Saint Louis University Public Law Review

Volume 34
Number 1 *United We Stand or United We Fall: The Reunification of St. Louis City and County (Volume XXXIV, No. 1)*

Article 6

2013

Patchwork Metropolis: Fragmented Governance and Urban Decline in Greater St. Louis

Colin Gordon
University of Iowa, Department of History, colin-gordon@uiowa.edu

PATCHWORK METROPOLIS: FRAGMENTED GOVERNANCE AND URBAN DECLINE IN GREATER ST. LOUIS

COLIN GORDON*

In the early 1960s, in the wake of yet another failure to stitch St. Louis County (the "County") and St. Louis City (the "City") back together again, regional planners returned to their drafting tables. The task, given their inability to overcome the parochial defense of "home rule" in St. Louis County (already a crazy quilt of eighty-six incorporated municipalities), was to redraw the region's boundaries in such a way as to preserve the apparent virtues of local governance while overcoming the destructive fragmentation that came with it.[1] As a planning exercise, this task had two overarching goals. The first was to breach the boundary between the City and the County—a line which postwar planners characterized as a "Berlin Wall" between a declining city and its affluent suburbs, and which fair housing advocates described as a "steel ring" or "white noose" of segregation.[2] The second was to even out the scale and responsibility of the region's municipalities—which ranged from the City of St. Louis, with a 1960 population of 750,000, to the St. Louis County suburb of Champ, incorporated in 1959 with a population of 14.[3]

* Professor and Director of Undergraduate Studies, University of Iowa.

1. F. William Human, Jr., *The Borough Plan – An Opposition View*, 9 ST. LOUIS BAR J. 19, 22–23, 25 (1962); E. TERRENCE JONES, FRAGMENTED BY DESIGN: WHY ST. LOUIS HAS SO MANY GOVERNMENTS 79–82 (2000); St. Louis League of Women Voters, Some Facts about the Borough Plan that the Sponsors Do Not Want to Mention Publicly (Apr. 4, 1962) (unpublished manuscript) (on file with the St. Louis League of Women Voters Records, folder 1163 (sl530), the Western Historical Manuscript Collection at the University of Missouri–St. Louis).

2. *See* WILLIAM KOTTMEYER, ST. LOUIS BD. OF EDUC., A TALE OF TWO CITIES (1968), excerpted in DANIEL SCHAFLY, 28 YEARS ON THE ST. LOUIS SCHOOL BOARD (1995) ("Berlin Wall" analogue); Patricia Jansen Doyle, *St. Louis: City with the Blues*, SATURDAY REV., Feb. 15, 1969, at 90; Appellant's Abstract of the Record at 9, Dolan v. Richardson, 181 S.W.2d 997 (Mo. Ct. App. 1944) (No. 26,502) ("ring of steel"); HUMAN DEV. CORP. OF ST. LOUIS, RESEARCH DEP'T, SOCIAL AND ECONOMIC POVERTY: ST. LOUIS METROPOLITAN AREA: CAUSES, CONDITIONS AND RECOMMENDATIONS 14 (1971) ("white noose").

3. Harland Bartholomew and Associates, City Planners, A Report upon Development and Administration of the Village of Champ, Missouri 4–5 (May, 1962) (unpublished manuscript) (on file in the Harland Bartholomew Papers, vol. 15, ser. 2 (Blue) at Washington University); *see also* Laura Higgins, *The Champ*, RIVERFRONT TIMES, Feb. 14, 2001, http://www.riverfronttimes.com/content/printVersion/110097/.

One of the early sketches in this exercise, however fanciful and infeasible, neatly captured the logic and challenge of local governance. It redrew the municipal boundaries on the Missouri side as a series of wedges—their points anchored on the riverfront, their boundaries widening as they moved west across the City, the City-County border, and out to the western edge of St. Louis County.[4] Each municipality in this division of the region's population, assets, and burdens would include a small portion of the deindustrializing riverfront and the City's older commercial core, a slice of older residential stock in the central and western reaches of the City, a small band of inner suburbs (much of which more closely resembled the City in its land use and demographics), a stretch of newer suburban development, and a frontier of lightly developed property at its western edge.

The genius of the proposal, of course, was this: it gave a cursory nod to the desire for local governance and home rule, but then forced each of the new municipal units to think like a region. It made it impossible for municipal fragments to practice the art, as Myron Orfield puts it, "of skimming the cream from metropolitan growth while accepting as few metropolitan responsibilities as possible."[5] Each of you, it suggested, have some rich residents and some poor residents, some property whose tax value is increasing and some property whose value is languishing, some pockets of commercial growth and some pockets of blight and unemployment, and some prospects for new development and some pressing demands for redevelopment. How would you zone such a municipality? How would you pay for its schools and other public goods and services? How would you approach the challenges of transportation or economic development?

I. THE DIVORCE: 1876 AND ALL THAT

The initial separation of St. Louis City and St. Louis County anticipated none of this. In the wake of the Civil War, St. Louis interests were weary of both laundering the most mundane details of local government through Jefferson City[6] and paying for the privilege of duplicative County services.[7] At its 1876 constitutional convention, Missouri formalized its rules for local governance—setting local debt limits, proscribing the passage of "special

4. Don Phares, *Planning for Regional Governance in the St. Louis Area: The Contexts, the Plans, the Outcomes*, *in* ST. LOUIS PLANS: THE IDEAL AND THE REAL ST. LOUIS 55, 66–67 (Mark Tranel ed., 2007).

5. MYRON ORFIELD, METROPOLITICS: A REGIONAL AGENDA FOR COMMUNITY AND STABILITY 5–6 (1998).

6. Before home rule, every new tax, levy, or sewer line was an act of the state legislature. Truman Port Young, *The Scheme of City and County Governments in St. Louis – Its History and Purposes*, 6 PROC. AM. POL. SCI. ASS'N 97, 98 (1912).

7. *Id.* at 98–99.

laws" in the statehouse, establishing a classification system for villages, towns, and cities, and giving cities over a certain population threshold (initially set so as just to include St. Louis) the option of adopting a charter of self-government.[8] In response, St. Louis City pushed its boundaries west, to their current location, and opted for formal separation from St. Louis County.[9] Because the City was no longer located in a county, the new charter, in effect, made it its own county. This resulted in a hybrid government with both municipal (e.g., police power) and county (e.g., property assessment and courts) responsibilities.[10]

At the time, separation from the County made sense for City interests, and details of the 1876 agreement were crafted and implemented largely at their behest.[11] But over the ensuing decades, three things happened to alter the terms of this deal. First, the metropolitan area grew and soon pressed against the western border established in 1876.[12] In order to sustain the City as a natural unit of government, its reach coterminous with that of its population and its economic base, the logical step was to add new territory by annexation. But this option was blocked by the hard line drawn between St. Louis City and St. Louis County in 1876, and by the state boundary between the City and its industrial suburbs in the Illinois side of the Mississippi.[13] As a result, urban growth continued, but beyond the regulatory reach of the City.[14] Second, the right of self-government that had been extended to St. Louis alone in 1876 was soon made available to almost all comers.[15] By 1945 home rule had become an option for any Missouri city with over 5,000 residents and any county with assessed property value exceeding $4.5 million.[16] And third, the African

8. JONES, *supra* note 1, at 3–9; Young, *supra* note 6, at 100; U.S. ADVISORY COMM'N ON INTERGOVERNMENTAL RELATIONS, A-127, LOCAL GOVERNMENT AUTONOMY: NEEDS FOR CONSTITUTIONAL, STATUTORY, AND JUDICIAL CLARIFICATION 41 (1993).

