

When “Empty is not Closed”: Organizing Efforts to (Officially) Close St. Louis’ Infamous Workhouse

Brianna Coppersmith*

Positioned on the Mississippi’s northern riverfront, offset by walls of barbed wire, sits St. Louis’ Medium Security Institution, commonly known as “the Workhouse.” The Workhouse extends nearly as far back into St. Louis history as the Missouri Compromise.¹ But in the last four years, with leadership from community organizers and civil rights activists, many St. Louisans have committed to a watershed project: to officially close the jail where the conditions are “unspeakably hellish”² and “human dignity is contemptuously disregarded.”³

While the grievances about the Workhouse are numerous and varied, the majority of complaints might fit into four categories.

- (1) **“A Modern-Day Debtors’ Prison.”**⁴ Despite a sign on the building reading “Medium Security Institution,” the “Workhouse” is the moniker that has stuck. This nickname nods to the jail’s predecessor, the City Workhouse.⁵ Built in 1843, that Workhouse operated as a debtors’ prison; those who could not pay their debts incrementally worked them off over arduous, ten-hour workdays

* J.D. Candidate, May 2023, Saint Louis University School of Law

¹ Chris Naffziger, *A Brief History of the Workhouse in the 19th Century*, ST. LOUIS MAGAZINE (Jan. 28, 2021), <https://www.stlmag.com/history/workhouse-history/>.

² Close the Workhouse, *A Plan to Close the Workhouse & Promote a New Vision for St. Louis* (2018), https://static1.squarespace.com/static/5ada6072372b96dbb234ee99/t/5bcca7e84785d3d9aac2513c/1540139716777/Close+The+Workhouse+Plan_Rev1+10112018.pdf (hereinafter CTW Report).

³ Redditt Thomas, *Suffering in Silence: Human Rights Abuses in St. Louis Correctional Centers*, ACLU OF EASTERN MISSOURI (2009), https://www.aclu-mo.org/sites/default/files/field_documents/aclusufferingfullreport.pdf.

⁴ Clark Randall & Jamiles Lartey, ‘A Hopeless Place’: *St. Louis Workhouse Denounced as a Modern-Day Debtors’ Prison*, THE GUARDIAN (Sept. 24, 2018).

⁵ Naffziger, *supra* note 1.

in manacles.⁶ Although detainees at the current Workhouse do not perform such labor, elements of the debtors' prison remain vis-à-vis bail. In 2018, an estimated 95% of the individuals detained at the Workhouse had yet to stand trial, meaning they (1) had not been convicted of any crime, (2) were entitled to a legal presumption of innocence, yet (3) remained detained because they had been denied bail or granted an unaffordably high bail.⁷ In short, the overwhelming majority of individuals held at Workhouse were only there because they could not afford to buy their freedom.

(2) The Workhouse “Disproportionately Impacts Poor and Black Communities in St. Louis.”⁸ Although only half the population of St. Louis is Black, 90% of the detainees in the Workhouse are Black, and most are poor.⁹ Individuals experiencing homelessness and mental illness are also disproportionately represented.¹⁰ In 1905, the St. Louis Post Dispatch described the old City Workhouse as “very near a mockery of justice.”¹¹ Today, organizers note that the Workhouse’s population is a result of “systemic racism in policing and criminal legal systems” and “overpolic[ing] Black neighborhoods for low-level traffic infractions.”¹² According to those organizers, the Workhouse stands as a “monument to racism and white supremacy here in St. Louis.”¹³

⁶ *Id.* Typically, detainees would work at the nearby quarry, charged with breaking large stones that could then be inlaid into the city’s street beds. *Id.*

⁷ CTW Report, *supra* note 2, at 17.

⁸ *Id.* at 18.

⁹ *Id.* at 3.

¹⁰ *Id.*

¹¹ Naffziger, *supra* note 1.

¹² CTW Report, *supra* note 2, at 17.

¹³ Close the Workhouse (@CLOSEWorkhouse), TWITTER (Jan. 1, 2021, 11:57 AM), <https://twitter.com/CLOSEWorkhouse/status/1345066552945766406>.

