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Cover Page Footnote

Gregory L. Volz is the Executive Director of the Community Economic Development and Resource Center. Special thanks to Rev. Tim Suenram, Rick Goldstein, Mike Froehlich, Joe Henwood, Ginger Bernd, Tracey Farrigan, and Clint Bamberger for their helpful review and comments. David E. Robbins is the President of the Board of CEDRIC. Vanessa E. Volz received her J.D. from the University of Georgia and her B.A. from Bard College. She is a staff attorney at the Rhode Island Disability Law Center in Providence.

POVERTY IN THE AFTERMATH OF KATRINA:
REIMAGINING CITIZEN LEADERSHIP IN THE CONTEXT OF
FEDERALISM

Gregory L. Volz^{}, David E. Robbins[†], & Vanessa E. Volz[‡]*

“I’m walkin’ on sunshine ... and don’t it feel good!”

“Walking on Sunshine”

by Katrina and the Waves, 1983

I. Introduction

It is a cruel irony that a lead singer with the name Katrina and a back-up band called the Waves performed a pop song in the 1980s with bright lyrics and happy beat. Many years later, a natural disaster bearing the same name, backed by a surge of seawater, consumed the city of New Orleans and the Gulf Coast. In the wake of Hurricane Katrina, America and the rest of the world witnessed the desperate side of the world’s wealthiest nation. Many people, who had neither time nor resources to escape the storm’s surge, and the destruction that followed, became first-hand witnesses to America’s failure to adequately address its poverty problem. The world was shocked to see Americans displaced and immobilized. Chilling reports of the disintegration of the community with rampant plundering and lawlessness punctuated media broadcasts. The ravages of death and deprivation were graphically

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depicted even as relief providers scrambled to address the massive needs of the displaced and injured. The failed infrastructure and lack of services to help the unfortunates who remained behind to weather the storm resurrected the national debate on poverty—who is responsible for giving willing Americans the tools to remove themselves from poverty to become contributing members of society?¹

While the human and economic toll of this disaster is incalculable, perhaps there is a bright side. The debate over who is responsible for ameliorating poverty and minimizing the divide between the “haves” and the “have-nots,” as evidenced by the seeming abandonment of the “have-nots” during the initial days after Hurricane Katrina, may have raised the awareness of the level and gravity of the problem. In turn, this awareness may have created a basis for a public *will* to effectuate change and the *will* to develop a popularly sanctioned *way* to make the change a reality.

A national response to poverty requires an examination of lofty traditional values—such as equal opportunity, economic security, and human dignity, which accompany a contribution to the civilization we live in—blended with a more practical examination of political realities. Reference to political, legal, and sociological literature over a lengthy time span details how Americans view their nation and social heritage and the implications these views create for current public policy development.

This literature leads to a key question—how can this ambitious project find support? Neither our national government nor the American people currently have a *will* to address systemic poverty; and consequently no *way*, or plan to fight poverty, can be implemented.² Developing

¹ While the media coverage of Hurricane Katrina displayed the failings of America, particularly in connection with the poor, the coverage soon subsided and with it, the urgency of poverty.

² “With public sentiment nothing can fail; without it nothing can succeed.” Abraham Lincoln, Lincoln-Douglas Debate at Ottawa,

that *will* is the first step to an anti-poverty program, followed by the creation of a *way*—a plan. Just as no financial institution would lend money for a business venture without a rational business plan, it is irrational to expect government to create and fund an anti-poverty campaign without a comprehensive plan. An effective plan must include citizen participation, the identification of barriers, the evaluation of current programs, and the creation of new strategies. In short, the sequence of events in generating both the *will* and the *way* is central to an effective anti-poverty strategy.

Our development of a *way* requires recognition that only the federal government has the financial resources needed to eliminate the root causes of poverty on a national basis.³ A serious federal response to poverty in America could result in significant changes in public and private agencies providing poverty services to the poor. Because such changes can affect social service jobs, careers, institutions, and political systems, anticipating bureaucratic and local political resistance to new programs is a prerequisite to the design of a comprehensive anti-poverty initiative. Failure to pay attention to area politics will result in well-intentioned plans being rendered ineffectual at the local level. At the same time, understanding what happens when new programs “hit the ground” in local communities and capitalizing on local knowledge about economic and social issues can greatly assist the implementation of a new federal response to poverty.

Minimizing the angst of change for local service agencies and political institutions requires effective communication and coordination at all levels of government—federal, state, and local. This effect might best be accomplished by utilizing the inherent potential of

Illinois (August 21, 1858).

³ MICHAEL HARRINGTON, *THE OTHER AMERICA: POVERTY IN THE UNITED STATES* (Penguin Books 1962).

shared government. Federalism, a product of the American experiment in self-government, affords an effective mechanism to target federally managed resources to communities through locally developed anti-poverty plans.⁴ Employed in this way, the resources of the federal government and the strings that such funds would place on them, can afford state and local governments an opportunity to join with other local organizations in a unique and dynamic collaboration.

Local political realities and bureaucratic resistance marginalized past anti-poverty programs.⁵ Many nonprofit organizations rely on local political largesse for future funding, which can affect their mission.⁶ Local political interference gave the impression of afflicting some anti-poverty programs created in the 1960s.⁷ Additionally,

⁴ The 13 colonies experimented with self-government under the Articles of Confederation and the U.S. Constitution. Under the Constitution, the states agree to surrender certain powers to the authority of a centralized governmental structure. As a result, governmental power is bifurcated and shared by the federal government and individual states. This arrangement affords a rich opportunity to experiment with social policy such as anti-poverty plans. Indeed, it affords a directed opportunity for development of programming carefully tailored to the needs of the local community as established on a local basis and geared to talents and commitment of the citizens involved. See *infra* Part V.

⁵ Edward C. Banfield, *Making a New Federal Program: Model Cities, 1964-68*, in POLICY AND POLITICS IN AMERICA: SIX CASE STUDIES 124-158 (Allan P. Sindler, ed., 1973). Banfield argues that the complex interplay of federal, state, and local authority and control was one of the most difficult issues to overcome in the boldly ambitious, but unsuccessful, Model Cities Program.

⁶ For example, Rick Goldstein, a Pennsylvania businessman, explained that while working for a group of homeless Philadelphians, a local public interest law organization representing the group was intimidated in its efforts against a state agency by a fear of losing state funding. Telephone interview with Rick Goldstein, in Philadelphia, Penn. (Jan. 20, 2006).

⁷ When asked to comment on the degree of local resistance to federally funded legal services, the first Director of the Legal Services Program

federal political factors can blunt the best-designed anti-poverty programs.⁸ The most important factor in designing a federal response to poverty is its interaction with state and local political realities. Moreover, a serviceable plan can only be written and enforced by local citizens knowledgeable about economic and social conditions.⁹

II. Situational Analysis

Designing an effective national anti-poverty campaign cannot be done in a vacuum; it requires recognition of and deference to local political realities. Social and economic change is difficult to accomplish

created within the Office of Economic Opportunity in 1964, said, "Political opposition and bureaucratic resistance arose from concern that the Legal Services lawyers would be effective advocates against the established order. The degree of opposition and resistance seemed to develop in direct proportion to the effectiveness of the advocacy." E-mail transmission from Clinton Bamberger, Director of Legal Services, Office of Economic Opportunity (Jan. 25, 2006) (on file with author).

⁸ See *The War on Poverty: Then and Now*, available at <http://www.brookings.edu/comm/events/20051114.htm> (last visited Feb. 6, 2006). A panel discussion about the War on Poverty revealed that the centerpiece of the War on Poverty was a massive public works project which was never pursued because President Johnson refused to consider a tax increase in the 1964 election year.