9. Young, *supra* note 6, at 101.

10. E. Terrence Jones & Don Phares, *Missouri*, *in* HOME RULE IN AMERICA: A FIFTY-STATE HANDBOOK 241, 241–43 (2001); St. Louis League of Women Voters, Structure of Government in St. Louis, Missouri (May 4, 1953) (unpublished manuscript) (on file with the St. Louis League of Women Voters Records (sl234) box 18:98 in the Western Historical Manuscript Collection at the University of Missouri–St. Louis).

11. Young, *supra* note 6, at 103.

12. City Plan Comm'n, St. Louis, Missouri, *Subdivision of Land in St. Louis by Decades*, Jan. 1967, http://library.wustl.edu/vlib/mrdc/composite.html. For the pace of development within the 1876 boundaries, see the Wayman Map, which map documents each subdivision, addition, and re-subdivision of property made in the City of St. Louis after 1816).

13. JONES, *supra* note 1, at 2–3.

14. *See* COLIN GORDON, MAPPING DECLINE: ST. LOUIS AND THE FATE OF THE AMERICAN CITY 129 (Glenda Gilmore et al. eds., 2008).

15. Henry J. Schmandt, *Municipal Home Rule in Missouri*, 1953 WASH. U. L.Q. 385, 385 (1953).

16. MO. CONST. art. VI, § 19.

American population of St. Louis grew rapidly, more than doubling from 1890 to 1920 and more than doubling again from 1920 to 1950.[17]

What all of this meant, in effect, was that the temporary advantage afforded to the City of St. Louis in 1876 soon became a grotesque liability. Natural urban growth, changing state law, and changing demographics combined to give surrounding communities, especially those multiplying west of the city limits, both the opportunity and the incentive to poach St. Louis of its wealth and resources.[18] Because the City could not expand, new residential development to the west fell under other jurisdictions, or created their own.[19] The central planning goal of these private developments and new municipalities, in turn, was to insulate themselves from local costs or threats or burdens—especially industrial land use, multifamily housing, and African American occupancy.[20] The damage here was done not by the divorce of 1876, but by the offspring of that divorce: the extension of home rule to a hundred-odd municipal fragments that were—in purpose and in practice—predatory, insular, and deeply discriminatory.[21]

II. THE EMANCIPATED CITY? MUNICIPAL HOME RULE IN HISTORICAL PERSPECTIVE

This is an uncomfortably dismal assessment. An abiding faith in home rule, after all, is deeply rooted in American political theory and experience, running virtually unbroken from de Tocqueville[22] to the devolutionary politics of recent years, and across the political spectrum from the New Left's participatory ideals to the New Right's antistatist focus on community and family.[23] "Local government comes closer to the people than any other," as one municipal reformer argued in the early twentieth century.

> It is basic. It is through its exercise that men acquire their political schooling and become familiar with what democratic institutions mean.[24]

17. In 1920, the African American population of St. Louis was about 70,000, or 10% of the City's total population; in 1950 it was over 150,000, almost 20% of the City's population. Bureau of Census, county totals via the Historical Census Browser. Retrieved May 24, 2014, from the University of Virginia, Geospatial and Statistical Data Center: http://mapserver.lib.virginia.edu/collections/stats/histcensus/index.html.

18. *See* GORDON, *supra* note 14, at 129–131.

19. *See id.* at 39–41.

20. *See id.* at 3–38.

21. *See* GORDON, *supra* note 14, at 45–46.

22. ALEXANDER DE TOCQUEVILLE, DEMOCRACY IN AMERICA 62 (Phillips Bradley & Vintage Books eds., 1945) ("The village or township is the only association which is so perfectly natural that, wherever a number of men are collected, it seems to constitute itself.").

23. WILLIAM HUFF, THE TEA PARTY MANIFESTO 954 (2010).

24. WALTER TALLMADGE ARNDT, THE EMANCIPATION OF THE AMERICAN CITY 16 (1917).

In the American setting, the politics of home rule have revolved around a particular legal and historical problem: the task of governing cities.[25] The issue arose first in the late nineteenth century, as rapid urbanization outstripped the willingness and ability of state legislatures to meet or manage municipal demands.[26] And it reemerged in the context of both the "urban crises" of the 1960s and 1970s and the subsequent devolution of federal responsibilities.[27] In each era, the call for home rule was animated by the simultaneously philosophical and practical convictions that state legislatures were at best indifferent and at worst hostile to urban concerns, that urban citizens were underrepresented and overtaxed, and that cities lacked the authority or resources to solve their own problems.[28] Effective home rule, as urban reformers have argued now for well over a century, is the key to both managerial efficiency and civic participation in the modern metropolis.[29]

Yet there is something troubling in this picture. In most settings, the victory of home rule was followed not by a golden age of local democracy but by a precipitous collapse in civic participation, especially voting in local elections.[30] There is little evidence that states with strong home rule provisions boast better urban governance, and indeed most that fit that description have devoted a great deal of attention to mopping up after abuses of local autonomy.[31] And, despite decades of experience with home rule, most American cities remain plagued by a seemingly "iron law" of urban decay. Rising incomes breed suburbanization.[32] Suburbanization robs inner cities of their tax base.[33] Inner city concentrations of poverty widen gaps between urban residents and substantive economic opportunities, and between suburban

25. Kenneth Vanlandingham, *Municipal Home Rule in the United States*, 10 WM. & MARY L. REV. 268, 268–73 (1968).

26. HORACE DEMING, THE GOVERNMENT OF AMERICAN CITIES 26–33 (1909).

27. Richard Briffault, *Home Rule and Local Political Innovation*, 22 J. L. & POL. 1, 26 (2006).

28. *See* DEMING, *supra* note 26, at 26–27.

29. The most elaborate, and in many respects romantic, statement of this position is Gerald Frug, *The City as a Legal Concept*, 93 HARV. L. REV. 1057, 1119–20 (1980).

30. *See* Samuel Hays, *The Politics of Reform in Municipal Government in the Progressive Era*, 55 PAC. NW. Q. 157, 163 (1964).