(3) Detainees Are Subjected to “Risk of Serious Harm and Injury From... Inhumane Conditions.”¹⁴ The troubling conditions inside the Workhouse have been widely reported, citing instances of: guards forcing detainees to engage in “gladiator-style” combat and placing bets on the winner;¹⁵ vomit and human feces contaminating detainees’ living quarters;¹⁶ officers’ uses of force left uninvestigated;¹⁷ persistent black mold;¹⁸ and rodent infestations, with “rats big as cats.”¹⁹

(4) “You’re Wasting Your Money On It.”²⁰ Over the last four years, the Workhouse’s population has dropped precipitously. In 2017, the Workhouse detained 836 people.²¹ By May of 2019, the population was 380.²² In July of 2020, only 86.²³ Considering the sizable cost to taxpayers to keep the building open (ranging between \$8 million and \$16 million dollars annually)²⁴, this drop shored up an

¹⁴ Complaint at ¶ 180, *Cody v. City of St. Louis* (No. 4:17-cv-2707) (E.D. Mo. Nov. 13, 2017) (hereinafter *Cody* Complaint).

¹⁵ Robert Patrick, *Suit Claims St. Louis ‘Workhouse’ Inmates Forced By Guards to Fight*, ST. LOUIS POST DISPATCH (Aug. 18, 2012), https://www.stltoday.com/news/local/crime-and-courts/suit-claims-st-louis-workhouse-inmates-forced-by-guards-to-fight/article_a8a6f0dc-1d0e-58f4-8c6e-b50fd7fc5b7d.html.

¹⁶ Thomas, *supra* note 3, at 15.

¹⁷ *Id.* at 19.

¹⁸ *Cody* Complaint, *supra* note 14, at ¶ 56.

¹⁹ Close the Workhouse, *Humans of the Workhouse – Callion Barnes*, YOUTUBE (Jan. 29, 2020), <https://youtu.be/7NK2fw9hOIU>.

²⁰ Tony Messenger, *The Math Adds Up, Says Head Public Defender in St. Louis – Close the Workhouse* (Mar. 10, 2019), https://www.stltoday.com/news/local/columns/tony-messenger/messenger-the-math-adds-up-says-head-public-defender-in-st-louis-close-the-workhouse/article_7a72a2f1-42fa-5a29-aed3-8bcedcaaa169.html.

²¹ St. Louis Public Radio, *What’s the Workhouse?* (July 26, 2017), <https://news.stlpublicradio.org/government-politics-issues/2017-07-26/whats-the-workhouse-heres-what-you-need-to-know-about-st-louis-medium-security-institution>.

²² Messenger, *supra* note 20.

²³ Tony Messenger (@tonymess), TWITTER (July 17, 2020, 9:04 AM), <https://twitter.com/tonymess/status/1284126948885700617>.

²⁴ Messenger, *supra* note 20; Elliott Davis, *New Legislation Introduced in the Board of Aldermen to Close the St. Louis Workhouse*, FOX 2 NEWS (June 30, 2020),

economic argument to close the Workhouse. In a public panel, Mary Fox, now the director of Missouri's public defender's office,²⁵ stated that there was no need for the Workhouse, and citizens were wasting their tax dollars to pay for it.²⁶ Billboards posted along St. Louis highways echoed this sentiment by listing the Workhouse's declining population and imploring St. Louisans to ask their aldermen "WHY SPEND \$8M ON THIS?"²⁷

The Workhouse came under renewed public scrutiny in the summer of 2017. When a heatwave settled over St. Louis, a viral video showed detainees screaming out the windows and begging for help for lack of air conditioning.²⁸ Temperatures inside the building reportedly reached five to ten degrees *hotter* than the outside temperature, which crested at 107 degrees Fahrenheit.²⁹

Following the heatwave was a tide of grassroots activism. ArchCity Defenders, a local holistic legal advocacy organization, filed a federal lawsuit against the City of St. Louis on behalf of plaintiffs detained at the Workhouse.³⁰ In 2018, the Close the Workhouse campaign (CTW), comprised of organizers, community members, and attorneys, launched

<https://fox2now.com/news/you-paid-for-it/new-legislation-introduced-in-the-board-of-aldermen-to-close-the-st-louis-workhouse/>.

²⁵ MISSOURI STATE PUBLIC DEFENDER, <https://publicdefender.mo.gov/about-mspd/director/> (last visited Sept. 25, 2021).

²⁶ Messenger, *supra* note 20.

²⁷ Close the Workhouse, *CTW Has Billboards!*, FACEBOOK (June 4, 2020), <https://www.facebook.com/ClosetheWorkhouse/posts/785622101970323/>.

²⁸ Doyle Murphy, *St. Louis Workhouse Inmates Beg for Help from Blistering Heat*, RIVERFRONT TIMES (July 19, 2017), <https://www.riverfronttimes.com/newsblog/2017/07/19/st-louis-workhouse-inmates-beg-for-help-from-blistering-heat>.

