

## What I Learned Working for the New Jersey Legislature During the “Urban Crisis”

By Jim Wunsch

DOI: 10.14713/njs.v10i2.322

*Abstract: The post-war era was a period of rapid change in New Jersey’s municipalities. Older cities like Newark, Jersey City, and Trenton suffered through the loss of population, jobs, and capital while new suburban communities experienced rapid growth. By the 1970s, crime, inflation, and unemployment had exacerbated the inequalities between cities and suburbs, giving rise to the “urban crisis,” a phenomenon that historians continue to study closely. This article provides the insider’s perspective of James Wunsch, who served as staffer for the Assembly Municipal Government Committee during the late Seventies. Wunsch’s account shows that the state government made strides towards addressing inequalities in housing and education that compared favorably with its peers. Nevertheless, in the absence of strong regional planning, New Jersey’s fragmented municipalities proved unequal to the task of tackling the urban crisis.*

*We thank Thee, Lord, that by Thy grace,  
Thou brought us to this lovely place—  
And now, dear Lord, we humbly pray  
Thou wilt all others keep away.*

Prayer of the English Dwellers in the Green Belt<sup>1</sup>

---

<sup>1</sup> Quoted by Sir Desmond Heap in Richard F. Babcock and Charles L. Siemon, *The Zoning Game Revisited* (Cambridge, MA: Lincoln Institute of Land Policy, 1985), x.

## I. A View from the Statehouse

After earning a doctorate in American history from the University of Chicago in 1976, I took a job the following year with New Jersey's Office of Legislative Services, a state agency whose nonpartisan staff carried out policy research, scheduled public hearings, and prepared speeches and legislation for Democrats and Republicans in the state assembly and senate.<sup>2</sup> After an apprenticeship researching and drafting legislation, I was assigned to staff the Assembly Municipal Government Committee, which dealt with legislation having an impact on New Jersey's 567 towns, cities, and suburbs.<sup>3</sup> I spent considerable time amending and fine-tuning the recently adopted Uniform Construction Code Act (1975), which established a framework that provided for promulgation of statewide rules and regulations that would make it possible for architects, engineers, and builders, along with plumbers, electricians, and others in the building trades, to carry out their work with the assurance that building codes, which might have previously varied from one municipality to the next, would be uniform. I also scheduled public hearings on such matters as flooding in Passaic County and the regional effects of newly enacted legislation (1976) authorizing casino gambling in Atlantic City.

My prime responsibility as committee aide was to assist Chairman Vincent "Ozzie" Pellecchia, a veteran Democrat from Paterson, in deciding which bills should be placed on the agenda for upcoming committee meetings. I would then prepare memos explaining in nonpartisan language the purpose of each bill and how it might relate to existing legislation. Afterward, I would

---

<sup>2</sup> Barbara G. Salmore and Stephen A. Salmore, *New Jersey Politics and Government: The Suburbs Come of Age*, Third Edition (New Brunswick, New Jersey: Rutgers University Press, 2008), 177-78.

<sup>3</sup> The Municipal Government Committee has since been renamed the State and Local Government Committee. The number of municipalities in New Jersey now stands at 564.

draft the needed supplements and amendments so that the committee-approved bills might make their way through the legislative hopper.

I wish I could report that during my four years working in Trenton (1977-81) the Municipal Government Committee played a significant role in advancing useful legislation. But that was not quite the case. Although the Uniform Construction Code Act was important, the majority of the bills that came before my committee—and indeed, most committees—were inconsequential or stood little chance of being adopted. Then, too, within the General Assembly’s pecking order, Municipal Government ranked well below Budget, Appropriations, Education, and the Environment. Major legislation was likely to be referred elsewhere. And while Assemblyman Pellecchia’s seniority may have earned him a committee chair, he was not an especially high-ranking assembly leader.<sup>4</sup>

What working for the Municipal Government Committee did offer was an opportunity to observe politics and urban change during perhaps the most troubled period in the history of American cities.<sup>5</sup> Consider that until the 1970s, no one had ever witnessed—even during the Great Depression—so rapid a deterioration in the nation’s civic, cultural, commercial, and industrial centers. In New Jersey, for example, the population of Trenton, the state capital, fell by 12 percent in the 1970s; Newark, the state’s largest city, lost 14 percent of its residents; and once heavily industrialized Camden lost 17 percent. Most astonishing, New York City, of profound economic importance to suburbanized New Jersey, lost more housing to abandonment—461,000 units—than would have constituted the entire housing stock of most other American cities. By 1980, the

---

<sup>4</sup> Martin Waldron, “The Legislature—A Profile of Changing Power,” *New York Times*, February 26, 1976.

<sup>5</sup> For a thoughtful summary of the tragedy that befell the American city in the sixties and seventies see “The Debacle,” in Jon C. Teaford, *The Metropolitan Revolution: The Rise of Post-Urban America* (New York: Columbia University Press, 2006), 126-164.

number of New York City residents fell by 800,000, exceeding the entire population of San Francisco.<sup>6</sup> By 1975, New York was virtually bankrupt, and Detroit, Cleveland, Chicago, Buffalo, Baltimore, Philadelphia, Cincinnati, and other major centers were in trouble.<sup>7</sup>

If any state had the resources to address its urban crisis, then it appeared to be New Jersey, whose cities, though troubled, were otherwise limited in size and population, and were surrounded by towns and suburbs whose wealth contributed to the state's ranking as among the very highest in per capita income. Of particular promise when it came to dealing with city/suburban inequities, was the willingness of the New Jersey Supreme Court to order the legislature to provide increased funding for city schools while also mandating that municipalities amend their zoning ordinances to allow for the construction of low- and moderate-income housing to increase the opportunity to buy or rent a house in the suburbs.

When I joined its staff, the legislature, after three years of delay, had adopted the income tax that provided funding for urban school districts. But at the same time, there had been virtually no progress in providing for affordable housing. From my perspective on the Municipal Government Committee, the chief obstacle appeared to be local governments, whose sheer numbers per square mile set New Jersey apart from all other states. Assemblyman Alan J. Karcher later dubbed the state's condition "multiple municipal madness," a malady resulting from the legislature's century-long inclination to allow communities (some little more than neighborhoods) for less than compelling reasons to break away from existing jurisdictions to form new municipalities.<sup>8</sup> By the time the "madness" had run its course in the 1920s, a third of the state's

---

<sup>6</sup> David Arsen, "Property Tax Assessment Rates and Residential Abandonment: Policy for New York City," *American Journal of Economics and Sociology* 51, no. 3 (July 1992): 362.

<sup>7</sup> Roger E. Alcaly and David Mermelstein, *The Fiscal Crisis of American Cities* (New York: Vintage Books, 1976).