31. Such state measures include limits on local debt or tax levies, mandatory audits of local accounts, and "open-bidding" guidelines. *See* Lyle Schaller, *Home Rule—A Critical Appraisal*, 76 POL. SCI. Q. 402, 413 (1961).

32. DANIEL LURIA & JOEL ROGERS, METRO FUTURES: ECONOMIC SOLUTIONS FOR CITIES AND THEIR SUBURBS 3 (1999).

33. *Id.*

residents and urban concerns.[34] All of this encourages more flight, not only from the metropolitan core, but from decaying inner suburbs as well.[35]

Why is home rule not all it is cracked up to be? The answer lies partly in the history of the home rule movement. The Progressive Era campaign for home rule was deeply compromised by the divergent motives of reformers, determined to wrestle control of the city, in equal part, from indifferent state legislatures *and* from working-class political organizations.[36] And the answer lies partly in the history of the modern American city. Patterns of urban growth and decay have meant that home rule is less a weapon wielded by cities against other levels of government than it is a weapon wielded by some fractions of the modern city (especially incorporated suburbs) against both central cities and broader metropolitan interests.[37]

Urbanization in the latter half of the nineteenth century posed a practical and legal riddle. The Constitution—animated in equal parts by distrust of central authority, anxieties about mob rule, and the conflation of agrarian property and citizenship—vested "original sovereignty" in the states and remained silent on the political status of cities.[38] The political autonomy of the emerging American city was determined less by Jeffersonian ideals of self-government or free association than by Madisonian fears of political faction or fragmentation.[39] By law and practice, the city was a quasi-public corporation, subject to regulation by the state but without "state" powers itself.[40] "Localities could hardly call their souls their own," as one champion of home rule wrote, "so tight were the fetters that bound them."[41]

These fetters were expressed most clearly by John Dillon, an Iowa Supreme Court justice and authority on municipal law. "Dillon's Rule" was first expressed in the 1868 decision *Clinton v. Cedar Rapids*[42] and enshrined in

34. *Id.*

35. *See id.* at 3-4; ORFIELD, *supra* note 5, at 8–9.

36. Hays, *supra* note 30, at 166; JAMES WEINSTEIN, THE CORPORATE IDEAL IN THE LIBERAL STATE: 1900–1918, at 92–116 (1968).

37. KENNETH T. JACKSON, CRABGRASS FRONTIER: THE SUBURBANIZATION OF THE UNITED STATES 12 (1985).

38. Cynthia Cumfer, *Original Intent v. Modern Judicial Philosophy: Oregon's Home Rule Case Frames the Dilemma for State Constitutionalism*, 76 OR. L. REV. 909, 912–13 (1997).

39. For doubts about the practicality or propriety of local government, *see* JOHN STUART MILL, CONSIDERATIONS ON REPRESENTATIVE GOVERNMENT 317–340 (The Floating Press 2009).

40. *See* Cumfer, *supra* note 38 (describing the legal status of the nineteenth century city); Frug, *supra* note 29, at 1098.

41. RODNEY MOTT, HOME RULE FOR AMERICA'S CITIES 11 (1949).

42. Clinton v. Cedar Rapids & Mo. River R.R. Co., 24 Iowa 455, 474–80 (1868).

the justice's 1872 publication, *Treatise on the Law of Municipal Corporations*,[43] which held that

> a municipal corporation possesses and can exercise the following powers and not others: First, those powers granted in express words; second, those necessarily or fairly implied in or incident to the powers expressly granted; third, those essential to the accomplishment of the declared object and purposes of the corporation, not simply convenient but indispensable. Any fair, reasonable, substantial doubt concerning the existence of power is resolved by the courts against the corporation and the power is denied.[44]

Cities, quite simply, had few substantive powers of self-government. They could not levy taxes, go into debt, pursue local improvements, change the structure of local government, or (in many cases) even hire and pay their own staff without the express consent of state legislatures.[45]

As cities and the demands of governing them grew, Dillon's Rule frustrated municipal officials and state legislators alike.[46] Through the Gilded Age, by reformers' estimates, between one-third and one-half of a state legislature's attention was devoted to bills of a purely local character and impact.[47] Cities and their citizens had to run to the state for even the most trivial concerns, and state legislatures spent much of each session acting as "spasmodic city councils."[48] Even as more recently drafted state constitutions (particularly in the Midwest) barred such "special legislation," municipal management often masqueraded as "general" laws.[49] In 1868, for example, the Ohio legislature adopted the following law, mentioning no city by name but transparently aimed at just one—Cincinnati:

> The City Council of any city of the first class having a population exceeding 150,000 shall have the power to issue the bonds of such city in any sum not exceeding $150,000, to be used for the purpose of completing the Eggleston Avenue sewer.[50]

43. JOHN F. DILLON, TREATISE ON THE LAW OF MUNICIPAL CORPORATIONS 116 (1872).

44. William Casella, *A Century of Home Rule*, 64 NAT'L CIVIC REV. 441, 441–42 (1975).

45. *See* Richard Briffault, *Our Localism: Part I – The Structure of Local Government Law*, 90 COLUM. L. REV. 1, 7 (1990); DALE KRANE, PLATON RIGOS & MELVIN HILL, HOME RULE IN AMERICA: A FIFTY-STATE HANDBOOK 9–10 (2001); ARNDT, *supra* note 24, at 240–259; FRANK J. GOODNOW, MUNICIPAL HOME RULE: A STUDY IN ADMINISTRATION 50–51 (1895).

46. *See* Cumfer, *supra* note 38; Frug, *supra* note 29, at 1116; KRANE, RIGOS & HILL, *supra* note 45.

47. ARNDT, *supra* note 24, at 240–59; GOODNOW, *supra* note 45, at 50–51.

48. MOTT, *supra* note 41, at 11.

49. Briffault, *supra* note 45, at 9; Casella, *supra* note 44.

50. GOODNOW, *supra* note 45, at 16; MOTT, *supra* note 41, at 6–7, 11; Schaller, *supra* note 31, at 403.

The problem with such laws was not just their awkwardness but the conviction, widely held by urban politicos and political reformers alike, that they were aggressive acts of interference by anti-urban state legislatures. Notorious episodes of such meddling underscored the alienation and frustration of urban interests. [51] New York City, as George Plunkitt of Tammany Hall famously complained, was

> a city ruled entirely by the hayseed legislators at Albany. . . . We've got to eat and drink what they tell us to eat and drink, and have got to choose our time for eatin' and drinkin' to suit them. If they don't feel like takin' a glass of beer on Sunday, we must abstain. If they haven't got any amusements in their backwoods, we musn't have none. We've got to regulate our whole lives to suit them. And then we have to pay their taxes to boot.[52]

