



## BOOK REVIEW SYMPOSIUM ESSAY

# The Deserving Poor

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On November 3, 2022, in Josephine County, Oregon, I was in the audience for a community service award given to a local business owner named Steve Roe. As part of his acceptance speech, Mr. Roe displayed a business card he had printed to hand out around town. The card was blank other than two words in bold: **YOU MATTER**. Less than two weeks later, I was in the office of a youth program called Little Manila Rising in Stockton, California. One wall had a cluster of post-its on which youth had written messages of faith and encouragement. I noticed one of the notes right away. A teenager had penned **YOU MATTER** in bold in the middle, then repeated that same phrase in smaller font across the square.

The match between the messages struck me as an uncanny coincidence. Why had these unconnected people dwelled on the same two words? These individuals have nothing obvious in common. Mr. Roe is white and middle-aged, living in a conservative rural county. The other is a low-income teenager of color at a progressive youth program in a big city. Yet both felt the need to reassure others—and perhaps themselves—that they were not worthless. Both live in places that are generally ignored unless they are being treated as spectacles of moral and social disorder. Both live in places that are rarely visited or invested in by people with power or money. Residents have to do more for each other and for themselves. So the phrase “you matter,” I think, was not just a reassurance of the basic humanity of anyone who read their messages. It was an invitation to action. If you matter to your community, you can make it better.

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\* Larry Kramer Professor of Law, Stanford Law School. I am incredibly grateful to Stanford Law Review editors Samuel Wallace-Perdomo, Daniel Zahn, Elóra Henderson, and Marc Brunton for hosting this online book symposium. Adrienne Irmer and Spencer Furey provided valuable feedback on this draft. My thanks as well to Bernadette Meyler for initiating and organizing the event, and to David Sklansky for generous moderation of our panel. Gisele Darwish Brown, May-Ling Gonzales, and Maria O’Neill also helped make it all happen. It is no surprise that the companion pieces in this symposium are as wise and thoughtful as they are, given that they were written by Jessica Andors, Dan Rivera, Sheila Foster, Julia Mendoza, and Helaine Olen. I hope you each know my admiration for you as writers and as public leaders.

Sitting here now, that simple phrase strikes me as a good summary of what I hope I conveyed with *The Fight to Save the Town: Reimagining Discarded America*. I tried to say “you matter” to the people of Josephine and Stockton, plus those of Detroit and Lawrence, Massachusetts. This Essay reflects on that message by capturing some of what these places have taught me and what I think they can teach others. Along the way, I have celebrated the parallel response pieces written by Sheila Foster, Julia Mendoza, Helaine Olen, Jessica Andors, and Dan Rivera.<sup>1</sup> Each of their essays reads as if each author held up their own “you matter” card to vulnerable people in vulnerable places.

## I. Reimagining Discarded America<sup>2</sup>

The idea of distinguishing the “deserving” from the “undeserving” poor, which has appeared in various iterations in culture and politics for centuries, assumes that some “poverty results from personal inadequacy”<sup>3</sup> rather than from structures and circumstances beyond individual control.<sup>4</sup> I think this idea applies to cities, too. We judge some communities as more worthy than others for aid, or even for empathy. There is a debate to be had about how to make support for struggling cities effective. But before we can have an honest version of that debate, we need to take down biased caricatures that substitute for real facts.<sup>5</sup> A social worker named Missy Rae Magdalera in Stockton helped teach me about the stories of unworthiness that give outsiders an excuse for withdrawal. “Systems created a certain narrative about the people that we work with,” she

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1. Sheila R. Foster, *Seeing Like a Chocolate City: Reimagining Detroit's Future Through Its Past*, 75 STAN. L. REV. ONLINE 41 (2023); Julia Mendoza, *Writing for Abolitionist Futures*, 75 STAN. L. REV. ONLINE 28 (2023); Helaine Olen, *It's Hard to Save a Town*, 75 STAN. L. REV. ONLINE 24 (2023); Jessica Andors & Dan Rivera, *Building Radical Hope in the Immigrant City*, 75 STAN. L. REV. ONLINE (forthcoming 2023) (on file with author).

2. This phrase is part of the book's title, but is accentuated here to make a distinct point.

3. MICHAEL B. KATZ, *THE UNDESERVING POOR: AMERICA'S ENDURING CONFRONTATION WITH POVERTY* 2 (2d ed. 2013); *see generally id.* (offering a broad and updated intellectual history of the term “undeserving poor”).

