

RIVAL GEOGRAPHIES: Race-Relations, Power, and National Planning In Postwar America

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Abstract: The following article is a critical, historical study of national planning interventions in the United States between 1945 and 1964. Drawing from race-radical scholarship, it reinterprets the national urban renewal movement at the end of WWII as a *racial project* that exercised a 'color-blind' rhetoric to legitimate the expansion of government police powers and help pave the way for the spatial specifics of global neoliberalism. It uses the case of Southwest Washington, DC, to explore the intersection of social identity, the law, and spatial policy during the early Cold War years. It views planning as a settler colonialist project, subservient to dominant systems through sustained *racialization*. It analyzes modernist planning at the nexus of state-society-space power relations to elucidate the dialectic of 'planning as social oppression.' By critically examining the landmark decision in *Berman*, I conceive planning as mediating the "social production of space" at the disjuncture of legal interpretation and urban transformation. I speculate that court legitimations of overtly racist urban policies are reflective of an epistemic lag between the American judicial branch and rapidly shifting discourses on urban development. Using a historical-materialist lens Jodi Melamed reinterprets U.S. literary studies as a "key site of geopolitical struggle around the meaning and significance of race" (Melamed 2011, xv) and goes on to argue the entrance of *official antiracisms* into American governmentality at the end of WWII and the new world-historical formation that ensued was conducive for U.S. global ascendancy and leadership of transnational capitalism. In her developed genealogy of "race-liberal orders", Melamed distinguishes three successive antiracist regimes. By linking the first antiracist regime, "racial-liberalism" (1945-1964) with the national urban renewal movement, this essay critiques institutionalized planning praxis through the lens of antiracisms. I argue that national planning efforts constituted a form of *antiracist negating mechanisms*. Whereas official antiracisms engaged the discursive spaces of the public sphere by explicitly locating race "as the central problem – the crux of everything wrong and unequal in governance, economy, and society," (Melamed 2011, x) *antiracist negating mechanisms* endorsed a 'color-blind' rhetoric to further obscure the workings of heteronormative hegemony in physical space. Therefore, I do not conceive *antiracist negating mechanisms* dialectically as antithetical to official antiracisms; rather they function in synergetic complementarity. In an effort to illuminate the silencing discourses in modernist planning projects, I conclude by proposing a queer-of-color framework towards advancing a *critical planning theory*.

Keywords: Washington, D.C., antiracisms, urban renewal, eminent domain, racial planning

INTRODUCTION

The following essay is a critical, historical analysis of national planning interventions in the United States between 1945 and 1964. Drawing on arguments made by race-radical scholars, it reinterprets the national urban renewal movement at the end of WWII as a *racial project* that exercised a 'color-blind' rhetoric to help expand government police powers and help realize the spatial specifics of neoliberal dominance. It uses the case of Southwest Washington, DC, to explore the intersection of social identity, the law, and spatial policy during the early Cold War years. It views institutionalized planning as a settler colonialist project that works to maintain heteronormative hegemony through sustained "racialization" processes. It analyzes modernist planning at the nexus of state-society-space power relations to elucidate the dialectic of "planning as social oppression" (Yiftachel 1998). By critically examining the 1954

landmark decision in *Berman v. Parker*, I conceive of planning as mediating the "social production of space" (Lefebvre 1991) at the disjuncture of legal interpretation and urban transformation. I speculate that court legitimations of overtly racist planning projects are reflective of an epistemic lag between orthodoxy in the American judiciary and the rapidly shifting sociocultural discourses on urban development. Using a historical-materialist lens, Jodi Melamed reinterprets U.S. literary studies as a "key site of geopolitical struggle around the meaning and significance of race" (Melamed 2011, xv). In *Represent and Destroy*, Melamed concludes that the entrance of *official antiracisms* into American governmentality in the WWII "racial break" and the new world-historical formation that ensued was conducive for U.S. global ascendancy and leadership of transnational capitalism. In her developed genealogy,

