

The Case of Max Morris and Urban Renewal: Integrity in Washington, D.C.

- **Compelling Question**
 - What is the value of integrity in times of crisis and difficulty?
- **Virtue:** Integrity
- **Definition** – Integrity is personal consistency in moral goodness.
- **Lesson Overview**
 - In this lesson, students will learn how Max Morris acted with integrity to try to save his business and his neighborhood from the effects of an urban renewal plan. Though he ultimately was unsuccessful, Morris boldly challenged what he believed to be an unconstitutional taking of his property. Students will achieve the following objectives.
- **Objectives**
 - Students will analyze Max Morris’s character as a businessman and community member.
 - Students will examine Morris’s demonstration of integrity and commitment to truth.
 - Students will understand why integrity is an essential virtue in their own lives.
 - Students will act with integrity even when they face a tough struggle.
- **Background**
 - With respect to property rights, the Fifth Amendment to the U.S. Constitution provides that "No person shall be...deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." "Eminent domain" has long been recognized as a power of government to take private property when necessary. For example, if a community needs a new road, or park, or school, but the best location for that new facility is private property, the government may force the owner to sell the property in order to build the new structure for the use of the community as a whole. The Fifth Amendment’s "Takings Clause" assures that government must deal with the property owner fairly.
- **Vocabulary**
 - Eminent domain
 - Takings Clause
 - Blight
 - Deterioration
 - Redevelopment Land Agency (RLA)
 - Revitalization
 - Slum
 - Urban renewal
 - Racial harmony
 - Patrons
 - Comprehensive
 - Substandard
 - Litigation
 - Executor
 - Unanimous
 - Dismay
 - Legislature
 - Judiciary
 - Police power
 - Municipal
 - Disreputable
 - Suffocate
 - Discretion
 - Just compensation
- **Introduce Text**
 - Have students read the background and narrative, keeping the "Walk-In-The-Shoes" question in mind as they read. Then have them answer the remaining questions below.

- **Walk-In-The-Shoes Questions**
 - As you read, imagine you are the protagonist.
 - What challenges are you facing?
 - What fears or concerns might you have?
 - What may prevent you from acting in the way you ought?
- **Observation Questions**
 - Integrity may be defined as the power and capacity that we use to adhere to the truth of things, to what is right and good. In what ways did Max Morris demonstrate integrity to seek to enhance life, liberty, and the pursuit of happiness for himself and others?
 - What did Max Morris understand his identity to be and how did that affect his contribution to his neighborhood?
 - What did Max Morris understand his purpose to be in the controversy related to the urban renewal plan for the southwest quadrant of Washington, D.C.
- **Discussion Questions**
 - Discuss the following questions with your students.
 - What is the historical context of the narrative?
 - What historical circumstances presented a challenge to the protagonist?
 - How and why did the individual exhibit a moral and/or civic virtue in facing and overcoming the challenge?
 - How did the exercise of the virtue benefit civil society?
 - How might exercise of the virtue benefit the protagonist?
 - What might the exercise of the virtue cost the protagonist?
 - Would you react the same under similar circumstances? Why or why not?
 - How can you act similarly in your own life? What obstacles must you overcome in order to do so?
- **Additional Resources**
 - Allen, Charlotte. "A Wreck of a Plan" *The Washington Post*, July 17, 2005.
 - Levy, Robert A., and William Mellor. *The Dirty Dozen*. Washington, D.C.: The Cato Institute, 2009
 - *Supreme Court Document-Based Questions, Volume 2*, The Bill of Rights Institute, 2013.
 - "The seminal Berman v. Parker case: 'precedent without context,' and leading dangerously to cases like Kelo and Goldstein," Atlantic Yards/Pacific Park Report, September 1, 2010; <http://atlanticyardsreport.blogspot.com/2010/09/seminal-berman-v-parker-case-precedent.html> Accessed June 28, 2015.

Handout A: The Case of Max Morris and Urban Renewal: Integrity in Washington, D.C.