²⁹ Doyle Murphy, *St. Louis' Hot-as-Hell Workhouse Jail Could Get Temporary A/C*, RIVERFRONT TIMES (July 21, 2017),

<https://www.riverfronttimes.com/newsblog/2017/07/21/temporary-air-conditioning-possible-for-st-louis-hot-as-hell-workhouse-jail>.

³⁰ See Cody Complaint, *supra* note 14, at ¶¶ 3-13.

and demanded that the jail close permanently.³¹

Members of St. Louis' Board of Aldermen, the city's legislative body, also began to express their intent to close the Workhouse. Policy followed. On July 14, 2020, the Board of Aldermen unanimously passed Board Bill 92, which provided for the closure of the Workhouse by the end of 2020.³² The bill's passage was celebrated as a historic step toward justice.³³ Of the bill's passage, board president Lewis Reed is reported to have said, "this is not a symbolic gesture, this is as real as it gets."³⁴

Then-mayor Lyda Krewson subsequently signed Ordinance 71217, which, among other things, required the Corrections Commissioner to produce within forty-five days a "detailed plan to discontinue operating [the Medium Security Institution] as a facility to house detainees with a planned closure date by December 31, 2020."³⁵

Forty-five days passed. Then forty-five more. Commissioner Glass produced reports, but none were the "detailed plan" required by Ordinance 71217.³⁶ By December of 2020, Mayor Krewson conceded that, contrary to the ordinance's directive, the Workhouse wouldn't close by

³¹ CTW Report, *supra* note 2.

³² ST. LOUIS, MO., BOARD BILL NO. 92 (2020).

³³ See, e.g., *Activists' Work Pays Off: St. Louis Votes Unanimously to Close the Workhouse Jail!*, BEN & JERRY'S (July 17, 2020), <https://www.benjerry.com/whats-new/2020/07/st-louis-closes-workhouse>; *After Two Years, Close the Workhouse Campaign is Victorious as St. Louis City Government Votes to Shutter Notorious 'Workhouse' Jail in 2020*, ARCHCITY DEFENDERS (July 17, 2020), <https://www.archcitydefenders.org/for-immediate-release-after-two-years-close-the-workhouse-campaign-is-victorious-as-st-louis-city-government-votes-to-shutter-notorious-workhouse-jail-in-2020/>.

³⁴ Close the Workhouse Campaign, *Defund the Workhouse*, ST. LOUIS AMERICAN (Dec. 15, 2020), http://www.stlamerican.com/news/community/defund-the-workhouse/article_907182e8-3f16-11eb-a454-bbc0af0d4a91.html.

³⁵ ST. LOUIS, MO., ORDINANCE 71217 (2020).

³⁶ *Ordinance 71217 Final Report*, ST. LOUIS, MO DEP'T OF CORRECTIONS (Aug. 26, 2020), <https://www.stlouis-mo.gov/government/departments/public-safety/corrections/documents/ordinance71217report.cfm>.

the end of the year.³⁷

Winter came and went: the Workhouse remained open. As Mayor Krewson ended her term, she had yet to follow-through on her commitment to close the Workhouse.

Then, Tishaura Jones, a longtime proponent of closing the Workhouse, won the 2021 mayoral race and, at her first budget presentation, she eliminated funding for the Workhouse.³⁸

On June 17, 2021, the Jones' administration officially emptied the Workhouse, and all detainees were transferred to a different city jail, the City Justice Center (CJC).³⁹ In response, CTW celebrated: "For the first time in history, there are no detainees being held in the Workhouse."⁴⁰ While CTW applauded Mayor Jones' response, it cautioned that "the work is not done. Nothing short of the full and complete closure of the Workhouse will do."⁴¹ As CTW would later distinguish: "empty is not closed."⁴²

³⁷ Mark Schlinkmann, *Krewson Says Workhouse Won't Close by Dec. 31 as Aldermen Wanted*, ST. LOUIS POST DISPATCH (Dec. 17, 2020), https://www.stltoday.com/news/local/crime-and-courts/krewson-says-workhouse-won-t-close-by-dec-31-as-aldermen-wanted/article_30fbb117-be34-5b9a-9546-fa2b3807bba7.html.

³⁸ Christine Byers & Colin Jeffery, *St. Louis Mayor Proposes Closing the Workhouse in Budget Filed on her First Day on the Job*, KSDK (Apr. 22, 2021), <https://www.ksdk.com/article/news/local/st-louis-mayor-jones-budget-proposal-close-workhouse/63-5f75d7aa-ee69-4299-8171-c36469ca8c11>.