she identifies three successive *official antiracist regimes* pertinent to the historical evolution of institutionalized planning in the United States: “racial-liberalism (1945-1964); liberal-multiculturalism (1965-1990s); and neoliberal-multiculturalism (2000s).” (Melamed 2011, 1) By linking the first official antiracist regime, racial-liberalism, to the national urban renewal movement, the 1945 District of Columbia Redevelopment Act (DCRA) arguably paved the way for what I am coining as *antiracist negating mechanisms*. Whereas official antiracisms engaged the discursive spaces of the public sphere by explicitly locating race “as the central problem – the crux of everything wrong and unequal in governance, economy, and society,” (Melamed 2011, x) antiracist negating mechanisms endorsed a ‘color-blind’ rhetoric to further obscure the workings of heteronormative hegemony in physical space. Therefore, in my formulation *antiracist negating mechanisms* are not negations of official antiracisms; rather they dually function in synergetic complementarity. In *Chocolate City*, co-authors Chris Asch and George Musgrove argue for “race above all other cultural distinctions” (Asch and Musgrove 2017, 3) as the principle factor for all sociospatial divides and inequalities endemic in Washington, D.C., today. They write:

While it may be a social and historical construction...it is also a powerful lived reality that has influenced how (and where) Washingtonians of all races have lived, worked, voted, and interacted (Asch and Musgrove 2017, 3).

In an effort to illuminate the silencing violences in modernist planning praxis, I turn to the work of Roderick Ferguson in the conclusion to reflect on the usefulness of queer-of-color analyses for invoking a critical planning theory (Gunder 2011).

1. REPRESENT AND DESTROY

1.1. *BERMAN V. PARKER*, 348 U.S. 26 (1954).

Professions (like nations) keep their shape by molding their members’ (citizens’) understanding of the past, causing them to forget those events that do not accord with a righteous image, while keeping alive those memories that do. (Sandercock 1998, 1)

Berman is a landmark decision of the U.S. Supreme Court that reinterpreted the Takings Clause¹ of the Fifth Amendment to the U.S. Constitution and set the precedent for our modern-day eminent domain jurisprudence. In the early twentieth-century, Max Morris, a free black Washingtonian, lived and worked in Southwest, DC. For over twenty-five years, Mr. Morris ran a profitable business, Frank’s Department Store, in the commercial hub of Southwest, located on 4 ½ Street (figure 1). Then, in 1952, Mr. Morris received final notice of property acquisition by the Redevelopment

Land Agency (RLA), forcing his business shut. Mr. Morris challenged the constitutionality of the RLA on the grounds that its use of eminent domain power violates the Takings Clause of the Fifth Amendment, which prohibits the taking of “private property for public use without just compensation” (U.S. Const. art. I, § 8, cl. 5.). Prior to *Berman*, the Supreme Court maintained a narrowed interpretation of the “public use” consistent with ‘actual-use’ theory, which permits the taking of private property only when necessary for use by the entire public without exemption—a highway for example—or for uses by the government acting on behalf of the public as its representative, as in the instance of a military base. In *Berman*, the Court expanded its interpretation of the “public use” more broadly to include “public purpose.” Justice William O. Douglas, who delivered the majority opinion wrote:

Subject to specific constitutional limitations, when the legislature has spoken, the *public interest* has been declared... In such cases, the legislature, not the judiciary, is the main guardian of the public needs to be served by social legislation, whether it be Congress legislating concerning the District of Columbia or the States legislating concerning local affairs...Public safety, public health, morality, peace and quiet, law and order—these are some of the more conspicuous examples of the traditional application of the police power to municipal affairs. Yet they merely illustrate the scope of the power, and do not delimit it...*Miserable and disreputable housing conditions may do more than spread disease and crime and immorality*. They may also suffocate the spirit by reducing the people who live there to the status of cattle... *If those who govern* the District of Columbia decide that the Nation’s Capital should be beautiful as well as sanitary, there is nothing in the Fifth Amendment that stands in the way. Once the object is within the authority of Congress, the right to realize it through the exercise of eminent domain is clear... The entire area needed redesigning so that a balanced, integrated plan could be developed for the region, including not only new homes, but also schools, churches, parks, streets, and shopping centers... Once the question of the *public purpose* has been decided, the amount and character of land to be taken for the project and the need for a particular tract to complete the integrated plan rests in the discretion of the legislative branch...The rights of these property owners are satisfied when they receive that just compensation which the Fifth Amendment exacts as the price of the taking. (*Berman v. Parker*, 348 U.S. 26 1954)

