highlands community, there should be no reason why property values would decrease. In this case, perception is reality. If the city government chooses not to spend renovation money in certain areas, because DHA families live there, then property values could decrease. But, if property owners and DHA families work together for the city's support, there would be no reason for property values to decrease. More importantly, other families will want to move in that area of the city and families who live in the area will want to continue to live there.\(^{426}\) Moreover, equality of enforcement is important. The police must enforce the laws in all areas of town, not just in some areas. This is not to negate the valiant efforts of good police officers, but in some cases police will go beyond the call of duty in certain areas and lack the same diligence to duty in others.

The City also has an exorbitant amount of power in appointing the DHA Board of Commissioners and its chair. This board decides what policies will be set by DHA. It stands to reason that the mayor must appoint individuals who want effective change for the city as a whole. The mayor must also appoint representatives who care about the families in DHA housing and who care about developing skills needed to help those families maintain self-sufficiency.\(^{427}\)

Part of the City and DHA’s success hinges on landlord cooperation. Landlords are important in this matter because their properties are where DHA families are looking to live; many landlords work with DHA to provide housing for families. On the other

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\(^{426}\) Mike Daniels was interviewed by the author, 20 November 2002, Texas.

\(^{427}\) Ibid.
hand, other landlords choose not to work with DHA families. Further, some landlords say they will work with DHA families but really work to lock DHA families out of housing opportunities. Some landlords make move-in deposits extremely high for families. Some landlords require that families make three or four times what they pay in rent. Other landlords may require an unrealistically high credit rating for DHA families. If those practices continue, more housing problems will exist. But, if the landlords of these large developments choose to cooperate with families, they could help more families acquire housing in the Dallas area. Some of the largest landlord owners to consider are Trammel Crow, Saber Realty, and JPI. 428

Clearly, HUD was instrumental in helping cause the problem of racial segregation in public housing and through Section 8 vouchers. Yet, because this has been the case, HUD has been working to help break down segregation in public housing. HUD could be assisting families even more, though. Further, HUD has failed to perform specific obligations imposed by the settlements. Finally, the relief HUD has provided has been inadequate in quantity and quality.429

Roisman, a housing expert, has also made suggestions that would help HUD continue to break down segregation in public housing. First, HUD should create a fair housing enforcement organization dedicated to protect Section 8 recipients from unlawful discrimination. By having this program, HUD will be able to enforce anti-discrimination laws and provide for public education.430

428 Ibid.

429 Roisman, “Long Overdue”, 173

430 Ibid., 175.
Second, Roisman makes the assertion that HUD should extend Section 8 vouchers to 120 days, thereby allowing participants time to find a place to live.

Third, HUD should require that public housing agencies make the payments needed to facilitate desegregating moves. Two kinds of costs are associated with this idea. First, money should be given to residents for searching and moving to certain sectors of the community. Second, payments should be given to residents for transportation, childcare, utility connections, and moving expenses.

The fourth and last suggestion is to improve mobility programs by directly addressing employment and gender issues. Families moving to a new area need a job that is close to that area. Moreover, most families needing assisted housing are women of color. Most of these women need assistance in finding better employment and education. Assistance provided in these areas would help families many times over. History teaches that courts go beyond strictly interpreting the law when other governmental agencies incorporate discriminatory practices. The courts will become lawmakers if necessary. The move by Judge Buchmeyer to appoint a special master to assist him in fashioning a remedy is also commendable to help fight against unfair housing in Dallas. Judges should seek outside assistance from both the public and the private sectors for their decisions and orders in such cases.

Conclusion

The Walker v. HUD case has helped DHA work to facilitate fair public housing for Black families in Dallas, Texas. The new rules have not been easy to enforce under the law because of the complex meaning and the lack of support by others. Yet, the DHA

431 Ibid., 176.
has worked with other local governmental agencies to help families with housing.

With DHA's effective leadership style, it will continue to make monumental strides to meet the needs of families who desire to live in decent, affordable, desegregated housing.
CHAPTER VI

CONCLUSION

This study attempted to assess whether or not the Dallas Housing Authority is providing decent affordable housing for black families in the City and County, Texas utilizing the case-study method. Supplementing a host of primary sources with secondary data, this research also sought to analyze and describe conditions leading to the Walker v. HUD case lawsuit.

