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Recommended Citation

John J. Bukowczyk, The Decline and Fall of a Detroit Neighborhood: Poletown vs. G.M. and the City of Detroit, 41 Wash. & Lee L. Rev. 49 (1984)

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THE DECLINE AND FALL OF A DETROIT NEIGHBORHOOD: POLETOWN VS. G.M. AND THE CITY OF DETROIT*

JOHN J. BUKOWCZYK**

Therefore the LORD God sent him forth from the Garden of Eden, to till the ground from whence he was taken.

So he drove out the man; and he placed at the east of the Garden of Eden Cherubims, and a flaming sword which turned every way, to keep the way of the tree of life.

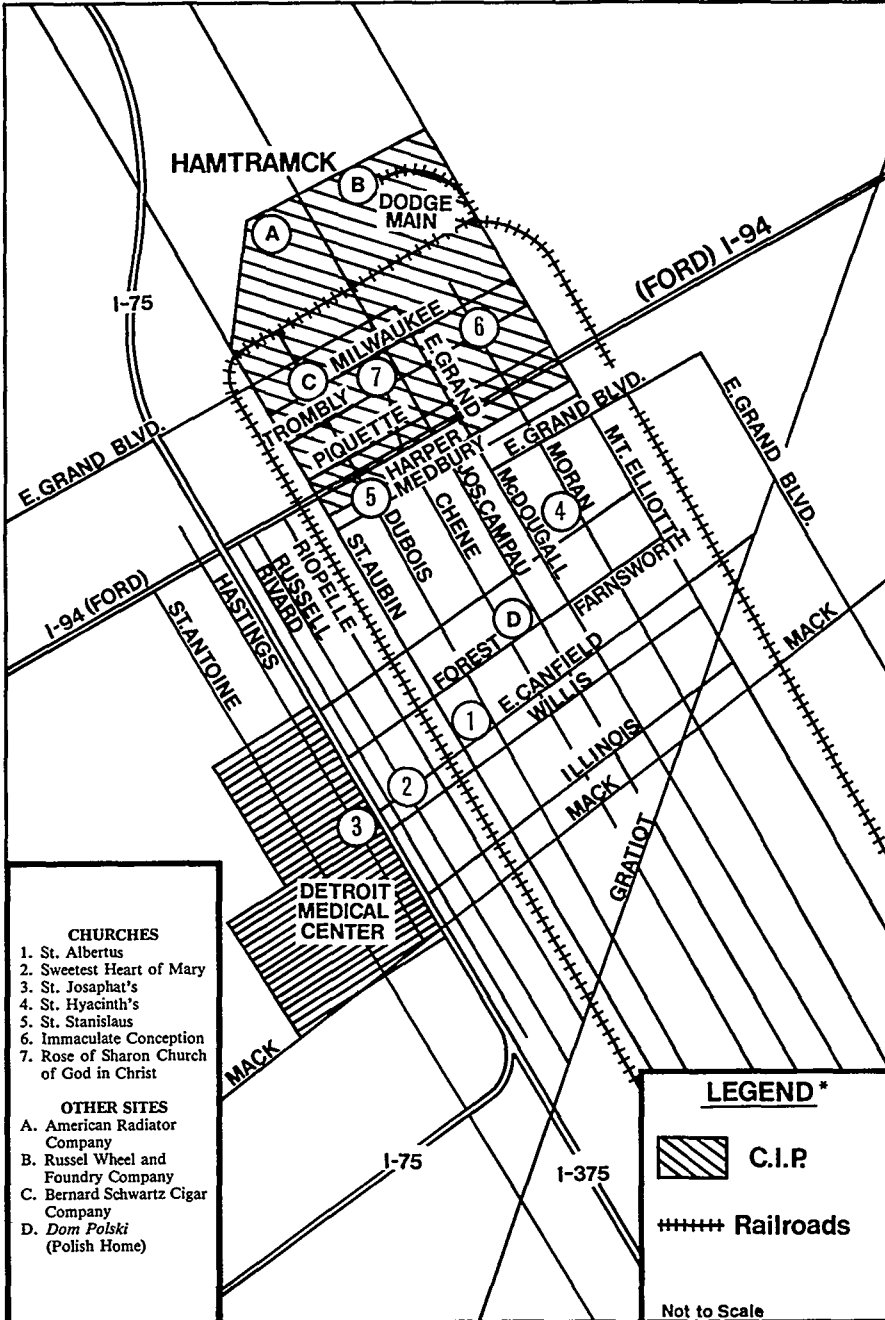
Genesis 3:23-24

I am neither lawyer nor legal scholar, but a social historian. Instead of addressing tensions between a community and a legal system imposed by the larger society in which the community resides, I should like to consider those broader social and economic conflicts which formed the backdrop for those with and without the legal system.

As might be expected of an historian, the approach I will follow is historical. However, in examining the history of Detroit's "Poletown" neighborhood and the conflict which pitted its residents against the General Motors Corporation and the City of Detroit, I will underscore several underlying facts that perhaps depart from our preconception of the subject and which in any event would affect deliberations of present and future public policy. First, although the conflict in which Poletown residents became involved won national attention in the past four years, it was not a new theme. Such conflict with the larger society had touched their lives since the economic and industrial revolution in the late nineteenth century impelled them to migrate from their rural places of origin to cities like Detroit. Second, unlike a group such as the Amish, the residents of the Poletown neighborhood were not a homogeneous and highly cohesive group, but were divided by class, race, and ethnicity. Even the Polish element resident in the area contained such divisions. The neighborhood's internal division certainly affected its ability to resist outside forces, and also meant that individuals and groups with different interests would hold widely differing attitudes toward the conflict that ensued. Finally, the issues involved in the Poletown affair in 1980-1981 extended beyond questions of due process, compensation, and the good of the many as opposed

* A version of this paper was first presented in November 1982, at a Frances Lewis Law Center Colloquium at Washington and Lee University, Lexington, Virginia. I should like to thank Patricia Cooper and my fellow participants for their helpful discussion and comments and Ginny Corbin, who typed the final version of the manuscript. Finally, I should like to commend Frederick L. Kirgis, Jr., for his able work in putting together the program and for his editorial advice.

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* Poletown Area and C.I.P. Site

to the sacrifice of the few, among other issues. The most basic issue involved power in American society.

The Detroit neighborhood most broadly referred to as "Poletown" spans a roughly rectangular area of land extending from Gratiot Avenue northwest to the City of Hamtramck and from the present-day site of the Detroit Medical Center (viz. St. Antoine and Canfield) northeast to Mt. Elliott.¹ Since the 1940's, demographic change and various construction projects have reduced the size of the Polish population in Poletown appreciably. The Detroit Community and Economic Development Department presently defines the Poletown area as the tract between E. Grand Boulevard (north), Mt. Elliott (east), Mack (south), and St. Aubin (west). The area actually demolished for the Central Industrial Park (C. I. P.) Project was smaller still, consisting of the top third of this urban rectangle, the portion of the above tract north of the I-94 Expressway.

The history of Poletown can be divided into three broad phases, each linked to specific stages in the economic development of the area. The first phase lasted from about the 1860's through 1945, the period of industrialization. The second covered the years of the post-World War II recession through 1980 and can be called the period of "deindustrialization". It is still too soon to say whether the final period will become a "period" at all, but the press and the planners nonetheless have wishfully called it the period of "reindustrialization".

I. THE PERIOD OF INDUSTRIALIZATION

Industrial activity in Detroit began during the two decades before the Civil War, but it was the rapid industrial expansion during the post-war years that determined the development of what would come to be known as the Poletown area.² Between the 1860's and the 1880's, the phenomenal growth of the antebellum-period Detroit industry, the manufacture of stoves, ships, steam engines, railroad cars, iron and steel, and tobacco products, swelled the demand for unskilled labor and thus attracted large numbers of immigrants who were then flooding into the country in search of work.

In the 1860's, the population of the industrial district on the northeast side of the city, around Gratiot Avenue, still remained heavily German, but soon would change. During these years, economic and political persecution

1. The most accessible unified source for the economic and demographic development of the area is the *Final Environmental Impact Statement, Central Industrial Park, the Cities of Detroit and Hamtramck* (Detroit, December 1980), at IV 32-IV 47, B 1-B-12, K 1-K-11, prepared by the Community and Economic Development Department of the City of Detroit [hereinafter cited as *E.I.S.*]. I have relied on the statement extensively for this brief historical outline of the development of the Poletown area.