In its more contemporaneous application of ‘regulatory takings,’ the Court reinterpreted the Public Use Clause in accordance with ‘public-benefit’ theory, which, when broadly construed, induces greater ambiguity. Consequentially, this semantic shift sparked much controversial debate concerning the limits of government powers and their respective infringements on individual freedoms. A taking generated for a direct ‘public-benefit’ eliminates the necessity for ‘actual-use,’ while further justifying the expansion of government

police powers under the rubric of serving the “public purpose” or “interest.” By mid-twentieth-century, the elimination of “urban blight” constituted a substantive ‘public interest.’ The national urban renewal movement played a central role in the demise of the Public Use Clause where judicial deference to local legislatures engendered the abuse of eminent domain powers in such instances where real properties were seized from marginalized social groups and ownership titles transferred to the hands of social elites. Between 1955 and 1966, urban renewal programs displaced well over 300,000 families across the U.S., and the burden fell disproportionately on African Americans and communities of color whose neighborhoods were frequently targeted for large-scale redevelopment plans. Since its inception, black activists denounced the racist agendas of urban renewal programs, albeit dissenting political action was mostly circumscribed within localized efforts, such as concerted street protests. In the early 1960s American novelist James Baldwin infamously dubbed urban renewal as “Negro Removal.” Nonetheless, the woes of afflicted black communities were largely neglected in dominant society, and the courts were mostly unsympathetic towards their legal pursuits for justice.

To raise the question of how a “formally liberal capitalist-state” (Melamed 2011, x) is capable of legitimating prolonged discriminatory violences against racialized minorities, as evinced in the diasporic effects of urban renewal on African American communities, invokes a critical interrogation of the dialectic of planning as part of the disciplining instruments of the “carceral” modern state (Foucault 1977, 297). Several sociopolitical forces converged at the end of WWII to realize the wholesale clearance of majority black

neighborhoods vis-à-vis urban renewal programs. According to Melamed, prior to WWII, white supremacy justified economic inequality within the United States and Europe and between colonizers and their colonies. Starting from the end of WWII and culminating in the 1960s, many challenges to old forms of racial hierarchy, including anticolonialist movements, a worldwide rejection of fascism, and the ideological rivalries between a capitalist order of nation-states led by the U.S. and International Socialism led by the U.S.S.R., converged to constitute what sociologist Howard Winant refers to as a “racial break” (Melamed 2011, ix). The post-WWII “racial break” registered a global shift in the worldwide racial system that had endured for centuries (Winant 2001), which brought white supremacist modernity on the cusp of permanent crisis, and linked official antiracisms in the U.S. to “democratic political development” more strongly than ever before. Melamed observes:

After the racial break state-recognized U.S. antiracisms replaced white supremacy as the chief ideological mode for making the inequalities that global capitalism generated appear necessary, natural, or fair. (Melamed 2011, xvi).

Meanwhile, the mass dissemination of race knowledges and the subsumption of black cultural productions in mainstream literary studies instituted a novel form of normalizing and rationalizing violence. This new violence was more powerful than ever before, because as liberal categories of racial difference assumed the dominant mode for securing institutionalized knowledges, categories of difference were used to analyze and explain economic inequalities, as opposed to the workings of “differential value that sort humanity into various designations of value and valuelessness” (Melamed 2011, xiii-xiv). Consequently, the epistemological disjuncture between a politics of “misrecognition” and a politics of “maldistribution”² (Fraser 1998) and the subsequent fracturing in the Left provided the desirable conditions for a liberal-capitalist modernity to ascertain hegemony by further dissociating cultural categorizations from economic disparities.

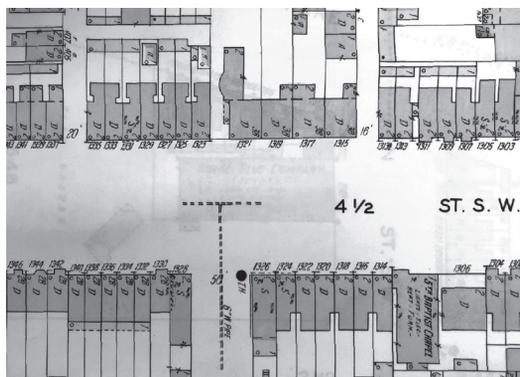


Figure 1: Sanborn Fire Insurance map of Four-and-a-Half Street, SW from 1888. The map illustrates a street flanked by buildings filling up the plot divisions. The pink color represents structures built from brick and the plan itself portrays an orderly layout of buildings reflective of a commercial street today. (Library of Congress 1888)

1.2. SPACE-SPHERE DIALECTIC

Public space often, though not always, originates as a representation of space...But as people use these spaces, they also become representational spaces, appropriated in use. Public space is thus socially produced through its use as a public space. (Mitchell 2003, 129)