4. For some of the earliest critical engagement with this term, see JOEL F. HANDLER, *REFORMING THE POOR: WELFARE POLICY, FEDERALISM, AND MORALITY* 6-10, 138-41 (1972). *See also* Noah D. Zatz, *Essay, Poverty Unmodified?: Critical Reflections on the Deserving/Undeserving Distinction*, 59 UCLA L. REV. 550, 552 (2012).

5. There is a deeper argument to be made here that some cities are subject to stylized tales of moral failure in ways that serve concentrated economic and political interests elsewhere. This phenomenon is analogous to the way that coded language (such as “welfare queens”) operates to cast out some racial and class groups as undeserving in ways that legitimate the accumulation of wealth in fewer hands. *See* IAN HANEY LÓPEZ, *DOG WHISTLE POLITICS: HOW CODED RACIAL APPEALS HAVE REINVENTED RACISM AND WRECKED THE MIDDLE CLASS* 3-4 (2014).

said, which in turn justified the denial of “the things that they need in order to heal.”<sup>6</sup>

*The Fight to Save the Town* is about four places usually put on the undeserving, unworthy side of the line. All are “border-to-border poor” (a new metric I defined in the book), which means they have severe concentrated poverty as well as a low median income overall.<sup>7</sup> All emerged from the Great Recession broke, according to their state systems for managing fiscal distress (whether bankruptcy, receiverships, or state service takeovers). All are routinely pathologized as places of violence and mismanagement. Stockton, Lawrence, and Detroit have been ranked by *Forbes* and other clickbait blogs as among the nation’s most miserable places to live.<sup>8</sup> Josephine and Detroit are written off as dysfunctional hospice zones for deindustrialization—places that never “adjusted” to job losses from automation, globalization, suburbanization (in Detroit), and environmental law (in Josephine).<sup>9</sup> Stockton and Lawrence’s small scale, block-level drug sellers are scapegoated as the primary drivers of regional drug addiction crises—as if an overdose crisis is solvable only through imprisoning dealers without facing the causes of addiction and illegal economies.

Those are outsiders’ main facts and stories, anyway. In his poem *There Are Birds Here*, which is dedicated to Detroit, Jamaal May captures how dehumanizing this relentless march of bad press can feel. Referring to a little boy, May writes:

I am trying to say  
his neighborhood  
is as tattered and feathered  
as anything else . . .  
but they won’t stop saying  
how lovely the ruins,

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6. MICHELLE WILDE ANDERSON, *THE FIGHT TO SAVE THE TOWN: REIMAGINING DISCARDED AMERICA* 78 (2022).
  7. The book also calls this phenomenon “citywide poverty,” which is the term some authors in this response collection have used. Under either name, the book defines this type of poverty as “(1) a single municipality . . . or the unincorporated areas of a rural county government (2) that serves a population in which at least 20 percent of residents live under the poverty line, where (3) median incomes are less than two-thirds of the state median income.” *Id.* at 5. Combined, these metrics capture widespread poverty as well as fewer people living at higher incomes to buoy the tax base. I have a project underway to develop and refine this metric, relate it to other measures for place-based poverty, and document the extent of this pattern nationally.
  8. See, e.g., *America’s Most Miserable Cities*, FORBES (Feb. 2, 2012, 1:11 PM EST), <https://perma.cc/JS8K-UGEB>; Thomas C. Frohlich & Samuel Stebbins, *50 Worst Cities to Live in*, 24/7 WALL ST., <https://perma.cc/D6HV-W37J> (last updated Mar. 13, 2020, 3:15 PM).
  9. ANDERSON, *supra* note 6, at 24-30.

how ruined the lovely  
children must be in that birdless city.<sup>10</sup>

To be a city of ruined children in birdless neighborhoods is to be helpless and hopeless. In Jessica Andors and Dan Rivera’s response for this collection, they ask “What stories are being told about these places, and by whom? How do these stories feed or fight the decline?”<sup>11</sup> As leaders in the city of Lawrence, they have two problems to solve: the powerful macroeconomic and political trends hurting their people as well as the stories depicting those same people as irredeemably broken. In Lawrence, as they put it, “progress is not expected.”<sup>12</sup>

None of these writers ask that instead, we tell sugarcoated tales of contented people under the care of transformative leaders. They seek a correction, not an alternative caricature.<sup>13</sup> Viewed through that frame, these four places and those like them matter (for a start) because people live there. Lawrence is one of the bedroom communities for the nannies, eldercare workers, rideshare drivers, dishwashers, food processing workers, warehouse workers, and others on which the Route 128 tech economy of Metro Boston relies. Stockton plays the same role for Silicon Valley, including by providing a home for many of Stanford’s low-income hospital and food service employees. Detroit remains the most populous city in Michigan, making a home for a majority-Black population that commutes out to service-economy jobs scattered across regional suburbs. Today, as it has for decades, Josephine offers a home to people seeking to live a modest life off the big-city grid—whether retirees or runaways, libertarians or homesteaders.