⁹ See generally WILLIAM JULIUS WILSON, *THE BRIDGE OVER THE RACIAL DIVIDE* (Univ. of Cal. Press 1999) (arguing that only multi-racial coalitions can achieve these results); WILLIAM JULIUS WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY* (Univ. of Chicago Press 1987); WILLIAM JULIUS WILSON, *WHEN WORK DISAPPEARS: THE WORLD OF THE NEW URBAN POOR* (Random House 1997). Wilson's seminal work over the past twenty years has demonstrated that ghetto areas—normally defined as census tracts where forty percent of the residents are living below the poverty line—are plagued with a loss of jobs and a loss of functioning social institutions—resulting in social isolation for the inhabitants of those areas. *Id.*

under the best of circumstances.¹⁰ The identification and analysis of the enormous costs of poverty (i.e., ghettoization with blight, resulting in flight and disinvestment, increased crime, tax base erosion, and lack of job opportunities for residents trapped in these poor areas) lead to the inescapable conclusion that change is needed.¹¹

Although it seems nonsensical for the federal government to ignore the costs of poverty, there has been little attention, let alone action, to address the causes of poverty in the last twenty five years. Clearly no holistic will to address poverty exists today as it existed in generations past.¹² At the dawn of the twenty-first century, even as the national political scene is marked by the emergence of religious groups as discrete and potent political forces, no political *will* has surfaced to address poverty, much less defeat it.¹³ The poor do not vote in large numbers and are ignored as a political force.¹⁴ They

¹⁰ Our nation's experience with issues of slavery, civil rights, prohibition, and women's suffrage bear witness to the upheaval that often accompanies dramatic social change.

¹¹ See *infra* notes 36-40.

¹² Fifty years ago, President Harry S. Truman said, "We must declare in a new Magna Carta, in a new Declaration of Independence, that henceforth economic well-being and security, that health and education and decent living standards, are among our inalienable rights." See DAVID MCCULLOUGH, TRUMAN 967 (1992) (citing KANSAS CITY TIMES, June 20, 1956).

¹³ Could this be because, in the late 1940s, the reality of the Great Depression was still fresh in the collective conscience of American families? Daily face-to-face contact with poverty by most Americans resulted in a national resolve to tackle poverty. Radical political change followed economic distress. By the late 1940s, almost all politicians claimed to be liberals; no one wanted to be called conservative. See ERIC F. GOLDMAN, RENDEZVOUS WITH DESTINY: A HISTORY OF MODERN AMERICAN REFORM (Random House 1990).

¹⁴ See http://www.yvoteonline.org/noshows2000_details.shtml (last visited Feb. 17, 2006). "The propensity to vote rises with income, from a low of 33 percent among those with annual household incomes of less

are implicitly, and perhaps explicitly, excluded from participating in our democratic system.¹⁵ Absent political power, the poor lack adequate means to lobby Congress for programs to advance their economic interests. Accordingly, public interest lawyers and active citizens must fill the breach by advocating for the poor and promoting the democratic participation intended by our nation's forefathers.

The will to fight poverty is also depreciated by an abiding cynicism about government's ability to effectively address such social issues. This distrust is not new; it has been evident for nearly fifteen years.¹⁶ Despite a fifty percent reduction in poverty during the 1960s, many now accept the cliché that, in the War on Poverty, poverty won.¹⁷ Today, with increased skepticism about the effectiveness of government programs, many citizens balk

than \$15,000 to a high of 70 percent among those with incomes in excess of \$75,000."

¹⁵ See http://www.sentencingproject.org/issues_03.cfm (last visited Feb. 17, 2006). "Nationally more than four million Americans are denied the right to vote as a result of laws that prohibit voting by felons or ex-felons." This number includes thirteen percent of all African-American males.

¹⁶ RICHARD PARKER, JOHN KENNETH GALBRAITH: HIS LIFE, HIS POLITICS, HIS ECONOMICS 624 (2005). "Asked whether they trusted their government to 'do the right thing' all or most of the time, by the end of the Bush Administration in 1992, three out of four Americans said they didn't." See <http://www.pollingreport.com/institut.htm> (confirming this mistrust has stayed essentially the same over the past 15 years). In 1994, Peter Hart assembled polling data showing the public was willing to devote resources to fighting poverty but had little confidence in the government implementing those programs. See FIGHTING POVERTY IN AMERICA: A STUDY OF AMERICAN PUBLIC ATTITUDES (Ctr. for the Study of Policy Attitudes, 1994).

¹⁷ See Ronald Reagan, *State of the Union Address, January 25, 1988*, available at

http://reagan2020.us/speeches/state_of_the_union_1988.asp (last visited Feb. 17, 2006). President Reagan said, "My friends, some years ago, the federal government declared war on poverty, and poverty won." *Id.*

at the idea of increased spending for anti-poverty programs. They see little proof that government can reduce poverty. Yet, the public may be unaware of evidence to the contrary.¹⁸ If the case can be made that the economic costs of poverty, especially over a long period of time, are more expensive than the investment in social service programs needed to address these problems, then a public demand may generate politically-driven action. Of course, political awareness and action are the precursors to additional federal funding.

Anti-poverty plans need to be developed locally—not nationally. A local plan will ensure local participation by the stakeholders who can contribute their knowledge of local economic factors, existing services and unmet needs.¹⁹ Each community has its own resources and circumstances for the existence and magnitude of poverty in its region. Local participation not only ensures an accurate analysis of these conditions but could act as an incentive to local communities.²⁰ The payoff for local

¹⁸ See Arloc Sherman, *Public Benefits: Easing Poverty and Ensuring Medical Coverage* (rev. Aug. 17, 2005), available at <http://www.cbpp.org/7-19-05acc.htm> (last visited Oct. 17, 2006). Key findings are that the safety net cuts the number of Americans living in poverty by half; furthermore, it reduces severe poverty and provides medical coverage for tens of millions of Americans.

¹⁹ In Chester, an effort to understand the reason local residents could not take advantage of employment and training services revealed that they did not understand the complexity of this service because there was no compendium of available programs and services.

²⁰ See Edgar S. and Jean C. Cahn, *The War On Poverty: A Civilian Perspective*, 73 YALE L. REV. 1318, 1352 (1964). This seminal law review article led to the creation of the federally funded Legal Services Program within the Office of Economic Opportunity. The Cahns accurately describe that a War on Poverty needs to include a mechanism for dissenting points of view. It also articulates that a well planned War on Poverty will constitute a monopoly on both services and ideology necessitating a countervailing power of active citizen participation. Unfortunately, despite two generations in which to have learned this vital lesson, national and state public policy rarely do more

communities could be a reward of federal money (authorized by new federal legislation) to implement a plan, which they themselves have designed. Federalism provides the structure to carry out the needed planning and the flexibility to allocate resources to respond to those local priorities.²¹

Once the sources and costs of poverty are fully understood, the public will better grasp that poverty reduction serves the citizenry's self-interests. This awareness will galvanize public sentiment and energize efforts to ensure the interests of the poor are promoted.²² Educating the populace entails underscoring both the economic costs of poverty and highlighting its moral injustice. An initiative worthy of consideration would call upon Congress to fund programs that support groups that advocate for the interests of the poor.²³ If the American

than pay lip service to the importance of this issue.

²¹ Indeed, one of the "peculiar strengths of our form of government" is its ability to foster experimentation in social and economic programs. *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 50 (1973) (citing *New State Ice Co. v. Liebmann*, 285 U.S. 262, 280 (1932) (Brandeis, J., dissenting)).