2. See Charles K. Hyde, *Detroit: An Industrial History Guide*, Detroit Historical Society, n.d. (early industrial history of Detroit); Sr. Mary Remigia Napolaska, O.S.F., *The Polish Immigrant in Detroit to 1914*, Annals of the Polish R.C. Union Archives and Museum, Vol. X, 33-48, Polish Roman Catholic Union of America (1946) (overview of economic life of Detroit and Polish settlement on Detroit's northeast side in nineteenth century).

in the German-held partition of western Poland, coupled with the rise of large-scale commercial agriculture there, impelled large numbers of so-called German Poles to emigrate.³ Those who found their way to the growing industrial center of Detroit naturally gravitated toward the city's German-speaking industrial districts and to the Roman Catholic parishes that served them. The German Poles first settled near Gratiot and later clustered along E. Canfield, at the time called Fremont, and then moved northward along St. Antoine, Hastings, Russell, Riopelle, and St. Aubin into what was then the outskirts of the city. Polish men found jobs in the stove and railroad car companies and as unskilled construction laborers, while Polish women labored in the bean factories, match factories, and cigar works or did farm work, tailoring, or domestic service. By 1872, the Poles had grown numerous enough, over three hundred families, that they could erect their own parish church, St. Albertus, at Canfield (Fremont) and St. Aubin. The new edifice stood in the center of an area that the *Detroit Free Press* now calls Poletown.⁴

As the eastside Polish population continued to grow, reaching at least 22,000 in 1885, it also became regionally more diverse in background. By the early 1880's, German Polish emigration had declined due to improving agricultural conditions in the German-held Polish partition and increased demand for labor in the growing German industries which drained off surplus labor. By this time, however, change had begun to sweep the Austrian-held and Russian-held Polish partitions. In the former, overpopulation and acute parcellization pushed the peasantry off the land; in the latter, peasant evictions, large-scale, mechanized commercial agriculture, the conversion from grain cultivation to sheep raising, and an industrial depression that followed the Revolution of 1905 produced the same net effect. Many of these uprooted Austrian Poles and Russian Poles found relief in emigration to the industrial centers of Germany and Russia, to the grain fields of Prussia and Hungary, and to the mills and factories in American cities like Detroit. The influx of poorer and less educated Polish immigrants into Detroit's eastside Poletown neighborhood caused frictions with the older German Polish settlers and became a factor in the factional strife that had begun to divide St. Albertus parish in the 1880's. In the period between 1886-1889, factionalism finally resulted in the formation of two new Polish parishes in the area, St. Josaphat's at Hastings and Canfield and Sweetest Heart of Mary at Russell and Canfield. St. Josaphat's principally served the Kashubian Poles while Sweetest Heart of Mary had a heavily Austrian Polish and Russian Polish congregation.⁵

3. See STEFAN KIENIEWICZ, *THE EMANCIPATION OF THE POLISH PEASANTRY* (1969) (causes of Polish emigration). See also LAWRENCE D. ORTON, *POLISH DETROIT AND THE KOLASINSKI AFFAIR* 161-95 (1981) (history of early Polish settlement on Detroit's northeast side) [hereinafter cited as ORTON].

4. *Detroit Free Press*, May 1, 1892 (cited in *E.I.S.*, *supra* note 1, at IV 34).

5. See ORTON, *supra* note 3 (organization of Polish parishes in area); EDUARD ADAM SKENDZEL, *THE KOLASINSKI STORY* (1979) (same); Leslie Tentler, *Who Is the Church? Conflict in a Polish Immigrant Parish in Late 19th Century Detroit*, *COMPARATIVE STUDIES IN SOCIETY AND HISTORY* (forthcoming).

Although the founding of two new Polish parishes institutionalized the factional and regional differences which divided eastside Polonia, it also accomplished another effect. The churches anchored the Polish community and became magnets for additional Polish settlement into the area. In the 1890's, Poletown covered the area bounded by Hastings (west), Illinois (south), Joseph Campau (east), and Forest (north). By 1900, the Polish population in this rectangle had reached 48,000.

Other even more powerful influences also affected Polish spatial distribution and the general settlement pattern of the area during these years and thereafter. The opening of the Chene Street railway in 1889 and the introduction of electric street cars in the 1890's dispersed the growing Polish population northward into the rapidly expanding working-class areas on the ever more distant outskirts of the city. In the process, Chene became the major Polish business street and would eventually form the axis which linked the old center of Poletown with Hamtramck, Michigan's "Polish City".⁶ Of course, the ethnic economic institutions, or the assortment of Polish small business, became a magnet for Polish settlement in their own right. Perhaps even more important in pulling the Poles northward and eastward, however, was the growth of industry in this then suburban area. Factories opened in southern Hamtramck and employed large numbers of Detroit Poles. These factories included the American Radiator Company (1887), the Russel Wheel and Foundry Company (1892), and the Acme White Lead and Color Works (circa 1906).

Industrial expansion and settlement on the farmland bordering Hamtramck remained rather spotty in the late 1890's, but this too soon would change. After 1900, the Beltline railroad spur connected the Detroit and Milwaukee Railroad with the Grand Trunk Western System to create the famed Milwaukee Junction. Thereafter, a U-shaped corridor of industry, mostly smelting, refining, casting, and car concerns, rapidly developed alongside the track, in effect surrounding the residential area between St. Aubin and Mt. Elliot and pulling settlement northward along the streets in between. Nevertheless, the location of the young automobile industry in this industrial corridor, more than anything else, determined the future of the expanding Milwaukee Junction area and the Poletown neighborhood between 1900 and 1930.

The most significant single event in this area occurred in 1910 when the Dodge Brothers opened their factory in Hamtramck to build engines for Henry Ford. Four years later, after relations between Ford and the Dodge's deteriorated, the Dodge's joined the parade of automobile manufacturers by opening an automobile factory: the celebrated Dodge Main Works. By 1920, Dodge Main employed approximately 18,000 workers, many of them Poles, and stimulated the clustering of automobile parts manufacturers and ancillary concerns in the Milwaukee Junction area. In 1928, Dodge Main was sold to Chrysler Corporation, but the change in ownership did not affect its central

6. *E.I.S.*, *supra* note 1, at M 10.

economic role in the area. From then on, the development of Poletown and life at Dodge Main became inextricably linked.⁷

Although Dodge Main became the chief formative influence on the development of the Poletown area after 1910, several other industries loomed large in the economic life of the district. Cadillac, Detroit Electric, and E-M-F (later Studebaker) operated auto plants in the Milwaukee Junction area, while Fisher, Murray, and Wilson were prominent auto body makers there. The area also contained several large cigar factories, including the Consolidated Cigar Factory, R.G. Dunn, and Bernard Schwartz Company. These factories employed about 10,000 women workers, many of them Poles, and reportedly ranked Detroit third behind New York and Philadelphia as the nation's largest cigar-producing city.

Needless to say, such a multiplication of industrial facilities continued to swell the area's Polish population. By 1914, Polish settlement had moved north as far as Trombly. Soon it extended to East Grand Boulevard on the north and, on the east, to McDougall. These Poletown newcomers differed from the earlier Polish settlers in one interesting respect. Whereas the earlier settlers had come to Detroit directly from Europe, the most recent Polish arrivals had previous industrial experience in the Pennsylvania anthracite fields or other American manufacturing centers.

With their numbers steadily augmented during these industrializing years, the eastside Polish settlers soon easily outnumbered the previous German residents of the area now called Poletown. The Poles, however, were not the only group of immigrants to settle in the industrial district on Detroit's eastside. Byzantine-rite Poles, Carpatho-Russians and other eastern Europeans, and a smattering of Appalachian whites also settled in the Poletown section. Meanwhile, as the locus of eastside Polonia moved steadily northward and Poles vacated the dwellings they first had occupied on the streets closest to Gratiot, a new component was introduced into the area's population with the arrival of Eastern European Jewish settlers, and black migrants from the rural South. Reminiscent of the agricultural crises which had impelled Poles to migrate, the blacks were displaced by the floods and boll weevil infestation which recently had devastated cotton culture and crop diversification in parts of the lower South.

While Polish factions often fought among themselves during the mass migration years, the Poles sometimes found themselves rather broadly united by the succession of bitter labor disputes that racked the area after the late nineteenth century. Just as rural conflict united peasant communities against large landholders in the nineteenth-century Polish countryside, industrial conflict repeatedly pitted Polish immigrants against factory owners, managers, courts, and police. As early as 1893, industrial depression already had provoked a riot among eastside Polish working people who merely wanted jobs.

7. See Charles K. Hyde, *"Dodge Main" and the Detroit Automobile Industry, 1910-1980*, 6 DETROIT IN PERSPECTIVE 1-19 (1982) (history of Dodge Main).

In the moral economy of the immigrant crowd, perhaps carried over from the Polish countryside, unemployed Polish workers apparently believed they possessed a social right to have work.⁸ These attitudes seem to have persisted. The following year as the depression deepened, an incident took place that one historian has called "possibly the most celebrated labor clash in nineteenth-century Detroit."⁹ In the spring of 1894, Polish workers striking a water main construction site on Connor's Creek to protest the imposition of low piece-rates were fired upon by a besieged foreman and proceeded to stage a major riot.

The Connor's Creek incident looms important in the annals of the Poletown area because in it we find many of the major themes that recurred in subsequent periods of conflict, including the recent controversy over the proposed G.M. Cadillac plant. First, open conflict between Poletown's working-class immigrants and the social and economic powers of Detroit erupted at a time of intense economic distress. Second, both the press and Detroit civic authorities considered the conflict a blatant attack on "law and order." By "law and order" they meant the preservation of private property rights. Finally, the response of the immigrant workers to the phalanx of opposition they encountered was to organize. After the Connor's Creek incident, Poles apparently flocked into a newly formed Polish Workers Alliance.

Connor's Creek thus produced a classic confrontation, but one that left class and ethnic relations and the basic configuration of power in Detroit largely unaltered. Native-born middle-class Detroit still controlled the law. They used it to contain immigrant working-class protest during the economically depressed nineties and thereby buttressed their own economic interests and class position. Owing to their stellar success, Detroit would boast favorable business conditions and a hostile, anti-union environment for the next few decades. Working conditions in the factories of neighborhoods like Poletown remained harsh and hours were long. Moreover, wages decreased with the cost-cutting measures of the 1920's.