In their “racial formation” theory, Omi and Winant challenge essentialist notions of race, viewing it instead as a dynamic and fluid social construct, wherein racial categories are “created, inhabited, transformed, and destroyed” by ongoing sociohistorical processes

(Winant and Omi 1994, 55). *Racialization* signifies the processes that ascribe 'racial categories' to a relationship, social practice, or group that did not identify itself as such, akin to what cultural critic Edward Said formerly implied as *Othering* – the dehumanizing and demonizing processes by which a hegemonic group claims moral superiority over a subordinated group (Said 1978). In this respect, "racial projects" represent those historically specific social, political, and cultural technologies that shape or direct the process of racialization. Racial projects operate at two fundamental levels: at the micro-level they interpret, represent or explain the meaning of particular racial dynamics; and at the macro-level they reorganize and redistribute resources on the basis of race (Winant and Omi 1994, 56). Accounting for the materialist implications of racialization, Melamed's work illuminates the dialectical tension inherent between a 'politics of recognition' and a 'politics of distribution.' The *Berman* case, decided just six months after the Supreme Court ruling in *Brown v. Board of Education*, which outlawed racial segregation in public schools, attests to this notion that official antiracisms implying racial-liberalism in the 'public sphere,' collude with *antiracist negating mechanisms* implying technological progress in the 'spatial sphere' in order to realize a racial project. I call this the *space-sphere dialectic*. In the *space-sphere dialectic of racial-liberalism* (1945-1964), "the massive production and dissemination of representations of black experience formulated in accord with the rubric of the Negro problem" performed the micro-level operations of a racial project (Melamed 2011, x). Meanwhile, at the macro-level, renewal advocates turned to various "scientific" knowledges in their campaigns towards constructing a newly reconfigured dominant ideology for understanding the urban. By appropriating "technical" terminology, such as "blight" and "obsolescence," used in discourses in agriculture and economics respectively, proponents for urban renewal forged a new language that helped recast urban decline as an existential threat to national security and an urgent matter that only be overcome in the reorganizing and redistributing principles of large-scale redevelopment schemes.

By early 1955, Frank's Department Store and neighboring Schneider's Hardware Store were among the 4,800 structures razed in Southwest. Spanning a twenty-year period, the urban renewal of Southwest displaced approximately 1,500 businesses and 23,000 residents (almost 6,000 families), from 560-acres of land that had formerly been occupied by the largest concentration of African American residents in Washington, DC. Data gathered from decennial surveys conducted in 1950 and 1970 reveal the drastic transformation of Southwest's racial composition at

the completion of urban renewal. Between 1950 and 1970, the black population in the Southwest urban renewal area plunged from 69% to 32%. Meanwhile, DC, experienced an inverse demographic shift during the same time period with black residents constituting 71% of the total population in 1970 compared with 35% in 1950, earning the nation's capital its epithet "Chocolate City." The landmark ruling in *Berman* laid the foundation for much of our modern-day eminent domain jurisprudence, and the U.S. government arguably rendered Southwest, DC, 'ground zero' in the postwar urban renewal movement. More than 800 cities applied for federal aid in urban renewal programs and a succession of similar violences were launched against racialized neighborhoods, including but not limited to Boston's West End, Los Angeles' Bunker Hill, Detroit's Poletown, and Charlottesville's Vinegar Hill. Although renewal programs mandated that redevelopment plans provide substitute accommodations for those displaced, enforcement policies were feeble and as early as 1956 public housing projects were quickly abandoned in favor of profitable capitalist ventures that would attract the suburbanite middle-classes back to the inner cities, reconfigured as spaces for consumption. Over the course of two decades, the communities of Southwest gradually disappeared at a cost of \$500 million (equivalent in value to \$4.6 billion today).