²² See Lynn Neary, *War on Poverty—40th Anniversary*, <http://www.npr.org/templates/story/story.php?storyId=1587522> (last visited Oct. 17, 2006). President Johnson advised listeners that in Washington almost everybody had a lobbyist except the poor; so he stated that he was going to be the lobbyist for the poor. *Id.*

²³ See KENNETH B. CLARK AND JEANNETTE HOPKINS, *A RELEVANT WAR AGAINST POVERTY: A STUDY OF COMMUNITY ACTION PROGRAMS AND OBSERVABLE SOCIAL CHANGE* (1968). Clark argues persuasively that the War on Poverty never planned for or gained support in the major metropolitan areas. He further argues that political leaders of both parties rendered the Community Action Program impotent. It threatened the existing status quo and was viewed as unleashing forces for real participation that might not be able to be satisfied. Clark calls for a coalition of professionals and the poor in recognition that

the poor themselves have so far not been able to plan, sustain, and bring to a positive conclusion effective programs for social change. To expect that they can—as so many

people do not believe that cronyism and lobbying can be brought under control, then it is only fair that the poor have their own advocates. Such an initiative would begin to address the unjust power imbalance, which dominates current political structures, and allow the poor to compete with the myriad of other interest groups.

After educating the public and making an anti-poverty program a priority, the next logical step would be to require that any new federal legislation include a comprehensive impact study.²⁴ This study would assess the degree to which new legislation will positively or negatively impact the poor.²⁵ This measure would protect against the launching of federal initiatives that, though well intentioned, would ultimately be ineffectual due to unanticipated local issues. As mentioned above, failed initiatives create and perpetuate the public sentiment that government is unable to alleviate poverty.

The reality of entrenched poverty amidst the world's greatest wealth is glossed over by an age-old mythology that everyone can succeed in America.²⁶ The Great Depression shook, but did not end, the belief that there is employment for all, that employment pays a living

community action programs do—may be viewed as a subtle rationalization for the maintenance of the status quo in the face of inevitable failure. The alternative may be for concerned, committed, and independent professionals to develop machinery and organizations which would mobilize the power of intelligence and concern on behalf of the poor.

Id. at 244.

²⁴ A local impact study would assess the social, economic, and political impact of all new legislation.

²⁵ If we agree there is too much poverty today, then we certainly do not need more laws which ignore the needs of the poor. An impact study could help ensure new laws do not add to the number of the impoverished.

²⁶ See GOLDMAN, *supra* note 13.

wage, and that all can economically succeed.²⁷ Flawed systems and free market economic forces can defeat the most responsible individual initiative. Few would disagree that the American concept of political freedom transcends the legal protections embodied in law; rather, it is a natural right, permanently seared into the American psyche. Indeed, most Americans believe in the American Dream—that hard work and sheer will make anything possible. Yet, despite the broad and optimistic promise subsumed within the abstract concepts of individualism and self-sufficiency, the realities and complexities of modern American life exclude people who lack economic security and access to systems accompanying self-sufficiency from consequential political freedom and the covenant of the American Dream.

III. A *Will* to Fight Poverty

A. Reviewing Negative Myths

The problem of generating a national *will* to fight poverty is exacerbated by the limited political power of the poor, as well as the heterogeneous nature of those stricken by poverty and the concomitant difficulty of efforts to organize the poor toward concerted action. Our political system is built on interest groups competing for power, support, and funding.²⁸ A dearth of political power leaves the best interests of the poor dependent on the goodwill and selflessness of others. Charity is a wonderful quality as it

²⁷ See DOROTHY B. JAMES, *POVERTY, POLITICS AND CHANGE* (1972). “Invariably, since the 1930’s a majority of Americans have supported only those welfare policies which have approached poverty by attempting to enable individuals to cope more effectively within the existing American economic, social and political system.” *Id.* at 50.

²⁸ The competitive forces influencing the evolution of social and economic reform from the late 1860s to the early 1950s have been the subject of scholarly discussion. GOLDMAN, *supra* note 13.

can satisfy a donor's altruistic desires, and it is certainly appreciated by the willing recipient, but a real solution to poverty requires making people self-sufficient. Future anti-poverty efforts should support efforts to help the poor contribute to the common good, rather than make them mere consumers of poverty services and government-dispersed benefits. This recognition acts to restore a sense of human dignity to the poor and offers additional motivation for the public to address poverty.

Due recognition must be given to the persistent historical and still-prevalent myth that the poor find themselves in poverty because they are morally weak.²⁹ Another popular excuse for why people do not help the poor is the often-cited and sometimes misunderstood Biblical quotation that the poor will always be with us.³⁰ The statement's context suggests that it was not meant as a statement of perpetual fact or an excuse for failing to help the poor.³¹ Conversely, the Bible contains numerous

²⁹ The origins of this attitude derive from fifteenth century Switzerland and John Calvin, whose doctrine of predestination suggested that selection for eternal life was foreordained. Those who were saved could be often recognized by financial wealth; those who would not be saved were often economically disadvantaged, thus demonstrating that they would not be saved. The stigma, if not the rationale, has carried forward to our modern American culture. See generally CHAIM I. WAXMAN, *THE STIGMA OF POVERTY: A CRITIQUE OF POVERTY THEORIES AND POLICIES* (Pergamon Press, 1977). Waxman's thesis underscores the element of a "middle-class" perspective which denigrates distinct behavioral patterns and values of the poor as aberrant. *Id.* at 13.

³⁰ *Mark* 14:7. "For you always have the poor with you, and you can show kindness to them whenever you wish; but you will not always have me." *Id.* See also *Matthew* 26:11; *John* 12:8.

³¹ See Jim Wallis, *GOD'S POLITICS: WHY THE RIGHT GETS IT WRONG AND THE LEFT DOESN'T GET IT* 211 (2005).

[B]ecause of our isolation from the poor, American Christians *get the text wrong!* We misuse it to justify ourselves and don't realize how this story offers a deep biblical challenge to how

references commanding help for the poor in both the Old Testament and the New Testament.³²

we live. . . . We simply use it as an excuse: "The poor you will always have with you" gets translated into "There is nothing we can do about poverty, and the poor will always be there, so why bother?" Yet that's not what the text is saying at all. The critical difference between Jesus' disciples and a middle-class church is precisely this: our lack of proximity to the poor. The continuing relationship to the poor that Jesus assumes will be natural for his disciples is unnatural to an affluent church. The "social location" of the affluent Christians has changed; we are no longer "with" the poor, and they are no longer with us. The middle-class church doesn't know the poor and they don't know us. Wealthy Christians talk *about* the poor but have no friends who are poor. So they merely speculate on the reasons for their condition, often placing blame on the poor themselves.

Id.

³² See e.g., *Leviticus* 19:10, 23:22 ("leave corners of field unharvested for the hungry to glean"); *Matthew* 25:35-40 ("whatever you did for one of the least of these brothers of mine, you did for me"); 1 *Corinthians* 13:13 (virtues - "faith, hope and charity . . . and the greatest of these is charity"). The Muslim religion, another Abrahamic faith, also proclaims the importance of charity. It implemented compulsory almsgiving ("zakat") and voluntary giving ("sadaqah") for social welfare. See THE HOLY QUR'AN: ENGLISH TRANSLATION OF THE MEANINGS & COMMENTARY, MUSHAF AL-MADINAH AN-NABAWIYAH (The Presidency of Islamic Research, IFTA, Call and Guidance ed.) (1410 Hijrah 1990). See Sura 2 A. 177 ("... it is righteousness—To believe in Allah, And the Last Day . . . To spend of your substance, Out of love for Him, For your kin, For orphans, For the needy, For the wayfarer, For those who ask, And for the ransom of slaves; To be steadfast in prayer, And give Zakat. . . . Such are the people Of truth, the God-fearing."). Compare *id.* Sura 9 A. 60 (designating the recipients of sadaqah). "Zakat" derives from the verb "cleansed"—indicating a purification of the donor's wealth. The basis for the permissive gift of "sadaqah" is from the word for "verification," as in verifying one's commitment to Allah. All three religions emphasize the notion of private stewardship, or private responsibility, for the poor. The Q'uran also emphasizes, like the Bible, the importance of justice and righteousness. *Id.* at Sura 16 A.