Detroit's reputation as an anti-union town lasted through the 1920's, but the Great Depression of the 1930's changed everything. The Depression plunged large numbers of Poletown's residents into under-employment or unemployment and shut down area factories, reducing the area's chances of survival as either an industrial center or a thriving neighborhood. Yet depression did not bring depopulation. Instead, the still teeming streets were electrified by crisis-induced social ferment and union organizing fever.¹⁰ Following in the wake of the celebrated Flint, Michigan, sit-down strike during Winter 1937, the heavily Polish and largely female work force in the area's cigar industry, about 4,000 workers, launched their own sit-down strike in six of Poletown's

8. ORTON, *supra* note 3, at 173.

9. See ORTON, *supra* note 3, at 172-81 (discussion of incident).

10. One brief review of labor unrest in Detroit during the Depression era is *Union Town: A Labor History Guide to Detroit* (Workers Education Local 189, n.d.) [hereinafter cited as *Union Town*].

large cigar plants. The sit-down strike was the longest in American labor history.¹¹ Overshadowing it in both size and significance, however, was the famed sit-down strike by the heavily Polish force of 10,000 workers at the Dodge Main plant in March 1937, the largest sit-down ever.¹²

These strikes were significant because they featured the same themes that had and would continue to characterize community protests against Detroit's civic and industrial authorities. First, economic crisis precipitated the conflict with the larger society. Second, the courts ruled that the sit-down strikers were "conspiring to deprive . . . [the corporation] . . . of its property."¹³ Third, Hamtramck and Poletown strikers organized themselves as a means to press their demands and claims. Finally, success depended upon community cohesion and relied upon the material and moral support of the local network of ethnic organizations.

The period of industrialization and industrial depression in Poletown is illuminating both because it underscored the tensions that divided the area's residents and because it revealed the forces working for community cohesion. We have already seen how regional differences helped factionalize the eastside Polish settlement. Clashing opinions about Polish nationalism and class tensions between immigrant workers and shopkeepers sometimes had the same effect. Yet it also must be recalled that Poletown was neither ethnically nor racially homogeneous and tensions between the Polish majority and assorted minority elements also existed. These tensions probably stemmed from competition for jobs and housing in a tight depression market.¹⁴

As we have also seen, powerful forces fostered unity among the residents of Detroit's Poletown. Polish inhabitants of the district drew together around widely shared values: a deep attachment to family and neighborhood and a pride in home ownership doubtless linked to the cultural legacy of peasant land-hunger carried over from the Polish countryside.¹⁵ Ideologically, Poles also were broadly united. Even if they disagreed about methods and a socioeconomic platform, all favored national independence for a reunited Poland. Meanwhile, powerful social bonds welded the eastside Polish community together. Poles patronized the same stores, bars, and shops and be-

11. See *Union Town*, *supra* note 10, at 19 (cigar makers in Poletown); Christopher H. Johnson, *A Forgotten World: The Women Cigar Workers of Detroit's Central Industrial Area* (unpublished manuscript).

12. *Union Town*, *supra* note 10, at 20-21.

13. *Id.* at 21.

14. Tensions also stemmed from job competition in the 1941-42 controversy surrounding the Sojourner Truth housing project in the neighborhood northeast of Hamtramck, at Fenelon and Nevada. See Thaddeus C. Radzialowski, *Ethnic Conflict and the Competition for Jobs and Housing: Polish American Workers in Detroit in the Inter-War Period*, Conference on Poles in North America, Multicultural History Society of Ontario, Toronto (Oct. 24, 1980) (Sojourner Truth incident); AUGUST MEIER & ELLIOTT RUDWICK, *BLACK DETROIT AND THE RISE OF THE UAW* 129-32, 176-87 (1979).

15. See Thaddeus Radzialowski, *The View From a Polish Ghetto: Some Observations on the First One Hundred Years in Detroit*, 1 *ETHNICITY* 125-50 (1974) (sensitive treatment of shared characteristics).

longed to the same fraternal benevolent associations. More important still, they were drawn together by their common Polish Roman Catholicism and the parishes in which they worshipped. The establishment of a succession of churches, St. Stanislaus, 1898 (at Dubois and Medbury), St. Hyacinth's, 1907 (at McDougall and Farnsworth), and Immaculate Conception, 1919 (at Moran and Trombly), linked the Polish populace together and firmly rooted it to the Poletown area. Finally, the organization of union locals in the area's factories knitted local people together. Significantly, these union-centered bonds transcended racial and ethnic divisions in the area.

With the end of the Depression and the start of the Second World War, employment once again soared in the newly unionized factories of Poletown. Dodge Main alone employed 40,000 workers; another 20,000 found jobs in other Poletown establishments. Indeed, so great was the wartime demand for labor that for the first time large numbers of women began to do industrial work. The Poletown boom, however, would prove ephemeral. As factory production slowed during the inevitable post-war recession, Poletown entered a second distinct period in its history, a period of "deindustrialization".

II. THE DEINDUSTRIALIZATION OF DETROIT

For some of Poletown's industries, decline began as early as the First World War; some never recovered from the slack 1930's. One classic case is the cigar industry. Sagging demand for cigars owing to the cigarette's phenomenal rise in popularity in the 1920's already had the cigarmakers reeling before the Depression struck. Mechanization afforded the industry temporary relief, allowing a drastic reduction in labor costs through substituting low-paid immigrant women workers for skilled craftsmen, and producing a general shrinkage of the Poletown labor force. When successful sit-down strikes in the 1930's finally brought the women closer to a living wage, however, several of the factories fled to Florida, where labor costs remained low and workers unorganized. This cheap competition ultimately drove Detroit out of the cigar-making business entirely and eliminated a large number of jobs in the Poletown area.¹⁶

More significantly still to the fate of the area were wartime and postwar developments in the auto industry, Poletown's largest employer.¹⁷ In 1940 when the Chrysler Corporation decided to locate its new tank arsenal outside of Detroit in the northeastern suburb of Warren, Michigan, it became immediately clear that the jobs Chrysler offered would entice city residents to abandon older Detroit neighborhoods like Poletown. In the war's aftermath, Warren became populated by the sons and daughters of the eastside Poles. Increasingly, other factories also would locate, or relocate, in suburban areas, in part because they offered lower rent or land costs and wide-open spaces that more easily accommodated single-story modern plant design, and in part because

16. See Johnson, *supra* note 11 (disappearance of cigar industry in Poletown); *Union Town*, *supra* note 10, at 19 (same).

17. See *E.I.S.*, *supra* note 1, at B 3 (shrinkage of automobile industry in Poletown area); Hyde, *supra* note 7, at 23-29 (same).

corporate planners had learned the lesson, taught by the World War II strategic bombing campaign, that dispersal of industry out of city centers might increase its chances of survival in the event of another war. By 1954, Detroit-Packard and Hudson auto plants had closed and an assortment of industries had moved to suburban locations like Warren and Sterling Heights which attracted large numbers of Detroit Poles who followed their jobs out of the city. Yet Poletown's far more serious loss during these years was the shrinkage of operations and hence work force at Dodge Main. Its functions steadily diminished since its acquisition by Chrysler in 1928. In the 1960's, it became merely an assembly plant. The decline of Dodge Main was symptomatic of the general industrial decline besetting the old Detroit neighborhoods like Poletown. Between the 1950's and the early 1960's, Detroit's eastside lost an estimated 71,000 jobs.¹⁸

For economic reasons, population then began to forsake Poletown and other central city areas. Social forces and public policy also hastened the growing suburban exodus. Upwardly mobile second generation Polish-American veterans, sometimes using GI-Bill benefits, often sought better jobs and larger, newer homes in the burgeoning suburbs. The availability of federally financed home mortgages encouraged this movement, as did postwar federally funded road and highway construction which made these suburban areas more accessible. The brief infusion of displaced persons, or war refugees, into neighborhoods like Poletown could not reverse the demographic results of this massive second generation population drain. With its economy tumbling and its people leaving, Poletown showed signs of decline by the 1950's.

As deindustrialization brought depopulation, depopulation fostered other demographic changes. A decline in homeownership and an increase in renting swept the area. Migration of black and poorer residents into the area began in earnest. Urban renewal in the area south of Gratiot displaced the black inhabitants there, who then moved northward into Poletown, following the same route the Poles had taken sixty years earlier. In fact, a black presence was well enough established in the area in 1950 that upper Poletown's apparently first black church, Rose of Sharon Church of God in Christ, opened at Chene and Trombly.

Throughout the postwar period, Poletown was changing, to be sure, and, given the erosion of its economic base, probably declining as a viable neighborhood. A succession of public policy choices in the 1950's and 1960's, however, repeatedly attacked the physical integrity of the area and, more than anything else, marked Poletown as the eventual likely target for the wrecker's ball.¹⁹

The first disaster came in the early 1950's when plans to build Interstate 94, the Ford Freeway, were being laid. The expressway project produced a

18. *E.I.S.*, *supra* note 1, at B 3. Historian Richard Place has also done research on post-war industrial decline in the Milwaukee Junction area.