<sup>8</sup> Salmore and Salmore, *New Jersey Politics and Government*, 239-42.

municipalities were found to be no larger than two square miles and to have fewer than 2,000 residents. Seeking to protect themselves from perceived outside threats, municipalities could for the first time in the twenties utilize zoning ordinances granting the authority to dictate where new residential, commercial, and industrial development might be located. In that way a municipality's ability to determine who might live within the community was greatly strengthened.<sup>9</sup>

When I joined the Municipal Government Committee, my initial sense was that hyperfragmented local governance, coupled with the authority of even the smallest jurisdiction to determine its future development, had nurtured a distinctly self-protective civic culture. This local self-defensiveness made it all the more difficult for New Jersey to address growing inequities between cities and suburbs.<sup>10</sup> But as I worked for the legislature, I also realized that fragmented governance was only one factor contributing to legislative indifference toward the urban crisis. Whether large or small, privileged or otherwise, most communities almost invariably resisted change that might alter existing patterns, especially in regard to residential development. Then too, most towns and cities might be composed of distinctly different neighborhoods that themselves were self-protective and competed for limited resources. Politicians representing these communities in the legislature might be obliged to ignore one population within a community to placate another. And so, while one might see the story told here as simply a conflict between privilege and poverty, legislative experience suggested a more complex situation indicative of widespread aversion to change. As Pogo in the comic strip put it, "we have met the enemy and he is us." Finally, however disheartening it was to witness to legislative indifference toward the ruin

---

<sup>9</sup> Alan J. Karcher, *New Jersey's Municipal Madness* (New Brunswick, NJ: Rutgers University Press, 1998), 4, 110.

<sup>10</sup> On fragmented governance as a barrier to regional progress see Robert Wood with Vladimir V. Almendiger, *1400 Governments: The Political Economy of The New York Metropolitan Region* (Cambridge, MA: Harvard University Press, 1961), 1. The authors wrote: "...the responsibility to maintain law and order, educate the young, dig the sewers, and plan the future environment remains gloriously or ridiculously fragmented [among 1,467 distinct political entities in 22 counties.]"

of cities, it must be said, at least in retrospect, that New Jersey, thanks to its high court, addressed housing and education inequities better than most other states.

## II. The Urban Crisis in the Garden State

While one might assume that the plight of New Jersey's cities would have been of central concern to the Municipal Government Committee, the issue was in fact rarely discussed because the committee was generally preoccupied with the legislative concerns of hundreds of other municipalities.

At the same time, the once-prosperous Big Six—Trenton, Newark, Jersey City, Elizabeth, Paterson, and Camden—with increasing concentrations of poor Black and Hispanic families, remained hard to ignore. While many white working-class residents in New Jersey lived at or below the poverty line, they tended to be dispersed throughout metropolitan areas, thus attracting less attention than the minorities confined to the larger cities.<sup>11</sup> With the radio and TV stations and the larger newspapers headquartered in the Big Six or New York and Philadelphia, daily accounts of crime and violence in minority neighborhoods sharpened the contrast between the ostensibly prosperous and peaceful white towns and suburbs and the violent, needy Black/Hispanic cities.

What distinguished the sixties and seventies from earlier decades was that while the poor continued to migrate to cities looking for work, jobs in cities were now fast disappearing. Nothing

---

<sup>11</sup> Thomas A. Johnson, "The 'Invisible' White Poor of Suburbia," in Louis H. Masotti and Jeffrey K. Hadden, eds., *Suburbia in Transition* (New York: New Viewpoints, Franklin Watts, 1974), 217. This article was first published in *New York Times*, August 2, 1971. *The Times* would reprise the story over the next 40 years as reporters continually rediscovered suburban poverty. David T. Ellwood, *Poor Support: Poverty in the American Family* (New York: Basic Books, 1988), 192-195 pointed out that poverty was far more prevalent in suburbs and rural areas than in cities. For a comprehensive listing of the socioeconomic differences among New Jersey school districts see: The New Jersey Department of Education, "District Factor Groups (DFG) for School Districts, New Jersey" (2004) <http://www.state.nj.us/education/finance/rda/dfg.shtml>. For an excellent contemporary account of economic disparities based on north, central, and south Jersey county data see: Kelly E. Sloane, "Economic Indicators and Quality of Life in Southern New Jersey," William J. Hughes Center for Public Policy, Stockton State University (May 2015).

quite like that had happened before.<sup>12</sup> In Trenton, where I did get a job in state government, the city's once-mighty manufacturing and commercial sectors, which sustained an army of unskilled and semiskilled workers, had fallen apart.<sup>13</sup> The extreme case was Camden, a city of 100,000 which, between 1950 and 1980, lost approximately 30,000 mostly manufacturing jobs. How then was an expanding Black and Hispanic workforce supposed to find work in New Jersey cities?<sup>14</sup> That question remained unanswered then as now.

If there was any consolation in the seventies, it was that the previous decade's riots or uprisings appeared to have spent themselves.<sup>15</sup> The trouble, which began in Harlem in 1964,

---

<sup>12</sup> Unemployment rates during the Great Depression were higher than in the 1970s, but the commercial and industrial sectors in the cities remained intact so when employment revived with the advent of World War II, so too did job opportunities. Between 1950 and 1980, much of the industrial sector disappeared and the jobs never returned.

<sup>13</sup> John T. Cumbler, *A Social History of Economic Decline: Business, Politics and Work in Trenton* (New Brunswick: Rutgers University Press, 1989), 139-58.

<sup>14</sup> Laurence E. Lynn, Michael G.H. McGeary (eds.), National Research Council (U.S.), *Inner City Poverty in The U.S.* (Washington, D.C.: 1990). It is a useful work on ghetto poverty in the seventies putting New Jersey's troubles into national perspective.

<sup>15</sup> The term "riot," used advisedly, was then a common term for the civil disturbances of the sixties and it remains so today. Doug Tribou, "Was Detroit 1967 a Riot? A Rebellion? An Uprising?" Michigan Public Radio, WUOM, July 17, 2017 <http://michiganradio.org/post/was-detroit-1967-riot-rebellion-uprising> suggests that since "riot" emphasizes random violence, the term tends to diminish the genuine grievances, such as police brutality, which helped trigger looting and arson. "Rebellion" and "uprising," on the other hand, may give too much credence to the "righteous struggle" causing us to overlook the mayhem which wrecked cities. Tom Hayden, then a community organizer with an appreciation for the righteous struggle, after observing the Newark riot firsthand, saw it as representing "...the assertion of new methods of opposing racism that politics, nonviolence, and community organization have failed to end. The riot is real; the civil rights activists will have to decide whether it is legitimate ... and how to work in relation to it." Tom Hayden, *Rebellion in Newark: Official Violence and Ghetto Response* (New York: Vintage Books, 1967), 4. Charles Abrams in the invaluable *The Language of Cities: A Glossary of Terms* (New York: Avon Books, 1971), 270-71 noted: "Rioting is to be distinguished from insurrection or rebellion in that it involves no effort to bring down the government. The riots among Blacks in the late 1960s were not rebellions: they aimed to secure greater participation in the existing order not to overthrow it. [But]... the most significant and horrifying aspect of the outbreaks, was their spontaneity and extensiveness." Notably few who commented on the riots lived in the Central Ward where the rioting took place. However, in the course of recording their life histories for an oral history project on the Great Migration, a number of elderly residents in the neighborhood spoke bitterly of what they saw after the smoke had cleared: "The riots didn't help anything. Just look around. There used to be nice stores. They burnt all of those down—they still burin' that down. When they burn down food stores, they just makin' the groceries higher, groceries get scarcer and scarcer, food is going up. The only thing to do is just pray that they'll stop, and see they're hurting nobody but themselves. Regardless who it was, they didn't get us anything but a whole lot of empty lots." Recorded and edited by Audrey Olsen Faulkner, Marsel A. Heisel, Wendell Holbrook, and Shirley Geismar, *When I Was Comin' Up: An Oral History of Aged Blacks* (Hamden, CT: Archon Books of The Shoe String Press, 1982), 59, 116-117, 142-43.