1.3. THE SOUTHWEST "PROBLEM AREA"

Published in 1950, the first comprehensive plan proposed for Washington, DC, identified Southwest as a "problem area" suffering from urban "blight," therefore in need of redevelopment (NCPPC). At the end of 1952, with the passage of the first urban renewal plan for a Southwest Project Area B,³ urban renewal moved from the planning stage to the action stage, sparking a wave of racial dramas in cities across the American landscape. Located in the 700-block area of 4½ Street SW, Frank's Department Store was well within the 76-acre boundary of Project Area B. Faced with the prospect of losing his business Mr. Morris and neighboring business owner Goldie Schneider refused to sell to the RLA. To stop the government from condemning their properties through eminent domain, Mr. Morris and Mrs. Schneider filed suit in federal district court, challenging the constitutionality of the DCRA. They argued the government's ability and scope to take and transfer private property to private developers, as part of a project to eliminate "blight," does not constitute a legitimate "public use." Rather, the taking of private property from one business owner for the benefit of another business owner under eminent domain amounts to an unconstitutional taking, thus violating the Public Use Clause of the Fifth Amendment

to the U.S. Constitution. Contending their businesses were not “blighted” (figure 2), the claimants further argued that since the DCRA had not defined the term “blight,” the RLA could not apply this ambiguous term to all of Project Area B. That said, however, the circuit court dismissed their allegations and the case was appealed to the U.S. Supreme Court, which upheld the decision and reaffirmed the constitutionality of the DCRA. The conflict between Morris, Schneider, and the RLA highlights a critical tension in American jurisprudence within the political economy of the early Cold War: the struggle to balance an image of the U.S. nation-state as a formally liberal-capitalist modernity against rationalizations for persistent distributive inequalities along racial divides. It also illuminates an epistemic lag between the American judicial system and shifting sociospatial discourses on urban development. The next chapter uses the *Berman* case as an example to further illustrate this epistemic lag between the courts’ interpretation of the law and urban transformation.



Figure 2: The 700 block of 4th Street, where Max Morris’ department store and Goldie Schneider’s hardware store were located prior to redevelopment. (Lavine 2010, 452).

2. PLANNING AS RACIALIZATION FOR THE CARCERAL MODERN STATE

2.1. ENGINEERING SOCIAL BELIEF

By late-nineteenth century, the outcomes of industrial capitalism on cities have already come to be characterized by stark inequalities. Marx’s notion of alienation,⁴ limited in his totalizing assumptions on heteropatriarchy, is challenged by empirical accounts documenting “slumming vogues” (Heap 2009). According to American historian Chad Heap, the emergence of slumming as a new form of urban amusement in the mid-1880s, helped portions of the urban populations in places like Chicago and New

York negotiate concurrent shifts in heterosexuality, homosexuality, whiteness, and blackness (Heap 2009). By “slumming,” Heap refers to the physical act of transgression, typically performed by a bourgeois body who consciously violates sociospatial divides, for the purposes of touring the urban enclave of an inferior social group. The scholar convincingly charts how a succession of slumming vogues responded to alterations in sexual, racial, and socioeconomic classification and helped constitute novel identity formations and categorizations. But slumming excursions provided more than simply spaces for entertainment and cultural diffusion, as they also contributed to the development of restrictive social policies in the early twentieth century, culminating in the Volstead Act of 1919, formally known as the Eighteenth Amendment, which ushered in the Prohibition Era. As a precursor to modern-day surveillance and policing, slumming excursions helped Progressives maintain cultural hegemony through the concurrent sociologization and statistical interpretation of sexual and racial knowledges. Foucault argued that the emergence of the category “population” represented “one of the great innovations in the technique of power in the eighteenth century” (Foucault 1990, 25). Based on his understanding of population, Foucault writes:

Governments perceived that they were not dealing with subjects, or even with a “people,” but with a “population,” with its specific phenomena and its peculiar variables: birth and death rates, life expectancy, fertility, state of health, frequency of illnesses, patterns of diet and habitation At the heart of the economic and political problem of population was sex: it was necessary to analyze the birthrate, the age of marriage, the legitimate and illegitimate births, the precocity and frequency of sexual relations, the ways of making them fertile or sterile, the effects of unmarried life or of those prohibitions, the impact of contraceptive practices . . . (Foucault 1990, 25-6).

Roderick Ferguson revises Foucault’s theory beyond Eurocentric presumptions by locating the origins of heteronormative values concurrently in the endemic negations and subversions of black cultural formations:

in the context of racial knowledge about African Americans, statistics was a way of gleaning sexual truths about that group. Statistics helped to present African Americans as a population for study and evaluation. The methodologies therein could help illuminate the gendered and sexual peculiarities of African American existence. Statistics helped to produce surveillance as one mode, alongside confession, for producing the truth of sexuality in Western society. As sex was “sociologized,” surveillance helped to constitute sexual knowledge in this way: sociological knowledge would be produced for the good of social order. With this effort in mind, canonical sociology would help transform observation into an epistemological and “objective” technique for the good of the modern state power. (Ferguson 2004, 77).