Some subscribe to the notion that the poor are lazy. However, blaming the poor for having a “bad attitude” is counterproductive, as it diverts attention from constructive action. Moreover, some citizens are accustomed to public assistance and fear accepting a job may do more harm than good. They fear that they may fail in their quest to be gainfully employed, which threatens their future livelihood. Although a large number of welfare recipients have gone to work over the past ten years, as a result of a healthy economy and the sanctions of the Personal Responsibility and Work Reconciliation Act,³³ reduced opportunity for welfare dependency has not reduced poverty.³⁴ In fact, poverty rates have increased each of the past four years, despite the fact that the numbers of individuals receiving welfare are at historically low rates.³⁵ These changes suggest that systemic and structural forces are the primary causes of poverty, not individual lack of initiative.

90 (“Allah commands justice, the doing of good . . .”). *Compare infra* note 46.

³³ Personal Responsibility and Work Opportunity Reconciliation Act, Pub.L. No. 104-193, 110 Stat. 2105 (1996).

³⁴ See <http://www.csmonitor.com/2005/0831/p02s01-usec.html> (last visited Oct. 12, 2006). This article confirms that the poverty rate in 2004 rose for the fourth straight year to 12.7% of the population. See also

<http://cbsnews.com/stories/2006/08/29/national/main1948088.shtml> (last visited Oct. 12, 2006). This article reflects that the poverty rate fell from 12.7% to 12.6% which was considered statistically insignificant. The article also stated that in 2000 the poverty rate had been 11.3%. Finally, the number of Americans unable to afford health insurance increased by 1.3 million during the same time period. Although welfare rates have dropped by millions since 1996, the persistence of poverty rates suggests that welfare reform was not an effective policy to reduce poverty. It seems to have just increased the number of working poor.

³⁵ See *Poverty in the United States: Frequently Asked Questions*, <http://www.npc.umich.edu/poverty> (last visited Oct. 17, 2006). The National Poverty Center describes the fact that poverty rates have risen each of the past four years. *Id.*

B. Establishing an Affirmative Argument to Fight Poverty

If these unsupportable, but popular, negative myths are properly understood and discarded, the articulation of three key reasons justifying a societal effort to fight poverty becomes meaningful.

1. Economic Costs

Fully exposed, the excessive economic cost of poverty commands a prompt political response. Such costs include: (1) losses caused by high rates of criminal activity, the expenses of criminal justice and prohibitive incarceration costs;³⁶ (2) huge entitlement costs paid to impoverished families;³⁷ (3) diminished tax collection from jobless or unemployable wage earners; and (4) lost creative potential of impoverished citizens.³⁸ Other costs are less

³⁶ Impoverished communities have more crime, and it costs the federal government approximately \$23,000 annually to incarcerate one convict. State and county jails bear imprisonment costs of \$20,000 a year to incarcerate a convict. The total cost per year was a staggering \$39 billion in 1999 and was projected to reach \$41 billion in 2000. While some might assert that the costs of crime are a direct result of poverty, the correlation between crime and poverty is elusive. See *The Punishing Decade: Prison & Jail Estimates at the Millennium* <http://www.cjcj.org/pubs/punishing/punishing.html> (last visited Oct. 17, 2006) (noting that recent explosion in prison population bears little correlation to economic conditions or other factors).

³⁷ See Transcript of *The War on Poverty: Then and Now*, available at <http://www.brookings.edu/comm/events/20051114.htm> (last visited Feb. 6, 2006). See also <http://www.heritage.org/Research/welfare/test030701b.ctm> (last visited Feb. 6, 2006). The total cost of means tested programs exceeds \$434 billion.

³⁸ The methodology of calculating the societal economic costs of not nurturing the human creative potential of all our citizens is complex. However, it is obvious that millions of children are not receiving the kind of creative nurturing and programming which would maximize

obvious, but no less real. For example, poverty is frequently place-based, concentrated in certain geographical areas because of the flight of more affluent citizens, business disinvestment, increased crime, tax base erosion, and public education failure, which all culminate in depressed living standards.³⁹ Moreover, the societal cost of poverty is hundreds of billions of dollars per year.⁴⁰

2. Civic Harmony

Persistent and deepening poverty sows the seeds for discontent, which is especially true where the prevalent values place primacy on material gains. Our nation was born of necessitous circumstances.⁴¹ As the divide

their potential.

³⁹ See WILSON, *supra* note 9.

⁴⁰ Isabel V. Sawhill, *Poverty in the United States* in THE CONCISE ENCYCLOPEDIA OF ECONOMICS (David R. Henderson ed., 2003), available at

<http://www.econlib.org/library/Enc/povertyintheUnitedStates.htm> (last visited Sept. 6, 2006). The total entitlement cost of poverty approximates \$500 billion annually. This figure is in the general range of that cited by the Heritage Foundation. See *heritage.org*, *supra* note 37.

⁴¹ The Founding Fathers understood the British abuses of the colonies and their affirmative efforts to prevent Americans from establishing their own meaningful political process. See THOMAS JEFFERSON, A SUMMARY VIEW OF THE RIGHTS OF BRITISH AMERICA (1774), available at <http://www.yale.edu/lawweb/avalon/jeffsumm.htm> (last visited Feb. 12, 2007). Rankling under vexatious government imposed by colonial power, the Patriots felt the necessity of revolt. See THOMAS PAINE, COMMON SENSE (1776), available at <http://www.constitution.org/tp/comsense.htm> (last visited Feb. 12, 2007). Despite the perceived level of affliction, some historians have questioned the actual depth of the subjugation imposed by British rule. See THE REVOLUTION THAT WASN'T: A CONTEMPORARY ASSESSMENT OF 1776 (Richard M. Fulton ed., 1981) ("The Americans were not an oppressed people; they had no crushing imperial shackles to throw off. In fact, the Americans knew they were probably freer and less burdened with cumbersome feudal and monarchical restraints than any

between the poor and the rest of society widens, especially given the currency of materialism, so too does the necessity of allowing all citizens to meet their basic needs.

A distinct basis for the initiative rests on cultural grounds. The future of American society has been questioned based on cultural decline. In some measure, the growth of crime is attributable to “the ebbing of religious faith.”⁴² As we will discuss, a broad-based poverty initiative consistent with the underlying concerns of Abrahamic religions creates a legitimate and fixed reason for societal action and may have the corollary effect of promoting the relevance of religious institutions.⁴³ In turn, this initiative could reverse the perceived marginalization of religion and herald an era of religious renewal. Moreover, achievement of the core purpose of the anti-poverty program would raise the level of society and reduce the cultural slide.

part of mankind in the eighteenth century.”). *Id.* at 20. *See generally* SARAH PURCELL, SEALED WITH BLOOD: WAR SACRIFICE AND MEMORY IN REVOLUTIONARY AMERICA (2002).

⁴² ROBERT H. BORK, SLOUCHING TOWARDS GOMORRAH: MODERN LIBERALISM AND AMERICAN DECLINE 276 (1996). Judge Bork observes that a key element in moral decay has been placed at the feet of religious institutions that have demonstrated doctrinal flexibility reflecting secular concerns. *Id.* at 280-86. Absent a firm mooring in “major premises” from which moral reasoning emanates, religious institutions become less important to their adherents. *Id.* at 279. *But see generally* CLARENCE DARROW, CRIME: ITS CAUSE AND TREATMENT 96 (Patterson Smith 1972). “There is no such thing as crime as the word is generally understood . . . If every man, woman and child in the world has a chance to make a decent, fair, honest living there would be no jails and no lawyers and no courts.” *Id.*

⁴³ Even as Judge Bork decries the fading importance of religious rigid doctrine, his criticisms underscore the possibility that a more motivated and involved congregant may become more vested in a religious institution and more attuned to the established values and traditions of that institution. *See BORK, supra* note 42, at 279.