continued the following year in the Watts section of Los Angeles and culminated in the violent protests encompassing a hundred cities following the assassination of Martin Luther King Jr. in 1968. New Jersey was not spared. Among the most terrible riots, those in Newark, July 12-17, 1967, left 26 dead. Plainfield erupted a few days later. Asbury Park's Fourth of July rampage in 1970 cost no lives but resulted in millions of dollars in property damage.<sup>16</sup> In Camden, two people were killed after Labor Day in 1969, and the 15 fires set during the riot of 1971 wrecked the city's downtown and adjoining residential neighborhoods.<sup>17</sup> These uprisings, and others across the country, accelerated the departure of the white and Black middle class from the cities, contributing to rapid job and population losses.<sup>18</sup> But what happened in the seventies—arson, abandonment,

---

<sup>16</sup> Roughly \$28 million in today's dollars.

<sup>17</sup> Daniel Weeks, "From Riot to Revolt: Asbury Park, July 1970," *New Jersey Studies: An Interdisciplinary Journal* 2, no. 2 (2016): 80-111, doi:[10.14713/njs.v2i2.49](https://doi.org/10.14713/njs.v2i2.49). Howard Gillette Jr. *Camden After the Fall: Decline and Renewal in the Post Industrial City* (Philadelphia: University of Pennsylvania Press, 2011), 40-43; Thomas J. Sugrue and Andrew P. Goodman, "Plainfield Burning: Black Rebellion in The Suburban North," *Journal of Urban History* 33 (2007), 568-601. Since Plainfield appeared solidly middle class, the riot seemed unexpected. See "Plainfield-July 1967" in Clement Alexander Price, *Freedom Not Far Distant: A Documentary History of Afro-Americans in New Jersey* (Newark: New Jersey Historical Society, 1980), 290-96. Elizabeth Hinton has pointed out that for several years following the "long hot summers" of the sixties, protests and riots took place in dozens of smaller cities throughout the country. She acknowledges, however, that by the eighties "Black Americans had more or less resigned themselves to the policing of everyday life [and] ...major rebellions tended to break out only after exceptional incidents of police brutality or miscarried justice." Elizabeth Hinton, *America on Fire: The Untold History of Police Violence and Black Rebellion Since the 1960s* (New York: Liveright, 2021), 205.

<sup>18</sup> William H. Frey, "Central City White Flight: Racial and Nonracial Causes," *American Sociological Review* 44, no. 3 (June 1979): 425-448. Writing in the late seventies, Frey cautioned that although it was easy to attribute white flight to racism, many families in the fifties and sixties moved out not so much to escape African Americans but for better housing and employment opportunities. Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America* (New York: Vintage Books, 2004), 5-7 describes "a common pattern" in which her family moved from New York City to suburban Paramus, then to a more upscale New Jersey suburb and finally to suburban Westchester. Her family apparently was less concerned with escaping racial tension than seeking nicer housing and better schools. Such movement, from the core to the periphery, as Harlan Paul Douglass had earlier reported, had been taking place for the better part of a century. Given the limited boundaries of most New Jersey cities, moving a few blocks might determine whether you were living in the city or a suburb. Leah Platt Boustan in *Competition in the Promised Land: Black Migrants in Northern Cities and Labor Markets* (Princeton, New Jersey: Princeton University Press, 2017), 122-53 points out that since most whites in central cities lived at a considerable distance from Black neighborhoods, they were less concerned than commonly reported with their neighborhoods "tipping." That said, while panic selling was more the exception than the rule, "white flight" was very real. In the sixties and seventies, for every Black family that moved into a central city, two white families" departed. Whites on average paid a higher price for housing in the suburbs than for comparable city housing. So why did whites move? Boustan surmises that as African Americans gained power in city hall, whites may have feared that municipal services to their neighborhoods would be reduced; also, if they remained in the city, their children would likely have attended predominantly Black schools.

and plummeting property values—proved far more destructive than the sixties’ riots. For example, the West Side Park neighborhood in Newark’s Central Ward lost 60 percent of its population and a quarter of its buildings.<sup>19</sup> The devastation of once-productive cities would, in any other period, have been unthinkable. But with the majority of residents living and working outside the city in metro areas, the devastation was treated with a measure of detachment.<sup>20</sup>

What could not be ignored was inflation. When I joined the legislative staff in 1977, the Consumer Price Index stood at 60.6; when I left four years later it hit 90.9. No one had seen such price increases since the end of World War I; and the latest round seemed all the more inexplicable because, according to economic theory, prices should have fallen as the economy in those years stagnated. The condition was dubbed “stagflation.”<sup>21</sup> For some demoralized workers, paychecks were so diminished that workers may have given up trying to find regular employment. Meanwhile, the crime rate, which took off in the sixties, continued its seemingly inexorable rise. New Jersey reported 164 murders in 1960; 20 years later the number rose to more than 500, while the total of all violent crimes during that period rose from 7,000 to 44,000.<sup>22</sup> Though there was a

---

<sup>19</sup>Kathe Newman, “Newark, Decline and Avoidance, Renaissance and Desire: From Disinvestment to Reinvestment,” *Annals, AAPSS* (July 2004): 39.

<sup>20</sup> On the economic effects of the rioting (Newark is part of the dataset) see: William J. Collins and Robert A. Margo, “The Economic Aftermath of the 1960s Riots in American Cities: Evidence from Property Values,” *The Journal of Economic History* 67, no. 4 (Dec. 2007): 849-878. The authors point out that “residential segregation, urban decay, white flight and the concentration of poverty in ghetto neighborhoods did not start with the 1960s riots...[but]... the riots left long-standing, economically significant imprints on the cities and neighborhoods in which they occurred. They vividly illustrated the depth and danger of the social forces that cleaved the United State in the 1960s, and for many places they may have strengthened and accelerated a process of endogenous economic decline.” The Swede, protagonist in Philip Roth’s novel *American Pastoral* (1997), spoke bitterly of downtown Newark: “It’s worst city in the world... Used to be the city where they manufactured everything. Now it’s the car-theft capital of the world. When my father bought the factory, there were trolley cars on Central Avenue. Further down were the auto showrooms. Central Cadillac, LaSalle. There was a factory where somebody was making something on every side street. Now there’s a liquor store in every street—a liquor store, a pizza stand, and a seedy storefront church. Everything else in ruins or boarded up.” Philip Roth, *American Pastoral* (New York: Vintage, 1997), 24-25.

<sup>21</sup> Federal Reserve Bank of Minneapolis, “Consumer Price Index 1913-,” <https://www.minneapolisfed.org/about-us/monetary-policy/inflation-calculator/consumer-price-index-1913->. The driving force behind inflation were the 50 percent energy price increases during 1973-75 and 1979-80. John E. Schwarz, *America’s Hidden Success: A Reassessment of Public Policy from Kennedy to Reagan. Revised* (New York: W.W. Norton, 1988), 122-23, 173.

