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## The City Is Here to Stay

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# THE CITY IS HERE TO STAY†

BY

FRANK P. GRAD\*

## I. INTRODUCTION

It is not the aim of this article to analyze the modern American city's ills and to provide a set of prescriptions, a healthful regimen for their cure. Growing out of an informal talk, this essay is a rather personal statement of an attitude, a most positive attitude, toward great cities. Though it is part credo and part panegyric, it will nonetheless seek to make some analytical points.

Perhaps one little-noted city problem consists of the many so-called urbanists who either hate the city or have given up on it. Though this author cannot claim to have either the multi-disciplinary qualifications or the unclouded crystal ball of an urbanist, he has, over the years, worked on city problems as a legislative draftsman<sup>1</sup> and has, quite inevitably, a point of view.

My thesis is: there is a lot wrong with our cities, we face enormous

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†The following is from an address by Professor Frank P. Grad to the 1972 URBAN LAW ANNUAL staff on April 22, 1972.

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1. See, e.g., NEW YORK CITY, N.Y., HOUSING MAINTENANCE CODE, N.Y.C. ADMIN. CODE §§ D26-1.01 *et seq.* (1967); NEW YORK CITY, N.Y. AIR POLLUTION CONTROL CODE (1964); NEW YORK CITY, N.Y., HEALTH CODE (1959); NATIONAL MUNICIPAL LEAGUE, MODEL STATE CONSTITUTION (6th ed. 1963); NATIONAL MUNICIPAL LEAGUE, MODEL STATE AND REGIONAL PLANNING LAW (1954). See also F. GRAD, LEGAL REMEDIES FOR HOUSING CODE VIOLATIONS (Research Rep. No. 14 for the Nat'l Comm'n on Urban Problems, 1968); Grad, *The State Constitution and the State's Capacity to Respond to Urban Problems*, in THE STATES AND THE URBAN CRISIS 27 (A. Campbell ed. 1970); Grad & Hack, *Noise Control in the Urban Environment*, 1972 URBAN L. ANN. 3.

problems; but there is also great strength in our cities, we can solve our problems and, indeed, we cannot afford *not* to solve our problems because our cities are our nation and our American civilization.

A city is a place, it is an organism—a sensitively balanced ecological system—and it is also a state of mind. Our cities must be saved, not only because there is no realistic alternative to saving them, but also because the city as a state of mind embodies some of the highest and best aspirations of our society and is, therefore, worth saving.

## II. THE CITY—ITS GROWTH AND ITS PROBLEMS

The growth of the city is an American as well as a European phenomenon. The old European pattern of city development has consisted of a concentric growth, with the inner city the part originally enclosed by the city walls, the initial fortification surrounding either the fortress or a major church or cathedral. From this core, the city grew outward in concentric circles. In Max Weber's theory, the European city started out as part fortress, part market.<sup>2</sup> American cities did not start quite that way except for some of the western cities which started out primarily as army stockades—or fortresses. Most of our cities started out essentially as commercial centers, and they continue to be commercial and industrial centers. Whichever way they started out—and in spite of the fact that the city's role may be changing—cities still define our civilization.<sup>3</sup> In spite of its detractors who see the city's role as industrial and commercial centers waning,<sup>4</sup> it is still impossible to describe life in the United States without reference to the city.

First, the city has to be viewed as an energizing force. The city is where the action is and where the action has always been. In feudal times, there was an old German saying, "Stadtluft macht frei"—"City air makes men free." And, of course, it did then and it does still—in spite of air pollution. In the Middle Ages, the serf became a free man in the city. In our times it is still true, because the black migra-

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2. M. WEBER, *THE CITY* (1958).

3. For an analytical and highly idealistic account of the history of growth and decay of cities, and of their cultural role see L. MUMFORD, *THE CITY IN HISTORY* (1961); L. MUMFORD, *CITY DEVELOPMENT* (1946); L. MUMFORD, *CULTURE OF CITIES* (1938).

4. See, e.g., E. RASKIN, *SEQUEL TO CITIES* ch. 5 (1969); Starr, "The Decline and Decline of New York," *N.Y. Times*, Nov. 21, 1971, § 6 (Magazine), at 62. See also C. ABRAMS, *THE CITY IS THE FRONTIER* 222-24 (1965).

tion and the Puerto Rican migration from the rural South or from Puerto Rico to the cities—particularly the cities in the Northeast—represents a search for freedom, a search for independence, a search for social mobility.<sup>5</sup> By the same token, this causes most of our current city problems. It always has. The very mobility of city life and the very fact that people have always come to the city to search for freedom, to search for mobility and to find their fortunes has always been the source of the city's strength as well as the major source of its problems.

What, exactly, are "city problems?" Most of them are not indigenous to the city. Most of the so-called "city problems" are not problems that are inherent in the city or in the inner city, but problems that society has imported into the city. The city is not the place that creates problems, but the place—often the only place—where we try to solve them.<sup>6</sup>

The city does not create poverty and welfare problems. The poor from the rural countryside migrate to the cities because that is where the jobs are. And if there are no jobs, that is where we face the problem by way of social welfare. Moreover, in terms of adequacy of welfare payments, the cities have been far more generous than non-city areas—and as a matter of fact, this has contributed to the near bankruptcy of some of our highly urbanized areas. In the cities, we face the problem of poverty and welfare, because that is where the poor people go.<sup>7</sup>

Another closely connected problem is that of race and segregation, which so deeply affects housing, education and jobs. The city did not

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5. N. GLAZER & D. MOYNIHAN, *BEYOND THE MELTING POT* 25, 91, 301 (1963); J. LINDSAY, *THE CITY* ch. 4 (1969); Moynihan, *The City in Chassis* 313, 323, in *TOWARD A NATIONAL URBAN POLICY* (D. Moynihan ed. 1970); Glazer, *A New Look at the Melting Pot*, 16 *PUBLIC INTEREST* 180 (1969).

6. See generally C. ABRAMS, *supra* note 4, at 287; A. DOWNS, *URBAN PROBLEMS AND PROSPECTS* 75-175 (1970); J. LINDSAY, *supra* note 5, chs. 2, 6-8; *THE CONSCIENCE OF THE CITY* pt. II (M. Meyerson ed. 1970) [hereinafter cited as *THE CONSCIENCE OF THE CITY*]; *TOWARD A NATIONAL URBAN POLICY* chs. 4, 7, 8, 12, 14, 17 (D. Moynihan ed. 1970) [hereinafter cited as *TOWARD A NATIONAL URBAN POLICY*].