Background

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Narrative

In the context of plant diseases, "blight" refers to a symptom affecting plants when they are overtaken by infection. Leaves wither and drop off, branches stop growing, and, if untreated, the plant will not only die, but the disease will spread and kill nearby vegetation as well. "Urban blight" refers to decay of buildings and deterioration of neighborhoods that result from a number of causes, including overcrowding, an increase in criminal activity, and lack of proper maintenance of the structures. In 1945, in order to correct blighted areas in Washington, D.C., Congress passed the District of Columbia Redevelopment Act, which created the five-member District of Columbia Redevelopment Land Agency (RLA). The law gave this new agency the power of eminent domain, or the authority to seize private property for public use, after paying its owners a just price. After conducting surveys to identify neighborhoods in need of beautification, rebuilding, and "revitalization," the RLA in 1950 published its plan to take over property in the District's southwest quadrant, starting with bulldozing the 76-acre Project Area B.

About five thousand people lived in this neighborhood, 98% of them African American. According to the RLA surveys, 58% of the residential units had only outdoor toilets, 29% had no electricity, and 64% of the dwellings were beyond repair. The area's inhabitants were also significantly more likely to suffer from diseases common in overcrowded conditions. Though the RLA rules did not provide a specific definition of "blight," this area just south of the National Mall was considered to be a slum, and in need of urban renewal. However, like many neighborhoods, it was a study in contrasts. Project Area B included the bustling and prosperous Fourth Street commercial district, a place where immigrant Jews, African Americans, and many mom-and-pop businesses dwelt peacefully as friendly neighbors, enjoying a high degree of racial harmony. Max Morris and Goldie Schneider operated successful businesses on Fourth Street. Morris's small department store and Schneider's hardware store were thriving examples of the success available for people who worked hard to meet the needs of their neighbors and conducted their business with integrity. These men and their families, like the other business owners in the blocks and blocks of bustling stores, found their identity in diligence, customer service, and treating their patrons with respect. They worked long hours and maintained vital civic connections in their community. In the Fourth Street commercial district, the buildings were neat, well-maintained, safe, and in good condition, including barber shops, sandwich shops and movie theater. About 17 percent of the area's structures met appropriate health and safety standards.

The planning commission proposed to demolish all but a few of the houses and businesses, create parks, streets, and schools for public use, and then lease or sell the remaining land to private developers who would build apartment houses and various kinds of other structures. The comprehensive plan called for sufficient new housing to provide homes for only 60 percent of the people whose original single-family homes would be bought and demolished. Also, much of the new housing would be unaffordable for the working-class residents. Furthermore, where would the residents live while the new apartments were being built?

Morris and Schneider were among the business owners who refused to sell their property to make way for the bulldozers. Their challenges to the Redevelopment Act were combined in a case that came to be called *Berman v. Parker*. They brought suit against the planning commission, maintaining that the taking of their property was unconstitutional. They based their argument on the Fifth Amendment's Takings Clause, which provides, "... nor shall private property be taken for public use, without just compensation." Morris maintained that the RLA plan to take his property was unconstitutional because his property was not substandard or blighted, and the plan did not provide for public use of the land where his store stood, since it was to be turned over to a private developer. After demolishing the structures along Fourth Street, RLA intended to transfer ownership of the cleared land to a private construction company that would redevelop the area as multi-story apartment houses and other structures. Morris's lawyers argued that a taking of property from one businessman to benefit another businessman did not qualify as public use, and therefore violated the Fifth Amendment's takings clause. Morris's identity as a local businessman, a valued member of his community, and a model of what could be achieved through diligence was at risk, and his integrity demanded that he take a stand against it. Furthermore, while most of the structures in the neighborhood were slated for the wrecking ball, some well-maintained buildings—but not Morris's—were exempted. This raised more questions about the fairness of the plan as a whole. During litigation of his case, Max Morris died, but his family wanted to continue to operate the business. The executor of Morris's estate was his son-in-law, Samuel Berman, and Berman continued the fight against what his family saw as an unjust taking of property.

The Supreme Court agreed to hear the case, now named *Berman v. Parker*, and in 1954 they rendered a unanimous opinion. To Berman's dismay, the Court ruled that the Fifth Amendment does not limit Congress's power of eminent domain to any specific purpose. In a decision written by Justice William O. Douglas, the Court explained,

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

After the Court's ruling, the Project Area B neighborhood was demolished according to the RLA plan. However, the renewal process encountered many obstacles, and the anticipated waterfront office on the Potomac River, the promised residential and hotel complex, the upscale retail district did not live up to expectations. By 2005 the area was dominated by boxy federal office buildings and decaying housing projects, with few of the small, locally-owned businesses that help create neighborhood and a sense of community. Where Max Morris's department store once welcomed friendly customers, there was a two-block long featureless apartment building.