The "deep-rooted evil" of state interference was all the more troubling in New York and many other settings, because rural-urban tensions were overlaid with sharp partisan distinctions between urban Democratic machines and "upstate" Republicans.[53] This pattern "placed many of the cities on the plane of captured provinces," as one reformer lamented, "to be exploited and bled for the benefit, not so much of the state itself, as in the interest of a particular political party which happened to control the legislature."[54]

While urban bosses and urban reformers joined ranks against state interference, they agreed on little else. For the latter, home rule was aimed simultaneously at meddling state legislatures and corrupt local political machines.[55] The problem, as home rule champion Frank Goodnow put it succinctly in 1916, was that American cities were "unwisely, inefficiently, and extravagantly administered."[56] State interference, in his view, was yet another unfortunate consequence of boss rule, "due very largely to the despair of the people of our cities of ever obtaining good government through their own efforts. They have therefore rushed to the legislature for protection."[57] In most settings, home rule was pursued alongside parallel campaigns for "clean" government and managerial efficiency, including innovations such as

51. KRANE, RIGOS & HILL, *supra* note 45, at 11. Such meddling included the "ripper" laws of the mid-nineteenth century, which displaced local governance with state commissions. The imposition of a metropolitan police commission on New York City in 1857, for example, sparked days of rioting. *See* HOWARD MCBAIN, THE LAW AND PRACTICE OF MUNICIPAL HOME RULE 7 (1916).

52. WILLIAM RIORDAN, PLUNKITT OF TAMMANY HALL 21 (1963).

53. *Id.*

54. ARDNT, *supra* note 24, at 221; GOODNOW, *supra* note 45, at 233; MCBAIN, *supra* note 51, at 64–101.

55. GOODNOW, *supra* note 45, at 17.

56. *Id.* at 2.

57. *Id.* at 8.

commission government, unified executive budgets, and merit-based civil service reform.[58]

Indeed, viewed in the larger context of Gilded Age and Progressive urban reform, the home rule movement loses much of its luster. Careful examination of legislative "interference" suggests that states were actually quite deferential to urban interests; most special legislation was introduced by urban legislators, other legislators deferred to sponsors when such bills were referred to committee, committees routinely reported such bills to the floor where they were almost always passed, and neither state senates nor governors showed any inclination to second-guess house action. This was the case even in states, such as Plunkitt's New York, that were marked by a partisan split between urban and rural interests.[59]

The real object of home rule—like so many other facets of Progressive Era municipal reform—was simply to undermine the ability of urban bosses to mobilize or reward supporters.[60] The core accomplishment of home rule, after all, was the ability of cities to charter their own governments, and reformers left little doubt as to what form that government should take.[61] The point of home rule "is to give the cities of the state an opportunity to adopt what is termed the commission form of government," as one contemporary noted, "the chief excellence of which is the concentration of municipal power into the hands of a few men or responsible agents, who are usually put at the head of the several departments necessary to the conduct of the business of cities."[62] Home rule was a precondition less for popular sovereignty than for "business" management—a sentiment underscored by the collapse of urban political participation even as home rule and allied reforms promised to emancipate urban voters.[63]

The home rule movement was a multifaceted campaign, pursued largely by academic reformers and "good government" municipal leagues, and was aimed at a variety of urban ills.[64] This, as one reformer summarized the movement, was

58. Hays, *supra* note 30, at 157–69.

59. Scott Allard et al., *Representing Urban Interests: The Local Politics of State Legislatures*, 12 STUD. AM. POL. DEV. 276, 276–94 (1998); Eric Monkkonen, *The Politics of Municipal Indebtedness and Default, 1850-1936*, *in* THE POLITICS OF URBAN FISCAL POLICY 125, 125–53 (Terrence McDonald & Sally Ward eds., 1984).

60. Hays, s*upra* note 30, at 157–69.

61. James Weinstein, *Organized Business and the City Commission and Manager Movements*, 28 J. S. HIST. 166, 178 (1962).

62. Barnes v. City of Kirksville, 180 S.W. 545, 548 (1915).

63. Walter Dean Burnham, *The Changing Shape of the American Political Universe*, 59 AM. POL. SCI. REV. 7, 22 (1965) (discussing a classic account of home rule); *see also* Hays, *supra* note 30, at 6–38.

64. Cumfer, *supra* note 38, at 924–28.

> an effort to make our cities free and relieve them of the necessity of jockeying at the state capitols for special local legislation, as well as rendering them immune from legislative attack or interference . . . as well as ridding themselves of local dictators with power built up by intrigue, chicane, and political patronage without regard to public justice or a business administration of municipal affairs. . . . The central thought of the home rule city is that it shall be governed by men who work, and whose ideals become its soul and guiding light. Its moving epic is a reincarnation of the spirit of the burghers of Florence; a new renaissance in American municipal life.[65]

Home rulers fought for the city's status as a "state within a state" in such a way as to both carve out a clear set of municipal responsibilities and erect barriers to state interference or preemption.[66]

The goals and pace of the home rule challenge to Dillon's Rule varied widely across the country, and as the movement progressed through the late nineteenth and early twentieth centuries. The first, and most common, home rule victory was a prohibition of state meddling through "special" legislation.[67] Most midwestern and western state constitutions adopted after the mid-nineteenth century included such provisions.[68] Such constraints on state power, however, meant little if they were not accompanied by the devolution of some political responsibility to the cities themselves.[69] The first goal, in this respect, was local control over the structure and administration of local government, a right first won in Missouri in 1875, followed by California in 1879, Washington in 1889, Minnesota in 1896, and a flurry of states in the long decade before World War I.[70] The progress of home rule slowed, in part because the Supreme Court reaffirmed Dillon's Rule in 1923, and in part because the Depression pushed the constitutional question of federal power to the forefront. Yet eight more states established or elaborated home rule provisions between the wars,[71] a few more states joined the roster after 1945, and many others expanded earlier laws—dropping population thresholds,

65. WILLIAM K. CLUTE, THE LAW OF MODERN MUNICIPAL CHARTERS 123 (Fred. S. Drake ed., 1920).

66. Briffault, *supra* note 45, at 8–9.

67. Jon Teaford, *Special Legislation and the Cities, 1865–1900*, 23 AM. J. LEGAL HIST. 189, 189–212 (1979).

68. *Id.*

69. *Id.*

70. Colorado, Oregon, Oklahoma, Michigan, Arizona, Ohio, Nebraska, Texas, Maryland, Connecticut, and Massachusetts. *Id.*

71. Pennsylvania, New York, Nevada, Wisconsin, Utah, Ohio, Texas, and West Virginia. *Id.*

enumerating new municipal powers, and extending home rule to counties as well.[72]