³⁹ Dana Rieck, *As St. Louis Major Jones Promised, Empty Workhouse Finally Defunded*, ST. LOUIS AMERICAN (July 1, 2021), http://www.stlamerican.com/news/local_news/as-st-louis-mayor-jones-promised-empty-workhouse-finally-defunded/article_aae29772-dab4-11eb-8ac9-9bf53c6678d2.html.

⁴⁰ Close the Workhouse, *Statement from Close the Workhouse Campaign in Response to Emptying of Workhouse*, FACEBOOK (June 17, 2021), <https://www.facebook.com/ClosetheWorkhouse/photos/a.303774610155077/1052505838615280/>.

⁴¹ *Id.*

⁴² Close the Workhouse, *Statement from Close the Workhouse Campaign on 140 People Transferred to the Workhouse*, FACEBOOK (Aug. 4, 2021),

Just over a month later, the Workhouse re-opened when the city's Corrections Divisions transferred over 100 detainees back to the Workhouse after an alleged security breach at the CJC.⁴³ As of September 16, 2021, detainees remain there, and reports have emerged that the Workhouse has no on-site medical care, no on-site dental care, and a ninety-day wait before it can issue pharmaceutical services.⁴⁴

At the end of two unfulfilled promises to finally close the Workhouse, where does that leave us?

We might learn something from the headlines that reflect the recent efforts to close the Workhouse. Placed chronologically, the headlines reflect an unmistakable "groundhog day" effect, which loops through this cycle: call-to-action; response; retreat.

In early 2020, for instance, the St. Louis American published this action-oriented headline: "How to close the Workhouse."⁴⁵ In summer 2020, the city's affirmative response was well documented in headlines like: "After Two Years of 'Relentless' Community Organizing, St. Louis' Oldest and

<https://www.facebook.com/ClosetheWorkhouse/photos/a.303774610155077/1052505838615280> (emphasis in original).

⁴³ Alex Fees, *St. Louis Public Safety Official Addresses Latest Security Incident at City Justice Center*, KSDK (Aug. 15, 2021), <https://www.ksdk.com/article/news/local/st-louis-public-safety-dan-isom-security-incident-city-justice-center/63-83a411e9-c013-4935-92bc-90cda18a53c8>. Notably, Dan Isom, St. Louis' Public Safety Director, called the campus the "CJC Annex." The Annex is located on the same campus as the Workhouse but, according to Isom, distinguished because at the Annex, detainees sleep in individual cells instead of pods. While the rebrand suggests an attempt to avoid expressly stating so, his statements make clear that the Workhouse has been re-opened.

⁴⁴ Rachel Rice, *No Medical, Dental Care at St. Louis Workhouse, Officials Say*, ST. LOUIS POST DISPATCH (Sept. 16, 2021), https://www.stltoday.com/news/local/crime-and-courts/no-medical-dental-care-at-st-louis-workhouse-officials-say/article_8798f5b6-a5de-51a6-b026-72dec3ac6642.html.

⁴⁵ Sophie Hurwitz, *How to Close the Workhouse*, ST. LOUIS AMERICAN (Jan. 14, 2020), http://www.stlamerican.com/news/local_news/how-to-close-the-workhouse/article_75148ed0-371c-11ea-8d80-67e73af2c1a5.html.

Most Notorious Jail is Closing.”⁴⁶ But, by winter 2020, the headlines retreated: “[Mayor] Krewson says Workhouse won’t close by Dec. 31 as aldermen wanted.”⁴⁷ Then, the cycle repeated. In early 2021, tactical headlines returned: “St. Louis! Let’s Elect a Mayor Who Will Close the Workhouse Immediately.”⁴⁸ Then, the familiar affirmations: “‘The Workhouse’ is closing.”⁴⁹ Followed by the retreat of fall: “Workhouse re-opens after latest Justice Center uprising.”⁵⁰

These cycles of unmet political promises certainly have big implications for the daily experiences of detainees at the Workhouse. But this cycle also bears directly on pending litigation brought on behalf of those detainees.

For instance, in 2017, the class action lawsuit *Cody v. City of St. Louis* was filed in the United States District Court for the Eastern District of Missouri, alleging First, Eighth, and Fourteenth Amendment violations for a group of plaintiffs who had been detained in the Workhouse.⁵¹ In 2020, with the case still pending but Ordinance 71217 signed by Mayor Krewson, Defendants filed a motion for stay of discovery, arguing that the Workhouse’s “likely imminent closure will render Plaintiffs’ claims for injunctive relief to close [the Workhouse] moot.”⁵² The court granted their

⁴⁶ Anne Branigin, *After Two Years of ‘Relentless’ Community Organizing, St. Louis’ Oldest and Most Notorious Jail is Closing*, THE ROOT (July 28, 2020), https://www.theroot.com/after-two-years-of-relentless-community-organizing-s-1844532211?fbclid=IwAR0mIDMN3xIqFno87zgLHZXGIL7ev6y0_-5W-VcG6moFORC6QY3OzfvVXbM.