At the core of his argument, Ferguson implies an inseparability between queer identities and racial formations. According to the scholar, queerness and blackness are mutually constituted categories, manifested through "othering" assemblages. Said differently, in the concurrent racialization and sexualization of non-white bodies, blackness is endemically pathologized and conceived as antithetical to heteronormative respectability. As such, deviations from established hegemonic ideals are weighted against a black/white dichotomy, which forms the basis for differentiated valuation and devaluation. Ferguson opens the introduction of his text, *Aberrations in Black*, with a scene from Marlon Riggs' *Tongues United*, postulating the black drag-queen prostitute an affirmation of the innate perversity of urban capitalism:

Figures like her, ones that allegedly represent the socially disorganizing effects of capital, play a powerful part in past and contemporary interpretations of political economy. (Ferguson 2004, 1).

The politicization of aesthetics in the closing decades of the nineteenth-century proved to be a powerful discursive tool for Progressives who sought to eliminate the perceived social dangers engendered by industrial capitalism in the wholesale clearance and ordered reconfiguration of urban space. As Ferguson states:

Postulating sexuality as a general and diffuse causality provides an example of how sexuality came to mean much more than eros, "sexual instincts", and practices, but came to signify a host of apparently "nonsexual" factors. (Ferguson 2004, 77).

In the latter part of the nineteenth-century, representations of poor people and their neighborhoods were complemented with the emergence of visual sociology. The integration of documentary photography in sociological research developed a knowledge system premised on the belief that photographs could not lie and that cameras captured reality and presented subjects in a truthful manner (Chronopoulos 2014, 209). For social scientists seeking force-causing claims to theorize social phenomena, housing and neighborhood conditions, illiteracy and poverty became omens of gender and sexual pathologies that could topple the rational order of cities and even the nation (Ferguson 2004, 77).

The close proximity of Southwest to the Monumental Core,⁵ and social angst relating to its slum-like condition rendered it a prime site for testing the efficacy of urban renewal. RLA surveyors evaluated housing conditions in Southwest based solely on exterior inspection. Despite the inherently subjective methodology involved when appraising aesthetics, in codifying their observations according to a predetermined set of classifications, authorities presented their findings in statistical form and claimed

their study as objectional truth. In their survey, they determined that, of the 3,370 buildings in the area, only 4% were in good condition, while 40% were obsolescent and 56% were "blighted," providing reformers with some of the most poignant statistics for the purposes of making a case for renewal (*RLA Annual Report 1951*, 9). Title I of the *Housing Act of 1949* provided subsidies for the clearance of areas designated as slums, so that private developers could rebuild them (Chronopoulos 2014, 207). Between 1949 and 1960, chairman of the Mayor's *Committee on Slum Clearance*, Robert Moses planned 35 urban renewal projects in New York City alone, realizing half, and receiving \$65.8 million in Title I funds. An advocate of modernization and a pioneer planner in the early urban renewal era, Moses exploited the symbolic and interpretive qualities of photography to lead the largest slum clearance program in the U.S. during the '50s. To this end, the *Committee on Slum Clearance* published a brochure for every renewal proposal (Chronopoulos 2014), that:

arranged statistics, graphics, maps, photographs and illustrations in highly sophisticated ways to construct a powerful visual argument for the demonstration of blight. (Zipp 2010, 223).

Economist Mabel Walker defines a "blighted area" as:

an area in which deteriorating forces have obviously reduced economic and social values to such a degree that widespread rehabilitation is necessary to forestall the development of an actual slum condition. (Chronopoulos 2014, 210).

During the Great Depression, the term "blight" was elevated and joined the term slum. Beginning in the 1930s, both terms were used interchangeably to explain urban decline and advocate various forms of rehabilitation.