19. Most of the political choices outlined in FRANK B. & ARTHUR M. WOODFORD, *ALL OUR YESTERDAYS: A BRIEF HISTORY OF DETROIT* (1969). See also *E.I.S.*, *supra* note 1, at 36-37.

flurry of litigation, land speculation, and uncertainty that ended only in March of 1955 when the last families left the proposed road site. The eastbound I-94 cut a broad swath through Poletown and had a catastrophic effect on the life-chances of the district. Road construction decimated a large strip of Polish-owned business on Chene, between Harper and Piquette, and severed what would later become the Central Industrial Park from the rest of the Poletown area. The Poles' St. Stanislaus parish, in particular, proved the big loser in the piece. The new roadway displaced many of the church's parishioners and cut it off from most of those who remained in the northernmost part of the area.²⁰

In fairly rapid order, other major public construction projects tore into the fabric of the Poletown neighborhood. In 1956, plans to establish the Detroit Medical Center took shape, requiring the acquisition and razing of the western tier of Poletown blocks, the zone of earliest Polish settlement in the area. In 1967, the construction of a second freeway, Interstate 75 (Chrysler Freeway), cut another wide corridor through the western fringe of the Poletown area, causing further population displacement. I-75 also left St. Josaphat's precariously perched on the edge of yet another sub-surface expressway. Meanwhile, the northernmost part of the area came under attack during this period, as the southwest corner of Hamtramck was razed to create a Dodge Main parking lot.

In the late 1960's, Poletown's sagging population statistics would still receive a small boost when Yemeni immigrants and ethnic Albanians from Montenegro, Yugoslavia, found themselves attracted by the low-cost housing there.²¹ Their arrival alone, however, could not turn the neighborhood around, especially since large parts of it had been demolished and its economy in general still was shrinking. Thus, more and more small businesses in the area fell victim to supermarket and department store competition and began to move or close in the fifties and sixties. Racial tensions in the aftermath of Detroit's 1967 riots prompted increasing numbers of white residents to leave. By the early 1970's, all three Catholic parochial schools in what would become the Central Industrial Park had closed their doors for good.

The negative trend of the postwar period, factory closings, small business removals, population decline, loss of housing stock, and shrinkage of average family income, had left Poletown visibly blighted by the 1970's. On the positive side, several ethnic and racial communities co-existed and struggled to survive in one of the few largely integrated areas of the city. On the negative side, however, the district attracted few new immigrants after 1973 and the average age of Poletown's residents steadily increased, a sign that young families still were not staying or settling in the area. Employment, meanwhile, continued

20. Area residents took exception to claims that the neighborhood experienced considerable decay with the construction of I-94. See Lynn Bachelor, Bryan D. Jones, & Richard Wang, *Urban Industrial Renewal in Detroit: A New Partnership or an Old Conspiracy?*, paper presented at the Southwest Political Science Association Meeting, Dallas, Texas, at 7 (Mar. 26-28, 1981).

21. See *E.I.S.*, *supra* note 1, at IV 36-37 (1960's and 1970's).

its sad decline. While city services deteriorated, crime mounted, and vacancies, abandonments, arson, and delapidation became a general problem.

The hardest blow, however, was yet to come. The Dodge Main plant, no matter how small its work force had become, still remained the industrial anchor in the old Milwaukee Junction area. Nevertheless, the plant was out-moded. In mid-1979, the Chrysler Corporation, faced with stiff foreign competition, recession-depressed auto sales, and soaring company losses, announced its decision to close the facility. Despite massive community protests like the June 1979, "Save Dodge Main" rally in Hamtramck, production in the plant halted abruptly in January 1980, and 3,000 workers lost their jobs. Deindustrialization had reached its lowest ebb.²²

Several points emerge in this brief review of the history of deindustrialization in Detroit's Poletown area. First, the area suffered from economic developments beyond its control, developments even beyond the control of Detroit's political leaders. The politicians, however, failed to address, let alone solve, the problem of post-war economic erosion, tacitly accepted the decline of the old urban core, and thus presided over Poletown's gradual demise. Second and more consciously, however, various political leaders made public policy decisions that pointedly undercut the viability of neighborhoods like Poletown. Demolition of large urban tracts, for example, reduced the critical population mass needed to sustain area parishes and local businesses. Similarly, as a result of those decisions, physical barriers were erected that interfered with the patterns of movement and association on which the survival of the whole district depended. Third, implementation of the public policy decisions on such matters as freeway routes and location of the medical center gave rise to a self-fulfilling prophecy. Such decisions presumed Poletown a blighted and expendable area. In turn, the presumption encouraged the spread of blight, which in the future would make the area more expendable. This downward spiral thus formed the background for the plan that promised to inaugurate a new period in the history of Poletown and of Detroit: a period of reindustrialization.

III. REINDUSTRIALIZATION IN DETROIT: GENERAL MOTORS

At the time of the Dodge Main closing, Chrysler was not the only Detroit automaker experiencing hard times. The General Motors Corporation (G.M.), although financially healthier than Chrysler, also faced many of the same economic problems as the smaller car maker.²³ In response to its own predicament, G.M. unveiled an ambitious 40 million dollar plant modernization plan in the spring of 1980. The plan called for renovation of G.M. engine plants in Flint and Pontiac; transmission-related changes at Flint, Warren, Ypsilanti, and Bay City facilities; construction of a new assembly plant in Orion Township, Michigan, a suburb north of Pontiac; and phasing out two of its

22. See *Union Town*, *supra* note 10, at 2 (closing of Dodge Main).

23. See Gary Blonston, *Poletown: The Profits, the Loss*, Detroit Free Press, Nov. 22, 1981 (Special Supplement) (outline of G.M.'s planning in 1980).

large installations in Detroit, the aging Clark Avenue and Fisher Body Fleetwood plants.²⁴ Nevertheless, out of a blend of civic commitment and shrewd appreciation of Detroit's experienced automotive labor force, G.M. offered to build another large new plant in the city, on one condition. The condition was that the city would offer a suitable plant site, a roughly rectangular, readily available, 450-500 acre tract with railroad and highway access, that would accommodate already existing "green field" suburban plant designs.²⁵

Since the City of Detroit still smarted from the recent closing of its large Uniroyal Tire plant and from its repeated failure to realize several opportunities for other new factories, the administration of Mayor Coleman Young was anxious to accommodate the giant automaker. In most of the sites the city offered, however, G.M. had little interest. Yet G.M. did eye one large parcel which included the old Dodge Main property in Hamtramck and the Detroit neighborhood immediately to its south, or roughly the northern third of the Poletown area.

When the city committed itself to the Poletown/Dodge Main location, serious negotiations over the proposed Central Industrial Park (C.I.P.) ensued. The outcome would be strongly influenced by federal and state legislation.²⁶ G.M. dangled the promise of a brand-new 500 million dollar Cadillac plant for the area, with the retention of 6,000 automotive jobs, 4,000 temporary construction jobs, over 20,000 jobs created by the multiplier effect of the plant, and appreciable long-term revenues from those workers' city income tax payments. In return, G.M. wanted the site cleared, an undertaking projected to cost 200 million dollars, and the opportunity to buy the land at the bargain price of 8 million dollars. In addition, G.M. also sought a substantial tax abatement on the facility. The giant automaker eventually accepted the lower offer of a twelve-year, fifty percent tax abatement, still worth a substantial 60 million dollars.

Briefly, Detroit political leaders entertained the possibility of the City itself building the new plant and leasing it to G.M., but such mammoth plans towered far beyond the means of a municipality in dire financial straits. The City, therefore, explored the G.M. proposal more deeply and hastily built a consensus in favor of it among Detroit civic leaders. Drawing upon political ties between the Young and Carter Administrations, the City persuaded the U.S. Department of Housing and Urban Development (HUD) to foot the bill for site acquisition, half of which the City would have to pay back. HUD complied despite the fact that the ratio of private to public dollars involved in the project, 2.5 to 1, lagged appreciably below the HUD optimum, 4 to 1.²⁷ With the financing in place and with the full support of the United Auto

24. Detroit Free Press, Oct. 17, 1980.

25. Talk by Lynn Bachelor, Political Science Department, Wayne State University, Detroit, Michigan (Dec. 8, 1982) [hereinafter cited as Lynn Bachelor Talk].

26. See William Safire, *Poletown Wrecker's Ball*, N.Y. Times, Mar. 30, 1981; Lynn Bachelor, *Reindustrialization in Detroit: Capital Mobility and Corporate Influence*, IV J. URB. AFF. 38 (1982).

27. See Jeanie Wylie, *A Neighborhood Dies so GM Can Live*, THE VILLAGE VOICE 8-14 (July 1981).

Workers (U.A.W.) and, as it would turn out, the Roman Catholic Archdiocese of Detroit, the Young Administration met G.M.'s terms and the bargain was sealed.²⁸

The area slotted for acquisition and demolition, the so-called Central Industrial Park, included old Dodge Main, a building with historical and sentimental significance but for the past eight months a silent, empty hulk. The area also included the property to the south. The C.I.P. tract, 465.5 acres, 1,176 buildings, 143 businesses and other institutions (including sixteen churches, two schools, and one hospital), 1,362 households, and 3,438 people, was not an urban void but still a populated neighborhood. Of that population, estimates indicate that forty to sixty percent were black, including elderly, young, and middle-aged families; thirty to fifty percent were Polish, about 500 to 700 households, mostly elderly; five to ten percent were ethnic Albanians from Yugoslavia; one to four percent were Yemeni; and as many as two percent each were Ukrainian, Filipino, and southern white.²⁹ The entire C.I.P. area was integrated, but the northwestern half was more heavily black and the southeastern half more heavily Polish and Albanian.

