

FINDING EQUALITY IN LOCAL GOVERNMENT

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The Fight to Save the Town: Reimagining Discarded America, by Michelle Wilde Anderson, is an extraordinary work of scholarship, journalism, and storytelling. It describes four locations around the United States, each of which has experienced what Anderson calls “citywide poverty”—poverty so widespread that it is the norm, rather than the exception. Focusing on these four places, Anderson describes the activists, advocates, organizers, politicians, government officials, and others who work to improve their cities even in the face of desperate circumstances.

The Fight to Save the Town provides insights into the relationships among social and racial inequality, government action, and human activism. Broadly, it illustrates the connections between equality and governmental structures. More specifically, I argue that the book provides a vision of equality as a product of collaboration between local governments and their residents rather than judicial decision-making. That vision, which effectively links equality with local government and structure, provides a more capacious view of equality than the traditional view that links equality with legal rights.

INTRODUCTION

In Toni Morrison’s *The Bluest Eye*, the narrator introduces the events of the book: “There is really nothing more to say,” she says, “except why. But since *why* is difficult to handle, one must take refuge in *how*.”¹ I have taken refuge in *how* many times. Most scholars do.

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1 TONI MORRISON, *THE BLUEST EYE* 6 (1970).

Michelle Wilde Anderson, in her new book *The Fight to Save the Town: Reimagining Discarded America*, does not.²

The Fight to Save the Town is an extraordinary work of scholarship, journalism, and storytelling. It “chronicles the human wounds left by decades of deep cuts to local government”³ by describing four locations around the United States, each of which has experienced what Anderson calls “citywide poverty”—poverty so widespread that it is the norm, rather than the exception.⁴ Anderson describes the advocates, organizers, politicians, and government officials in these four places who have worked to improve their cities, even in the face of desperate circumstances.

The book is beautifully constructed. Anderson stitches together portraits of each location in a complex way. She chronicles the historical and economic forces that contributed to citywide poverty and describes how people in each place have sought to improve their cities and provide opportunities to others. Anderson’s commitment to complexity allows her to probe the *why*: why each location ended up in citywide poverty and why each has reason for hope.

The *why* is entire. It is a set of interlocking problems that can feel impenetrable. Academics—and especially legal academics—tend to pick problems apart or grapple with one at a time. Anderson takes on a much more challenging project—one that grapples deeply with history, with racism, with mental health, with social and economic inequality. Intentionally, she does all those things at once.

And she does so in perhaps the only way that such a thing is possible: by letting the stories—and especially the people who move those stories forward—speak for themselves. It is the human beings in the book who, in conversation with Anderson as guide, power the book’s insights.

Anderson’s focus on humans means that her book is consciously not about data analysis or generalizable policy proposals.⁵ The book does not propose ideal or universal reforms. That choice represents an earned wisdom: over and over, Anderson makes clear that the best reforms come from the bottom up, from activists and officials on the ground, with external support.⁶ Anderson focuses not on theory but on stories, and the interactions between people and government that bring life to these discarded places.

2 MICHELLE WILDE ANDERSON, *THE FIGHT TO SAVE THE TOWN: REIMAGINING DISCARDED AMERICA* (2022).

3 *Id.* at 9.

4 *Id.* at 5.

5 *Id.* at 24.

6 See *infra* notes 19–25 and accompanying text. In doing so, Anderson joins a line of academics who privilege human experience just as much as legal theory. See, e.g., Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323, 326 (1987) (observing that “[t]he method of looking to the bottom [could] lead to concepts of law radically different from those generated at the top”).

Clearing away the language of theory allows the reader to see the book through the lens of their own interests and experiences. Community activists may see a work that importantly spotlights community change and progress.⁷ A criminal law scholar may see insights for abolitionism.⁸ I am someone who cares about federalism and localism,⁹ the relationships that exist between governments,¹⁰ and how those structures affect people's lives and societal equality.¹¹ And so to me, *The Fight to Save the Town* provides insights into the relationships among social and racial inequality, government action, and human activism. Broadly, it illustrates the connections between equality and governmental structures. More specifically, I believe the book makes an argument for understanding equality as a product of collaboration between local governments and their residents rather than solely a product of judicial decision-making.