Look at who these people are, Helaine Olen reminds us. Under the circumstances of the income segregation and disinvestment depicted in the book, ordinary people face fierce headwinds to secure income, keep their housing, and protect their children. “[V]ictory,” she writes, is not always in collective action or leadership, but in residents who “simply get[] through the day in a system that’s stacked against them.”<sup>14</sup> When the public conversation focuses only on the layer of local violence or unemployment, it erases the

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10. JAMAAL MAY, *There Are Birds Here*, in *THE BIG BOOK OF EXIT STRATEGIES* 2-3 (2016), as reprinted in POETRY FOUND., <https://perma.cc/LZZ5-JK5P> (archived Jan. 8, 2023). For another magnificent poem embodying a comparable point, see CLINT SMITH, *No More Elegies Today*, in *COUNTING DESCENT* 56 (2016).

11. Andors & Rivera, *supra* note 1 (manuscript at 1).

12. *Id.* (manuscript at 6).

13. I think the correction starts with listening to the people who know these places best. I am not an insider to the places I wrote about, nor an intimate partner in their progress. But I did work hard to seek, hear, and share the voices of people who are both. As Julia Mendoza puts it powerfully in her reflection on methods for this volume: “For writing and research to make change, it must empower agents and activists on the ground, not just academics themselves.” Mendoza, *supra* note 1, at 35.

14. Olen, *supra* note 1, at 3.

everyday acts of thrift, flexibility, adaptation, relentless work, and emotional resilience. Early industrial hubs like Detroit and Lawrence are revered for the grit and fortitude shown by their intensely poor, multi-ethnic communities a century ago. They should be revered for the grit and fortitude shown by their intensely poor, multi-ethnic communities today, too.

I would not and could not say these four places are representative (in the social scientific sense) of places of citywide poverty. But I did select them in part because they help capture the variation among such places. Some are big cities, some are small towns, and others still are giant rural counties. They can be nearly all white, nearly all Black, mostly Latino, or exceptionally diverse. They are politically red, purple, or blue. All four in the book have faced extreme hardship, but they are shaped by distinct local histories and state contexts. All refuse to count themselves as “dead,” though they don’t have the same beliefs about the measures that could help them thrive. Above all, I chose them because each one has networks of people making progress against some of the hardest problems of American poverty. Each one matters on its own terms, but also has something to teach.

## II. Lessons for Four Towns

Stockton matters because it is the most diverse big city in America.<sup>15</sup> Julia Mendoza puts it well: “Stockton is the future.”<sup>16</sup> To get that way, Stockton has made a home for seekers, strivers, and refugees. The city’s fertile region, which once hosted generations of Yukot and Miwok people, is a food producer for the world. Farmers and agribusinesses recruited tens of thousands of farmworkers from Latin America and Southeast Asia.<sup>17</sup> In spite of a vicious local history of racial discrimination and violence, those workers built businesses, faith communities, and cultural institutions that have made the city a hub of global heritage. But the city’s farm and food processing industries have rarely dignified their workers with livable wages. These low wages, combined with systemic racial segregation, have concentrated poverty in particular Stockton neighborhoods for generations. Historically, city officials managed poverty and enforced segregation through discriminatory policing, yielding some of the most aggressive rates of incarceration in American history.<sup>18</sup>

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15. Katelyn Newman, *America’s Most Racially Diverse Big Cities*, U.S. NEWS & WORLD REP. (Jan. 22, 2020, 12:01 AM), <https://perma.cc/MV4B-A97A> (to locate, select “View the live page”) (calculating racial diversity in cities with more than 300,000 residents using data collected in the U.S. Census Bureau’s 2018 American Community Survey).

16. Mendoza, *supra* note 1, at 35.

17. ANDERSON, *supra* note 6, at 38-41.

18. *Id.* at 14, 79.