3. Poverty as Injustice

Faith-based and social activists are motivated primarily by values.⁴⁴ Those values place a premium on fundamental ideals, which are part of our moral fabric. Some believe that a true analysis of poverty amidst national affluence portrays a disturbing moral indifference. Three years ago a minister penned an article for a legal publication and stated:

[T]he persistence of poverty, it seems to me, is not so much an economic issue as it is one of justice The truth is that our society has the economic capacity to do almost anything to which it grants importance. We have the economic capacity to address poverty. What seems to me to be lacking is the political will; poverty is not granted priority.⁴⁵

For thousands of years, religious circles have considered poverty an issue of justice.⁴⁶ It is no surprise

⁴⁴ In a culture dominated by materialism, it is often difficult to effect values-based change in the absence of status and resources.

⁴⁵ Tim Suenram, *Minority Poverty and the Faith Community*, CLEARINGHOUSE REV. 157 (July-Aug. 2003).

⁴⁶ The connection between “justice” and giving to help others is well-established but not often recognized. The Old Testament’s references to contributions in order to help others are encompassed by the Hebrew word “T’zedakah,” which linguistically derives from “T’zedek” meaning “justice.” Justice, charity, and righteousness are integrated concepts within the Jewish tradition. See THE TORAH, A MODERN COMMENTARY 1308, (W. Gunther Plaut ed., URJ Press 2005) See also *Genesis* 18:19 (“... teach [them] to keep the way of the Eternal, doing what is right and just . . .”); *Deuteronomy* 16:20 (“Justice, justice shall you pursue . . .”); *Amos* 5:24 (“Let justice well like water, Righteousness like an unfailing stream.”). In the twelfth century, a

that the faith-based community and the legal sector have been identified as the best qualified to address poverty. Properly presented, the moral argument outlined is responsive to those who say there is no connection between poverty and morality.

Since the founding of our nation, there has always been a pervasive sentiment that in America there is opportunity for all. As a result, many Americans—particularly the poor—have looked to the government to provide employment where the private sector could not.⁴⁷ Yet, the government by itself is ill-equipped to meet this need. Without citizen leadership and business participation, poverty cannot be addressed in a holistic manner. Fortunately, our federal system, which divides power among the three branches of government, provides an adaptable vehicle to communicate and coordinate the “best practices” within local jurisdictions.

Jewish philosopher opined that the highest and noblest form of “t’zedakah” was offering a person the dignity and independence to earn a livelihood. See MOSES MAIMONIDES, MISHNAH TORAH, LAWS OF CONTRIBUTIONS TO THE POOR, Chapter 10:7. One prophet stressed the importance of t’zedakah in declaring that through t’zedakah would God be established. See *Isaiah* 54:14. Compare *supra* note 32.

⁴⁷ The end of the American frontier, marked by the mass migration from farms to cities, rapid industrialization, and not then fully-comprehended market forces, resulted in massive unemployment. See LIZABETH COHEN, MAKING A NEW DEAL: INDUSTRIAL WORKERS IN CHICAGO 1919-1939 281-82 (Cambridge Univ. Press 1990). This period crested with the Great Depression, where one in four Americans could not find work. *Id.* In 1935, *Fortune* Magazine asked Americans of all income levels, “Do you believe that government should see to it that every man who wants to work has a job. *The Fortune Survey*, FORTUNE, July 1935, at 67. Eighty-one percent (81%) of those considered lower middle class, eighty-nine percent (89%) of those labeled poor, and ninety-one percent (91%) of blacks replied in the affirmative, while less than half of those people defined as “prosperous” shared this view. *Id.* Somewhat aghast, the editors of *Fortune* concluded, “public opinion overwhelmingly favors assumption by the government of a function that was never seriously contemplated prior to the New Deal.” *Id.*

IV. A Comprehensive Plan to Fight Poverty

A. Federalism

In accordance with the prevailing normative values, the existence of poverty is immoral and unjust.⁴⁸ Moreover, as the disparity between the haves and have-nots widens and threatens our nation, it commands a national *will* for public action. Next, that *will* must translate into effective action, a *way* to fight poverty, through a local anti-poverty strategy or plan. The *will* should be nationally established and nationally funded, but the *way* would be best designed and implemented locally. This design allows the ingenuity of the federal system to maximize the benefits to American citizens based on local requirements and concerns.

Currently, the federal government requires local jurisdictions and states to submit two planning documents, which are described below, that deal with the expenditure of federal dollars related to community development.⁴⁹ Although the federal government is the funding source, the state and local governments prepare the plans. This requirement means that fifty different anti-poverty strategies may be developed in each of the fifty states, and among local jurisdictions, thousands of opportunities to experiment with bold anti-poverty strategies.

Our proposal for an effective anti-poverty strategy suggests that the federal government would agree to finance local plans developed under the leadership of local coalitions in local jurisdictions. The federal government would not allow the financing to be released until the plan

⁴⁸ See *supra* notes 29, 31 & 42.

⁴⁹ See U.S. Department of Housing and Urban Development, *The Consolidated Plan: Questions and Answers: July 2004*, available at <http://www.hud.gov/offices/cpd/about/conplan/QandA.doc> (last visited Feb. 12, 2007).

complied with participation requirements, local matching fund requirements, and innovative criteria. A local government would submit the plan, but the committee of local citizens should ideally be independent from local political vicissitudes.⁵⁰ Since a local planning committee is in charge, but relies on local agency involvement, there should be less resistance from local agencies implementing the plan.

B. Planning

The Consolidated Plan (ConPlan) is a Housing and Urban Development (HUD) program that must be submitted every five years.⁵¹ Jurisdictions describe their method for distributing federal community development and housing dollars locally.⁵² Each ConPlan describes a community's needs, resources, priorities, and proposed activities to be undertaken with this HUD funding. It is both an application and a plan, and it offers (1) a collaborative process establishing a unified vision; (2) a comprehensive housing affordability strategy (CHAS); (3) a statement of long- and short-term community development objectives; (4) an application for funding under multiple funding sources; and (5) a stated anti-poverty strategy describing funding resources used to assist individuals in poverty.⁵³ While HUD seeks an articulation of anti-poverty strategies in "brief and concise" form, examination of the actual

⁵⁰ It should be noted that the original Founders' ideal of not having a central government composed of career politicians would greatly benefit the plan proposed.

⁵¹ See *Consolidated Plan*, *supra* note 49.

⁵² See U.S. Department of Housing and Urban Development, *Guidance on Preparing Consolidated Plans for Fiscal Year (FY) 2005 Funding Cycles: June 24, 2004*, available at <http://www.hud.gov/offices/cpd/about/conplan/toolsandguidance/guidance/2005guidance.doc> (last visited Sept. 17, 2006).

⁵³ See *Consolidated Plan*, *supra* note 49.

strategies submitted by recent grantees raises questions as to the effectiveness of what appear to be simplistic anti-poverty plans.⁵⁴

During our research, we examined an informal sample of anti-poverty strategies to determine their effectiveness. We drew our sample from cities based on their diversity in size and geographic location. The cities studied included: Syracuse, New York;⁵⁵ Jackson, Mississippi;⁵⁶ Los Angeles, California;⁵⁷ Lafayette, Indiana;⁵⁸ Clackamas, Oregon;⁵⁹ Phoenix, Arizona;⁶⁰ and Decatur, Alabama.⁶¹ These anti-poverty submissions,

⁵⁴ See *id.* at 4.