7. In connection with the impact of revenue sharing on welfare see Agnew, *The Case for Revenue Sharing*, 60 *Geo. L.J.* 7 (1971); Corman, *Grave Doubts about Revenue Sharing*, 60 *Geo. L.J.* 29 (1971). See generally *PLANNING FOR A NATION OF CITIES* chs. 1, 2 (S. Warner ed. 1966); Starr, *supra* note 4. For an unsympathetic account supporting the proposition that cities carry the heaviest welfare load see Banfield, *Welfare: A Crisis Without Solution*, 16 *PUBLIC INTEREST* 89 (1969).

create the problem of race. It is a national problem that finds expression in the cities through in-migration of minority populations.<sup>8</sup> And, if any progress is being made in that area, it is due to the major efforts in that direction in our major cities—though, indeed, much greater efforts are required.

Unemployment in the cities is a major problem that causes or is related to a host of others. But again, it is not a problem indigenous to the city, but one presented to the city for solution. Not even the most avid proponent of the theory that cities are a thing of the past—like the dinosaurs<sup>9</sup>—because they have outlived their function as commercial and industrial centers, can assert that city unemployment is primarily due to the alleged flight of business and industry to the suburbs. Hard-core unemployment has a variety of sources, most of which may be found in the countryside. With the vanishing family subsistence farm and the increasing reliance on large-scale mechanized agriculture, untrained and unskilled laborers, both black and white, have been trooping to the cities, joining a growing pool of unskilled industrial labor displaced by greater mechanization and automation.<sup>10</sup> Training this group of unskilled workers in needed skills or for work in service industries has now become a major task that has largely been imposed on the city.<sup>11</sup>

Nor did the city create most of the health problems found in it. As a matter of fact, the cities have generally solved their health problems, and the urban population is generally healthier than the rural population. The city health problems—apart from the relatively well-defined problems that arise from air pollution and other consequences of congestion—arise largely from immigration, simply because the city is where the services are. The hospitals, the major providers of free health services, and the staffs that can provide them, are mostly in the city. One of the attractions of the city for aged and sick

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8. See generally A. DOWNS, *supra* note 6, at 75; N. GLAZER & D. MOYNIHAN, *supra* note 5, at 25-136; Tilly, *Migration to American Cities*, in TOWARD A NATIONAL URBAN POLICY at 152.

9. E. RASKIN, *supra* note 4, at 9-14.

10. See generally PLANNING FOR A NATION OF CITIES, *supra* note 7, at 81-140; Drucker, *Worker & Work in the Metropolis*, in THE CONSCIENCE OF THE CITY at 153.

11. One such effort is reflected in the Job Corps. 42 U.S.C. §§ 2711-29 (1970). See Rein, *Social Planning: The Search for Legitimacy*, in TOWARD A NATIONAL URBAN POLICY at 219.

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people is that this is where they can generally receive care and treatment.

To say that the city provides most of the health services is not to say that it does it well. Indeed, the organization of health services to assure good quality of medical care in an economically sound fashion has become as obdurate a city problem as has the rendition of other services that present problems of scale. But at least the city generally has the facilities and the professional personnel that are essential to make inroads toward a solution of the problem.<sup>12</sup>

While health care in the cities remains a live and important issue, health in our cities has improved enormously. There have not been any significant air or water, or even food-borne, epidemics in our cities for many years. Through greater cleanliness and immunization, we have actually wiped out most communicable diseases which used to be rampant in our cities. Even tuberculosis, which used to afflict particularly the city poor, is largely a disease of the past. On the whole, city life is healthier than it was despite all the problems of environmental pollution around us. We have new problems to solve, but with respect to epidemics and the rotten sanitary facilities that contributed to them, cities are quite different than they were even a generation ago. Our health care delivery system leaves a great deal to be desired, but for all of the criticism of the Medicare and Medicaid program (which has its greatest impact in our cities), more people are getting treatment now than ever before. Even though it is an expensive and sometimes wasteful system, and even though medical costs are being inflated, more people are getting treatment. Many more should—and many of our public city hospitals are a disgrace—but there is a strength and a desire for improvement in the system, in spite of the difficulties.

The problem of housing and slums—which comes as close to being a city-grown problem as any—is closely related to problems of race, unemployment and interrelated aspects of both city growth and decay, and it needs to be discussed in that context. Suffice it to say for the present that though problems of housing and slums are “indigenous” to the city, they are to a considerable extent the result of other prob-

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12. THE HEALTH OF AMERICANS ch. 6 (B. Jones ed. 1970); Folsom, *Community Health Planning*, in TOWARD A NATIONAL URBAN POLICY at 84; Mechanic, *Problems in the Future Organization of Medical Practice*, 35 LAW & CONTEMP. PROB. 232, 239 (1970).

lems that have been foisted upon the inner city by other parts of the society.<sup>13</sup>

Another problem, more uniquely identified with the city, is that of city crime, and particularly of "crime in the streets." There is more crime of all kinds in the city than elsewhere. I am reminded of the story of the very successful bank robber, Willie Sutton, who was asked, "Why do you rob banks?" And his response was, "Because that's where the money is." There is more of everything in the city, and there is also more crime because that is where the people are and the money is.

But that is clearly only part of the story. The real city crime today is street crime that threatens the safety of the citizen and that has turned many parts of our cities into a kind of tense no-man's land where no sensible citizen willingly goes out or takes a walk after dark. The problem defies simple analysis for it is composed of many facets and will not yield to simplistic notions of "law and order." The heterogeneity of the city population contributes to it, as does what appears to be a greater readiness to resort to violence in contemporary society. The frustrations of underprivileged and repressed groups contribute to it; the social and economic disparities in a relatively affluent time enhance it.<sup>14</sup> Street crime is not a new city phenomenon, as anyone knows who has viewed Hogarth's engravings of London's Cheapside. Violence in the streets has long been a symptom of the pathology of the slums and the ghetto. What has changed is spill-over of street crime from the slums and ghettos into the stable and heretofore secure middle and upper middle-class areas of the city. As long as street crime was confined to the "bad" parts of cities, to the wharf and warehouse areas, to the areas of transition on the downgrade and to the areas that had already hit rock bottom, the politically influential segments of the population had little concern. They have become concerned because now they are threatened. Part of the spill-over of violent street crime, of muggings at knife point, may be attributable to the kind of social diffusion often described by sociologists. But the major part is indubitably the result of the

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13. C. ABRAMS, *supra* note 4, at 10-12, 19-39; A. DOWNS, *supra* note 6, at chs. 3, 6; Gribetz & Grad, *Housing Code Enforcement: Sanctions and Remedies*, 66 COLUM. L. REV. 1254 (1966); Sternlieb, *New York's Housing: A Study in Immobilism*, 16 PUBLIC INTEREST 123 (1969).