By the end of the twentieth century, forty-five states allowed some form of home rule and about thirty states granted substantive structural, political, and fiscal responsibility to local governments.[73] Generally, home rule powers were most expansive through the West and upper Midwest and weakest in the South and Northeast.[74] The movement never fully succeeded in overthrowing Dillon's Rule, and in most states local powers must still be expressly granted by state law.[75] But by the same token, most incorporated municipalities can, within broad limits set by state law, shape their own charters, enter into contracts, tax local residents, go into debt, zone and annex land, and provide a broad range of local services.[76]

III. THE HIGH PRICE OF HOME RULE IN GREATER ST. LOUIS

In most settings, home rule was pursued and won for an idealized city—a sort of Florentine or Roman city-state representing a diverse economic and demographic base, a metropolitan anchor for a larger region, and a "more or less natural unit of government."[77] But cities changed. As home rule ceded greater authority to local governments, it also made it possible for fragments of the metropolis to incorporate their own governments. The result was not just cities with some autonomy from state rule, but also proliferating suburbs with autonomy from the central city and from each other.[78] While the nation's metropolitan areas[79] number in the hundreds, there are, by the last *Census of Governments*, nearly 39,000 local general-purpose governments and another 51,000 special-purpose governments.[80] The modern city represents anything

72. *Id.* (noting that a few more states joined the roster after 1945, and many others expanded earlier laws—dropping population thresholds, enumerating new municipal powers, and extending home rule to counties as well).

73. Schaller, *supra* note 31, at 402–04.

74. KRANE, RIGOS & HILL, *supra* note 45, at 10–16.

75. Stephanie Cole, *Illinois Home Rule in Historical Perspective*, *in* HOME RULE IN ILLINOIS 11, 11–16 (Stephanie Cole & Samuel K. Grove eds., 1971).

76. MOTT, *supra* note 41, at 13–27.

77. HOWARD L. MCBAIN, AMERICAN CITY PROGRESS AND THE LAW 1 (Columbia University Press ed., 1918).

78. *See* JACKSON, *supra* note 37 (generally discussing suburban autonomy from state rule); GORDON, *supra* note 14, at 39–46 (discussing a St. Louis case).

79. Office of Mgmt. & the Budget, *2010 Standards for Delineating Metropolitan and Micropolitan Statistical Areas*, 75 FED. REG. 37246, 37252 (2010) (defining metropolitan areas as population centers or economic regions).

80. A general-purpose government, like that of a county or city, takes on a broad array of governmental responsibilities; a special-purpose government—which often overlaps other jurisdictions—is usually a taxing authority for a single public good, such as sewers or schools or

but a "natural unit of government." Today, metropolitan St. Louis consists of 17 counties, 309 municipalities or census-designated places, and 165 school districts.[81]

With the advent of home rule, state and local law regarding incorporation, annexation, and consolidation varied wildly, but in most settings made it much easier to incorporate new localities on the city's fringes. "By the early twentieth century suburbanites had begun carving up the metropolis," the urban historian Jon Teaford concludes, "and the states had handed them the knife."[82] Nowhere was this truer than in Greater St. Louis.[83] St. Louis County claimed six incorporated municipalities in 1900 and only twelve more by 1930—but that number had more than doubled by 1940 and doubled again by 1950.[84] During this era, most new housing stock was erected in unincorporated subdivisions.[85] The character of these suburbs was determined by the terms and standards of private construction and realty, including house and lot size and deed restrictions.[86] Residents sought incorporation as a means of sustaining local standards. Professional planners, for their part, routinely discouraged their St. Louis County clients from annexing new territory. Instead, they argued that smaller municipal units were sufficient to provide local services and necessary to avoid the threats posed by mixed density or use.[87] The result, noted as early as the late 1920s, was a "considerable number of small communities," each "separate from the metropolitan city and . . . aloof from its neighbor."[88] It bears repeating: today's metropolitan St. Louis consists

fire protection. *2012 Census of Governments*, U.S. CENSUS BUREAU, *available at* http://www.census.gov/govs/cog2012/.

81. KRANE, RIGOS & HILL, *supra* note 45, at 3; ORFIELD, *supra* note 5, at 160–63; Tim P. Fischesser, ST. LOUIS MUN. LEAGUE, http://www.stlmuni.org/; *St. Louis County/City School District Profiles*, http://www.hughcalc.org/hugh/stl_schools.html; Jennifer Florida, CITY OF ST. LOUIS RECORDER OF DEEDS, http://www.stlouiscityrecorder.org/areacounties.html.

82. JON C. TEAFORD, CITY AND SUBURB: THE POLITICAL FRAGMENTATION OF METROPOLITAN AMERICA, 1850–1970, at 31 (1979).

83. *See* GORDON, *supra* note 14, at 40.

84. In 1900, Bridgeton, Fenton, Ferguson, Florissant, Kirkwood, and Webster Groves; in 1930, these six and Brentwood, Clayton, Glendale, Huntleigh, Maplewood, Oakland, Olivette, Richmond Heights, Rock Hill, Shrewsbury, University City, and Valley Park. BRADY BAYBECK & E. TERRENCE JONES, ST. LOUIS METROMORPHOSIS: PAST TRENDS AND FUTURE DIRECTIONS 277 (2004).

85. *See* GORDON, *supra* note 14, at 41.

86. *Id*.

87. *Id.*

88. Elwood Street, *Community Organization in Greater St. Louis*, 6 SOCIAL FORCES 248, 249 (1927).

of 17 counties, 309 municipalities or census-designated places, and 165 school districts.[89]

It was not, of course, the mere fact of this fragmentation that caused the damage, but what the proliferation of local governments did with their power. What has played out in St. Louis, and in many other settings, is an object lesson in the perils and costs of local power. When a city is governed by a patchwork of insular corporate units that are uneven in size, capacity, and composition, the fruits of local growth will accumulate in a small subset of affluent localities.[90] Patterns of economic and racial segregation will harden over time.[91] Civic participation and public good will suffer.[92] And all of this will come at the expense of the greater metropolis, where the aggregate costs of petty localism vastly outweigh the scattered local benefits.[93]

First and foremost, home rule nurtured segregation.[94] The early twentieth-century city was a natural unit of diverse and densely interrelated populations and economic activities, as "bustling streets with a mixture of factories, offices, apartments and homes crowded together amidst heavy traffic, noise, dirt, and excitement."[95] By the middle of the twentieth century, these same cities were defined and shaped by lines of incorporation that separated the offices and factories from the homes, and the homes from the apartments.[96] As independently incorporated suburbs segregated residential and commercial development, they increasingly viewed local government not as a means of managing the city, but as a protector of "hearth and home" against the threats posed by the city.[97]

Local segregation was deepened and subsidized by state and federal policy. During its heyday from the late 1930s through the late 1950s, the Federal Housing Administration (FHA) wedded its mortgage guarantee programs to an elaborate system of rating prospective borrowers, properties, and neighborhoods.[98] In St. Louis and elsewhere, FHA policies assumed that stable

89. Tim P. Fischesser, ST. LOUIS MUN. LEAGUE, http://www.stlmuni.org/; *St. Louis County/City School District Profiles*, http://www.hughcalc.org/hugh/stl_schools.html; Jennifer Florida, CITY OF ST. LOUIS RECORDER OF DEEDS, http://www.stlouiscityrecorder.org/areacounties.html.