Oddly enough, because the construction of I-94 had cut it off from poorer and more dilapidated parts of Poletown and Detroit, and because of its close proximity to the far more stable community of Hamtramck, the C.I.P. area was the most isolated and self-contained area of Poletown and, therefore, probably more viable as a neighborhood than other parts of the district. Indeed, the C.I.P. area and the area to the south recently had shown healthful signs of community organization. A Poletown Area Revitalization Task Force operated there and the area enjoyed the protection of ERACE, a community C.B. radio patrol. In the mid-1970's, the six Polish Roman Catholic parishes in the area formed the North Eastside Community Organization and later, in 1978, the Poletown Inter-Parish Council. Out of these efforts also arose an organization of area merchants in September 1978, the Poletown Development Corporation.³⁰ Incidentally, the Poletown Inter-Parish Council resurrected the word "Poletown", long out of use, and took it as the name for the Chene corridor, the area bounded by Mt. Elliott (east), Willis (south), St. Antoine (west), and the Hamtramck city limits (north).³¹

Despite this recent vitality, announcement of the proposed Central Industrial Park left the area's residents numbed. In the face of the neighborhood's

28. See Lynn W. Bachelor, *Reindustrialization in Detroit: A Case Study in "Successful" Policy Implementation*, paper presented at the 1982 Regions V and VI American Society for Public Administration Conference, Louisville, Kentucky (Nov. 16-19, 1982) (full discussion of City's decision-making and implementation process).

29. *E.I.S.*, *supra* note 1, at K 1-K 4. In 1976, the larger area bounded by E. Grand Boulevard (north), Mt. Elliott (east), Gratiot (south), and the Grand Trunk Railroad tracks (west) held a population that was an estimated 68% black and 31% white. See *Detroit Free Press*, June 23, 1980.

30. Bachelor, Jones, & Wang, *supra* note 20, at 19-20.

31. See Lawrence Chominski, *The History of Detroit's Polonia*, Hamtramck Citizen (Oct. 1-10, 1981) (series) (sympathetic overview of early history of Poletown and its more recent travail). See also Blonston, *supra* note 23.

imminent extinction, local groups dropped rehabilitation plans and the area remained largely quiet between June and October 1980, perhaps awed by the impressive array of forces, G.M., the City, HUD, the Carter Administration, the U.A.W., and the Archdiocese, aligned against it.³² In retrospect, this would prove a critical period. A controversial state survey found that a majority of residents in the C.I.P. area favored the City's offer to buy them out at prices above market value. Thus, plans for the project continued apace. By the time opposition finally organized, it was too little, too late.

As in past cases when the community faced threats from without, Poletown residents eventually began to organize. Michigan law already had authorized formation of a Central Industrial Park Citizens District Council (C.D.C.), but allowed City officials to appoint its members.³³ Moreover, the Michigan enactment made the C.D.C. dependent on the city for technical information, and permitted the City to ignore the body's recommendations.³⁴ The first real anti-C.I.P. meeting took place in August 1980, at St. Hyacinth's Church. Little came of this meeting. Those present were not immediately affected by the Central Industrial Park project, since St. Hyacinth's lay several blocks below the target area. Drawing upon the ethnic organizational network as earlier community protests had done, the first organized opposition within the project zone finally emerged in October 1980, when the C.I.P. area, which henceforth often monopolized the name "Poletown", was organized by the Poletown Inter-Parish Council. The organization bore the stamp of the area's Polish Roman Catholic parishes, although well over half of Poletown's population was no longer Polish. Recognizing this demographic reality, the organization shortly adopted a new and more inclusive name: the Poletown Neighborhood Council.

In the organization and activities of the Poletown Neighborhood Council we can see the complicated and diverse motives of the various political actors and factions in the C.I.P. area. Residents organized to defend their homes, their long-standing association with this aging urban neighborhood, and their aggrieved sense of right and rights. They were joined by local political operators who allegedly used the Poletown cause as a political vehicle; assorted small property holders who defended their own economic position more than the community's interests; and, in the waning days of the neighborhood, a variety of political activists from outside the affected area, who had larger ideological axes to grind.³⁵

Sides in the controversy, meanwhile, also did not follow predictable lines.

32. SOUTH END (Detroit) (Sept. 8, 1982).

33. MICH. COMP. LAWS § 125.1612 (Supp. 1981) (MICH. STAT. ANN. § 5.3520 (12) (Callaghan 1982)).

34. Bachelor, Jones, & Wang, *supra* note 20, at 13-14. See MICH. COMP. LAWS §§ 125.1613, 125.1615 (3) (1976) (MICH. STAT. ANN. §§5.3520 (13), 5.3520 (15) (3) (Callaghan 1982)).

35. Included in the assortment of participants in opposition to the C.I.P. was a small group of Detroit filmmakers, at least one of whom was arrested by police at one of the final Poletown protests. Their film, *Poletown Lives*, a 16 mm. documentary, is available from the Information Factory, 3512 Courville, Detroit, Michigan 48224.

The Central Industrial Park issue did not polarize black and white but, if anything, may have divided the younger residents of the area, mostly black and in need of jobs, from the older residents, black and white, who had a large and long-standing stake in community, neighborhood, and homes. Finally, even within Detroit-area Polonia, feelings about the project were sometimes ambiguous and contradictory. Some area residents most assuredly favored the HUD-funded buy-out. Members of the nearby Hamtramck Polish community, who may have been expected automatically to have sympathized with the Poletowners, themselves may have felt torn. Not directly affected by the site acquisition and demolition, they stood to gain substantially from the boost the new plant presumably would mean for the remainder of the area and from the help it undeniably would give to the Hamtramck tax base.

Even as opposition continued to mount, interests and opinions within the C.I.P. area were sharply divided. Meanwhile, the project proceeded. During Winter 1980-81, Dodge Main was demolished. As the ancient structure slowly fell, the sinking feeling grew among Poletown residents that the end for them too was nearing. By March 1981, eighty percent of the residents of the C.I.P. site had been persuaded, or subtly pressured, to accept the City's offer. Against the hold-outs, the City of Detroit activated Michigan's new and controversial "quick take" law,³⁶ enacted by the legislature as an economic development measure, allegedly without G.M.'s prior knowledge, just two short months before G.M. announced its desire to build in Detroit. The "quick take" law cut the length of time for condemnation from years to mere weeks by allowing a city like Detroit to take title to a property before a court determines the amount of compensation in the contested case.³⁷ The final assault on the neighborhood began. Determined residents and the Poletown Neighborhood Council countered with a barrage of legal maneuvers, court orders, and briefs.

By late winter/early spring, conflict in Poletown had turned desperate and ugly. The area was swept by a wave of arsons in scattered empty buildings, which Poletowners charged was the work of demolition sub-contractors who allegedly hoped to frighten neighborhood hold-outs into leaving the area.³⁸ Mid-March 1981, also witnessed a strident pro-C.I.P. demonstration which Poletown sympathizers alleged was organized by the City.³⁹ Finally, a new political force came into play with the arrival of a Poletown Support Team organized by G.M. critic and consumer advocate Ralph Nader. As more and more residents lost or left their Poletown homes, the Nader forces and other outside sympathizers increasingly moved to the forefront of the anti-C.I.P. campaign.

Throughout the winter and spring, much of the community opposition to the Central Industrial Park coalesced around the Immaculate Conception

36. MICH. COMP. LAWS §§ 213.51 - 213.77 (Supp. 1981) (MICH. STAT. ANN. §§ 8.265 (1) - 8.265 (27) (Callaghan Supp. 1982)).

37. Lynn Bachelor Talk, *supra* note 25. See MICH. COMP. LAWS §§ 213.55 - 213.57 (Supp. 1981) (MICH. STAT. ANN. §§ 8.265 (5) - 8.265 (7) (Callaghan Supp. 1982)).

38. Wylie, *supra* note 27.

39. Detroit Free Press, Mar. 15, 1981.

Church at Moran and Trombly. If area Poles were attached to their homes, they were doubly attached to this hard-earned building which symbolized their faith, anchored their neighborhood, and sheltered their families through three generations. By spring, the Immaculate Conception pastor, Rev. Joseph Karasiewicz, emerged as a prominent anti-C.I.P. spokesperson. The lonely church, meanwhile, became a symbol of resistance and a martyr whose parishioners would picket G.M. headquarters with signs that read: "G.M. Desecrates Churches." Therefore, it was probably for reasons of self-interest that G.M. finally offered to disassemble the church and move it to another site. Predictably, the Archdiocese rejected the G.M. offer, and the onus for the church's demise shifted from G.M. Chairman Roger Smith to Detroit's Cardinal Dearden. To no avail, the subsequent closing of Immaculate Conception on Mother's Day, May 10, 1981, drew the first large anti-C.I.P. crowd to the area, a crowd of about 1,400. By June, the City had taken possession of the church; and the following month, after police arrested civil disobedience protesters, wrecking crews razed the structure.

With the demolition of Immaculate Conception, the City had broken the community opposition and finally cleared the way for the C.I.P. project to begin. Nevertheless, in the period between the unveiling of the original plan for the project and the summer of 1981, auto sales continued to slump, the recession steadily deepened, and uncertainty clouded the future of the Central Industrial Park and, with it, Detroit reindustrialization. Delays in work on the new plant, downward revision of projected plant employment figures, and rumors about what and how much the plant ultimately would produce intermittently troubled Detroiters, even as the silver-white girders of a new factory began to rise from the huge, flat plain where part of Poletown once stood.

But what of the people of the Poletown area? Taking their cue from their erstwhile neighbors' struggle with the corporation and the City, residents in the extant part of Poletown have begun to organize.⁴⁰ As for those who were displaced, about half reportedly have moved to other eastside Detroit neighborhoods, while the rest left for Detroit's northeastern suburbs.⁴¹ A University of Michigan study found an "overall improvement in the quality of life for these elderly residents."⁴² Yet a number of lawsuits arising from the project still remain unsettled. Several elderly residents died soon after their uprooting, and on December 14, 1981, Rev. Karasiewicz passed away.