⁵⁵ *City of Syracuse Consolidated Plan 2005-2006*, available at <http://www.syracuse.ny.us/pdfs/12/ConPlan2005-2006.pdf> (last visited Sept. 17, 2006).

⁵⁶ *Jackson, MS: Consolidated Plan for 1995 Executive Summary*, available at <http://www.hud.gov/library/bookshelf18/plan/ms/jacksoms.html> (last visited Sept. 17, 2006).

⁵⁷ *Los Angeles County's Anti-Poverty Strategy, Poverty in Context, Poverty in Los Angeles County* [hereinafter *Los Angeles ConPlan*], available at <http://www.lacdc.org/resources/consolidatePlan/cp/Sec10.pdf> (last visited Sept. 5, 2006).

⁵⁸ *City of Lafayette, Indiana, Five Year Strategic Plan, Chapter 6 Anti-Poverty Measures*, available at <http://www.lafayette.in.gov/Content/global/File/plan/Chapter%206.pdf> (last visited Oct. 9, 2006).

⁵⁹ See *Clackamas County, Oregon, Housing and Urban Development 2003-2005 Strategic Plan*, available at <http://www.co.clackamas.or.us/cd/packets/conplan4.pdf> (last visited Sept. 17, 2006).

⁶⁰ See *City of Phoenix, Arizona, Consolidated Plan for 2000-2005, Chapter 7, Strategic Plan*, available at <http://phoenix.gov/GRANTNSD/conplan.html> (last visited Sept. 5, 2006).

⁶¹ *City of Decatur, Alabama, Community Development, Consolidated Plan for Fiscal Years 2005-2010* [hereinafter *Alabama ConPlan*], available at <http://www.digitaldecatur.com/agencies/comdev/conplan/Consolidated>

while varying in length and detail, nonetheless uniformly fall short on substance.

For example, while HUD requires collaboration among community agencies, none of the sampled plans integrated members of the poor as part of their anti-poverty strategy.⁶² Moreover, none of these plans mention the inclusion of members of the poor in discussions of poverty solutions.⁶³ Input from the community to be utilized in crafting real solutions to poverty, however, has been recognized as an indispensable but difficult-to-achieve component of anti-poverty work for decades.⁶⁴

Even the collaborative efforts that were mentioned in these ConPlans—combining resources and brainstorming by like-minded poverty agencies—seem to fall short of effective results. While collaboration is inherently difficult, it is absolutely essential when engaging in anti-poverty work.⁶⁵ Los Angeles's reference to "networking and collaboration" rings hollow when it is followed by a vague mention of "[n]ew partnerships with common anti-poverty goals that include housing providers, service providers, funding agencies, and employers;

%20Plan%202005-2010.pdf (last visited Sept. 5, 2006).

⁶² See the entirety of the Consolidated Plans of Syracuse, New York; Jackson, Mississippi; Los Angeles, California; Lafayette, Indiana; Clackamas, Oregon; Phoenix, Arizona; and Decatur, Alabama, *supra* notes 55-61.

⁶³ *Id.* (Author's conclusion reached after analyzing the Consolidated Plans).

⁶⁴ See CLARK & HOPKINS, *supra* note 23. Case-in-point, several years ago while working with a client, we learned that second and third shift jobs were virtually unobtainable because local bus service ceased at 6:00 PM. As providers, we did not consider this to be an obstacle because we had automobiles and rarely used public transportation. Only by listening to the client, did we comprehend the significance of this barrier to self-sufficiency.

⁶⁵ The very complexity of poverty, multiple agencies providing services, and bureaucratic rules and regulations necessitates trouble shooting analysis to develop a coherent strategy.

community education; and education of funding sources.”⁶⁶ Clackamas, Oregon seems to be on a more promising track with a plan to “provide leadership in the County, to identify and resolve issues of poverty,”⁶⁷ which at least recognizes the need for leadership when developing anti-poverty strategies.

Despite the dearth of specific collaborative measures in these anti-poverty strategies, several plans reinforce the notion of “self-sufficiency” among families without effectively describing how that will be obtained or measured.⁶⁸ Most of the anti-poverty strategies contain broad statements that fail to express specific actions and, most importantly, describe tangible and measurable results.⁶⁹ Additionally, legal requirements regarding public notice are not well designed to achieve maximum citizen participation.⁷⁰

Vague objectives and lack of accountability yield little prospect for the federal program’s success. Lafayette

⁶⁶ *Los Angeles ConPlan*, *supra* note 57.

⁶⁷ Clackamas County, *supra* note 59.

⁶⁸ See *Alabama ConPlan*, *supra* note 61; *Los Angeles ConPlan*, *supra* note 57.

⁶⁹ Los Angeles’ anti-poverty strategy, for example, states that “[e]ducation and training are important for a low-income person to gain the skills needed to obtain and maintain employment” without providing any concrete strategies to make available and maintain such employment. See *Los Angeles ConPlan*, *supra* note 57. Decatur, Alabama’s plan does not even bother to enumerate goals; instead, it merely lists “activities and supportive services provided to participating families.” *Alabama ConPlan*, *supra* note 61.

⁷⁰ See Gregory L. Volz et al., *Higher Education and Community Lawyering: Common Ground, Consensus, and Collaboration for Economic Justice*, 2002 WIS. L. REV. 505, 532. See also Scott Cummings & Gregory Volz, *Toward a New Theory of Community Economic Development*, 37 CLEARINGHOUSE REV. 158, 167 (July-Aug. 2003). What good are public notice requirements if few citizens understand and/or participate in the public hearing process? One of the authors has witnessed a public notice meeting at which zero residents attended.

admitted to this point when it noted in its most recently submitted ConPlan that poverty had in fact *increased* since their last plan.⁷¹ Although the authors of the Lafayette ConPlan did try to attribute part of the cause to a sluggish post-9/11 economy, they also seemed to take some responsibility for their ineffective initiatives in fighting poverty.⁷²

A second type of federal planning document is the Continuum of Care Plan, which refers to a “community plan to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency.”⁷³ The Continuum of Care Plan “includes action steps to end homelessness and prevent a return to homelessness.”⁷⁴ HUD has identified four fundamental components: (1) outreach, intake, and assessment to (a) identify an individual’s or family’s service and housing needs, and (b) link them to appropriate housing and/or service resources; (2) emergency shelter and safe, decent alternatives to the streets; (3) transitional housing with supportive services to help people develop the skills necessary for permanent housing; and (4) permanent housing and permanent supportive housing.⁷⁵

⁷¹ See *supra* note 58, at 2.

⁷² *Id.* at 11.

⁷³ *National Coalition for Homeless Veterans, HUD Homeless Continuum of Care*, available at <http://www.hud.gov/offices/cpd/homeless/library/coc/cocguide/intro.pdf> (last visited Oct. 9, 2006).

⁷⁴ *Id.*

⁷⁵ HUD, *What Is the Continuum of Care, and Why Is It Important? in Guide to Continuum of Care Planning and Implementation*, available at www.hud.gov/offices/cpd/homeless/library/coc/cocguide/intro.pdf (last visited Sept. 5, 2006); U.S. Department of Housing and Urban Development, Office of Community Planning and Development, *Continuum of Care for States*, available at <http://www.hud.gov/offices/cpd/homeless/library/coc/cocstates.pdf> (last visited Sept. 5, 2006).

HUD emphasizes that a Continuum of Care program should be a “collaborative process” and include coordinated neighborhood and community development strategies that will assist families in their move to more permanent housing.⁷⁶ It also encourages a focus on preventive strategies to help decrease the number of homeless individuals.⁷⁷ The Plans, therefore, must include long-range solutions and plans, making them proactive social policy solutions.