90. Briffault, *supra* note 45, at 1.

91. *Id.*

92. *Id.* at 1–2.

93. *Id.* at 6.

94. *Id.* at 16.

95. BERNARD FRIEDEN, ADVISORY COMM. ON INTERGOVERNMENTAL REL., METROPOLITAN AMERICA: CHALLENGE TO FEDERALISM 17 (1966).

96. *Id.* at 18.

97. JANE JACOBS, THE DEATH AND LIFE OF GREAT AMERICAN CITIES 119–20 (1961).

98. For this history, *see* Amy Hillier, *Searching for Red Lines: Spatial Analysis of Lending Patterns in Philadelphia, 1940–1960*, 72 PA. HIST. 25, 25–47 (2005); Kenneth T. Jackson, *Race,*

housing values required that neighborhoods "be occupied by the same racial and social classes" and pushed investment away from the "crowded neighborhoods" and "older properties" of the central cities.[99]

These underwriting standards—which the FHA borrowed whole hog from the real estate industry—also shaped local control over land zoning.[100] Through the late nineteenth and early twentieth century, exclusionary zoning[101] was allowed only on the basis of public health, public safety, or public morals. Courts consistently held that zoning could not be used to sustain property values or the qualities of certain neighborhoods.[102] But as home rule encouraged fragmented incorporation, states ceded zoning authority to local governments, and emerging suburbs sought to protect "community standards," exclusionary zoning became a much more potent tool.[103] Such exclusionary zoning practices include minimum lot size, minimum dwelling size, and restrictions on, or outright prohibitions of, manufactured or multifamily housing.[104] These practices were pioneered, in many respects, by the FHA's desire to sustain "the character of the community" in early postwar developments.[105]

In the St. Louis suburbs, zoning was routinely and candidly viewed as a mechanism for sorting the metropolitan population by race and income, and for sustaining the spirit of race-restrictive deed covenants past their expiration.[106] The direct examples here are telling. The City of Berkeley in St. Louis County grew out of a dispute over school district boundaries with neighboring Kinloch—the lone black enclave in the County.[107] When white residents failed to sustain school segregation by dividing the school district, they created a new town in 1937 instead.[108] The City of Black Jack was hastily formed in 1970 to

Ethnicity, and Real Estate Appraisal: The Home Owners Loan Corporation and the Federal Housing Administration, J. URB. HIST. 419, 431–32 (1980); Thomas Hanchett, *The Other 'Subsidized Housing': Federal Aid to Suburbanization, 1940s to 1960s*, *in* FROM TENEMENTS TO THE TAYLOR HOMES: IN SEARCH OF AN URBAN HOUSING POLICY IN TWENTIETH CENTURY AMERICA (2000).

99. *See* GORDON, *supra* note 14, at 88–98.

100. *See* ROSE HELPER, RACIAL POLICIES AND PRACTICES OF REAL ESTATE BROKERS 203 (1969).

101. Exclusionary zoning might include prohibitions against certain kinds of commercial establishments or restrictions on the size or density of residential buildings. *See* Henry A. Span, *How the Courts Should Fight Exclusionary Zoning*, 32 SETON HALL L. REV. 1, 8 (2001).

102. GORDON, *supra* note 14, at 66.

103. *Id.*

104. Briffault, *supra* note 45, at 21–22.

105. *See* MCBAIN, *supra* note 77, at 114; ORFIELD, *supra* note 5, at 58–59; JACKSON, *supra* note 37, at 207.

106. GORDON, *supra* note 14, at 112–52.

107. *Id.* at 41.

108. *Id.* at 41–43.

stave off a mixed-income housing project.[109] The sprawling West County municipality of Wildwood (incorporated in 1995) was driven largely by fears that St. Louis County was not willing to sustain large-lot single-family residential development.[110]

Segregation and fragmented governance, in turn, created enduring fiscal dilemmas. Cities lost the taxing power to match their responsibilities, while suburbs were able to build a lucrative tax base while evading many of those responsibilities.[111] Central cities have always borne a disproportionate share of broad "metropolitan" services—such as airports, libraries, zoos, museums, parks, or hospitals—while suburban localities provide a more modest range of services on a much more stable tax base.[112] At the same time, suburbs are able to duck many of the costs of suburbanization itself.[113] Some of the slack is picked up by the state or counties, but often in such a way as to place even greater tax burdens on inner city residents.[114] Perhaps most importantly, home rule, along with its fragmented tax base, tends to cement or exaggerate interlocal differences in wealth and tax-funded services—especially public education.[115] While a rash of "equal protection" lawsuits have compelled states to step in and even out some of this disparity, home rule—and its consequences for poorer students—remains the organizing principle of school governance and finance.[116] Indeed courts have generally held that local control over school finance is a logical corollary to the broader assumption that local government is an extension of parental control and familial interests.[117]

Historically, such fiscal challenges are only exacerbated by efforts to overcome them through urban renewal or local economic development policies.[118] Despite the attention paid to corporate trophy hunting at the state level, the practice of offering lucrative tax incentives or subsidies to

109. *Id.*

110. *Id.* at 43.

111. For the dynamics and patterns of this fiscal inequity, *see* ORFIELD, *supra* note 5, at 49–64.

112. Thomas R. Dye & John A. Garcia, Structure, Function, and Policy in American Cities, 40 URB. AFF. REV. 103, 106–08 (1978).

113. Some of these costs include highway development, mass transit, policing, storm drainage, and emergency services. *See* ROBERT W. BURCHELL ET AL., TRANSP. RESEARCH BD., TCRP REPORT 39: THE COSTS OF SPRAWL—REVISITED 26 (1998), *available at* http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_39-a.pdf.

114. *See generally* Margaret Weir et al., *The Calculus of Coalitions: Cities, Suburbs, and the Metropolitan Agenda*, 40 URB. AFF. REV. 730, 730–60 (2005).

115. Briffault, *supra* note 45, at 21.

116. *See id.* at 24–39.

117. *See* Edgewood Indep. Sch. Dist. v. Kirby, 777 S.W.2d 391, 398 (Tex. 1989); Briffault, *supra* note 45, at 24.