14. E. BANFIELD, *THE UNHEAVENLY CITY* chs. 8, 10 (1970); J. LINDSAY, *supra* note 5, at ch. 8.

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spreading pattern of drug—and particularly, heroin—addiction, a major, spreading social cancer for which the city is hardly responsible. Repressive measures in this area and placing the blame on the city environment will hardly help as long as veterans returning from a Southeast Asian war swell the number of addicts, as long as the need for major national support for treatment facilities remains largely dormant, as long as there is widespread tolerance of the production of vast quantities of heroin by countries that are militarily dependent upon us, and as long as vast fortunes are to be made in the manufacture and sale of addictive drugs.<sup>15</sup> A national problem of heroin addiction is not turned into an inner city problem simply by telling more city policemen to round up more small drug pushers, though that may be necessary too.

Many so-called “city problems” are national problems that have come to roost in the cities. Because they are national problems, there should be a readiness to solve them on the national level. That readiness has unfortunately been lacking. The national unwillingness to take full responsibility for these “city problems” has support in the United States as well as in the rest of the world by an old political tradition—to juxtapose and compare the solid, healthy, though somewhat stodgy, virtues of the rural countryside with the sinful, degenerate, evil city; to blame the city for all the evils in the world, and thereby avoid national responsibility.

The literary preference for the simple life of the countryside has long and respectable antecedents in such poetic works as Virgil's *Eclogues* (written largely in the City of Rome). In more recent times, the political antecedents of anti-city attitudes are less innocuous. Spengler's *Decline of the West* links the decline of our entire civilization to the growth of the cities and he, of course, supplied the intellectual underpinnings for the Nazi agrarian mysticism of “blood and soil.” We need not burden contemporary anti-city attitudes with all that freight. Though probably more benign, they are not necessarily more reasonable.<sup>16</sup> Though everything that is bad comes from the city and everything that is good stems from outside of it, most of the good country folk still come to the city to “make it.”

Anti-city attitudes are still predominant in many state legislatures. Indeed, fair apportionment—*i.e.*, apportionment that would give the

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15. McCoy, *Flowers of Evil*, HARPER'S MAGAZINE, July 1972, at 47.

16. See, e.g., E. RASKIN, *supra* note 4; Starr, *supra* note 4.



cities their proper representation—was frequently opposed on the grounds that to give the cities a controlling vote would radicalize the legislature and would undermine the stability of state government. (On the other hand, labor unions supported reapportionment because the rural domination had indirectly deprived labor of its proper voice in the law-making process.) Unfortunately, the cities were not to have their day, even after *Baker v. Carr*<sup>17</sup> and *Reynolds v. Sims*,<sup>18</sup> because during the many years it had taken to win the reapportionment fight, the population of the suburbs had increased so as to give them the balance of legislative power—and the suburbanites, having recently turned their backs on the city, promptly allied themselves with rural interests against the city.<sup>19</sup>

Congressional attitudes are not much different from those of state legislatures. It is generally easier to wrest money from Congress for projects to benefit rural and agricultural interests than it is to gain support for urban or city purposes. Significantly, legislation and appropriations with an urban emphasis generally do better in the Senate than in the House. The House, being a more highly representative body, reflects the same kind of political balance as the state legislatures. The Senate, on the other hand, gives a better break to the cities because senators, relying on the large city voting blocs in state-wide elections, must be more responsive to city needs.

### III. THE CITY AS AN ECOLOGIC SYSTEM OR THE NEED FOR A COHERENT NATIONAL URBAN POLICY

The city, with all its problems, has always been a rather delicately balanced organism. It is a balanced ecological system in which jobs, transportation, housing, schools and any number of other factors are interrelated and interconnected. This means, however, that its problems cannot be dealt with separately but must be faced in a coherent fashion. We, as a nation, do not have an integrated national urban policy.<sup>20</sup> We have fragments of a transportation policy, mis-

17. 369 U.S. 186 (1962).

18. 377 U.S. 533 (1964).

19. J. LINDSAY, *supra* note 5, at ch. 9; AMERICAN ASSEMBLY, *THE STATES AND THE URBAN CRISIS* chs. 7, 8 (1970).

20. NATIONAL COMM'N ON URBAN PROBLEMS, *BUILDING THE AMERICAN CITY* 1-31 (1968) [hereinafter cited as *BUILDING THE AMERICAN CITY*]; *TOWARD A NATIONAL URBAN POLICY* at ch. 1; Weaver, *National Land Policies—Historic and Emergent*, 12 U.C.L.A.L. REV. 719 (1965).

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cellaneous aspects of a housing policy and intimations of a job policy. Each of these is separate and apart. We do not have any coherent connecting links between them.

An interesting aspect of city ecology is that city growth and city decay often stem from the same roots. A few examples may be cited that will demonstrate this interrelationship. Late in the 19th century, we experienced waves of immigration from Europe. We needed this immigration for our unprecedented industrial growth. European immigrants, from Eastern Europe particularly, supplied the city proletariat. They supplied the workers for new, burgeoning, spreading industries, but we had to have places to house them. In many parts of this country—particularly in the Northeast, in New York and Boston, and to some extent also, in the Midwest—we began building tenement houses. These late 19th century tenements had no amenities; they had windowless rooms, cramped space and inadequate toilet and bathing facilities, but they were solidly built. Many of these tenements were built and, in consequence, one of the problems we face in the city of New York now is that we still house almost a million people in so-called “old law tenements,” *i.e.*, tenements built prior to the first modern housing laws passed in 1901. They provide no amenities and satisfy no one, but they absolutely refuse to fall down. If they would only collapse, we could not avoid the issue—we would have to build new housing. But these monuments to a lack of foresight—and to greed—steadfastly stand. They are being replaced at a very slow rate; it has been calculated that if the annual attrition of old law tenements in New York continues at the present rate, the last of them will disappear by the year 2007!<sup>21</sup> New York’s experience is not unique—other cities have similar obdurate problems.

The city’s labor forces must have mobility—they have to go from place to place. They have to be moved in large numbers from their tenements to their jobs. To meet this need, transit systems were built, not only in New York but in other older industrial parts of the country as well. In New York and Chicago, this first took the form of elevated railroads. The new street railroads, and particularly the elevated railroads, created an enormous amount of new growth. The transit system helped the city spread. There was little suburbaniza-

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21. For an account of the old law tenement problems see NEW YORK CITY DEP’T OF BLDGS. ANNUAL REP. 146 (1963).

tion—where there had been farmland before, there were new buildings, new tenement houses, new stores and new city life with barely any transition. But an elevated railroad is a troublesome thing to have around. Anyone who is familiar with Chicago or who has seen some of the remaining elevated railroad lines in New York knows that underneath an “El,” there is no light, there is a lot of noise and dirt and the area is likely to become a “transitional” area with a number of small stores, bars and people with no particular family attachments—an incipient slum. Growth and decay were built into the system early and were very closely interconnected.