The Continuum of Care Plans, of course, address only homelessness, and while homelessness comprises a large portion of this country’s impoverished population, the Plan nonetheless is not focused on assisting those who already have housing options. Glancing at a sampling of Continuum of Care Plans from cities and states throughout the country, however, exemplifies that a considerable amount of thought, collaboration, and planning are channeled into these strategies. In this respect, the Continuum of Care Plans serve as a more useful template, than do the Consolidated Plans required by HUD, as a coherent and organized anti-poverty planning document.⁷⁸

⁷⁶ See *Guidelines*, available at http://www.hud.gov/offices/cpd/about/conplan/toolsandguidance/guidance/local_guidelines.pdf (last visited Feb. 12, 2007).

⁷⁷ *Id.*

⁷⁸ The City of Chicago, for example, recognizes that financial restraints are not the only impediment in securing stable housing, and it therefore includes wraparound services to achieve this end. See *Chicago’s Continuum of Care Plan*, available at www.chicagocontinuum.org/archives/getting-housed-stayg-housd.pdf (last visited Sept. 5, 2006) [hereinafter *Chicago’s Continuum of Care Plan*]. In some cases, support services will be required for life, and may include job training, education, substance abuse treatment, and health or mental health care services. See *id.* Since homelessness can be described as falling off the ladder of economic empowerment, the systematic approach used by a community to prevent homelessness and provide needed services to homeless citizens is an effective model for us to imitate in designing an anti-poverty strategy for a community. The Chicago Plan, while more detailed than the other Plans, still lacks

C. Coalitions

Ideally, a local anti-poverty plan needs to assess local needs, increase communication among service providers, coordinate existing programs, gather new resources, design an implementation strategy, and clearly define how it will assure accountability. This work can best be accomplished through the work of a coalition which would include individuals representing a wide array of stakeholders. Stakeholders would include, but would not be limited to, representatives from the many sectors directly involved in the impoverished community including major institutions which are not poor such as hospitals, universities, businesses, and faith-based institutions.

Many people in the public interest law field might

specific details, particularly in regard to accountability. *See id.* Additionally, the examination of other Continuum of Care Plans provides similar reports. *See* State of Georgia, *2005 Balance of State Continuum of Care*, available at www.dca.state.ga.us/housing/HousingDevelopment/programs/downloads/2005_CoC_Plan.pdf [hereinafter *Georgia Report*] (last visited Sept. 5, 2006); Berkeley Housing Department, *Berkeley Homeless Continuum of Care Plan*, available at www.ci.berkeley.ca.us/housing/CCP/ccpIII.html [hereinafter *Berkeley Continuum of Care Plan*] (last visited Sept. 5, 2006). Both of these continuum of care plans provide extensive information on their respective region's homeless demographics and population. *See* Georgia Report *supra*; *Berkeley Continuum of Care Plan supra*. Berkeley recognizes that "there is a need to improve coordination particularly between homeless service providers and providers of services used by homeless people, but which are available to clients regardless of whether they are homeless or not," but the Plan did not very convincingly articulate a way to compensate for this discrepancy. *See Berkeley Continuum of Care Plan, supra*. Similarly, Georgia recognized that the planning necessary to confront homelessness could not be confined solely to the "homeless-only" service providers and resources. *See* Georgia Report, *supra*. The state has engaged in forming taskforce committees and implementing training programs, but it still appears uncertain that an effective strategy has been established. *Id.*

not recognize the importance of nontraditional institutions to community coalitions.⁷⁹ The coalition should also include participation from community residents as well as individuals involved in public education, workforce development, social service, criminal justice, public interests, philanthropies, and government.⁸⁰

William Julius Wilson has written that only a multi-racial coalition can mobilize the necessary political support and financial resources to implement an intervention strategy capable of resolving the structural causes of ghetto poverty.⁸¹ The planning committee, which could develop the anti-poverty plan and potentially become an advocacy coalition, should be trained and encouraged to develop creative and innovative policies and programs. Over time, the committee will build chemistry and trust among the participants. Community lawyers from the public interest law sector could play a pivotal role ensuring that all sectors of society are represented including the poor.⁸² It is doubtful that any other professional class has the perspective and knowledge of the local social service network to analyze funding streams, detail the effectiveness of existing services, recruit needed coalition members, and

⁷⁹ Over the past ten to fifteen years, higher education has produced an impressive body of work in poor communities. Additionally, some visionary academic presidents recognize the obligation of all higher education institutions to help solve America's greatest problems. For example, eight years ago, Al Bloom, President of Swarthmore College, addressed the role of higher education and challenged his colleagues to start "thinking together how our educational institutions might best contribute to eliminating poverty from this nation." Al Bloom, Speech at the First Annual Philadelphia Education Network for Neighborhood Development Conference (Oct. 22, 1997) (on file with authors).

⁸⁰ The coalition must be allowed to develop its programs without becoming a pawn in local political squabbles. The coalition should develop a proactive written expression of how it will ensure that politics do not dominate its operations.

⁸¹ WILLIAM JULIUS WILSON, *THE BRIDGE OVER THE RACIAL DIVIDE*, *supra* note 9.

⁸² See Volz, *Higher Education*, *supra* note 70.

encourage accountability for precious financial resources.

The maturation of the coalition will be one of the most significant aspects to the success of the proposed anti-poverty plan. When these groups internally develop trust and confidence that their planning will receive financial support, their commitment will further develop a national *will* to fight poverty.⁸³ If these individual coalitions or planning committees network, then they could learn from each other, inspire each other, create synergies, and reduce institutional inertia. Combined, these consequences create an effective engine of change to overwhelm the forces of poverty.

V. Work

Employment is the great crucible in our polarized political world. Work must be a priority of any anti-poverty strategy or plan. If the government cannot help individuals who want to work but are unemployed through no fault of their own, then it fails in one of the very purposes for which it was created—to provide security for its citizens.⁸⁴ One of the most sacred and core values of the United States has always been equal opportunity. Equal opportunity has been a persistent and traditional value ever since its recognition at the birth of the country. Unfortunately, those individuals who lack the basic necessities—to live, to provide for their families, or to have

⁸³ Recognition of different aspects of the role of individual organizations, the internal culture of each, and the impact of each organization's "personality" on collective action can serve as a check on counter-productive activity.

⁸⁴ See CASS SUNSTEIN, *THE SECOND BILL OF RIGHTS: FDR'S UNFINISHED REVOLUTION AND WHY WE NEED IT MORE THAN EVER* (Basic Books 2004) (showing how President Roosevelt began asserting that economic opportunity as we had known it no longer existed, that a new concept of freedom required economic as well as political freedom, and that the government owed its citizens the basic necessities of life).

the human dignity that comes with producing something of value to society—are estranged from those values.