Prior to the Walker suit, many blacks lived in substandard dwellings in central West Dallas; many residents did not have a choice of living where they wanted to live. Additionally, the waiting list to receive public housing assistance was long and confusing. Thus, blacks placed in homes by the Dallas Housing Authority in the City, and in Dallas County, Texas, constituted an apartheid system similar to that which characterized black status all over America in the 1960s, especially that of blacks in the American South.432 The fundamental appeal of the U.S. Civil Rights movement and of organizations, such as the NAACP, was to work for justice. As applied to public housing in Dallas, people accepting DHA assistance should have a right to determine where they

accepting DHA assistance should have a right to determine where they would like to live. They should not be forced to live in undesirable places. Advocates of these beliefs argued from the foundation of the Fourteenth Amendment to the U.S. Constitution: “No state shall deny, or abridge, to any person the equal protection of the laws.” Moreover, other literature, such as the Report of the Kerner Commission, urged de-concentration of poor blacks from the nation’s urban housing units.

Even as late as 1996, Dreier and Atlas pointed out in their study that the nation’s policies have failed to eliminate a number of persistent housing problems. By its own admission, HUD produced “failed policies that contributed to a concentration of poor families in inner city neighborhoods.”

Perhaps Morris best articulates the goals of the plaintiffs in the Walker Suit when he writes that:

…the fundamental goal of blacks within the society is to alter their subordinate status in the society. In operational terms this implies (1) a desire to eradicate all of the rituals and symbols within the society that suggest black inferiority or status subordination, and (2) improvement of the quality of life for blacks so that Blacks are enabled to achieve a socioeconomic status comparable to whites.

Thus, one cannot debate the fact that Dallas, Texas has undergone changes since the 1960’s. Nevertheless, one must wonder about the exact meaning of these changes vis-à-vis the majority population in the county.

433 U.S. Constitution, Amend. 14, Sec.1.


436 Ibid.
To begin to highlight the focus of this research, the researcher utilized Dr. Mack H. Jones’ theoretical framework to profile county demographics and assess change relative to conditions prior to and after the Walker suit. This study analyzed city demographics. The demographics examined included population, employment, education, and housing. Findings reveal that black life in the City improved in housing and in education.

In 1970, blacks in the county occupied 26,686 housing units. Of this amount, 2,071 lacked some or all-plumbing facilities. By 1990, the number of housing units in the county owned and occupied by blacks had increased to 126,182.

The educational level of blacks in the city and county increased between 1970 and 1990. In 1970, the number of blacks who completed high school was estimated at 44,222. By 1990, the number of blacks completing high school had risen to 59,619. Yet, while black educational status increased relative to whites, blacks were unable to translate their educational gains into employment gains.437

While the income for both white and black families increased in 1970, the income gap widened between black and white families. In 1970, the median family income in Dallas was $10,019. This breaks down into a median income of $6,309 for black households, and $11,289 for white households. By 1990, the gap in median family income had increased. The median family income for whites had increased to $42,952 and for blacks, $21,242. The median family income for all families in the county that year was $31,605.

Data revealed that economic progress was slow for most blacks in Dallas. The gap between blacks and whites continues to widen.
James Gaehwender writes:

A radical redistribution of income, capital, and property is at this stage of U.S. history very unlikely. It is also unlikely that affirmative action programs will significantly change the conditions of the poor and the great majority of blacks; a black person cannot be given hiring preference over a white person if no jobs exist for either of them. As matters have stood for the last decade, the supply of labor has continued to exceed the demand by a significant amount. Attempts by government to create jobs have not solved the problem, and private enterprises will not create jobs until it helps their profits. Massive education and training of Blacks run up against the same reality. We should...concentrate on the job of exploring ways to correct the gross inequities that currently exist. While this may seem a rather weak suggestion, facing reality must be our first step.\(^{438}\)

Both the city and county of Dallas, Texas have experienced change. In the earlier part of the twentieth century, black elected officials were non-existent. Yet, as time has progressed, more minorities have been elected to office. The number of black elected officials increased substantially, but the work of these officials has been limited. They were elected by indigent constituents to represent a poor community, and limited financial resources impeded their efforts to implement social policies that address constituents’ needs. As E.C. Foster states:

The truth is that few blacks elected officials have been in a position to effectively improve the lives of those who put them in office. Thus, their value has been highly symbolic. That is the reality, but the challenge is that more work must be done to elect more black officials to positions of power in order that they can control more budget strings. When seeking elected office, practically every black candidate vows to work on the behalf of the black community and in general such a commitment is sincere. Yet one black county supervisor out of five will consistently lose a budget priority battle, but as the number increase, each time three out of five should win...\(^{439}\)


\(^{438}\) Ibid.