118. *See* GORDON, *supra* note 14, at 188–220.

prospective investors is largely a local phenomenon.[119] Indeed the vast majority of such subsidized relocations occur not across state lines but within a state or metropolitan region.[120] Municipalities, often drawing on the same pot of state money for "community development," compete frantically for commercial investment.[121] Local governments are, by nature, more susceptible to the influence of powerful corporate interests.[122] These corporate interests routinely pit communities against one and other, making cities less likely to consider the broader regional impact of business relocation.[123] The result, now widely documented, is a largely irrational scramble for business investment.[124] In their eagerness to pad the tax base for the long run, local governments will defer tax collection or target tax expenditures for the short run—often ten or twenty or thirty years.[125] In their eagerness to cut a better deal than competing cities, local governments will avoid attaching strings, such as wage or job retention guarantees, to development assistance unless local or state law compels them to do so.[126] Cities routinely forgo tax collections or pay subsidies that buy little more than "business confidence."[127]

In St. Louis, this local competition is exaggerated by the stakes—Missouri municipalities can choose to keep sales taxes generated locally[128]—and by the stark underlying geography of local inequality. Fragmented local governance has meant, among other things, that economic change will be borne unequally. Deindustrialization, automobility, and the emergence of a service and knowledge economy brought with them winners and losers. In St. Louis, of course, the old economy lay mostly to the east of Skinker Boulevard, and the

119. *Rebuilding Communities*, THE CITY OF ST. LOUIS MO., https://www.stlouis-mo.gov/government/departments/sldc/economic-development/financing/rebuildcomms.cfm (last visited Feb. 2, 2015).

120. *Id.*

121. *See* GREG LEROY ET AL., ANOTHER WAY SPRAWL HAPPENS: ECONOMIC DEVELOPMENT SUBSIDIES IN A TWIN CITIES SUBURB (1999), *available at* http://www.goodjobsfirst.org/sites/default/files/docs/pdf/anoka.pdf.

122. *See* Clayton P. Gillette, *In Partial Praise of Dillon's Rule, Or, Can Public Choice Theory Justify Local Government Law?*, 67 CHI.-KENT L. REV. 959, 996–97 (1991).

123. *See id.* at 96.

124. *See, e.g.*, PETER K. EISINGER, THE RISE OF THE ENTREPRENEURIAL STATE: STATE AND LOCAL ECONOMIC DEVELOPMENT POLICY IN THE UNITED STATES 139 (1988).

125. *See* GREG LEROY, THE GREAT AMERICAN JOBS SCAM: CORPORATE TAX DODGING AND THE MYTH OF JOB CREATION 17, 191 (2005).

126. PETER FISHER & ALAN PETERS, INDUSTRIAL INCENTIVES: COMPETITION AMONG AMERICAN STATES AND CITIES 40 (1998).

127. *See* EISINGER, *supra* note 124, at 139.

128. *See* GORDON, *supra* note 14, at 66.

new economy mostly to the west.[129] Urban renewal and economic development policies, in this context, tended to harden local segregation, erode fiscal capacity where it is needed most, and widen the gap between the City of St. Louis and its suburbs.[130]

IV. UNDOING THE DAMAGE?

Urban historians and urban scholars generally agree that patchwork governance has been disastrous for American cities.[131] Home rule has encouraged local piracy, cemented local inequalities, and frustrated any broader or regional response. Local interests grasped this as well.[132] The ink was scarcely dry on the 1876 accord splitting the City and the County when the former discovered that it would bear most of the costs and reap little of the benefit of home rule.[133] And even the County, while unwilling to reconsider its divorce from the City, struggled with the costs and confusion of municipal proliferation within its borders.[134] Fair housing advocates identified municipal fragmentation—and the policies that flowed from it—as an engine of local segregation.[135] And business interests and groups came to realize that fragmented policy and planning turned growth politics into a local game of musical chairs.[136] For these reasons, the region has monotonously, although never successfully, revisited the question of stitching the City and the County back together again.[137] In the early 1920s, in the wake of Progressive Era fascination with "business-minded" managerial efficiency in local government, a board of freeholders[138] laid out a range of options for regional

129. *See generally* Bruce Katz, *Policy Brief # 33 Reviving Cities: Think Metropolitan*, *in* BROOKINGS POLICY BRIEF SERIES (1998), *available at* http://www.brookings.edu/research/papers/1998/06/metropolitanpolicy-katz.

130. *See generally* GORDON, *supra* note 14, at 188–213.

131. *Id.* at 46; *see generally* Katz, *supra* note 129.

132. GORDON, *supra* note 14, at 46.

133. *See id.* at 40–41, 46.

134. *Id.* at 46.

135. *See generally id.* at 96–97.

136. *Id.* at 46.

137. *Id.*

138. GORDON, *supra* note 14, at 46. In 1924, Article VI, Local Government, Section 30(a) was added to the Missouri Constitution specifying the procedure for considering the consolidation of St. Louis City and St. Louis County. Any plan to consolidate, extend boundaries, or to establish metropolitan districts which crossed the City-County line would be drawn up by a specially appointed board of freeholders, made up of eight landowners from the County, eight from the City, and one from another county. MO. CONST. art. VI, § 30(a). In 1990, the Missouri Supreme Court struck down the landholding requirement on equal protection grounds and required only that members be "electors" (eligible voters). Millsap v. Quinn, 785 S.W.2d 82, 83–85 (Mo. 1990).

consolidation—including a return of St. Louis City to St. Louis County, annexation of part of the County by the City, annexation of the entire County by the City, and establishment of "special districts" for certain metropolitan services.[139] County opposition torpedoed the proposal, and reformers led by the chamber of commerce regrouped around a "federal" plan that would maintain existing municipalities but create a new regional government with responsibility for health, sewers, public utilities, libraries, parks, and city planning.[140] This option was defeated in a statewide vote in 1930.[141]

After 1930, the federal or regional option proceeded in fits and starts, yielding the creation of the Metropolitan St. Louis Sewer District, which encompassed the City and the Missouri suburbs in the Mississippi watershed, in 1954, a junior college district in 1962, and a zoo-museum district in 1971.[142] Despite a near consensus that transportation (public and highways) posed the greatest regional planning challenge, the idea of a special transit district stalled, leaving only the Bi-State Development Agency, a combination planning body and bridge/harbor authority without any taxing power.[143] The chamber of commerce and others continued to promote some form of regional government and underwrote an exhaustive "Metropolitan St. Louis Survey" in 1955, which suggested a new metropolitan government with responsibility for arterial roads, transit, planning, economic development, sewers, civil defense, police, and property assessment.[144]

Again, regional solutions could not run the gauntlet of the joint St. Louis City-County Board of Freeholders, which split fairly predictably along City-County lines and settled on a weak compromise.[145] This pleased no one. County interests remained leery of any threat to home rule. City interests saw little benefit in half measures.[146] African Americans on the City's north side feared losing what little clout they claimed. Not surprisingly, the plan was easily defeated in a 1959 special election, losing by a margin of 2–1 in the City and 3–1 in the County.[147]

139. GORDON, *supra* note 14, at 46.

140. *Id.*

141. *Id.*; *see also* JONES, *supra* note 1, at 62–70.