⁴⁷ Schlinkmann, *supra* note 37.

⁴⁸ *St. Louis! Let’s Elect a Mayor Who Will Close the Workhouse Immediately*, BEN & JERRY’S (Mar. 2, 2021), <https://www.benjerry.com/whats-new/2021/03/close-the-workhouse>.

⁴⁹ Christine Byers, *‘The Workhouse’ is Closed. St. Louis Mayor Gives Update on Deadline to Close Jail*, KSDK (July 1, 2021), <https://www.ksdk.com/article/news/local/st-louis-mayor-update-the-workhouse-city-justice-center/63-be4b51b1-9094-432d-b837-a6c3f11db96b>.

⁵⁰ Sean Michael Lisle, *Workhouse Re-Opens After Latest Justice Center Uprising*, KMOX (Aug. 1, 2021), <https://www.audacy.com/kmox/news/local/fridays-uprising-at-cjc-leads-to-reopening-of-the-workhouse>.

⁵¹ *Cody Complaint*, *supra* note 14, at ¶ 173.

⁵² *Cody v. City of St. Louis*, No. 4:17-CV-2707-AGF, 2020 WL 8642959, at *1 (E.D. Mo. Sept. 15, 2020).

motion⁵³ (though the stay was subsequently lifted in January of 2021).⁵⁴

Once Major Jones committed to closing the Workhouse, the mootness question regarding cases like *Cody* and others pending and related to the Workhouse re-circulated. As one reporter speculated, if the Workhouse should close in 2021, then a “substantial portion of the [*Cody v. St. Louis*] lawsuit could become moot.”⁵⁵

But now that the Workhouse has reopened, where does that leave the issue of mootness? Any claims regarding conditions at the Workhouse certainly remain “live,”⁵⁶ and Article III’s active “case” or “controversy”⁵⁷ requirement satisfied. So long as 100 detainees are in the Workhouse, any speculations of mootness should be foreclosed.

But even if the Workhouse is to *empty* again, will be it sufficiently *closed* to invoke the mootness doctrine? A consensus of Supreme Court cases is instructive. In *City of Mesquite v. Aladdin’s*, the Court found it “well settled” that “a defendant’s voluntary cessation of a challenged practice does not deprive a federal court of its power to determine the legality of the practice.”⁵⁸ In *United States v. W. T. Grant Co.*, the Court similarly noted that a case is not mooted so long as a defendant is “free to return to his old ways.”⁵⁹ In short: an issue is not mooted if a defendant merely and voluntarily ceases his practice but retains his power to restart those practices.

⁵³ *Id.*

⁵⁴ Docket, *Cody v. City of St. Louis*, No. 4:17-CV-2707-AGF (E.D. Mo. Jan. 28, 2021).

⁵⁵ Christine Byers, *The Tab for Taxpayers Keeps Rising at St. Louis City Jail*, KSDK (May 7, 2021), <https://www.ksdk.com/article/news/crime/byers-beat/workhouse-city-jail-cost-renovations/63-f8d5fccd-7e26-49cb-a0ff-16d9dff15cdf>.

⁵⁶ *Chafin v. Chafin*, 548 U.S. 165, 172 (2013) (citing *Already, LLC v. Nike, Inc.*, 548 U.S. 721, 726 (2013)).

⁵⁷ U.S. CONST. art. III, § 2.

⁵⁸ *City of Mesquite v. Aladdin’s Castle, Inc.*, 455 U.S. 283, 289 (1982).

⁵⁹ *United States v. W. T. Grant Co.*, 345 U.S. 629, 632 (1953).

The “groundhog day” cycle of the last two years strongly suggests that the Workhouse falls into this exception to mootness. When the Workhouse is emptied, it is done so only temporarily and voluntarily by the City of St. Louis. Further, by transporting 100 detainees back to the Workhouse this summer, the City of St. Louis has demonstrated it retains the power and “free[dom] to return” to its old practices.

Until the Workhouse is emptied *and* closed, local activists, organizers, and legal advocates should press ahead, fighting for legislative and legal recognition of detainees’ rights and dignity.

Edited by Alex Beezley