2.2. THE SPATIAL PRODUCTION OF LAW

The division of powers between the federal government and the states, provided in the Tenth Amendment to the U.S. Constitution, grants local governments legislative authority to formulate and enact zoning laws and landuse controls as they deem necessary for establishing and securing orderly urban spaces. The legitimacy of modern planning praxis is premised on the ideological belief that landuse zoning and building regulations are crucial for the mutual protection of private properties and the general welfare of the public, such as health, safety, peace, law and order (Sutton 2008, 7). To this end, planning commissions are empowered with legislative autonomy to decide on local affairs by virtue of judicial deference, albeit constricted within constitutional bounds. Justice Douglas affirms this notion when deliberating the majority opinion in the *Berman* case:

Subject to specific constitutional limitations, when the legislature has spoken, the public interest has been declared... In such cases, the legislature, not the judiciary, is the main guardian of the public needs to be served by social legislation...Public safety, public health, morality, peace and quiet, law and order—these are some of the more conspicuous examples of the traditional application of the police power to municipal affairs. Yet they merely illustrate the scope of the power, and do not delimit it. (*Berman v. Parker*, 348 U.S. 26 1954)

The legal basis for planning and zoning in the U.S. was laid by two Standard Enabling Acts published by the U.S. Chamber of Commerce in the 1920s (*American Planning Association*). In 1921, Commerce Secretary, Herbert Hoover appointed an advisory committee to draft the Standard Enabling Acts. After several revisions, the Government Printing Office published the first Act in 1924, a Standard State Zoning Enabling Act (SSEA), followed by a revised version in 1926. Section §1 of the SSEA provided a grant of power—

for the purpose of promoting health, safety, morals, or the general welfare of the community, the legislative body of cities and incorporated villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. (*Standard Zoning Enabling Act, Department of Commerce, 1926*)

The second Act, a Standard City Planning Enabling Act (SCPEA), was published in 1928. The SCPEA covered six subjects, one of which was the “organization and power of the planning commission, which was directed to prepare and adopt a masterplan” (*Standard City Planning Enabling Act, Department of Commerce, 1928*). Most pertinent to these Acts, was their enabling provision, which rendered zoning and landuse regulation within the scope of local police enforcement. Having undergone multiple revisions, the Standard Acts were imbued with controversy from their inception. The question of semantics and the articulation of meaning dominated the debates. Planning consultant and draft reviewer Harland Bartholomew insisted on modifying Section §3 of the SSEA, such that the phrase “such regulations shall be made in accordance with a *well-considered plan*” be replaced with “such regulations shall be made in accordance with a *comprehensive city plan*” (Knack 1996). In an effort to expand police powers even further, Edward M. Bassett left out the more innocuous term “city” from the final publicized version. A “comprehensive plan” as opposed to a “well-considered” plan makes it extremely difficult for lay persons to challenge the constitutionality of eminent domain power in areas designated for urban renewal. Once enacted as public policy, a comprehensive plan

becomes legally binding and the burden shifts to the dissident individual to prove the unconstitutionality of governmental decisions. In areas where isolated properties are not markedly “blighted,” the provisions of a comprehensive plan take precedence over private interests, premised on the logic that spot remedies otherwise referred to as “piecemeal” zoning are to be avoided to promote the general public interest. As such, municipal authorities are empowered, by extension of endorsed comprehensive planning, to condemn private property for the wholesale redevelopment of “blighted” areas, thereby rendering the exercise of eminent domain within the legitimate scope of municipal police powers. The importance of representation in planning discourse cannot be overstated, and the power of language in asserting hegemonic control has been expressly discussed in planning literature. According to planning theorist Michael Gunder, “We act as planners in and through language” (Gunder 2010, 201) Because language mediates the space of communication in the constitution of shared ideology, the formulation of effective public policy is, at best, a complexly iterative process that calls for a critical interrogation of semantics. As Sarah Kay writes:

The space of political universality is one of ideological struggle. For a hegemonic group to establish itself at the expense of others, it needs to colonize this space in its own interests. The political universal is thus usually the exact opposite of what one might take it to be: not an abstraction from a set of particulars, but the manifestation of the express interests of a particular group. (Kay 2003, 151).

The integration of visual imagery with textual documents when constructing narratives aimed at shaping public perceptions on urban policy is the most instrumental method used in planning to attain spatial consensus (Shanken 2018).

CONCLUSION

Michael Frisch posits the “development of modern planning arose at the same time as modern conceptions of sexual orientation” (Frisch 2002, 254). He argues that planning is fundamentally a heterosexist project that privileges reproductive heterosexism in its various theories and practices (Frisch 2002). While he may be right to say that planning promotes heteronormative ideals, this essay aimed at deconstructing a rigid hetero/homo binary maintained in Frisch’s argument by suggesting the rise of modernist planning in the U.S. in the postwar era as fueled by renewed social anxieties rooted in enduring racialization. At the end of the Civil War, the supersession of feudalism by capitalism as the dominant mode of production altered the spatial organization of American society. Rapid urbanization stimulated by industrial capitalism and a laissez-faire

political economy produced surplus populations. Marx defines surplus labor as that labor that capitalist accumulation:

constantly produces, and produces indeed in direct relation with its own energy and extent...always ready for exploitation by capital in the interests of capital's own changing valorization requirements (Marx 1977, 782-4).