If everyone had a job paying a living wage, which would adequately provide for his or her family, then little or no poverty would exist.⁸⁵ Since insufficient financial resources cause poverty, the most direct anti-poverty strategy would focus on work, employment training and work support, and establishing living wages for all those individuals who want to work. Moreover, each local jurisdiction, rather than the federal government, is best situated to determine the primary causes of labor market failure in its own jurisdiction. Some jurisdictions will conclude that the focus of their anti-poverty plans should concentrate on public education reform; others will articulate that the employment and training system needs restructuring. Many jurisdictions may focus on racial prejudice, while some will focus on regional economic development strategies. Each local community has the collective capacity to analyze and understand what would lift its citizenry up to self-sufficiency. Additionally, local coalitions can generate unique plans targeted to their community's needs. Ultimately, each plan's potential to help citizens go to work will be its litmus test for success. Nonetheless, local anti-poverty plans are the most effective way to ensure that the right of equal opportunity is a reality and not a platitude.⁸⁶

⁸⁵ Richard Taub, *What if Everybody Had a Job?* SHELTERFORCE, at 8 (Sept./Oct. 1996), available at http://www.nhi.org/online/issues/89/everyon_job.html (last visited Sept. 7, 2006) (hard copy of the article in possession of the authors). Taub argues "that, if every able-bodied person in a community had a job, many of the other problems and solutions to them would decline in importance." *Id.* at 8. He suggests that the focus of urban solutions should not be placed on "how to deal with the consequences of unemployment and lack of income but [on] how to deal with . . . the lack of income" in the first place. *Id.*

⁸⁶ SUNSTEIN, *supra* note 84, at 68. Professor Sunstein points out that, in the famous Commonwealth Club Address on September 23, 1932,

Forty years ago, when the fledgling Legal Services Program attempted to obtain support from the established legal community, its first president Clint Bamberger challenged the American Bar Association. He reminded the ABA that:

Our responsibility is to marshal the forces of law and the strength of lawyers to combat the causes and effect of poverty. Lawyers must uncover the legal causes of poverty, remodel the system which generates the cycle of poverty and design new social, legal, and political tools and vehicles to move poor people from deprivation, depression, and despair to opportunity, hope, and ambition.⁸⁷

We now know that a lack of coherent local planning to fight poverty is at the root of the “cycle of poverty.” Yet the question remains: how can we change systemic and structural forces that result in generations of poverty without a plan to lead a community? Therefore, a coherent anti-poverty plan should focus on connecting poor residents to the regional and local economy. Solutions to concentrated poverty require a link between poor citizens and the economy.⁸⁸

Lawyers can contribute significantly to refocusing a local community’s attention to the need for family-sustaining employment for all adults. In addition to

Franklin D. Roosevelt described a transformation of citizen rights growing out of the Depression. *Id.* at 71. Roosevelt said, “Every man has a right to live, [which includes] a right to make a comfortable living.” *Id.*

⁸⁷ EARL JOHNSON, JR., JUSTICE AND REFORM: THE FORMATIVE YEARS OF THE AMERICAN LEGAL SERVICES PROGRAM 120 (Transaction Books 1978).

⁸⁸ See generally Taub, *supra* note 85.

performing a connective or intermediary function between institutions such as hospitals, universities, real estate developers, and government agencies who all possess the capacity to wield influence and shape policy, lawyers can help interpret funding streams and planning programs. More specifically, public interest lawyers can reduce the isolation so visible in the aftermath of Hurricane Katrina. Additionally, an organized social or economic movement can profoundly change the way our society views an issue and, consequently, influence the way laws are drafted.⁸⁹ Properly trained and seasoned in public interest law, lawyers are indispensable agents for needed change.

One recent report demonstrates that Americans increasingly recognize that poverty requires a response not only by the federal government but by state and local government as well.⁹⁰ Carefully cultivated, this

⁸⁹ The disability rights movement of the twentieth century serves as a prime example of the impact that organized social awareness can create. Prior to the passage of the Rehabilitation Act of 1973, society viewed a disability as a medical condition that needed to be cured and viewed people with disabilities as “unfortunates.” See Samuel R. Bagenstos, *The Future of Disability Law*, 114 YALE L. J. 1, 12 (2004). Disability advocates, however, successfully argued that a disability is not merely a medical condition that inhibits the potential of a disabled person; rather, it constitutes discrimination necessitating civil rights protection and accommodations for people who have disabilities. *Id.* The disability advocacy movement effectively shifted the focus of how to assist individuals with disabilities from providing public entitlements to empowering individuals by giving them civil rights. *Id.*

⁹⁰ See University of Georgia, Peach State Poll, *Georgians See Poverty as a Major Problem for the State* (May 20, 2004), available at <http://www.cviog.uga.edu/peachpoll/poll.php?date=2004-05-20> (“Report & Analysis” link) (last visited Sept. 19, 2006). This 2004 poll found that Georgia residents perceived poverty as a serious issue and believed that state and local government played a more important role in fighting poverty than the federal government. *Id.* Interestingly, those Georgia residents polled saw the role of the ordinary citizen as the most important in efforts to fight poverty. *Id.* If this poll fairly reflects nationwide grassroots opinion, the coalition concept offered will resonate with the American people. Interestingly, when asked if

recognition could generate a popular expectation for local- and state-dominated responses to federal edicts. Locally-driven leadership is more suited to designing workforce development systems responsive to local labor force deficiencies. Assisted by competent and inspired legal leadership, citizen coalitions could become a powerful instrument for economic justice.

VI. The *Will* and The *Way*

In order to generate the *will* for proposed change, the proposed plan must (1) stress that structural and systemic forces in each of America's communities require active community participation to address local poverty issues; (2) acknowledge that the societal costs of poverty are immense and apprise the public of these costs; (3) emphasize that the injustice of poverty is unacceptable and its elimination is a moral imperative; (4) draw attention to the media attention paid to poverty in the aftermath of Hurricane Katrina as it provides an opportunity to create a needed national will driven by active citizen participation; (5) act to restore the human dignity which accompanies the ability to work and contribute to the common good; (6) invest in the future, not only to reduce the various economic and personal costs, but also to convert consumers of poverty programs into taxpayers; and (7) create a national response to poverty that will give deference and responsibility to both state and local government.

Additionally, in its national response, the government should (1) generate the political power to provide block grant funds to the states; (2) form local committees composed of representatives from all sectors to develop a plan; (3) require advocates for the poor; (4)

poverty could be eliminated, seventy-five percent (75%) said no and many of these gave the Biblical admonition that Christ said the poor will always be with us as a justification. *Id.* See also *supra* note 30.

compile impact studies that assess the effect, including economic opportunities and costs, of all federal, state, and local legislation on the indigent; (5) pay special attention to ensure that recipients of poverty services are included in the planning committees; (6) include higher education, business, faith-based institutions, service providers, public health, law enforcement, local government, and other local institutions that devote resources to poverty issues need in the coalition; (7) detail what local resources will be contributed, how the plan will be implemented, and who—including representative recipients—will evaluate the plan in order to ensure accountability; (8) adhere to each anti-poverty strategy and plan; (9) include recommendations for improving the efforts and assuring that allocated resources are being deployed effectively in its evaluation process; (10) implement recommendations after each evaluation; and (11) create a self-perpetuating feedback loop to address change and assure that the local plans remain effective and responsive to the problems being addressed.

VII. Conclusion

Hurricane Katrina focused the world's attention on the existence of America's poor. The mere existence of large numbers of poor people, and the lack of planning to serve their needs in an emergency situation, offered a vivid picture of severe economic imbalance. From our earliest days, equal opportunity has been a bedrock value of the American experience. Today, that value has been relegated to a subordinate position because of the preeminent positions accorded wealth, status, and power.

The federal system developed by our Founding Fathers offers the benefits of central funding and control, while according local stakeholders meaningful input into the development of programs addressing poverty. Therefore, any realistic effort to address poverty demands a change in the mindset of the public and the federal

government's willingness to allocate sufficient resources to local entities that can develop and implement programs to eliminate poverty. Advancing the change in that mindset can be promoted by publicizing the need for equal opportunity and the high cost of poverty programs. Once the public recognizes these ideas, a political imperative should develop to fund the necessary anti-poverty programs. Federal funding will be predicated on the development of comprehensive, accountable, and effective programs. At the same time, the public hue and cry may prompt the development of local coalitions with the knowledge, know-how, and savvy to create programs geared to address the unique problems of local poverty.

Hopefully, the coalescence of these factors will result in a change of policy and the development of systematic programming to eradicate poverty and its attendant problems that currently plague America. Perhaps there are sunny days ahead if a rational recognition of the plague of poverty can become a national priority and its elimination is made possible through the implementation of the program outlined in this article.