142. GORDON, *supra* note 14, at 46–47.

143. *Id.* at 47.

144. Study of St. Louis Metropolitan Area (1955) (on file with the St. Louis League of Women Voters Records, Box 18:98 (sl530), the Western Historical Manuscript Collection at the University of Missouri–St. Louis)

145. HENRY SCHMANDT ET AL., METROPOLITAN REFORM IN ST. LOUIS 5–15 (1961).

146. *See* JONES, *supra* note 1, at 76.

147. SCHMANDT ET AL, *supra* note 145, at 24–25, 37.

This brings us back to the 1962 "Borough Plan," the last serious stab at overcoming regional fragmentation and its ills.[148] Like previous efforts, the Borough Plan proposed a sort of federal solution: an umbrella regional government assuming most core metropolitan responsibilities and twenty-two local boroughs, which would provide local representation and a shadow of home rule.[149] Proponents once again voiced their disdain for the region's "hodge-podge of feeble, self-centered, conflicting governments" and the "crazy-quilt of extravagant burdening and unneeded tax bodies."[150] Critics, especially in the County's suburbs and in the City's African American wards, countered that the Borough Plan was being "forced down the throats of the people of St. Louis and St. Louis County" and that it was all little more than "a clever attempt to delude the people of the area, particularly those in St. Louis County, into believing that their local communities will actually remain in existence."[151] The proposal lost handily, by a near 4–1 margin, in the statewide vote.[152]

After 1962, the "beggar-thy-neighbor" logic of home rule and the urgency of regional solutions persisted, but serious political reforms were rarely broached. Local governments toyed with a regional council.[153] Local growth interests, most prominently Civic Progress and the City and County chambers of commerce (merged and recast as the St. Louis Regional Chamber and Growth Association in 1973), continued to lament the costs and inefficiencies of local fragmentation.[154] But, as Civic Progress concluded glumly in 1969, the combined opposition of suburban interests and the City's African American wards left "little or no chance of major governmental consolidation."[155] Even

148. *See supra* note 1 and accompanying text.

149. Some Facts About the Borough Plan (Apr. 1962) (on file with the St. Louis League of Women Voters Records, Folder 1163 (sl530), the Western Historical Manuscript Collection at the University of Missouri–St. Louis).

150. For a Single, Effective, Economical Government (1962) (on file with the St. Louis League of Women Voters Records, Box 6:69 (s557), the Western Historical Manuscript Collection at the University of Missouri–St. Louis).

151. William Human, Analysis of the Borough Plan (1961) (on file with the St. Louis League of Women Voters Records, Box 18:100 (sl234), the Western Historical Manuscript Collection at the University of Missouri–St. Louis).

152. *See* JONES, *supra* note 1, at 79-82.

153. One draft idea was the St. Louis Council of Governments (SLACOG) envisioned as "an umbrella organization with a policy board to which a variety of functional planning and management units could be responsible." *See* Phoenix Fund, SLACOG: An Analysis (1974) (on file with the St. Louis League of Women Voters Records, Folder 1179 (sl530), the Western Historical Manuscript Collection at the University of Missouri–St. Louis).

154. Merger of a Metropolis (1967) (on file with the St. Louis League of Women Voters Records, Box 7:150 (sl234), the Western Historical Manuscript Collection at the University of Missouri–St. Louis).

155. LANA STEIN, ST. LOUIS POLITICS: THE TRIUMPH OF TRADITION 147 (2002).

St. Louis County, fearing that municipal incorporation and annexations would leave it with little but substandard housing, farms, and floodplains on its tax rolls, floated a number of proposals for municipal reorganization and new County authority over land use and zoning.[156] The County, however, could not overcome the entrenched defense of fragmented home rule.[157]

The regional perspective was, and is, sustained by organizations like the East-West Gateway Coordinating Council (now the East-West Gateway Council of Governments),[158] Confluence (now FOCUS) St. Louis, and the Metropolitan St. Louis Equal Housing Opportunity Council.[159] But the willingness and ability of these organizations to document the consequences of political fragmentation were not matched by their capacity to implement lasting solutions. The actual governance of the metropolis, claimed fleetingly by the City of St. Louis in 1876, remains largely in the hands of hundreds of suburban corporate fragments, most of which exist and legislate in order to keep the City, its problems, and its costs at bay.

V. CONCLUSION

There is a stark and sustained mismatch between the natural economic and demographic scope of American cities, and the crazy quilt of governments that furnish public goods and public services to their residents. Such governmental fragmentation is suspect on efficiency grounds alone, as local services—and the means to pay for them—are replicated in incorporated units that are, in scope and timing, largely accidents of local development patterns and policies. More importantly, patchwork governance cements and sustains local inequalities in such a way that local services—and the means to pay for them—vary dramatically across the metropolitan region. These political units, numbering in the hundreds in many settings, have distinct economic and demographic profiles, and dramatically uneven economic assets and fiscal capacities. Those that come out ahead in all of this, or hope to, pursue policies that harden such inequalities. Those that fall behind—especially the older, central cities—can do little but watch.

In St. Louis, this local fragmentation played out in a particularly damaging fashion. As an older industrial river city, St. Louis lacked the economic growth or diversity of many of its peers. Deindustrialization hit hard and early, and the

156. GORDON, *supra* note 14, at 49.

157. City-County Matters (1969) (on file with the St. Louis League of Women Voters Records, Box 1:16 (sl234), the Western Historical Manuscript Collection at the University of Missouri–St. Louis).

158. JONES, *supra* note 1, at 148–50.

159. FOCUS ST. LOUIS, TOO MANY GOVERNMENTS? A REPORT ON GOVERNMENT STRUCTURE IN ST. LOUIS CITY AND COUNTY (1987).

losers outnumbered the winners. As a border city, St. Louis was also a starkly racial setting, its development marked by a sustained and elaborate pattern of local segregation by private and public means. And as a Missouri city, St. Louis faced few legal or regulatory constraints on sprawl. All of this meant that local factions had both the incentive and the ability to engage in over a century of intense and unequal competition to hoard the region's assets and avoid its liabilities.

The recognition that this political fragmentation was destructive came early to St. Louis planners and politicians, as even the urban champions of the 1876 accord splitting St. Louis and St. Louis County soon claimed buyer's remorse. But successive stabs at reform, each more urgent than the last, have hardly left a mark. Truly metropolitan or regional solutions remained elusive. In part, this is because our cities and municipalities are political afterthoughts—their power of home rule reluctantly ceded by state legislatures. They have just enough local discretion over land use and planning to beggar their neighbors, but not means or incentive to cooperate with them. And in part this is because, as the region's problems worsened and spilled from the central city into the inner suburbs, the stakes just got higher. Regional cooperation became more urgent and yet more elusive with each passing decade.