I do three things in this book review. In part I, I briefly summarize the book, focusing on the set of actors that Anderson uses to describe her *why*: the activists, the local governments, the state and federal governments, history and its consequences for the present, and so on. In part II, I discuss how the book describes equality and inequality and consider some insights that the book offers for identifying the characteristics of equality. In part III, I discuss the limits of the legal system in addressing inequality and promoting equality and argue that the book effectively links equality with local government and structure, providing a more capacious view of equality than the traditional view that binds equality to legal rights.

I. STRUCTURAL STORIES

Anderson tells extraordinary stories about activists transforming and revitalizing troubled local governments. What is important about these stories isn't just their content, however, but how Anderson constructs them. They are *structural* stories—they describe change that occurs both because of and despite surrounding forces: activist determination and resident apathy, governmental action and inaction, historical forces, economic forces, government finance, drug addiction and mental health. Describing problems in Lawrence, Massachusetts, Anderson summarizes the need for this approach: “No single program, institution, or industry can solve problems that big. No single household living on low or minimum wages can live well, let alone get ahead, without networks to depend on.”¹² Describing these problems (as well as solving them) requires a holistic approach.

7 See Jess Andors & Dan Rivera, *Building Radical Hope in the Immigrant City: A Conversation with Jess Andors and Dan Rivera*, 75 STAN. L. REV. ONLINE 56, 62 (2023).

8 See Julia Mendoza, *Writing for Abolitionist Futures*, 75 STAN. L. REV. ONLINE 28, 31–32 (2023).

9 See Justin Weinstein-Tull, *Abdication and Federalism*, 117 COLUM. L. REV. 839 (2017).

10 See Justin Weinstein-Tull, *State Bureaucratic Undermining*, 85 U. CHI. L. REV. 1083 (2018).

11 See Justin Weinstein-Tull, *The Experience of Structure*, 55 ARIZ. ST. L.J. 1513 (2024).

12 ANDERSON, *supra* note 2, at 134; see also *id.* at 23 (“[W]hen complex problems accumulate over decades, with no single villain to vanquish, they take time, networks, and experiments to solve.”).

This structural storytelling is methodologically innovative. Much legal scholarship that engages with human experience is anecdotal—powerful, often, but hard to generalize. Structural legal scholarship, on the other hand, is easily abstracted away from human experience. The methodological innovation of *The Fight to Save the Town* is that it is both human and contextual. It teaches the reader both how to think about structure from a human perspective and how to think about humans from a structural perspective.

Because the nature of Anderson's storytelling is, to me, one of the most instructive parts of the book, I only briefly summarize each chapter here and spend the bulk of this part identifying the forces that Anderson uses to construct the narrative.

The first local government that Anderson discusses is Stockton, California. Stockton is a historically low-income community divided by race. Community members face not only poverty and racial discrimination but also trauma from gun violence. The chapter describes the way that community advocates and nonprofit organizations worked with the city government and mayor to build a more livable city by creating parks, health clinics, and other programs responsive to the needs of Stockton's residents.¹³

Josephine County, Oregon, is a government that represents people who hate government. The voters eliminated taxes and governmental funding mechanisms, leaving the local government without resources to provide even the most basic policing and medical services. Anderson chronicles how community volunteers and a determined sheriff partnered to provide some volunteer public safety services and then successfully organized citizen support for a referendum that levied a tax to fund basic services.¹⁴

Anderson's chapter on Lawrence, Massachusetts, focuses on the efforts of Latino community advocates to improve the lives of Lawrence's immigrant community. The chapter describes how community organizers fought community disengagement and how political leaders faced the community's serious addiction and overdose problems. Activists worked to create community networks and lower barriers to entry for well-paid work in the education and health care sectors.¹⁵

The chapter on Detroit, Michigan, explains Detroit's decline and bankruptcy. It describes the extraordinary process involved in the bankruptcy of a major city and the difficult choices that had to be made. It describes Detroit's recent recovery and concerns that the recovery will benefit only wealthy outsiders. And it explores the many forms of activism that have contributed to an effort to help residents navigate a devastating housing crisis.¹⁶

13 See *id.* at 35–82.

14 See *id.* at 83–130.

15 See *id.* at 131–86.

16 See *id.* at 187–234.

These four places structure Anderson's book, but there is an alternate structure as well: the forces that move Anderson's story forward, the institutions that constitute Anderson's *why*.