Cities, like other ecologic systems, grow in response to the needs of commerce, industry, transportation and communication. Many of our cities are built at railroad junctions, at major ports and in areas where there are facilities for trans-shipment—transferring goods from one mode of transportation to another. And this has been the case with just about every major city in the country.<sup>22</sup>

Today we are in the midst of a major shift in patterns. Many factories, warehouses and the like are moving to the suburbs; there is a pattern of dispersion. What has happened is that, to an increasingly greater extent, we ship our goods by way of large trailer trucks, and the trailer truck can go any place—except into the inner city; the inner city generally was not built for 20 or 30-ton trailer trucks. Factories and warehouses are no longer dependent on easy access to railroad junctions and harbor facilities and can now take advantage of less costly locations outside the city. Because land is cheap, warehouses can be built on a single level. There also is that other marvelous development—the forklift—which again advances single level, expansive planning for factories and warehouses and which has made a great difference in the way American industry and American warehousing operate. Consequently, the location of some of the warehouses and industries in the city is not nearly as important as it used to be.<sup>23</sup>

This is not necessarily a pattern which has been followed in every city. There is a great deal of strength left in the central cities because the businesses that do not depend as much on cheap land—those that

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22. L. MUMFORD, *THE CITY IN HISTORY*, *supra* note 3, at 419-21; S. WARNER, *STREETCAR SUBURBS* ch. 2 (1962); Kain, *Postwar Changes in Land Use in the American City*, in *TOWARD A NATIONAL URBAN POLICY* at 74.

23. Kain, *supra* note 22.

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rely to a greater extent on ready availability of labor—have less incentive to move out. A stock brokerage firm does not need all that much land—what it needs is computer facilities, offices and easy access by city people. Thus, a very substantial residue of businesses and industries, which are not dependent on cheap land, on the trailer truck or the forklift, are likely to find it much more profitable to remain in the cities. Indubitably, some of the functions of the city are changing, but there are still a great many continuing—and even new—functions to build on.<sup>24</sup>

There have been other changes of patterns. One of these has been aptly described as urban sprawl—the city bursting its bounds, with a substantial part of the white and middle-class population chewing up vacant land on the outskirts of the city by moving into detached, single-family homes complete with small front lawns and substantial mortgages. On the whole, urban sprawl and the movement of factories and warehouses outside the city have proceeded independently of each other. The movement of warehouses and factories has not contributed to urban sprawl because the people who work in them do not usually live in the new suburbs. It is popular to put the blame for urban sprawl on the private automobile, but though it shares some of the responsibility, the major blame for urban sprawl ought to be placed squarely on the wholly unimaginative and wrong-headed federal housing policies of the post-World War II era. Instead of focusing on the needed improvement and replacement of the inner city housing inventory, eroded and inadequate after many years of war-time neglect, the Federal Housing Authority and other federal agencies provided cheap mortgage money to allow suburban development outside the city limits and, as a further encouragement, the federal government encouraged home ownership by extending substantial tax benefits to home owners and not to renters. To be sure, in providing legislation and money for these developments, Congress reflected the popular, rural ethos that extols home ownership as a preferred way of life.<sup>25</sup>

There is a question of which came first—the sprawl or the automobile. The sprawl was not possible without the automobile because the white middle-class person needs it to get to his place of work in

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24. C. ABRAMS, *supra* note 4, at ch. 13; Fitch, *Eight Goals for an Urbanizing America*, in *THE CONSCIENCE OF THE CITY* at 51.

25. Weaver, *supra* note 20, at 721.

the city. Even if he uses a suburban railroad, he must still use his private automobile to get to the railroad station. Consequently, urban sprawl became absolutely dependent on the automobile—more urban sprawl means more automobiles, more automobiles mean more urban sprawl and more highways, and more highways mean greater dispersion.

Urban sprawl has been both an environmental and a social disaster. On the environmental side, it has resulted in wasteful, low-density use of scarce open space for residential purposes and for the building of multi-lane highways and parking lots, growth of air pollution problems from automobiles and from uneconomical individual home heating plants, growth of water pollution problems through the spread of unsewered areas depending on highly inefficient and unreliable private sewage disposal systems, and in a general destruction of aesthetic values through low-density, architecturally dull and undistinguished suburban developments. Some of these environmental disasters are, of course, transportation-connected. The city still supplies the jobs for most of the middle-class whites who live in the suburbs, and their daily commuting into the inner city creates the congestion which creates the need for more highways. The factories and warehouses outside of the city, in turn, draw some of the unskilled and semi-skilled labor that lives in the city, and though commuting traffic is still predominantly one way, commuting “against” the traffic is also on the increase. In light of the social effects of urban sprawl, it is futile to suggest that both the white middle-class commuter and the black semi-skilled commuter ought to move closer to his respective job.<sup>26</sup> It is not useful to blame the automobile for all this, for it has also made significant contributions to American life. It characterizes our sense of mobility and freedom and has contributed to the growth of many cities and smaller towns which, cut off from other modes of transportation, have had to rely on the relatively inexpensive availability of private transportation. In many parts of the country, you “can’t get there from here” without a car.<sup>27</sup>

As whites, looking for that postage-stamp-sized lawn to mow out in the suburbs, moved out of the inner city, the rural black immigra-

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26. A. DOWNS, *supra* note 6, at ch. 7; Meyer, *Urban Transportation*, in *TOWARD A NATIONAL URBAN POLICY* at 66; Webber & Angel, *The Social Context for Transport Policy*, in *SCIENCE & TECHNOLOGY AND THE CITIES* 57 (U.S. House Comm. on Science & Technology 1969).