IV. POLETOWN: THE ISSUES

I will now review some of the issues that surfaced in the recent conflict between the defiant Poletowners and the backers of the plan to create the Central Industrial Park. The following discussion remains somewhat tentative

40. See SOUTH END (Sept. 8, 1982).

41. Lawrence Chominski, *Final Notes*, CITIZEN (Dec. 17, 1981).

42. Leon A. Pastalan, Professor of Architecture and Co-director of the University's National Policy Center on Housing and Living Arrangements for Older Americans, *quoted in* N.Y. Times, June 29, 1982 (I should like to thank attorney John Starrs for bringing this study to my attention).

and cautious. Nonetheless, I believe that several important points emerge from even the most casual or cursory examination of the conflict and that those points may suggest areas in which legal reform is desirable or needed.

Throughout the C.I.P. fight, argument on both sides of the debate understandably tended to be very present-oriented and highly emotional. From the outset, neighborhood people resented the indecent haste and high-handed way (C.I.P. proponents called it exemplary efficiency) in which they felt their homes were being taken from them. In the process, both G.M. and City authorities revealed that they neither understood nor perhaps cared to understand the cultural values that underlay the attachment of the Polish residents to their parish and the rootedness of the Poles and others to their homes and neighborhood. Hence, City officials displayed greatest insensitivity. During the height of the controversy, Mayor Young charged that Poletown was a "myth" and that Hamtramck was the "real" Poletown.⁴³ As one anonymous Poletown resident commented to me, it would have been bearable had the City simply said that Poletown must be sacrificed so that Detroit might live; but what really hurt was the City's self-justificatory and insulting insistence that the area was a blighted urban wasteland not worth preserving.

Interestingly, popular resentment of the cultural insensitivity of the decision-makers eventually extended not only to City and G.M. officials but also to the administration of the Detroit Archdiocese, which Poletowners accused of collusion with "the enemy". Poletown resentment against the Archdiocese arose when the Archdiocese tacitly endorsed the C.I.P. plan and, especially, after Church officials declined G.M.'s offer to move and preserve Immaculate Conception Church. When final closing of the Church was set for May 10, 1981, some Poles expressed outrage that this Marian shrine of an ethnic group so deeply devoted to the Blessed Virgin Mary should be closed in Mary's month, on Mother's Day. Indeed, some even suspected that the date was chosen in order to ensure the church closing before Cardinal Dearden's Polish-American successor, Archbishop-designate Edmund Szoda, took over the chancery, and could reverse Dearden's ruling.⁴⁴

Such anti-hierarchical suspicion and resentment, however intense, were hardly new in Polish Detroit. The factional strife that split St. Albertus parish in the 1880's included demands for parishioner control over parish property and complaints about the imperious, Irish-dominated hierarchy. Since the 1880's, Polish-Americans have remained mindful of their position of relative inferiority in Church affairs in the United States, while criticism of Detroit's Archdiocesan administration has surfaced sporadically. Recently, for example, Polish parishioners in Detroit have alleged that Church officials have diverted funds collected in Polish parishes to black parishes in the diocese⁴⁵ and that Cardinal Dearden secretly controlled the Polish priests who helped

43. CITIZEN (Oct. 15, 1981).

44. DZIENNIK POLSKI (Detroit) (May 8-9, 1981) (I should like to thank Regina Koscielska for furnishing me with a copy of this material).

45. Radzialowski, *supra* note 15, at 142.

found Detroit's celebrated Black-Polish Conference in the aftermath of the Detroit riots.⁴⁶

The cultural insensitivity on the part of G.M., the City, and the Archdiocese bruised the Poletowners' sensitivities, to be sure. But it also took on more material significance, influencing the way in which neighborhood activists framed their opposition to the Central Industrial Park. This occurred in several ways. First, the Poletowners' arguments centered around the defense of their culture and the somewhat subjective and sentimental, if no less valid, contention that their neighborhood was "viable". Second, as City officials charged that Poletown was a myth and a recent invention, neighborhood defenders advanced the claim, historically accurate yet more debatable since the construction of I-94, that the area designated for the C.I.P. was an integral part of the entire Chene corridor and not a detached or expendable appendage, as the City alleged. It was indeed true that regardless of whether the name "Poletown" had lain dormant until 1978, structurally, functionally, and historically the entire area was interrelated. Finally, C.I.P. critics levelled two damning charges against the process of site selection and against the underlying rationale for demolition. In the first instance, some charged that the Mayor was playing politics when he offered up the Poletown site because politically there was less to lose by demolishing an integrated neighborhood filled with elderly Poles than a black neighborhood filled with Coleman Young supporters. In the second instance, project critics also charged that white supporters of the C.I.P. considered the area blighted for racist reasons. To them, a large black population allegedly signified "blight" by definition. If the criticisms are true, neither would have been surprising. Urban mayors do make political decisions and racism sometimes has influenced white political attitudes and behavior.

Because so much of the discussion of the C.I.P. site had centered around the question of blight, Poletown advocates had to make the difficult case for the intrinsic worth of the area. To do this, they pointed out that epic events in 1930's labor history had taken place on the C.I.P. site. Knowledgeable persons like Richard Hodas, Vice-President of the Poletown Neighborhood Council, sensitively and cleverly explicated the arcane architectural merits and fading glory of long neglected buildings in the area. Such efforts were intended to rejuvenate Poletown's reputation, but also had a more pointed political purpose. Although law does not protect persons living in an area from displacement, preservation and historic landmark regulations might be used to protect buildings and thereby possibly defend an entire area. However well intentioned, such exercises in architectural, social, and labor history digressed from other more pressing public policy questions.

More to the point, therefore, was the Poletowners' claim that Detroit could "have its cake and eat it too," or that plant design modification could drastically reduce the area which G.M. required and thereby could give Detroit its

46. Audience comment made during talk by Rev. Daniel Bogus, Co-founder of the Black-Polish Conference, at Wayne State University (Nov. 30, 1981).

factory and leave the people their houses.⁴⁷ The fact that present plant design proposed to replace much of the condemned area not with factory buildings, but with a lawn and a large parking lot fueled the anger of the residents who faced eviction. G.M. balked at design changes, however, and as a result arguments for design modification dropped from consideration.

Meanwhile, the anti-C.I.P. argument that struck closest to the heart of the G.M./City position raised questions whether the publicly funded Central Industrial Park was the best way to solve Detroit's financial woes and whether the large G.M. installation would really deliver on its promises of tax revenues and jobs. Senator William Proxmire thought that pumping public money into a Cadillac plant might be less than wise when "down-sizing", building smaller, lighter, less expensive, and more fuel-efficient cars, was in vogue. In light of the persistent strength of foreign competition, others wondered whether diversification of the Detroit economy might be a sounder plan for recovery than placing all hope on the automobile.⁴⁸

In responding to the Proxmire argument, G.M. brushed aside questions about the public good and pointed out a market fact. Since demand for luxury cars remains very stable year to year, Detroit workers who produced them would be better sheltered from cyclical economic downturns than if they manufactured economy-class vehicles. Less easy to counter, however, was the set of questions concerning the number of jobs the plant would create. Critics contended that the 20,000-plus figure was highly exaggerated and, in any event, failed to consider the 9,000 area jobs that would disappear when the site was cleared.⁴⁹ Moreover, because of an escape clause in the C.I.P. agreement with the City, critics argued that G.M. actually committed itself to no minimum number of in-plant jobs, not even to the downwardly revised figure of 3,000. Skeptics foresaw a giant ghost plant, populated by a work force of faceless robots. Finally, with a succession of delays and postponements in construction, the planned Summer 1983, opening of the plant steadily receded. Bitter residents displaced from their homes wondered whether the Cadillac plant would ever open.

In terms of timing and popular responses, the Poletown protest of the 1980's very much resembled conflicts during the 1890's and 1930's, but it also differed from them in one important respect. The area's working-class Poles of the earlier periods had collided with the law and the courts, which seemed to defend the status quo of class relations and private property rights. More recently, legislative reforms associated with the New Deal and the Great Society seemed to change the law and the courts from apparent agents of class power to instruments for social reform and neutral arbiters in an arena for conflict resolution. In the Poletown case, we do not clearly find labor in conflict with capital, but a clash of small against large property rights. The C.I.P. affair,

47. See Wylie, *supra* note 27.

48. See DAN LURIA & JACK RUSSELL, *RATIONAL REINDUSTRIALIZATION: AN ECONOMIC AGENDA FOR DETROIT* (1981); BLONSTON, *supra* note 23.

49. *DZIENNIK POLSKI* (May 8-9, 1981).

therefore, seemingly departed from earlier local struggles since the community did not clearly contend with the law, but rather contended within it.