<sup>22</sup> “New Jersey Crime Rates 1960-2015,” <http://www.disastercenter.com/crime/njcrimn.htm>.

broad-based demand for “law and order,” Black leaders pointed out that often blatantly discriminatory law enforcement had helped trigger the riots. Yet they, too, called for a greater police presence in ghetto neighborhoods that were becoming more dangerous. Today’s concern with mass incarceration, especially the disproportionately high lockup of Black men, was less an issue in the seventies because, in spite of the riots and soaring crime rate, incarceration rates actually fell during the riotous sixties, reaching a 40-year low by 1972. Thereafter, incarceration took off, moving toward a fourfold increase in New Jersey over the next three decades. But even when the massive lockup was becoming apparent, it tended to be overlooked as cities in the eighties were overwhelmed by a raging crack epidemic and wide dissemination of handguns among the young, both of which contributed to a sense of lawlessness.<sup>23</sup>

What was well understood in the seventies was the basic fact that unemployment, inflation, and crime were taking a particular toll on Black men whose workforce participation rates nationwide plummeted catastrophically from 81.6 percent in 1965 to 58 percent by 1984.<sup>24</sup> It was becoming increasingly difficult for young Black men to marry and provide for their families. In 1960, two adults headed the majority of Black households; by 1980, when two breadwinners were

---

<sup>23</sup> “U.S. Incarceration Rates 1925 Onwards png”

[https://commons.wikimedia.org/wiki/File:U.S.\\_incarceration\\_rates\\_1925\\_onwards.png](https://commons.wikimedia.org/wiki/File:U.S._incarceration_rates_1925_onwards.png); John F. Pfaff, *Locked In: The True Causes of Mass Incarceration-And How to Achieve Real Reform* (New York: Basic Books, 2017), 1-18 and James Forman Jr., *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Straus and Giroux, 2017) suggest that the Black community itself demanded a crackdown on crime and long-term sentencing that contributed to soaring incarceration rates. Elizabeth Hinton, “‘A War Within Our Own Boundaries’: Lyndon Johnson’s Great Society and the Rise of the Carceral State,” *The Journal of American History* (June 2015): 100-112 argues that the “carceral state” developed when the Johnson administration’s antipoverty programs degenerated to the point where mass incarceration became the primary method to establish order in Black communities. For New Jersey incarceration data see: Prison Policy Initiative, “New Jersey’s Prison and Jail Incarceration Rates (1978-2015),” <http://www.disastercenter.com/crime/njcrimn.htm>.

<sup>24</sup> These figures are for Black men 20 to 24 years of age; for those 25 to 34 the decline was from 90 to 76.3 percent; for whites of that age the decline was from 94.9 to 89.5. William Julius Wilson, *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy* (Chicago: The University of Chicago Press, 1987), 43. Herbert J. Gans, *People, Plans, And Policies: Essays on Poverty, Racism, And Other National Urban Problems* (New York: Columbia University Press, 1993), 295. U.S. Bureau of Labor Statistics, “Labor Force Participation Rate: Black or African American” [LNS11300006], Federal Reserve Bank of St. Louis (January 31, 2017). <https://fred.stlouisfed.org/series/LNS11300006>.

needed all the more to deal with the devastating effects of inflation, the majority of Black households were headed by single mothers.<sup>25</sup>

Some academics suggested that urban decline, the seemingly inevitable effect of the de-industrialization of cities, meant that there was little to be done except to allow economic trends to run their course. At the Rutgers Center for Urban Policy Research in New Brunswick, Director George Sternlieb offered few ideas for his distressed city except to suggest that the “major problem of the core areas of our cities is simply their lack of economic value.”<sup>26</sup> He believed that a concerted effort to strengthen the core by providing state and federal aid to those who lived in cities would amount to throwing good money after bad.

Few legislators shared Sternlieb’s profound pessimism nor did they bring a sense of urgency to what was then called the “urban crisis.”<sup>27</sup> Many state senators and assembly members maintained strong ties to the old cities and understood firsthand these troubling conditions. But

---

The labor force participation rates for Black women, historically much higher than for white women, increased by around nine percent from 1970 to 1980. But it should be noted that the rate for white women during the same period went up 14 percent and perhaps for the same reason—to compensate for high rates of male unemployment and the declining value of the male paycheck. Leah Platt Boustan and William J. Collins, “The Origins and Persistence of Black-White Differences in Women’s Labor Force Participation,” 43. National Bureau of Economic Research, “Working Paper 19040,” <http://www.nber.org/papers/w19040>. In Detroit, unemployment for African Americans rose from 11.8 percent in 1950 to 22.5 percent in 1980, about twice the white rate. Thomas Sugrue, *The Origins of The Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton, NJ: Princeton University Press, [1996] 2005), 151.

<sup>26</sup> George Sternlieb, “The City as Sandbox,” *The Public Interest* 25 (Fall 1971): 15. George Sternlieb and James W. Hughes, “Metropolitan Decline and Inter-Regional Job Shifts,” in Roger E. Alcaly and David Mermelstein, eds., *The Fiscal Crisis of American Cities: Essays On The Political Economy of Urban America With Special Reference To New York* (New York: Vintage Books, 1977), 145-164. In response to the question “what do you think of the state plan for channeling growth back into the cities?” Professor Sternlieb responded that “every politician has to light a candle at the altar of the cities, but the state plan is an effort to turn back the clock. New Jersey of all the states has the smallest big cities. The six largest cities represent less than 10 percent of our population and less than 10 percent of jobs. We are the most suburban of states. The state plan is filled with good will, but it will not work. There is no return to the cities. There is nothing in them.” *New York Times*, August 13, 1989. Dr. Sternlieb was not alone in his pessimism regarding government efforts to strengthen the urban core. See for example, Edward C. Banfield, *The Unheavenly City: The Nature and Future of Our Urban Crisis* (Boston: Little, Brown, 1970), 255-63 and Roger Starr, “Making New York Smaller,” *New York Times*, November 14, 1976, 225.

<sup>27</sup> Timothy Weaver, “Urban Crisis: The Genealogy of a Concept,” *Urban Studies* (March 31, 2016), doi:10.1177/0042098016640487; Christopher Klemak, “Urban Crisis,” in *Encyclopedia of American Urban History* 2, David Goldfield, ed. (Thousand Oaks, CA: Sage Publications, 2007), 822-824.

while the press might depict these cities as disaster areas, those who represented them could point to the solid neighborhoods where most families continued to pay the rent, buy groceries, and pack the kids off to school. After all, the Big Six and other New Jersey cities were complicated places with all sorts of neighborhoods. But the popular depiction of cities as failing, and the reality of how ordinary people lived in them, were often at odds.<sup>28</sup>

For example, Ozzie Pellecchia, from Paterson, and another committee member, Raymond Lesniak, from Elizabeth (both white), saw their cities as resilient, pointing to the relative stability of their city populations—buoyed by increasing Hispanic immigration—compared to major declines in Newark and Camden.<sup>29</sup> Then, too, from a national perspective, New Jersey cities seemed no worse off than many others.