A few gains in lack life have been noted. It appears that some gains were made in jobs for blacks in the city and in the county. Vilet and others have noted that helping families with assisted housing is a comprehensive effort. It is comprehensive because once families are outside of assisted living, they need survival skills that are necessary to continue to live unassisted. These assisted living skills could include the following: homeownership training, individual and family counseling, social services, educational programs, day care provisions, health care services, recreational programs, youth employment programs, and teen parenting programs.\footnote{Willam Van Vliet, Affordable Housing and Urban Redevelopment in the United States (Thousand Oaks, California: Saga Press, 1997), 256.}

**The Difference Being Made by DHA**

Among the various efforts to deconcentrate subsidized housing and provide housing for families in Dallas, application of the *Walker* case proved to be most significant. The continuing program to assist 47,000 DHA family members in moving to areas of Dallas and the suburbs has proven itself to the satisfaction of most tenants; they have new homes, more housing vouchers, and remodeled public housing units.

One of the largest groundbreaking DHA projects nationwide is the building of Greenleaf Village in West Dallas.\footnote{Deby Masterson, “West Dallas Site for One of the Nation’s Largest Affordable Housing Projects,” *Housing Work* (Winter 2002), 1.} Greenleaf Village, designed for families of various incomes will be built with the aid of the Dallas area Habitat for Humanity, the partnership of KB Homes, American City Vista, and the Dallas Housing Authority. Habitat for Humanity is a national nonprofit organization that builds houses for those in poverty. The KB Homes and American City Vista partnership is one of the nation’s largest homebuilders and was founded by and now headed by Henry Cisneros, former
Secretary of the Department of Housing and Urban Development. The Dallas Housing Authority is the largest affordable housing provider in Dallas, Texas.\textsuperscript{442}

This neighborhood is being constructed on land owned by DHA, located west of Hampton Road and bordered by Canada Drive and Bickers Street. KB Home and American City Vista will build 210 homes starting at $80,000 each. In addition, Habitat for Humanity will build 100 homes starting at $60,000 each. Special financing options will be available for homes in Greenleaf Village to create affordable monthly payments for working families.

Construction of 25 homes began April of 2002. These homes will each be 1,500 square feet with three bedrooms, one bath and a half baths, one-car garage, and constructed of brick on three sides. Families will be able to purchase the homes with no down payment and an interest-free 25-year mortgage.\textsuperscript{443}

Other homes by KB Homes will be built. They will range from 958 to 3,225 square feet. These brick homes will include privacy fences and a 20-year warranty. American City Vista, Kaufman and Broad Mortgage Company, and Fannie Mae are offering mortgages on these homes featuring reduced down payments and closing costs.

The partnership of American City Vista and KB Homes works with local churches, schools, and community groups to integrate each development into the existing neighborhood.

\textsuperscript{442} Ibid.

\textsuperscript{443} Ibid, 2.
In East Dallas, DHA is remodeling Roseland Homes near Central Expressway and Hall Street. All 611 units built in 1942 will be replaced with 698 new units. This total includes 40 town homes that will be sold at market rates from $80,000 to $120,000.444

The Dallas Housing Authority has demolished 2,945 run down apartments in the West Dallas area and will tear down the remaining 55 units within two years. They will replace the units with 623 new units that will resemble private apartments. In addition, 329 units will be added to the building renovation. This answers the first question in this research of whether or not DHA is constructing public housing to meet the housing demands of low-income families.

Another research question posed was: Is DHA providing Section 8 vouchers to black families? More than 12,000 units are now available in 500 privately run apartment complexes throughout Dallas County. The landlords are paid through a federally funded voucher program. Other DHA residents live in over 26 housing developments owned by DHA.445 Residents pay 30 percent of their monthly income to live in a DHA unit or 40 percent for a private apartment in the voucher program. The research also provides the answer that DHA is enforcing rental contracts with DHA families.