Even with all the protest and pickets, press coverage and pamphletering, the resolution of the Poletown dispute took place in the halls of justice. The claims of the area's residents ultimately depended upon how a succession of jurists and lawyers would view the legality of Michigan's controversial "quick take" law and the use of eminent domain proceedings to acquire land not for public, but for private use. Apparently, a 1954 ruling of the Supreme Court endorsed the principle embedded in the C.I.P. "quick take" eminent domain proceedings. Writing for the majority in *Berman v. Parker*,⁵⁰ liberal Justice William O. Douglas upheld the District of Columbia's ability to condemn a department store for an urban renewal project likely to be undertaken by private developers. Cognizant of this decision, the Poletown Neighborhood Council's attorney, Ronald Reosti, decided to bring his client's claims into state court, where federal precedent did not automatically obtain and where the law remained far more ambiguous. Despite Reosti's tactical maneuver, the Michigan Supreme Court chose to follow federal precedent. In early May 1981, the five to two majority ruled that eminent domain enables government to force property owners to relinquish their property for just compensation when such action serves a public purpose, even a public purpose to be carried out by a private corporation.⁵¹

Michigan Supreme Court Justice James L. Ryan, however, was not so sure. In his dissenting opinion, Ryan drew the distinction between a public use, such as a road, that can be used by all, and a public purpose, such as a job-creating private enterprise, and argued that this extension of the law of eminent domain "seriously jeopardized the security of all private property ownership."⁵² On the ruling, Thomas Olechowski, President of the Poletown Neighborhood Council, and Rev. Karasiewicz had a succinct comment:

The use of eminent domain by Multi-National, private, Corporate powers, [sic] turns democracy into a sham and working people's property deeds into meaningless papers; lends sovereign state police power to secretive, anti-democratic, profit-centered corporations, who use the tax structure as just another vehicle and the government as its willing tool and accomplice.⁵³

Searching for a villain in the Poletown melodrama, we might easily apprehend G.M. G.M., however, was only furthering its own institutional interests and trying to maximize profits throughout the controversy. We, therefore, can no more blame G.M. for taking Poletown than we can blame

50. Blonston, *supra* note 23, at 53; see also *Poletown Neighborhood Council v. City of Detroit*, 410 Mich. 616, 304 N.W. 2d 455 (1981).

51. See *Poletown Neighborhood Council v. City of Detroit*, 410 Mich. 616, 304 N.W. 2d 455 (1981).

52. *Id.*, 410 Mich. at _____, 304 N.W. 2d at 464-65 (Ryan, J., dissenting).

53. *DZIENNIK POLSKI* (May 8-9, 1981).

the giant white shark for mauling the fleshy legs of the hapless swimmer. It is merely in the nature of the beast and, as presently constituted, also of the giant corporation. Nevertheless, the General Motors Corporation seems culpable in one important respect. We cannot pronounce here whether the C.I.P. project was good or bad, or how much it was good or how much bad. Nor can we resolve the issue whether in this particular case community/neighborhood or corporate interests should have prevailed. What we can conclude is that not only community/neighborhood and corporate interests were at stake, but also the larger public interest. We can observe how the giant corporation exerted a disproportionate, indeed, a determinant influence upon the public policy process. In short, the game was rigged.

It is difficult to plumb the depths of the alleged links between corporations and the executive and legislative arms of the government. Clear, let alone indictable, connections may be rare and the point of commerce may lie in the business of politics and the realm of shared ideology. Nevertheless, as political scientists Lynn Bachelor, Bryan Jones, and Richard Wang have argued, perhaps the lines of influence are simpler still.⁵⁴ In the Poletown situation, cut-throat competition among municipalities for development money and the geographic mobility of corporate capital gave G.M. all of the cards. On several issues, however, City negotiators won small concessions.⁵⁵ In the meantime, the City caved in to the larger motif of corporate pressure, when G.M. spelled out non-negotiable plant requirements under the threat of locating the factory elsewhere.⁵⁶ As a result, G.M. reaped what Bachelor has called the "corporate surplus . . . locational incentives in excess of the minimum necessary to attract the facility."⁵⁷ Herein lay a fundamental irony: ". . . those cities most in need of increased revenues are likely to make the greatest overpayments, and those corporations with the greatest profit margins are likely to receive the largest surpluses from them."⁵⁸ Private corporate power, therefore, often can contravene or circumvent the larger public interest. More worrisome still, recently discussed federal plans to create "urban enterprise zones" could escalate interstate and intrastate competition for tax abatements and other incentives, and thus further undercut the economies of those municipalities the programs putatively intend to assist.⁵⁹

Poletown advocates charged that the corporation not only influenced the legislative and executive functions of City government in the C.I.P. situation,

54. See Bachelor, *supra* note 26, at 35.

55. The small concessions included terms of the tax abatement, reduction of site size, site clearance requirements, and phases in demolition. Lynn Bachelor Talk, *supra* note 25.

56. See Bachelor, Jones, & Wang, *supra* note 20 (full account of "negotiation").

57. Bachelor, *supra* note 20. See also B.D. Jones, L.W. Bachelor, & R. Wang, *Rebuilding The Urban Tax Base: Local Policy Discretion and the Corporate Surplus*, paper presented at the Midwest Political Science Association Meeting, Cincinnati, Ohio (1981).

58. Bachelor, *supra* note 26, at 48.

59. *Id.* As an alternative, Bachelor suggests that federal policy could equalize land and labor costs among competing cities and target federal grants to "needy" cities and to certain types of industry, with an eye toward encouraging economic diversification. *Id.*

but that G.M. influenced the independent judiciary as well. The second allegation is harder to prove. Moreover, one need not posit corporate pressure to explain the Michigan Supreme Court's decision. Even opponents of the court's action might have conceded that, at worst, the five to two majority may only have affirmed the *fait accompli* of recent City-mandated demolition in the C.I.P. area and thirty-five years of administrative undermining and neglect. Poletowners suspected collusion between the courts and the corporation, however, because they might have had little faith in the distant institutions of an impersonal and bureaucratic government and also because they might have recalled how courts had operated during past conflicts that had involved their community. However arrived at, the court's decision did not allay these fears for, after all, it did not give them relief. As a result, Poletowners thought they again glimpsed the law's age-old Janus-face. Though the courts had appeared an arena for conflict resolution and a neutral arbiter, the Poletown decision was perceived as a return to the judiciary's former role as bulwarks of the mighty and the powerful.

V. THE LESSONS OF POLETOWN: PUBLIC POLICY AND LEGAL REFORM

Not only did many Poletowners, with no little cause, come away from the C.I.P. controversy with the feeling that an injustice had been done them, but many sympathizers of the Central Industrial Park also questioned how City officials made and implemented decisions pertaining to the project. This suggests problems in the way the City Administration performed and the way in which the law and the courts operated. In three particular areas, specific reforms seem warranted.

The first area for reform involves administrative practices, or the way in which public officials carry out public policy in situations like the land acquisition in Poletown. Since the neighborhood was never homogeneous, the City was able to use existing divisions to implement policy without working to build a consensus within the community as it had painstakingly done with the large power holders, G.M., HUD, the U.A.W., and the Archdiocese. The activation of a Citizens District Council for the C.I.P. area seemingly was intended more to co-opt dissent and to marshal support than to represent citizens or ameliorate adversity. Similarly, the creation of an Economic Development Corporation to carry out the project, while affording speed and flexibility, also sheltered City officials from criticism and allowed project planners to sidestep cumbersome, though perhaps more representative, administrative procedures and practices.⁶⁰ The result was a model of municipal efficiency, to be sure, but not a showcase of democratic government.⁶¹

In order to relieve this situation, urban planners, economic development officers, and elected public officials should approach their constituents with greater respect and cultural sensitivity. Two changes might encourage sensitivity. Structurally, institutional power first needs to return to the neighborhoods

60. *Id.* at 49; see Lynn Bachelor Talk, *supra* note 25.

61. See Bachelor, *supra* note 28.

whose communities might then have the political resources to demand greater sensitivity from public officials. In 1919, Detroit's "progressive" reformers abolished the ward system and instituted at-large elections as a means to root out urban machine corruption. In the process, however, they also undercut working-class immigrants' political clout.⁶² A return to ward-based representation might help give the neighborhoods a political voice. Legislative and judicial recognition of community and individual rights and of cultural, social and physical environments also might help.⁶³ Even without such changes, neighborhoods need not stand defenseless. They can marshal the resources they do command, apply pressure, and build coalitions. As John Kromkowski, President of the National Center for Urban Ethnic Affairs, has stressed, neighborhoods also must rely upon their single unique asset, "people power." Here the Poletowners' tactics may have failed them. Before one litigates, one must organize.⁶⁴

Regardless of the foregoing suggestions, in some cases of urban development, neighborhoods still may have to come down for the greater public good. It is beyond the scope of this article to wrestle with, let alone resolve, that most momentous issue that has confounded both policymakers and social scientists: exactly what constitutes "community"?⁶⁵ However it is resolved, consideration of whether a neighborhood is also a "community" should help order policy priorities. In those painful cases in which neighborhoods must be razed and communities destroyed, the existence of community should increase claims for compensation. Fair public policy should follow three procedural rules. First, when conflict is resolved, the fewest people should lose, as they culturally define the term. Second, those who have least to lose should not lose the most. Finally, the losers should be justly compensated.

In a situation like Poletown, what is "compensation"? The normal definition of just compensation as market price, a sum that might have been agreed upon by a willing buyer and a willing seller, was not "just" as many Poletowners, community organizers, and social scientists understood the term. Faced with powerful non-market pressures, few residents who chose to sell their homes to the City did so in a literally free market. The notion of the willing seller, therefore, was a sham. Meanwhile, those awarded a settlement by the courts often got far less than they believed they deserved. Poletown homeowners often failed to receive replacement costs for their condemned homes. Small-business proprietors got paid for their aging buildings but did not get compensated for their businesses' good will, and did not share much in the rapid appreciation of the value of their land.⁶⁶

62. Radzialowski, *supra* note 15, at 135.

63. *Cf.* Poletown Neighborhood Council v. City of Detroit, 410 Mich. 616, 635, 304 N.W. 2d 455, 460 (1981).