27. Webber & Angel, *supra* note 26, at 62-67

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tion filled the vacuum. Our cities have seen enormous increases in black population and, by the same token, have lost much of the white middle-class population. The consequences of this pattern need only be mentioned, for they have been frequently and thoroughly analyzed.<sup>23</sup> Two separate worlds have been created: that of the disadvantaged inner-city black, and that of the privileged suburban white. Segregation in housing, a long-existing problem, has been strengthened, both as between the inner city and suburb and as between "good" and "bad" neighborhoods in the city itself. Suburban whites have erected barriers through zoning, with a clearly restrictive intent, against black expansion into the suburbs—hoping thereby to fend off the "threats" of the city they had so recently escaped. White middle-class city people, on the other hand, have erected economic barriers against black encroachments upon the "good" city neighborhoods, thereby creating self-protective, insular enclaves. In turn, this pattern has resulted in a dual city school system, with educationally underprivileged black children attending educationally underequipped city public schools, and white middle-class children being educationally force-fed in highly enriched private school environments in the city or in comparably enriched public schools in the suburbs. Segregation in housing and education is, of course, perpetuated in employment, with better employment opportunities dependent on the better educational opportunities that preceded it. This pattern is not new, but urban sprawl has certainly helped to strengthen and extend it, courtesy of misguided federal housing policies.

### IV. SOME QUESTIONS OF STRATEGY

Solutions are hard to come by and, in a survey of this kind, it would be presumptuous to propose any. But it is clear that the complexity of contemporary city problems is such that it will not do to approach housing, employment, education and transportation issues separately. We must have integrated, coherent urban strategies. We have not had them thus far.

However, in developing new strategies, we must ask ourselves whether our past strategies have failed or whether it might not be more accurate to say that they have not really been tried. Take planning, for example. In light of the system of ecological balance we

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23. Hauser, *Population Composition and Trends*, in *TOWARD A NATIONAL URBAN POLICY* at 26.

find in the city setting, planning must reflect a multi-factor approach. We must test not only how a particular new highway will affect the transportation pattern, but also how it will affect the job pattern, the residential pattern and the economic pattern generally.

We do have an enormous amount of planning legislation. As a matter of fact, ever since the Housing Act of 1954<sup>29</sup>, which authorized planning grants in metropolitan and regional areas for "surveys, land use studies, urban renewal plans, technical services and other planning work . . .,"<sup>30</sup> it has become fashionable to add fat planning provisions to just about every one of the federal categorical grants. For example, the Housing and Urban Development Acts were only the precursors of the Model Cities Law<sup>31</sup> which, among its purposes lists the aim "to establish better access between home and job." It provides for extensive planning and coordination of federal aid in metropolitan areas and, in the definition of areawide development, refers to the relationship of transportation facilities to other economic and environmental factors. Comprehensive planning is defined to include "preparation as a guide for long-range development of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities including transportation facilities. . . ."<sup>32</sup> Very brave words, because they recur again and again. In 1968, in the Intergovernmental Cooperation Act,<sup>33</sup> provision was made for planning "[a]ppropriate land uses for housing, commercial, industrial, governmental, institutional and other purposes," and for "[b]alanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods. . . ."<sup>34</sup> And then, Title VII of the Urban Growth and New Community Development Act, enacted in 1970,<sup>35</sup> seeks "to provide for the development of a national urban growth policy. . . ."<sup>36</sup> Again, the declarations of findings and purposes

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29. Housing Act of 1954, tit. VII, 68 Stat. 640, *as amended*, 40 U.S.C. §§ 461 *et seq.* (1970).

30. Housing Act of 1954 § 701, 68 Stat. 640, *as amended*, 40 U.S.C. § 461 (1970).

31. Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. §§ 3301 *et seq.* (1970).

32. *Id.* § 3301.

33. 42 U.S.C. §§ 4201-44 (1970).

34. *Id.* § 4231(a).

35. 42 U.S.C. §§ 4501-32 (1970).

36. *Id.* § 4501.

decries the wasteful and inefficient use of land resources reflected in the continuation of established patterns of urban development, as well as other adverse factors: limited options as to where people may live, decreased employment and business opportunities of the residents of central cities, increased distance between places where people live and where they work, and increased costs and decreased effectiveness of public and private facilities for urban transportation. Add to that the planning provisions in the Federal Aid Highway Act,<sup>37</sup> the Airport and Airway Development Act,<sup>38</sup> and the Urban Mass Transportation Act,<sup>39</sup> and we really ought to have the best planned urban environments in the world.

There would be no need to keep passing planning laws if the earlier ones had worked. In fact, though there has been an enormous amount of planning law, there has been very little planning. Moreover, there has been no investigation of what all of this planning language in the statutes has really produced.

A major obstacle to effective planning—planning which does more than advise and “coordinate”—is that the cutting edge of planning, *i.e.*, zoning and subdivision regulations, the part that makes the real difference, has been lodged at the local level of government.<sup>40</sup> It is this circumstance that has protected the white inner city enclave as well as the suburban community from having to share the problems and prospects of the broader metropolitan community. To plan effectively requires regional planning with power to override local, parochial, narrow and short-sighted, self-protective interests.<sup>41</sup>

It is about time that we not only talk about planning, but that we actually do some and that we do it fairly courageously. To plan courageously will require making some politically unpopular decisions. Such decisions will have to be for the good of the region as a

37. 23 U.S.C. §§ 101 *et seq.* (1970), amending 23 U.S.C. §§ 101 *et seq.* (1964).

38. 49 U.S.C. §§ 1712 *et seq.* (1970).

39. 49 U.S.C. §§ 1601 *et seq.* (1970).

40. 1 R. ANDERSON, *THE AMERICAN LAW OF ZONING* §§ 309 *et seq.* (1968); B. POOLEY, *PLANNING AND ZONING IN THE UNITED STATES* 8 (1961); 1 F. YOKLEY, *ZONING LAW AND PRACTICE* § 2.6 (3d ed. 1965).

41. *See, e.g.*, Bowe, *Regional Planning Versus Decentralized Land Use Controls—Zoning for the Megalopolis*, 18 DE PAUL L. REV. 144 (1968); Haar, *Regionalism and Realism in Land Use Planning*, 105 U. PA. L. REV. 515 (1957). A move toward state rather than local regulation has been made in Hawaii, HAWAII REV. LAWS ch. 205 (1968), *as amended*, (Supp. 1971), and most recently in Florida, Environmental Land Act, FLA. STAT. ANN. §§ 380.012-.10 (Supp. 1973).



whole and will have to be binding on local governments, sometimes regardless of local opposition based on a narrower conception of interests.

Urban renewal—which has been sarcastically referred to as “urban removal”—is an interesting example of an area where courageous planning is necessary. In spite of some past errors in urban renewal policies, we must have urban renewal to rebuild portions of our cities. Urban renewal often engenders the opposition of the community that is displaced, even though there may be agreement on the need for new housing and new urban facilities generally. The local community does not necessarily have the true light when it comes to long-range urban planning.<sup>42</sup> And, occasionally, it depends on how one defines the community. If it is defined narrowly, just to include the people who are going to be moved, then obviously the community will be against it. If the community to be improved is defined to include the city or even the region as a whole, then the position of the constituency may be entirely different. Note that Glazer and Moynihan, in *Beyond the Melting Pot*, written during the early stages of the federal housing program, commented that the political leaders in the ghetto or slum areas will be against urban renewal because it means the dispersal of the constituency that provides their political base.<sup>43</sup> While this may be undesirable, it must not get in the way of decent urban renewal programs designed to restore the inner city in the light of metropolitan needs.