About 5,700 people are currently waiting for DHA owned housing. The current racial breakdown of DHA residents is 88 percent black, 7 percent Hispanic, 4 percent white, and 1 percent Asian.

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444 Ed Housewright, “DHA Earns Respect From Critics,” *Dallas Morning News*, 18 April, Sec., 1A.

445 Ibid.
DHA also has a 75-unit apartment complex in a largely white neighborhood in far North Dallas. Frankford Town Homes opened in 1998 at Frankford Road and Marsh Lane. Residents who once fought adamantly against having the development in the neighborhood have accepted it. Although DHA has been rated as one of the best-run agencies according to HUD, it still has work to do. It does not always get the help it needs. For example, DHA asked HUD for funds to renovate the 60-year-old Frazier Court units, and HUD said “No.”

The Kerner Commission called for the deconcentration of low-income housing for blacks and also for government programs to promote urban enrichment for families. Through the DHA, the development of West Dallas area businesses, the Hope VI Funds, and the Community Development Block Grants, there has been rehabilitation of housing in inner city areas. However, much more work needs to take place in other areas of Dallas and with certain landlords of different apartment complexes.

Opportunity for Lessons Learned

While lessons can be learned on how different agencies have worked to improve the lives of families in assisted housing, no magic formula has emerged to help agencies as a whole. Rose's study has articulated that evaluation must occur with reference to the distinct characteristics of a particular city. Robert Rose, in 1993, suggests three factors that help identify lessons learned from unique programs.

First, the fewer the unique elements the better an agency can learn from that program. Each housing agency is trying to help those less fortunate. By evaluating how

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446 Ibid.

one place has done it with similar size and place, other agencies can learn from that particular program.

Second, the more substitutable programs are, the more points other agencies can learn from them. Yet, adopting a program from elsewhere requires an instructional capacity to do so. Institutions need not be identical, however, according to Rose. For example, effective management practices can be reviewed. Perhaps an agency can take on a particular management style that help programs aid families with assisted housing. Likewise, technical assistance and professional expertise, best exemplified in another agency, can aid substantially in certain programs.

Third, the greater the equivalence of resources the better a program can be in achieving its goals. Implementing programs requires resources. U.S. cities all operate under the same federal laws. Although state and local laws may differ, the problems of adjusting existing legal frameworks, or of creating new ones, are political. Resources vary greatly. Some cities have less built-up land than others. Some cities have more money than others. However, the issue may be more a matter of assigning a low political priority to redevelopment when making tradeoffs or raising taxes.

The Effects of Political and Legal Confrontation

After the confrontation between the courts, the local agency, the city government, and HUD, a prolonged stalemate ensued and finally, the old policy-making structure broke down. The city council lost its power to approve or request sites for public housing, HUD was found guilty and later required to facilitate the dispersal of public housing throughout the suburban region, and DHA had to work to redo tenant-housing selections. Debra Walker and others who brought the lawsuit to court were working to breakdown racial inequality in tenant and site selection. The proponents of the suit
including other housing residents, city leaders, and others, worked to promote equality in the DHA. The opponents of the *Walker* suit, the City, and others argued it was not time for such a case.

The move by federal judge Jerry Buchmeyer to appoint a special master to assist in fashioning a remedy suggests the direction in which the courts could go if judges decide, for whatever reason, not to defer to administrative agencies. Judges should seek outside assistance for decisions and orders in such cases; this assistance may aid both the public and private sectors. Experts in a variety of capacities can provide the courts with general perspectives on the problems they will treat in opinions.

The original research questions asked whether DHA was progressing in providing housing for black families in Dallas, Texas. The answer is yes. The summary findings show that units are being built for black families. In addition, new programs are also being put into place to help families to maintain their homes. Another question posed in this research was whether DHA could work despite the local opposition? The answer to this question is also yes. The research results show that DHA has worked with the surrounding community to make plans to provide shelter for those who cannot afford an adequate home.

Arguably, the issue of racial justice has been the dominant domestic challenge of our times. This issue is incorporate in many other issues, such as social, economic, and political opportunities. If we can view the *Walker* litigation as a remedial part of a great wrenching of society that occurred years ago, it is possible that this case can serve as a productive model for the future of other public housing agencies.
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