From my perspective in Trenton, it appeared that neither the legislature nor Governor Brendan T. Byrne were prepared to implement any broad-based programs to alleviate urban distress. Yet shortly before I arrived, the New Jersey Supreme Court had issued some astonishing orders relevant to the urban crisis.

### III. Court Intervention

---

<sup>28</sup> This theme is explored in James L. Wunsch, “Growing Up in The Bronx: A Review Essay,” *The Bronx County Historical Society Journal* XLI, no. 2 (Fall 2004): 96-102.

<sup>29</sup> None of the four African Americans in the assembly served on the Municipal Government Committee. In 1980, the four assemblymen joined by Wynona M. Lipman, the first African American woman elected to the Senate, declared themselves the “Black caucus.” Senator Lipman noted that “... the activism our young people inspired ... us in the 1960s...[but] the issues we faced in the decade of the sixties, however, were dramatically different from those of the past ten years. In fact, some gains achieved by our community during the turbulent period of civil rights achievement were cruelly taken away.” Quoted in Price, *Freedom Not Far Distant*, 302. On the Paterson economy, Thomas Y. Owusu, “Economic Transition in the City of Paterson, New Jersey (America’s First Planned Industrial City): Causes, Impacts, and Urban Policy Implications,” *Urban Studies Research* (Sept. 2014), <https://doi.org/10.1155/2014/672794>.

The court had taken up two issues: how to provide adequate funding for urban public schools, and how to ensure that low and moderate-income families might have the opportunity to buy or rent homes outside cities. In deciding those questions, the court threw New Jersey politics into turmoil, triggering debates and further litigation and forcing the adoption of legislation which, a half-century later, remains both controversial and an inspiration to litigants throughout the country seeking to reduce the inequities between cities and suburbs.<sup>30</sup>

In *Robinson v. Cahill* (1973), the court recognized that among all municipalities, New Jersey cities were perhaps the least able to meet the academic needs of students attending their public schools. With the loss of factories, offices, shops, and residences, the property tax receipts on which school funding largely depended were drying up. Cities could hardly pay for their schools. Meanwhile, nearby suburbs benefiting from the depletion of city economies were enjoying property tax windfalls from the development of new office parks, shopping centers, and upper income housing. Elizabeth's taxable valuation per capita in 1976 stood at \$8,495 compared to suburban Millburn's valuation of \$18,760 per capita. Affluent Princeton that year spent \$2,204 per pupil compared to Paterson's outlay of \$1,096.<sup>31</sup> As long as funding for local public schools remained so dependent on local property taxes, the funding gap between cities and suburbs would grow ever wider. The New Jersey Supreme Court was determined to address that issue.

The court recognized that the state was under no obligation to intervene simply because a poor community, unlike a prosperous one, had to struggle to maintain police, fire, and sanitation services while maintaining its streets, roads, parks, and libraries. But the financing of schools was

---

<sup>30</sup> *New York Times*, September 15, 2016.

<sup>31</sup> Michael N. Danielson and Jameson W. Doig, *New York: The Politics of Urban Region Development* (Berkeley: University of California Press, 1982), 6. Newark's equalized property valuation per pupil in 1977 was \$24,722; for Millburn, a suburb 12 miles away the valuation was \$184,782. Lizbeth Cohen, *A Consumer's Republic: The Politics of Mass Consumption in Postwar America* (New York: Vintage Books/Random House, 2004), 265.

a different matter because the state constitution required that the state itself provide students with a “thorough and efficient system of free public schools for the instruction of all the children in the state between the ages of five and eighteen years.” When adopted in 1875, that amendment may simply have underscored the requirement that every student should have the opportunity to attend public schools without paying tuition. A century later, the court made it clear that the education being provided to students in the larger cities was woefully inadequate.

The court did not say how the inequities between urban and suburban schools should be addressed, but it did order the governor and legislature to deal with the matter. The best approach, it appeared, would be to utilize the receipts from the imposition of a statewide income tax to provide additional funding for the neediest school districts.<sup>32</sup> When over the course of three years the legislature refused to raise the money by adopting an income tax or an alternative, the court ordered that all public schools throughout the state be closed beginning with the 1976 summer term and remain closed until such time as the legislature adopted a funding plan. Since no parent wanted kids home in the fall, the legislature felt some real political heat.

As the battle lines were drawn, Assemblyman Pellecchia momentarily emerged as a pivotal figure. Because the Paterson schools were among the worst funded, Pellecchia’s vote favoring the income tax would have seemed a foregone conclusion. But the Paterson old guard, especially the Irish and Italians who sent their children to parochial rather than local public schools, objected to the income tax. The local *Herald News* objected so strenuously that Ozzie (as he was generally known) understood that if he voted for the income tax he could not win re-election.<sup>33</sup> And so,

---

<sup>32</sup> On distinctions between school districts: New Jersey Department of Education, “District Factor Groups (DFG) for School Districts,” <https://www.nj.gov/education/finance/rda/dfg.shtml>.

<sup>33</sup> Donald Linky, *New Jersey Governor Brendan Byrne: The Man Who Couldn't Be Bought* (Madison, NJ: Fairleigh Dickinson University Press, 2014), 169.

despite the pressure from the Democratic leadership, he voted “no.” The next day, the *New York Times* reported that grateful constituents showered Ozzie with praise and flowers.<sup>34</sup> After I joined the Municipal Government Committee, the assemblyman reminded me that the primary goal in politics was not to win a “profile-in-courage” award but to get re-elected. And so he was.

Assembly leaders eventually found the votes to pass the income tax and the schools reopened. But did the students secure a “thorough and efficient” education? Several years later, in *Abbott v. Burke* (1985) and in the so-called *Abbott II-XXIII cases* (1990-2020) extending over the course of a generation, the court determined that not only was urban education still inadequate, but also that the gap between city and suburban districts was greater than ever. The court ordered state funding be targeted more directly toward the growing numbers of needy districts; predictably, litigation followed.

The debate over the school funding inequity continues to the present day. In general, Democrats have pressed for increased and more equitable funding for urban schools, while Republicans have called for statewide testing and accountability without which, they say, it would be impossible to tell whether the extra funding was having any positive effect. Over the years, legislative compromise between those positions was accepted. What was not addressed in the battle between “inputs” (to increase teacher salaries and reduce class size) and “outputs” (statewide testing and assessment) was the basic importance of the family in determining how well a child performed in school. Struggling to make ends meet, it became all the more difficult for families to prepare children to enter school, assist them with homework, and encourage them to stay in school.

---

<sup>34</sup> *New York Times*, July 7, 1976, 71.

Poverty stemming from lack of economic opportunity in the cities and smaller towns lay at the root of the problem, but few wished to or knew how to address that problem.

Although *Robinson v. Cahill* defined political fault lines for a generation, the income tax itself, the ostensible remedy for the school-funding inequity, proved more palatable than might have been expected. The enabling legislation allowed income tax receipts to be used not only to fund inner city schools but also to provide statewide property-tax relief for homeowners. The distribution of “homestead rebate” checks, seemingly an annual gift from Trenton, helped secure the re-election of Governor Byrne and several others who followed.

Difficult as it was for New Jersey’s Supreme Court to advance “thorough and efficient” education, it was an even greater challenge to make it possible for low- and moderate-income families to find adequate housing in the suburbs. The two issues were, of course, closely related, since many families understood that only by moving to the suburbs could they secure adequate schools for their children.