While housing strategies generally—with the exception of the urban renewal and the rent subsidy program—have not been designed to help the city, the picture is far from hopeless. First of all, it must be remembered that the worst housing is not urban. The truly unbelievably bad housing is to be found not in the cities, but in the backwoods of the United States.<sup>44</sup> The conditions in much of the housing of the inner city are bad, but they are still substantially better, in spite of everything, than they were at the turn of the century.<sup>45</sup> For

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42. See, e.g., Buchanan, *Urban Renewal in DeSoto-Carr: Citizen Participation Comes of Age*, 1970 URBAN L. ANN. 103; Note, *Citizen Participation in Urban Renewal*, 77 COLUM. L. REV. 485 (1966).

43. N. GLAZER & D. MOYNIHAN, *supra* note 5, at 69.

44. G. BEYER, HOUSING AND SOCIETY 398-99 (1965).

45. For graphic descriptions of turn-of-the-century city living see J. FORD, SLUMS AND HOUSING (1936); R. LUBOVE, THE PROGRESSIVES AND THE SLUMS (1962); J. RIIS, HOW THE OTHER HALF LIVES (1890); L. VEILLER, HOUSING REFORM (1910); Riis, *The Tenement House Exhibition*, 44 HARPER'S WEEKLY 104 (pt. 1, 1900).

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instance, the high density in our slums and ghettos, with all of its adverse effects, is frequently cited. It is true that in many areas densities are terribly high and ought to be improved. It is also true, however, that the density of our worst slums today—for instance, Harlem in New York—is considerably lower than the density of the lower East Side in New York at the turn of the century. It is no excuse to say that things used to be much worse and they are better by comparison, but one has to realize that our housing policies—as well as the general improvement of the standard of living—have had some effect. Quite properly, in the housing areas, we must deal with rising expectations, and it takes time, effort and money to catch up with rising expectations in as complex and substantial a field as housing. Unfortunately, not enough is being done. Congress has often authorized a great deal of money for housing and has then appropriated about one-half of what is initially authorized. Then, when the administration begins to spend the money, it holds back much of what has been appropriated.<sup>46</sup> It is misleading, therefore, to look merely at the legislation that adds the new programs that carry impressive authorizations.

But even when substantial housing support has been forthcoming, the emphasis of the programs receiving primary support has not been to aid the inner city or the city poor. Most often, the major emphasis has been on supporting the private economy by assisting middle-class people to obtain below-market rate financing for the building of private, primarily single-family homes, and even when assistance is provided for multi-unit rental housing, it is usually of the middle-class variety.<sup>47</sup> The annual number of housing starts has become an important economic indicator regardless of whether these new housing starts aid—or actually impede—the sound development of our cities. It is by now perfectly clear that private industry cannot profitably build for low-income tenants and, consequently, it will not. The government—and it must perforce be the federal government—has been rec-

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46. A recent example is the failure of the federal government to live up to the Brooke Amendment. 42 U.S.C. § 1402(1) (1970). The amendment places an absolute ceiling of 25 per cent of a tenant's earnings on rents in federally subsidized public housing, with the necessary balance to be made up by federal subsidy. HUD has not permitted the disbursement of the necessary funds, thereby placing many state housing authorities in near bankruptcy. The National Association of Housing and Redevelopment Officials (NAHRO) has recently filed a court action to dislodge the necessary federal funds.

47. See generally BUILDING THE AMERICAN CITY at 13-16, 180-81.

ognized as the "houser of last resort."<sup>48</sup> In the past, it has been the houser of very last resort, because in spite of the fact that the greatest need is for city housing for low-income tenants, the public housing program thus far accounts for less than one per cent of our national housing inventory.<sup>49</sup> Our cities need more well-planned public housing; they need more desegregated housing; and they need it in spite of both the know-nothing and the more cynical, politically opportunistic opposition.

We have arrived at a great age of breast-beating. Former Secretary Romney of the Department of Housing and Urban Development has stated publicly that our strategies have failed, that we have provided more benefits to the middle class, and even the upper middle class, than we have to the poor for whom all these benefits were supposedly designed—though indeed they never were. And it is true, a great deal has been skimmed off. We must reform our programs to place the emphasis on the inner city poor—where it belongs. I am afraid that breast-beating may be a prelude to saying, "Well, it doesn't work. Let's scuttle the whole deal."<sup>50</sup> But we cannot pull out—we must get in far, far more deeply. And when it comes to providing housing for people who cannot be served by the private sector, we must consider housing as a public utility. The demands of people who cannot afford housing that can be built profitably by private enterprise will have to be met. Perhaps for this group we should consider the government as the houser of first resort.

A vastly enlarged public housing program could also aid in making substantial reduction in the excessively high rates of inner city unemployment, particularly among blacks and Spanish-Americans. Perhaps we should take another look at the frequently derided WPA approach of the New Deal days. There were some boondoggles in WPA, to be sure. But there are boondoggles and waste in many government programs—as well as in private industry. The possibility of waste is used far too often as an excuse for not doing what needs to

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48. Franklin, *The Federal Government as "Houser of Last Resort": A Policy for Democratic Urban Growth*, 1972 URBAN L. ANN. 23.

49. BUILDING THE AMERICAN CITY at 112.

50. When the text of this talk was prepared in mid-1972, then Secretary Romney had just made a statement to the effect that housing strategies had failed. Since then, in the early days of January 1973, the President ordered an 18-month freeze on further expenditures of housing funds. Because of the lead time necessary to get housing projects started, it is likely that the freeze will produce a delay of several years in necessary public housing construction.

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be done. Let us not forget that the WPA built many beneficial things that are still around. WPA also provided numerous jobs for many people who needed them, at a time when they needed them badly. We have a severe need for jobs right now, and this need can be met by public housing and public works projects.

Alleviating unemployment has particular relevance here since the inner city has become the major inheritor of the national unemployment problem and is generally faced with far higher unemployment rates than the rest of the country. From the point of view of both the nation and the cities, which can we better afford: unemployment or inflation? This country has always been able to stand a substantial amount of inflation. It has never been able to stand major unemployment for any extended period of time. The aged, the pensioners and others with fixed incomes suffer during inflation, but it would be less expensive to subsidize them than to suffer the consequences of widespread unemployment in this country, and particularly in the cities.