Stockton matters as an indictment of this era of social policy, but so too, as an emerging model for alternatives. The city's people are building the "collective ecosystems of care" that Mendoza so eloquently describes.<sup>19</sup> They are working to heal city residents from intergenerational trauma, hopelessness, and exposure to gun violence. Ordinary people worked together to activate parks and gyms with safe activities for youth. Local leaders opened a health clinic with mental health services in the poorest part of town, then trained hundreds of people across city departments, churches, and nonprofits to spot the signs of trauma and direct people to services. Community organizers built networks of communication and trust between the police department, code enforcement, and residents. Within and beyond government, Stockton has become a leader in testing new models of violence prevention outside the police department.<sup>20</sup>

Josephine County has some of the biggest trees on earth and most of the poorest zip codes in Oregon. Its people faced an extreme hollowing out of their local services, including 911 emergency services and rural law enforcement. The county is straightjacketed by an outdated state tax structure constitutionalized in the 1990s, and for decades, the county's libertarian roots and antigovernment majority made it hard to support new tax levies. But in the face of these challenges, advocates ran grassroots campaigns again and again to restore faith in government. They ran town halls to let people vent their frustrations against public officials. They explained local budgets and taxes to people through simple pamphlets. Volunteers achieved audacious levels of civic engagement. It is as unbelievable as it is true that a handful of volunteers made 14,000 calls to voters to persuade them to restore public funding to the local libraries.<sup>21</sup> Once reborn, those libraries have become cornerstones of civic life, community vitality, and public education.<sup>22</sup>

In the end, volunteers in Josephine succeeded in a grassroots, pro-tax campaign in one of the most antigovernment places in the United States. Public officials and activists did not hide from, deny, or try to overpower public skepticism about government—whether that skepticism was born of misinformation or real experiences. Instead, they went directly to ordinary voters to talk through the county's challenges and what it would take to face them. As I watched the work in Josephine, I often thought: *This is what democracy looks like*. Their story is a microcosm of the work ahead in the United States as we face record levels of faithlessness in state and federal government.<sup>23</sup>

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19. Mendoza, *supra* note 1, at 28.

20. ANDERSON, *supra* note 6, at 67-72.

21. *Id.* at 126-27.

22. *Id.* at 31-32, 244-45.

23. See *Public Trust in Government: 1958-2022*, PEW RSCH. CTR. (June 6, 2022), <https://perma.cc/PJ7H-TPRN>.

In Lawrence, residents were being pulled away from each other and from their major institutions by many of the same challenges in Stockton and Josephine: mismanagement scandals that damaged trust, crime that elevated residents' fear of each other, evictions and housing turnover that undermined family and neighborhood stability, and a population working long and irregular hours. These factors made it less likely for neighbors to know each other, let alone to cooperate to drive local improvements. Lawrence's nonprofit and elected leaders, who saw this disengagement from civic life as the root cause of other problems, set out to rebuild connections among people and institutions. Jessica Andors and Dan Rivera, who are leaders profiled in the book as well as coauthors in this symposium, defined the "network organizing" they needed: the strengthening of ties at the level of the block, the neighborhood, and the city in ways that complemented existing "links of kin and faith" that were already strong in their immigrant community.<sup>24</sup>

The institutional-level mutual aid networks that Lawrence activists created then faced one of the hardest challenges in American poverty: a fragmented landscape of jobs in the low-wage service and gig economy. How do you get wages up when people are working in dozens of industries for hundreds of employers? This is a poetic question to ask in a city known for the Bread and Roses Strike of 1912, a legendary labor uprising that secured a 15% raise for textile workers across New England.<sup>25</sup> But the tactics available back then, in a monocultural industrial economy, have little application for today's scattered job market. Even a local living wage ordinance won't help much in Lawrence and many places of citywide poverty, because most residents commute to some other town for work.<sup>26</sup> So Andors, Rivera, and other leaders invented new systems to get adult residents a raise, such as a training program for teacher's aide positions in local schools.<sup>27</sup> Just as their forebears sought not only subsistence (bread) but also a safe, dignified life (roses), Lawrence's people are charting new paths toward living wages in the contemporary service economy.

Detroit, perhaps the most pathologized city of all, matters as a parable of modern inequality—and what to do about it. The city is symbolic for the American middle class and the attainment of homeownership, especially for Black families. "Detroit holds a special place in American history, especially its urban history," Sheila Foster wrote for this symposium, because it "was especially important to the rise of the Black middle and upper class, perhaps

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24. Andors & Rivera, *supra* note 1 (manuscript at 3).

25. ANDERSON, *supra* note 6, at 134-46.

26. For more on this "commuting out" challenge, see ALAN MALLACH, *THE DIVIDED CITY: POVERTY AND PROSPERITY IN URBAN AMERICA* 203-13 (2018).