Shortly before I arrived at Legislative Services, the New Jersey Supreme Court in *NAACP v. Mt. Laurel Township* (1975) and later in *Mt. Laurel II* (1983) ordered municipalities to amend their zoning ordinances to satisfy an obligation to meet regional low- and moderate-income housing needs. At the time of the first ruling, local officials were astonished by the court’s audacity in dictating that low-income and multifamily housing must be built within their communities. In the half-century following *Euclid v. Ambler* (1926), in which the US Supreme Court had allowed municipalities to determine the shape of future development, few courts had dared to challenge local authority. The land-use experts Richard Babcock and Charles L. Siemon could now gleefully

proclaim that here at last was one judicial body willing “to rearrange the smug posture of suburban communities.”<sup>35</sup>

Mt. Laurel, a suburb of Camden and Philadelphia, had made no provision in its zoning ordinance for affordable housing such as garden apartments, mobile homes, or multifamily housing. Instead, all available acreage (and there was a great deal awaiting development) was largely reserved for single family homes on large lots. Also, to minimize the homeowner’s property tax burden, ample provision was made for two substantial tax revenue generators—office parks and shopping centers. But not a single acre was set aside for low- and moderate-income housing.

Communities such as Mt. Laurel believed that “exclusionary zoning” would protect them from the economic and social changes swirling about. With troubled Camden a half hour away, Mt. Laurel residents appreciated that a zoning ordinance limiting new construction to relatively expensive single-family houses would ensure that their community would remain solidly middle class and largely white. Of course, nothing in the Mt. Laurel ordinance referenced race, and, indeed, doing so would have immediately flagged the measure as contrary to the federal Fair Housing Act of 1968 and to other federal and state laws. Indeed, municipal officials pointed out that anyone who could afford Mt. Laurel housing would, regardless of race or nationality, be most welcome. However, not only could few Blacks or Hispanics from Camden County afford to live in Mt. Laurel, but also, absent affordable housing, those residing there would be forced to leave. Sooner or later, their homes were likely to be condemned as substandard. As Mayor Bill Haines explained in 1970 at the Jacob’s Chapel African Methodist Episcopal Church, “if you people can’t

---

<sup>35</sup> Babcock and Siemon, *The Zoning Game Revisited*, 207.

afford to live in our town, then you'll just have to move."<sup>36</sup> The Southern Burlington County NAACP sued the township on behalf of the Black residents. Was it lawful to exclude on the basis of wealth if that effectively meant discriminating on the basis of race? And if exclusionary zoning was discriminatory, did it violate federal housing law? The New Jersey Supreme Court, uncertain as to how the US Supreme Court might rule on zoning issues, decided (wisely as it turned out) to limit the questions to the New Jersey Constitution. The court then declared exclusionary zoning contrary to the State Constitution's "general welfare" clause and ordered Mt. Laurel to make provision for multifamily housing.<sup>37</sup> The township set aside 20 mostly undevelopable acres for affordable housing from the 14,300 available. Mt. Laurel then so restricted the number of children who might live in affordable units that its response to the court order seemed nothing short of contemptuous.<sup>38</sup>

A few months after I joined Legislative Services, I was asked to draft a memo considering the legislative implications of the then two-year-old *Mt. Laurel* ruling, which applied not just to Mt. Laurel, but to all "developing" New Jersey municipalities that were charged with an "affirmative obligation" to accommodate their "fair share" to meet the region's affordable housing needs. It seemed clear that failure to enact state legislation detailing how municipalities should go about meeting their low- and moderate-income housing requirements would mean that litigation

---

<sup>36</sup> Quoted in Douglass S. Massey et al., *Climbing Mount Laurel: The Struggle for Affordable Housing and Social Mobility in an American Suburb* (Princeton, NJ: Princeton University Press, 2013), 34.

<sup>37</sup> In *Village of Belle Terre v. Boraas* (1974) the U.S. Supreme Court refused to challenge exclusionary zoning on the basis of the equal protection clause of the Fourteenth amendment. Justice Thurgood Marshall dissented. It seems likely that if Mt. Laurel had been taken to the U.S. Supreme Court on Fourteenth amendment grounds, exclusionary zoning would have been upheld. On the 1947 New Jersey Constitution as the basis for progressive court rulings: Helen Hershkoff, "The New Jersey Constitution: Positive Rights, Common Law Entitlements and State Action," *Albany Law Review* 69 (April 26, 2006): 553-559, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/albany69&div=29&id=&page=>.

<sup>38</sup> "A History of the Mount Laurel Doctrine," *Fair Share Housing Center*, <https://www.fairsharehousing.org/a-history-of-the-mount-laurel-doctrine/>.

between “fair share” housing advocates like the NAACP, and dozens of resistant municipalities supported by the New Jersey League of Municipalities, would backlog the court dockets. Little housing would be built. And that proved to be the case.

That the Office of Legislative Services could offer an extraordinarily demanding assignment to an inexperienced staffer was probably indicative of the agency’s appreciation of the legislature’s unwillingness to become embroiled in a conflict between a seemingly over-reaching Supreme Court and hundreds of municipalities determined to resist court orders. Upon completion, my “staff” memo was submitted to Legislative Services head, Samuel Alito (father of the current Supreme Court Justice). It then disappeared without a trace.

Eight years after the first *Mt. Laurel* decision and with little housing built, a furious Chief Justice Robert Wilentz declared: “We may not build houses, but we do enforce the Constitution.”<sup>39</sup> The court in the so-called “builders’ remedy” then ruled that when the NAACP or other groups won housing suits against a municipality, developers might, without reference to local zoning ordinances, construct substantial multifamily housing projects provided that 20 to 30 percent of the units were set aside as low- and moderate-income housing. Large housing projects might be erected in posh suburbs!

A full decade after the initial court ruling, the legislature now moved to establish the Council on Affordable Housing (COAH) to set housing allocations. But in a distinct departure from the spirit of the two thundering judicial decisions, COAH permitted wealthy suburbs to buy out half of their affordable housing obligations by subsidizing units in poor cities and other needy municipalities. Under this provision, Trenton would later receive about \$11.3 million to create 576

---

<sup>39</sup> Quoted in Salmore and Salmore, *New Jersey Politics and Government*, 296.