64. I am indebted to John Kromkowski for his incisive comments at the Francis Lewis Law Center Colloquium.

65. For an accessible introduction to the debates on the meaning of "community", see JOSEPH R. GUSFIELD, *COMMUNITY: A CRITICAL RESPONSE* (1975).

66. Detroit Free Press, Nov. 9, 1980.

A far more just compensation might have redressed these inadequacies. It might have started with the fair market value of the land on which the homes and businesses stood, as fair market value is usually understood. Compensation also should have included an estimated replacement cost, an estimate of what it would cost to construct a new building of the same size and style as the structure being condemned, possibly less a depreciation factor. Finally, compensation should have included an arbitrary amount for lost "community", or with a business, good will, an amount perhaps related to the number of years a homeowner or business proprietor occupied a building, or the number of years they lived in the community.⁶⁷

Fairer still and probably not unfeasible or even impractical, displaced residents might have been awarded a "piece of the action," a share in the profits that would be generated by the new project for which their homes and businesses were condemned. Precedent for this kind of largesse exists. In Atlanta, thirty-nine black families, far better organized than the Poletowners, lost their neighborhood to a commercial development, but received valuable shares in the subsequent project.⁶⁸ Alternatively, and admittedly far less practically, compensation could even reflect a literally free market in which the dispossessed might have an opportunity to name their own price and developers like G.M. and the City would be obliged to make each Poletowner an offer he or she would not refuse. I suggest this final alternative, however expensive, redistributive, and ultimately perhaps impractical, in order to suggest that there are many possible determinations of just compensation, all arguably valid. Alas, justice is not cheap. In the long run, however, injustice may prove more expensive still, in terms of lost legitimacy of our legal and political institutions, bad legal precedent, and the resulting violence to the larger public good.

The second area for reform involves the operation of the courts as an arena for conflict resolution. Although Mr. Reosti undoubtedly represented his client's interests quite ably, he could be no real match for General Motors or even the City of Detroit. Underfunding and limits on their scope probably would make equally poor opponents of most of the public and private legal assistance programs that proliferated during the 1960's and thereafter to provide basic services to the neediest members of society and probably far spot-tier help to the average American citizen. A way to begin to redress this imbalance might be to create an independent office of investigation and legal assistance, perhaps patterned after the ombudsman, that might provide help in both civil and criminal cases.⁶⁹ Already we have an example of such an office in the New Jersey Department of the Public Advocate. Created in the spring of 1974, this innovative state-funded public interest law office received

67. I should like to thank Frederic L. Kirgis, Jr., for suggesting this formula.

68. See Roger Witherspoon, *Profits Out of Thin Air in Johnstown*, BLACK ENTERPRISE 65-68 (Dec. 1982). I am indebted to Prof. Steven H. Hobbs of the Washington and Lee Law School for bringing this article to my attention.

69. See, e.g., WALTER GELLHORN, *OMBUDSMAN AND OTHERS: CITIZENS' PROTECTORS IN NINE COUNTRIES* (1966).

broad discretionary power from the state legislature to define the public interest and to champion it in the courts. Whether such an office would remain free from political or corporate influence remains an open question. Of greater public policy and philosophical concern, meanwhile, is another question: how would such an office define what is the public interest? At worst, this new tier of government might merely shift the locus of conflict from the courts and the legislative councils to less representative, responsive, and accountable bureaucratic offices. The presumption in its creation, however, was that a public ombudsman and advocate would seek to represent the unrepresented, disadvantaged, and underrepresented. Judging by the New Jersey record, in the issue areas in which the Public Advocate's office was most active, housing and community development, health care, employment, and the environment, at least much of the time this was the case.⁷⁰ Whether such an office could have championed the Poletowners' cause, however, cannot be determined. As we examine a sample year, 1980, in New Jersey, no comparable controversy appeared on the Public Advocate Office's docket.⁷¹

Finally, the third area for reform addresses the problem that seems to exist when giant corporations manipulate, influence, and otherwise control the courts, the law, and public policy. We may lament evil in the corporate board room, but I do not, and we should not, champion or expect the rise of corporate morality as an antidote to the problem. Rather, insitutional reform should aim at reversing this condition, in short, at controlling the giant corporations. More regulation, not less, is the answer. Regulation alone is not *the* answer, because we have amply seen how regulatory bodies often have become the creatures of the regulated.⁷² What the law and the courts must do is redefine the corporation.

Here we can learn much from this history of the corporation.⁷³ Eighteenth-century law did not draw the clear distinction between public and private corporations which Justice Story claimed in the famous Dartmouth College case and that henceforth would guide the course of American jurisprudence.⁷⁴ Rather, corporations were agencies of government, "endowed with public attributes, exclusive privileges, and political power, and designed to serve a social

70. Martin A. Bierbaum, *On the Frontiers of Public Interest Law: The New Jersey State Department of the Public Advocate — The Public Interest Advocacy Division*, 13 SETON HALL L. REV. 475-89 (1983). I would like to thank Prof. Steven H. Hobbs of the Washington and Lee Law School for calling this and the following report to my attention.

71. See 1980 Annual Report of the Department of the Public Advocate and the Office of the Public Defender (New Jersey).

72. I should like to thank Prof. Denis Brion of the Washington and Lee Law School for underscoring this fact in a conversation at the Frances Lewis Law Center Colloquium.

73. See RONALD E. SEAVOY, *THE ORIGINS OF THE AMERICAN BUSINESS CORPORATION: BROADENING THE CONCEPT OF PUBLIC SERVICE DURING INDUSTRIALIZATION* (1982); MORTON, J. HORWITZ, *THE TRANSFORMATION OF AMERICAN LAW, 1780-1860* (1977); OSCAR & MARY F. HANDLIN, *COMMONWEALTH: A STUDY OF THE ROLE OF GOVERNMENT IN THE AMERICAN ECONOMY: MASSACHUSETTS, 1774-1861* (revised ed. 1969); Oscar & Mary F. Handlin, *Origins of the American Business Corporation*, V J. ECON. HIST. 1-21 (1945).

74. Trustees of Dartmouth College v. Woodward, 17 U.S. (4 WHEAT.) 518, 668-69 (1819).

function for the state," often extending the avenues of commerce through transportation related enterprises.⁷⁵ The mythology of the free enterprise system since usually has explained the rise of the corporation in terms of the unique advantage it offered to limit the liability of investors. Limited liability, however, was easily obtainable in other ways. The real attractiveness of the corporation during this early period was less subtle: it formed a state-sanctioned monopoly. Thereafter, the meaning of the corporation steadily widened with changing economic conditions. It came to include manufacturing activities and, after the Dartmouth College case, was steadily "privatized", through a succession of precedent-setting decisions by Justices Story, Marshall, and later, Taney. As a result, the corporation reached its present form near the end of the nineteenth century, a form virtually impregnable under present law.

In the long history of American law, however, a countervailing tradition doubtless existed which retained the older notion of the corporation as a public body. It is in that tradition and its historical roots that we may find a potent source for contemporary legal and social reform. Seating of union or public representatives on corporate boards, an innovation already common in Europe and pioneered in this country by U.A.W. President Douglas Fraser in the Chrysler concession talks, may one day be seen as an important step toward redefining the corporation as a public entity. Of course, one recent experience with a public corporation, the Tennessee Valley Authority (TVA), has proven unusually disheartening. In its dealings with the public, more often than not the TVA has aped the giant private utilities.⁷⁶ Every corporation-made-public, however, need not follow suit. We should ask what would make a corporation more responsive to the public interest. Certainly, the presence of a few professional politicians on a corporate board would not necessarily fill the bill, but genuine labor, minority, or community representation, in significant voting numbers, could. Of course, how they voted in a case like the Poletown dispute would depend upon an assortment of situational factors, their personalities, and their respective stakes in the affected communities. At the very least, however, their presence in the corporate inner sanctum might dislodge sufficient technical information about the workings of the corporation to render effective public scrutiny more possible. At best, such a presence might check the greatest excesses in selfish corporate policies.

A change in legal thinking must occur that would underscore the public nature of the corporate giant and thereby make it more responsive to societal needs and publicly more accountable. Unfortunately, the C.I.P. controversy and the Poletown case have signalled a trend in the opposite direction, but perhaps even this particularly dark cloud has its silver lining. If the Michigan Supreme Court's decision in *Poletown* was an attack on all private property rights, as Justice Ryan feared, perhaps some serendipitous good will still come

75. Handlin & Handlin, *Origins of the American Business Corporation*, *supra* note 73, at 22; see also *Poletown Neighborhood Association v. City of Detroit*, 410 Mich. 616, 670-71, 304 N.W. 2d 455, 476 (1981) (Ryan, J., dissenting).

76. Thanks again go to Denis Brion, for citing the TVA situation.

of that decision. In order to advance public purposes, corporate property rights also might one day legally be assailed. Perhaps the time finally has come when the American public policy debate should discuss nationalization of select large industries as a legitimate public policy option. This alternative would not offer a perfect solution to problems like those encountered by the residents of Poletown, but would certainly institutionalize greater public accountability in corporate affairs. Meanwhile, in the future public policy makers should, at the very least, think of ways that a *quid pro quo* might be extracted from corporations seeking government favors and incentives like tax abatements, subsidies, or the demolition of an urban neighborhood. That *quid pro quo* might include greater accountability and even a degree of public control, not to mention corporate underwriting of equitable compensation to aggrieved citizens.⁷⁷

77. See *Neighborhood Council v. City of Detroit*, 410 Mich. 616, 679, 304 N.W. 2d 455, 480 (1981) (Ryan, J., dissenting).