27. Like all the good work described here, this effort is captured in the book's chapter about Lawrence. In their essay for this collection, Andors and Rivera describe the more recent efforts to reinforce and extend the program. Andors & Rivera, *supra* note 1 (manuscript at 5-6).

more than any other U.S. city.”<sup>28</sup> Her essay helps us realize the depth of losses, both personal and collective, when Black families lost or gave up on land ownership in the city.<sup>29</sup> A devastating 48% of Detroit properties went through a mortgage or tax foreclosure, or both, between 2005 and 2015.<sup>30</sup> This is a story of Black land loss, one that should be understood alongside the exploitation of heirs’ property in the rural South.<sup>31</sup> A small group of landowners outside Detroit then assembled real estate portfolios with hundreds of dilapidated, post-foreclosure homes purchased for three- and four-digit prices. Some of these new owners developed a predatory business model that ballooned until it was dubbed an “eviction machine.”<sup>32</sup> By 2016, Detroit was a majority tenant city with a severe problem of homelessness.

The scale of this housing crisis is a consequence of dramatic inequality, not just poverty alone. Land in Detroit (as in much of the post-industrial Rust Belt) is “cheap” for some people—so it can be stockpiled as an income stream today or a basis of new wealth tomorrow. But in a place of intensive poverty with no access to affordable credit, that same land is so expensive as to be out of reach on local median incomes. Rather than give up, surrendering to the marketplace as a wrathful god, Detroit’s people pioneered solutions.<sup>33</sup> Researchers and investigative journalists identified and exposed the drivers for local housing loss. Frontline legal aid nonprofits defended homes facing foreclosure using every known legal tool, plus others they developed on the fly. Community activists shamed slumlords, warned residents of illegal practices, and pressured the city to reform its regressive tax collection practices. Visionary neighborhood groups like the Detroit Black Farmer Land Fund began the work of reparative justice by restoring abandoned property to Black ownership.<sup>34</sup> Foster powerfully asks how we can “imagine a future Detroit that reinvents itself through an investment in the communities and neighborhoods that helped to build and sustain Chocolate Cities in the past.”<sup>35</sup> Detroit housing activists are developing answers to that question rooted in the city’s legacy as a place where Black households can own land debt-free as a basis of subsistence, security, and family stability.

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28. Foster, *supra* note 1, at 41, 54.

29. Foster, *supra* note 1, at 52-53.

30. ANDERSON, *supra* note 6, at 216.

31. ANDERSON, *supra* note 6, at 216-25; *see also* Thomas W. Mitchell, *Destabilizing the Normalization of Rural Black Land Loss: A Critical Role for Legal Empiricism*, 2005 WIS. L. REV. 557, 559-60, 563-65; Laurie Goodman, Alanna McCargo & Jun Zhu, *A Closer Look at the Fifteen-Year Drop in Black Homeownership*, URB. INST. (Feb. 13, 2018), <https://perma.cc/7T5N-3RDX>.

32. ANDERSON, *supra* note 6, at 190.

33. ANDERSON, *supra* note 6, at 225-32.

34. *Id.* at 230-31.

35. Foster, *supra* note 1, at 43.



### III. Fight to Save Your Town

In the Author's Note at the back of the book, I wrote: "For every person named in this book, there are ten more who could have been named, deserved to be named, deserve to be supported."<sup>36</sup> That was so true. As was this: For every place named in this book, there are ten more that could have been named, deserved to be named, deserve to be supported. The narratives of hopelessness about these places are their own problem. Telling new stories—not of easy transformation but of hard-won progress—is part of the work of reimagining discarded America. Where resources tighten and need intensifies, we have to reform government and rebuild civil society, not throw it out and hide alone in a bunker. But to cooperate, residents and leaders in discarded places have to rebuild trust in one another, in their neighbors, and in their local governments. Julia Mendoza said it best: "People must believe that they have a future in order to invest in it."<sup>37</sup>

At the outset of this reflection, I mentioned Steve Roe in Josephine and his "you matter" cards. Later at that same event, he gave me one and thanked me for a speech I had given. Receiving that card was a moving, memorable moment for me—one example of the rewards of working alongside good people. Mr. Roe then gave me my own little stack of the cards to hand out. "I printed 10,000 of them so other people can give them out, too," he said. Symbolically at least, I'd like to hand you one of his cards. Whether you are one of my editors, one of my students, or anyone who took the time to read this piece or my book, I hope you daydream about how you can matter as a lawyer, citizen, neighbor, or leader. Each of the heroes of *The Fight to Save the Town* simply decided that there was work to do and they could help do it.

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36. ANDERSON, *supra* note 6, at 258.

37. Mendoza, *supra* note 1, at 36.