Our major city problems are national problems, in terms of origin and dimension, as well as in their range of possible solutions. We will never "solve" the problems of the city, because the city changes as does the nation, and the solution of one set of problems is likely to set the stage for the emergence of others. It is useless to seek a "solution" to the "problem of the city." Though we may point to long-range improvements and to persistent strengths in our cities, it would be foolish optimism to look for an ultimate solution. As an urban nation, we need a coherent national urban policy that takes account of the ever-emerging new needs—as well as the changing functions of the city as part of a metropolitan region. The difficulties of arriving at such a policy are many and should not be underestimated.

The city is a place, a governmental entity with geographic limits. A major problem of our cities is that these geographic limits have been too narrowly defined for contemporary governmental purposes. Each of our major "standard metropolitan statistical areas" that includes a great city has hundreds of local governments—city governments, county governments, township and village governments—as well as a multitude of special purpose districts in the surrounding suburbs. For example, the New York City area has in excess of 551 governments; Chicago 1,113; and Philadelphia 871.<sup>51</sup> Each of these

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51. See note 49 *supra* at 325.

governments has defined regulatory powers, often including zoning powers, and each has the power to collect local taxes. Most of the local governments, moreover, jealously guard such home-rule powers as they may have, and each seeks to protect itself against the spread of the central city and its problems. This multiplicity of independent local sovereignties—which, by the way, is a uniquely American phenomenon not shared by other urban nations—stands in the way of effective planning for the metropolitan region, of effective regulation of such problems as air and water pollution that affect the area as a whole and, most significantly, of sound fiscal management in which each part of the metropolitan area pays its own way.

The suburbs generally have a healthy tax base, both for real estate and sales tax purposes, while the inner city has a rotten tax base. Most of the expensive social programs are needed in the inner city, and the cost of running other inner city services—transit, institutions, cultural facilities, etc.—is high. The suburbs carry very few social costs.<sup>52</sup> The suburbs live off the city, but do not contribute to it. Indeed, it is the proximity to the city and its services that make the suburbs desirable. I fervently hope that the suburbs will soon have the same problems as the inner city, and they appear to be experiencing some of them now. I wish it on them, not out of sadism, but because I think that once the suburbs experience the problems of the inner city, they will no longer feel secure in their isolation and will no longer team up with the rural legislators to the detriment of the inner city. They will then find it necessary to join the city in solving their common problems, because the suburbs are an extension of the city and must begin to regard themselves as such.

The need to consolidate the multiplicity of metropolitan governments has recently run into new opposition based on the desirability of “decentralization.” Decentralization involves much emotional talk about community control. There is a new mythology that all the good stems from the community. A sense of community is fine—the community has a right to be heard and to make its important contributions. But an excessive emphasis on community control in the

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52. See generally ADVISORY COMM'N ON INTERGOVERNMENTAL RELATIONS, 2 FISCAL BALANCE IN THE AMERICAN FEDERAL SYSTEM, METROPOLITAN FISCAL DISPARITIES (1967); ADVISORY COMM'N ON INTERGOVERNMENTAL RELATIONS, METROPOLITAN SOCIAL AND ECONOMIC DISPARITIES: IMPLICATIONS FOR INTERGOVERNMENTAL RELATIONS IN CENTRAL CITIES AND SUBURBS (1965); BUILDING THE AMERICAN CITY at 330, 355-61, 413-16.

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cities is likely to be divisive and will provide the opportunity to fish in politically troubled waters. Under the banner of community control, we may revert to the political ward system. Perhaps there are some politicians—not necessarily the most interested in community control—who would like that outcome. Clearly, there is a proper role for decentralization.<sup>53</sup> Advanced computer technology has made it possible to decentralize administration without losing the advantages of central planning and economies of scale. I am in favor of administrative decentralization. There is no reason why everything has to be operated out of Washington and city hall. Administrative sub-offices can be established, and there can be local input into decision-making on the lower level. But administrative decentralization is quite a different matter from political decentralization. Political decentralization will likely gut the cities. It would mean an abandonment of the idea that the city is an important political entity. No worse harm can befall the city than to dissipate such strength as it may have as a single entity in bargaining with the state and Washington. In addition, we have too many governments in the metropolitan area already. We do not need cities without political identity, in which whatever focus there is at the center will be dispersed among local fiefdoms.

The city has not done well even with national strategies proportionately designed for its benefit. The “revenue sharing” scheme recently enacted by Congress<sup>54</sup> furnishes a good example. Supported by the mayors of all major cities in the country, the proposal underwent last-minute changes in its apportionment formula, so as to favor smaller, rural states, over more heavily populated urbanized states. But even before the change in the apportionment formula, the proposal misconceived the needs and gave up on an unusual opportunity.

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53. On the general issue of decentralization see ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, *DECENTRALIZING NEW YORK CITY GOVERNMENT* (discussion draft, mimeo 1970); COUNCIL FOR ECONOMIC DEVELOPMENT, *RESHAPING GOVERNMENT IN METROPOLITAN AREAS* 42-48 (1970); STATE STUDY COMM’N FOR NEW YORK CITY, *RESTRUCTURING THE GOVERNMENT OF NEW YORK CITY* (Undated).

54. “General” revenue sharing has been provided for in 31 U.S.C.A. §§ 1221 *et seq.* (Supp. 1972). Other bills introduced simultaneously have provided for a variety of “special” revenue sharing measures, for law enforcement, manpower development, urban community development, transportation, education, etc. A succinct statement of the Administration’s position is in Agnew, *supra* note 7. See also Rockefeller, *Revenue Sharing—A View from the Statehouse*, 60 GEO. L.J. 45 (1971). But see Corman, *supra* note 7, which, *inter alia*, recommends federal assumption of welfare and health costs as one alternative.

Revenue sharing could have been used to compel regional, particularly metropolitan, combinations of governments, so as to provide for areawide planning of programs and expenditures. Instead, in providing block grants for the multiplicity of existing governmental entities, the irrationality of the present diffuse system of urban government is not only perpetuated but strengthened as well. "Revenue sharing" as it has been touted, is a blatant misnomer, in any event. Revenue sharing is hardly a new concept. The federal government has been sharing revenue with the states and localities for years under its many categorical grant programs. The issue is not revenue sharing against non-revenue sharing. We have had revenue sharing for a long time. The question is: should the federal government share revenue with strings, standards and conditions attached, as it has been doing under various categorical grant-in-aid programs, or should it simply provide block grants for the states, cities and localities to use as they see fit?<sup>55</sup> We may well discover that some social service programs of particular importance to the cities will do considerably less well under the new block grants than under the categorical grants, whatever their defects.