In the U.S., racialized groups who have historically been excluded from the rights and privileges of citizenship constituted the surplus populations. In Washington, D.C., surplus populations were concentrated in the Southwest quadrant which provided the geographic context out of which nonheteronormative formations emerged. Responding to the social anxieties provoked by the cross-racial sexual transgressions evinced in the "slumming vogues" that captured the cultural imagination of Americans beginning in the late-nineteenth century, zoning was institutionalized in the early-twentieth century as an effort to bring social order and restore white supremacy through the strict policing of sociospatial boundaries. Conversely, the constriction of marginal populations within tightly regulated urban enclaves incited political mobilization among socially oppressed groups who developed countercultural discourses and practices. In the political climate of the Cold War, communal life was perceived as an existential threat to the ideological dominance of a capitalist-order of nation-states. The new world historical formation in the post-WWII "racial break" prompted the development of a new racial project in U.S. governmentality: its disciplining institutions were, at the micro-level, the entrance of official antiracist discourses in U.S. literary studies, and at the macro-level, the wholesale clearance

of working-class neighborhoods through the urban renewal program under the guise of modernization, and the subsequent reconfiguration of cities to attract the emergent mode of transnational capitalism. Thus, planning helped sustain white supremacy and hegemony in racial projects that effected the total erasure of nonwhite neighborhoods and the permanent dispersal of historically rooted communities, with Southwest DC, providing the ultimate site to test the limits of government powers in what later became 'ground-zero' in the urban renewal movement. Advocating for a critical planning theory, Michael Gunder writes, "we act as planners in and through language" (Gunder 2010, 201). We saw how the emergence of visual sociology at the end of the nineteenth-century and the integration of documentary photography served as a powerful tool for securing cultural hegemony, premised on the belief that photographs captured reality and presented subjects in a truthful manner. The politicization of aesthetics under the auspices of scientific technicality is deeply implicated in courts' interpretations of the law and the subsequent application of discriminatory public policies against oppressed social groups, invoking a "right to the city" discourse.

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ENDNOTES

- ¹ The Fifth Amendment of the United States Constitution provides a provision widely known as the Takings Clause, which states that "private property shall not be taken for public use, without just compensation." A taking occurs when the government seizes private property. This action is governed by rules set by the legislature.
- ² The debate between Butler in *New Left Review* and Fraser called attention to the fractured politics of the Left. Butler argues that the struggle against (hetero)sexism is inseparably a struggle against capitalist exploitation. In other words, (hetero)sexism is not merely cultural. Similarly, Fraser rejoins that the analytical distinction between harms of *maldistribution* and *misrecognition* is justified by capitalist society's ability to cleave between the economic sphere as separately from the cultural sphere.
- ³ Southwest Washington Urban Renewal Area – bounded by Independence Avenue, Washington Avenue, South Capitol Street, Canal Street, P Street, Maine Avenue and Washington Channel, Fourteenth Street, D Street, & Twelfth Street – for more info. refer to *HABS Report by the National Parks Service*.
- ⁴ The theoretical basis of alienation within the capitalist mode of production is that the worker invariably loses the ability to determine life and destiny when deprived of the right to think (conceive) of themselves as the director of their own actions; to determine the character of said actions; to define relationships with other people; and to own those items of value from goods and services, produced by their own labor. Although the worker is an autonomous, self-realized human being, as an economic entity this worker is directed to goals and diverted to activities that are dictated by the bourgeoisie—who own the means of production—to extract from the worker the maximum amount of surplus value in the course of business competition among industrialists.
- ⁵ The Monumental Core – "The Mall, with its long sweep of green from the Capitol to the Potomac and from the White House to the Jefferson Memorial, should be treated with exceptional sensitivity to the values inherent in its formal composition. Attempts to "protect, complete, enhance, and humanize" should proceed in the full knowledge that the Mall as it exists is a unique space, albeit a space with problems" in *Proposed Physical Development Policies for Washington, D.C. 1965-1985*. NCP.

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