“fair share” housing units that otherwise should have been built in Hopewell, Marlboro, West Windsor, Princeton, and other suburban municipalities.<sup>40</sup> The State Public Advocate pointed out this provision invited “a destructive pattern of economic segregation,”<sup>41</sup> which was precisely what the *Mt. Laurel* rulings had sought to alleviate. But the high court upheld the buyout provision and COAH itself, perhaps seeking relief from its own overwhelming, albeit self-inflicted responsibility to adjudicate fair share housing cases. As of this writing, the court, after determining in 2015 that COAH under Governor Chris Christie’s administration had failed to set and enforce fair share housing requirements, found itself back in the business of settling fair share housing cases. Doing so led to unprecedented progress, with 22,000 Mt. Laurel units built or under construction between 2015-2023.<sup>42</sup>

#### IV. Municipal Madness

In retrospect, New Jersey dealt with its housing and educational inequities better than most states. Judicial persistence in pressing municipalities to meet fair share housing obligations resulted in the construction of some 70,000 units. While this was only a fraction of the state’s need,

---

<sup>40</sup> David M. Herszenhorn, “To Meet Goal for Housing, Suburb Seeks to Pay City,” *New York Times*, August 4, 1998. See also Gerald Benjamin and Richard P. Nathan, *Regionalism and Realism: A Study of Governments in the New York Metropolitan Area* (Washington, D.C.: Brookings Institution Press, 2001), 198-99. Suburban communities were concerned that *Mt. Laurel* obliged them to build housing for low-income, inner city Black and Hispanic families. Benjamin and Nathan suggest that COAH made it easier for suburbs to accept affordable housing mandates not simply because they could reduce their obligations, but also because half their mandated affordable units could be set aside for current residents of the community and 25 percent for seniors, who would not put additional burden on the schools.

<sup>41</sup> Quoted in Salmore and Salmore, *New Jersey Politics and Government*, 297.

<sup>42</sup> Brent Johnson, “New Jersey Supreme Court Rebukes Christie Administration, Puts Courts in Charge of Affordable Housing,” *New Jersey Advance Media For NJ.com*, March 10, 2015, [http://www.nj.com/politics/index.ssf/2015/03/nj\\_supreme\\_court\\_rebukes\\_christie\\_administration\\_puts\\_courts\\_in\\_charge\\_of\\_affordable\\_housing.html](http://www.nj.com/politics/index.ssf/2015/03/nj_supreme_court_rebukes_christie_administration_puts_courts_in_charge_of_affordable_housing.html). Colleen O’Dea, “Proof That Affordable Housing Law Works,” *New Jersey Spotlight News*, April 18, 2023, <https://www.njspotlightnews.org/2023/04/advocates-report-nj-affordable-housing-law-works-better-than-previous-rules/>. Irwina B. Elgart, “Affordable Housing: No Quick Fixes, Please,” *Law.com/New Jersey Law Journal*, October 16, 2019, <https://www.law.com/njlawjournal/2019/10/16/no-quick-fixes-please-affordable-housing/>. David Levinsky, “Murphy Administration Unveils Affordable House Trust Fund Plan,” *Courier Post* (Feb. 20, 2020), <https://www.courierpostonline.com/story/news/2020/02/20/murphy-administration-unveils-affordable-housing-trust-fund-plan/4820845002/>.

it might be considered as something of an achievement.<sup>43</sup> As to educational inequities, Rutgers Law Professor Paul Tractenberg pointed out in 2013 that the *Robinson v. Cahill* and *Abbott* cases “. . . produced massive equalizing of funding for poor urban districts . . .” But he cautioned that New Jersey schools remained among the nation’s most segregated.<sup>44</sup> And there was a wide gap between the achievement levels of its Black and white students.

While hindsight suggests that New Jersey’s effort to address inequities between city and suburb was not as hopeless as it then seemed, it was nevertheless disheartening in the seventies to

---

<sup>43</sup> Fair Share Housing Center, “Dismantling Exclusionary Zoning: New Jersey’s Blueprint for Overcoming Segregation” (April 2023), 16-17, [https://www.fairsharehousing.org/wp-content/uploads/2023/04/Dismantling-Exclusionary-Zoning\\_New-Jerseys-Blueprint-for-Overcoming-Segregation.pdf](https://www.fairsharehousing.org/wp-content/uploads/2023/04/Dismantling-Exclusionary-Zoning_New-Jerseys-Blueprint-for-Overcoming-Segregation.pdf); Fair Share Housing Center, “What Is the Mount Laurel Doctrine?” <https://www.fairsharehousing.org/wp-content/uploads/2023/01/Mount-Laurel-Factsheet.pdf>. Mara S. Sidney, “The Case of Newark, USA” in *Understanding Slums: Case Studies for the Global Report on Human Settlements. The University College London Development Planning Unit of the United Nations Human Settlements Programme* (2003), <https://www.fairsharehousing.org/wp-content/uploads/2023/01/Mount-Laurel-Factsheet.pdf>; Sidney points out that the “affordable” units still tend to be out of reach for poorer families. Nor does it appear that the *Mt. Laurel* decision has been effective in integrating the suburbs. Finally, insufficient attention has been paid to the relationship of housing needs to job growth. See Tim Evans, “‘Realistic Opportunity?’ The Distribution of Affordable Housing and Jobs in New Jersey,” *New Jersey Future* (July 2003): 5, <https://www.njfuture.org/wp-content/uploads/2011/06/Housing-and-Jobs-07-03.pdf>. That said, New Jersey remains far ahead of most states in its fair share housing efforts. In 1992 the state adopted a real estate transfer tax which pays for housing trust funds in more than 300 municipalities—42 percent of the national total. Center for Community Change, *Housing Trust Fund Survey Report 2016*, 16-19, [https://housingtrustfundproject.org/wp-content/uploads/2016/10/HTF\\_Survey-Report-2016-final.pdf](https://housingtrustfundproject.org/wp-content/uploads/2016/10/HTF_Survey-Report-2016-final.pdf). Alex F. Schwartz, *Housing Policy in The United States: An Introduction* (New York: Routledge, 2006), 189-90.

<sup>44</sup> Paul Tractenberg, Gary Orfield, and Greg Flaxman, *New Jersey’s Apartheid and Intensely Segregated Urban Schools: Powerful Evidence of an Inefficient and Unconstitutional State Education System. A Report Jointly Prepared with the Civil Right Project, UCLA* (Newark, NJ: Institute of Education Law and Policy, Rutgers University- Newark, October 2013), 3. Of Newark’s 39,000 public school students in 2010, 36,000 were Black and Latino; nearby suburban Millburn’s 4,000 students, 3,800 were white. New Jersey maintained the dubious distinction of having the third highest number of the nation’s “hypersegregated” schools. In reaching that conclusion, Tractenberg made no distinction between Blacks and Hispanics. To the extent that the majority of Hispanics identify as white, or “some race” other than Black one might argue that New Jersey’s schools are now successfully integrated by race if not by income. See Laird W. Bergad and Herbert S. Klein, *Hispanics in the United States: A Demographic, Social and Economic History, 1980-2005* (New York: Cambridge University Press, 2010), 373. On the need to distinguish Black from Hispanic on the basis of social and economic mobility see Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: Liverwright, 2017), 233-36. On the vexed question of how Hispanics of various nationalities identify according to race: Eduardo Bonilla-Silva, “From Bi-racial to Tri-racial: Towards a New System of Racial Stratification in the USA,” *Ethnic And Racial Studies* 27, no. 6 (November 2004): 931-949. Jorge Duany, *Puerto Rican Nation on the Move: Identities on the Island and in the United States* (Chapel Hill, NC: University of North Carolina Press, 2002), 236-295.