#### V. THE CITY AS A STATE OF MIND

Our cities must be saved because they represent all that is vital, dynamic and capable of growth in response to social needs. Indeed, it is probably a meaningless question to ask whether our cities are worth saving—they exist and, though some of their functions are changing, they fulfill many of the most essential functions in our society, and there is no real alternative to keeping them livable.

Even though technical advances have made it possible to conduct many market and productive functions outside the central city, most of them are still most conveniently transacted in the city; and the stake of business, industry and government in their established inner city facilities is too high to make a mass exodus readily foreseeable for years to come. The high density of the inner city population

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55. For discussion of the grant-in-aid system see, for example, W. ANDERSON, *INTERGOVERNMENTAL RELATIONS IN REVIEW* 43-46, 61-64 (1960); W. ANDERSON, *THE NATION AND THE STATES: RIVALS OR PARTNERS* 175-90 (1955); COMMISSION ON INTERGOVERNMENTAL RELATIONS, *A REPORT TO THE PRESIDENT FOR TRANSMITTAL TO CONGRESS* 120 (Kestnbaum Rep. 1955); COMMISSION ON INTERGOVERNMENTAL RELATIONS, *THE ADMINISTRATIVE AND FISCAL IMPACT OF GRANTS-IN-AID* (1955); W. GRAVES, *AMERICAN INTERGOVERNMENTAL RELATIONS* 477-571, 932-68 (1964).

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makes dispersion of that population, and its absorption into suburban low-density settlements, a rather distant possibility—even apart from present political, social and racial antagonisms in the suburbs. One urbanist who projects a livable City of New York with two million inhabitants,<sup>56</sup> for example, fails to answer the fairly obvious question of where he is going to resettle the remaining six million. The city has important work to do; it is not yet the “sandbox” where the uneducated, unskilled and unemployables are put to trivial tasks devised by social workers and welfare specialists to keep them from troubling their betters!<sup>57</sup>

Many contemporary urbanists do not like the city and somehow manage to project an urban society without cities.<sup>58</sup> They usually are not very graphic in their descriptions of the physical appearance of such a city, but they conjure up visions of vast numbers of suburban agglomerations, similar to the worst that Los Angeles has to offer, interspersed with industrial parks and huge, computer-connected suburban office complexes complete with heliports and shopping centers, all interconnected with eight-lane freeways with special lanes for commuter buses. I regret that, with the best of intentions, I cannot work up any great enthusiasm for that brave and dreary new world.

Other urbanists provide supposedly new alternatives—such as grouping residential areas by the dominant interest of their inhabitants. New bohemias, new arts and crafts settlements and perhaps some sizeable exposition areas are anticipated.<sup>59</sup> That vision is both trivial and unreal. If they work, the new style settlements will surely become the nuclei of cities, much like the old. If they do not work, which is more likely, it is because bohemias and “artsy-craftsy” areas take on meaning and character precisely because they form a part of a great city with stimulating variety.

The city is an important aspect of our civilization. The city is a cosmopolitan center in the cultural sense;<sup>60</sup> there is no culture in the

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56. E. RASKIN, *supra* note 4, at 41.

57. Sternlieb, *The City as Sandbox*, 25 PUBLIC INTEREST 14 (1971).

58. See, e.g., Webber, *The Post-City Age*, in THE CONSCIENCE OF THE CITY at 1.

59. E. RASKIN, *supra* note 4, at 33-36, 39-49.

60. Mumford stresses the “cultural function” of the city, and its educational function as carrier of the “memory” of our civilization as one of the main purposes of the city’s existence. L. MUMFORD, *THE CITY IN HISTORY*, *supra* note 3, at 561-63. Starr views the alleged loss of “cosmopolitanism” as a sure sign of the city’s decline. Starr, *supra* note 4.



United States without central cities. It is an intellectual center; all of our great universities are based in or close to cities. And because it is a cultural and intellectual center, it is also a recreational center. It has a life of its own; it is a place where there is still upward mobility, where people come to achieve higher standards, intellectually, culturally and economically.

When you talk about the city and its culture, some dyed-in-the-wool suburbanite is likely to ask, "When were you last in the theater or in a museum?" The answer is quite clear—many of us do take advantage of the best the city has to offer. The museums, the concert halls and the theaters have record attendances, in spite of the hazards of nighttime city crime—and their audience is not all suburban. Many of us in the City of New York do have a proprietary interest in that Rembrandt that hangs in the Metropolitan Museum of Art. And compare the fine symphony orchestras in our cities with the squeaky amateur orchestras that represent the cultural flowering of even our better suburbs.

There are people who do not have any use for the cultural attainments of the city. And yet, they visit Rome and Paris, and they throng to New York and gape at Greenwich Village. They even visit honky-tonk areas like Bourbon Street in New Orleans and the Tenderloin in San Francisco. Why? The answer is very simple. There is street life in the city, there is a passing parade, ever-changing, ever-fascinating. There is a rhythm and a music in the city which is an inseparable part of our civilization. We simply cannot have our kind of civilization, with its high intensity, its drive and its notions of progress without this persistent rhythm, without the music which all but the dead feel in every viable city.

Urbanists must not be mere technicians. It is regrettable that they are not poets—or at least read some poetry. I believe that Wordsworth<sup>61</sup> and Carl Sandburg,<sup>62</sup> as well as some of the contemporary writers and poets,<sup>63</sup> knew better what the city is about than some of the better technicians. At the very least, their point of view contributes an element that has been largely missing in the analysis of the city and its future.

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61. *See, e.g.,* Wordsworth, *Composed Upon Westminster Bridge*, in *THE COMPLETE POETICAL WORKS OF WILLIAM WORDSWORTH* 178 (1930).

62. *See, e.g.,* Sandburg, *Chicago*, in *THE COMPLETE POEMS OF CARL SANDBURG* 3 (1970).

63. Norman Mailer and Allen Ginsberg most readily come to mind.

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We should not readily give up on the idea of the city, an idea that, from Plato onward, has inspired so many thoughts of Utopia. To give up on a Utopian idea, an idea of perfectibility of reasonable government, diminishes our scope. It is hard to conceive that urban agglomerations of suburbias will ever inspire Utopian ideas—and without them, we may have to give up on the perfectibility of government even as a motivating force.

To be sure, Utopian ideas alone will not improve our cities. But we could do worse than to make our informed and technical judgments with the love and devotion of the Athenian plebes, who swore not only to “strive for the ideals and sacred things of the city,” but also to “transmit the city, not only not less, but greater, better and more beautiful than it was transmitted to us.”