witness the deterioration of once-proud cities. When asked about legislative indifference, my convenient response was simply “What do you expect of a state divided into 567 self-serving fiefdoms?” Assemblyman Karcher’s “municipal madness” thesis suggested that legislative inactivity at the state level reflected the hyperfragmented local governance that gave rise to a self-protective culture of obstructionism—an attitude limited not simply to privileged suburbs such as Mt. Laurel but to most municipalities. As New Jersey’s Supreme Court made clear in *Mt. Laurel*, 80 percent of New Jersey’s municipalities had failed to make provision for affordable housing.<sup>45</sup> Wary of the social and economic consequences of new development, even municipalities with less than adequate schools or affordable housing themselves might resist affordable housing projects that might bring the “wrong people” into town. Indeed, whatever the wealth or political outlook of a municipality, it predictably sought to ensure that new development would conform to existing uses and structures. The prevalence of local self-protectiveness—what we now call NIMBYism—meant that the legislature would have little inclination to implement *Mt. Laurel*.<sup>46</sup>

In considering legislative indifference toward the urban crisis, keep in mind that quite apart from the fact that most legislators represented communities overwhelmingly opposed to *Mt. Laurel*, the issue of what might be done more generally to help cities seemed beyond the capacity of lawmakers. Was it reasonable to expect them to deal with forces that led to the undoing of the larger part of urban America? Weren’t most American cities in trouble? Seemingly, the only exceptions were Houston, Dallas, Phoenix, and others in the Sunbelt. But the factors behind their

---

<sup>45</sup> New Jersey Department of Education, District Factor Groups (DFG) for School Districts,” <https://www.nj.gov/education/finance/rda/dfg.shtml>. Tim Evans, “‘Realistic Opportunity?’ The Distribution of Affordable Housing and Jobs in New Jersey,” *New Jersey Future* (July 2003): 5, <https://www.njfuture.org/wp-content/uploads/2011/06/Housing-and-Jobs-07-03.pdf>.

<sup>46</sup> William Marble and Clayton Nall, “Where Self-Interest Trumps Ideology: Liberal Homeowners and Local Opposition to Housing Development,” *Journal of Politics* 83, no. 4 (October 2021): 1764-1784.

ascendency—a hot climate (suitably tempered by the coming of air conditioning), burgeoning energy and petrochemical sectors, and massive military and aerospace outlays of disproportionate benefit to the Sunbelt—did not seem to apply elsewhere.

However, quite apart from those factors, what best explained Sunbelt city success was simply their ability to annex contiguous municipalities. Where suburban growth in New Jersey and other parts of the country had sapped the life blood of cities, the Sunbelt cities, having absorbed their suburbs, could boast of miraculous growth. Indeed, the success or failure of a city seemed largely a function of the size of its area. At 24-square miles, Newark, the largest of the Big Six, would have been little more than a neighborhood within 655-square-miles Houston, 517-square-miles Phoenix, or 386-square-miles Dallas. But had those Sunbelt cities been limited to their boundaries before the Second World War, then they too might have been dismissed as dysfunctional.<sup>47</sup> Alternatively, if the Big Six had annexed the municipalities within their counties, though still considerably more compact Sunbelt cities, they too might boast of phenomenal growth in population and wealth.

To demonstrate the distinct advantages of municipal consolidation to my committee members, I proposed hypothetical legislation dissolving Newark and the other Essex County municipalities while delegating local authority to a single new entity, Essex City. Would Newark be better off as a neighborhood within 300-square mile Essex City with a population of almost one-million or by remaining as an independent municipality? The answer seemed clear enough. The expansion of Newark's tax base through consolidation would allow for improved city services

---

<sup>47</sup> Amy L. Nelson, Kent P. Shwirian, and Patricia M. Schwirian, "Social and Economic Distress in Large Cities, 1970-1990: A Test of the Urban Crisis Thesis," *Social Science Research* 27, no. 4 (December 1998): 410-431.

while advancing county-wide integration of schools and housing.<sup>48</sup> Certainly it would be easier for the courts to implement least-cost housing mandates within Essex City rather than having to deal with the county's 21 municipalities. Genuine progress might be achieved toward integrating schools as demonstrated in 1963 when Black Nashville consolidated with white Davidson County.<sup>49</sup>

The Municipal Government Committee treated my proposal with genial skepticism. In a state where home rule was sacrosanct, New Jersey would have been the last place to embrace consolidation.<sup>50</sup> Nor were its benefits as clear to the committee as they were to me. How would Newark fare competing for resources with far more affluent Essex City "neighborhoods"? The assembly members understood that within towns and cities, competition among neighborhoods could be as fierce as it is among independent municipalities. I was reminded that Ozzie Pellecchia had voted against the state income tax, so critical for financing Paterson's schools, because the neighborhoods on which his election depended were opposed. And as Pellecchia pointed out, South Bronx, though ensconced within the nation's most powerful city, was among the poorest and most desperate places in the country. Would Bronx have been better off as a freestanding city?

---

<sup>48</sup> David Rusk, *Cities Without Suburbs* (Washington, DC: Woodrow Wilson Center Press, 1993). The author has written extensively on consolidation between cities and their suburbs but apparently to little practical effect.

<sup>49</sup> Ansley T. Erickson, *Making The Unequal Metropolis: School Desegregation and Its Limits* (Chicago: University of Chicago Press, 2016), 303-04. Erickson writes: "... Nashville accomplished something that very few American school districts did ...[bringing]...large numbers of Black and white students into schools together, across urban, suburban and rural regions and class backgrounds." Desegregation depended on school busing. Black parents objected when their children were most often the ones being bused to maintain racial balance. With the end of busing in 1998, the schools in metropolitan Nashville eventually reverted to the segregated mean.

<sup>50</sup> Andrew J. Bruck and H. Joseph Pinto, "Overruled by Home Rule: The Problems with New Jersey's Latest Effort to Consolidate Municipalities," *Seton Hall Legislative Journal* 32, no. 2 (2008): 288-350. Jason J. Moreira, "Municipal Fragmentation in Essex County: Equity, Efficiency and the Evasion of the Social Contract," *Rutgers CLIME* (October 9, 2013):<https://www.clime.rutgers.edu/publications-filtered/municipal-fragmentation-in-essex-county-equity-efficiency-and-the-evasion-of-the-social-contract>.

Experience working on the Municipal Government Committee suggested that whether a community was large or small, privileged or otherwise, most residents were wary of the consequences of new development particularly when it came to the construction of multifamily or low-cost housing. Since that point of view was so pervasive in New Jersey, it seemed unlikely that the legislature would take meaningful steps to address housing and educational inequities.

After four years in Trenton, I accepted a position in the Newark office of the Regional Plan Association (RPA), a private nonprofit civic group, committed to countering exclusionary zoning while promoting public transit as way to facilitate urban redevelopment. For half a century the RPA had been a conspicuous advocate for cooperative planning throughout the 20-county New York, New Jersey, and Connecticut metropolitan region. And while RPA's appeal for coordinated development may have seemed a bit fanciful to my tough-minded and politically astute legislative staffers, I found its message appealing, especially after having dealt on a daily basis with the frequently narrow concerns of towns and cities. Perhaps overidentifying with the "old woman who lived in the shoe," I may have erred in seeing small-minded political fragmentation as the essential cause of legislative inaction. Regionalism seemed a promising approach.

*After staffing the Assembly Municipal Government Committee, Jim Wunsch served as an associate director of The Regional Plan Association, taught high school social studies in The Bronx and urban studies at Empire State College (SUNY) where he is professor emeritus.*