The first piece of this alternate structure is the local activists, who are both the heart of and at the heart of Anderson's book. Early on, Anderson describes her resistance to storytelling that takes the form of "ruin porn" or descriptions of "dying governments."¹⁷ Anderson chooses to portray life, not death; energy, not resignation; cooperation, not isolation. Activists generate the life, energy, and cooperation that drive change.

One way they do so is by generating solutions. They see the potential in a place, even a struggling place.¹⁸ Anderson repeatedly notes how problems facing communities could be solved only when resident activists identified the problem and formulated a solution. In a conversation that Anderson describes having in Lawrence, Massachusetts, a local activist told her that "[a]nything top down will be an injustice here."¹⁹ Anderson agreed:

Alba was right about the limits of top-down solutions. The answers that people in border-to-border low-income places had found through trial and error were more valuable than those I could find by reading. . . . Answers could not just come from local governments, because they were too broke and denuded of staff to accomplish enough on their own. Any fight to save the town in the United States today involves the private sector too; especially nonprofits working alongside government to make sure people in town have more choices and chances.²⁰

Others in Lawrence echoed this insight. Jess Andors, a community activist, described how the approaches that worked for Lawrence might not work elsewhere.²¹ Instead, "[t]he lessons to take from Lawrence . . . are the foundational principles: 'Meeting people where they are, listening to people's stories, honoring them, finding ways that they want to be involved and things that they care about.'²²

In Josephine County, Oregon, community members generated solutions by creating their own public safety services in the absence of a local government with sufficient resources to do so. Volunteers created what they called "patrol," which was "a combination of the social services associated with early-twentieth-century police, the anti-overdose

17 *Id.* at 24.

18 *Id.* at 54 ("The Gormans saw the neighborhood as a home for families, not a collection of bad statistics.").

19 *Id.* at 20.

20 *Id.*

21 *Id.* at 172 ("Jess Andors cautions, however, against treating LCW's organizing techniques as models ready for export to other cities").

22 *Id.*

medical services of modern EMS, and the humanitarian relief of a figure like Dorothy Day.”²³ Although the organization did not last forever,²⁴ it was “a thoughtful adaptation to true needs”²⁵ while it lasted.

Community activists also provide the energy to make changes in their local governments. For example, Anderson chronicles how in Josephine County, community advocates successfully partnered with a local government official to convince voters to approve ballot measures that funded local police and restored a library to public management.²⁶ In Lawrence, activists believed that making the government more responsive to the needs of its Latino residents required “a grassroots effort to transform immigrants from a dozen nations into a political network”²⁷ and “seat Latinos in positions of government leadership to direct city investments toward the betterment of—not displacement or confinement of—Latino families. They needed inclusion in existing programs, but also the power to change them.”²⁸

The second piece of Anderson’s structure is local government. In the book, officials within local governments partner with activists to solve problems. As Anderson puts it, “institutions and people give up, or they work together.”²⁹ This is especially true in Stockton, California, where Mayor Tubbs was a partner to Stockton residents in attempting to make the city more responsive to their needs. Tubbs created numerous public-private partnerships and was “a catalyst, a motivator, and a partner inside government.”³⁰ He was a “whirlwind of getting shit done.”³¹

Local governments also play a role in improving the lives of their residents by responding to their specific needs. In Stockton again, the mayor responded to the mental health needs of Stockton residents by partnering with an outside organization called Advance Peace, “a diversion program that aims to reduce gun violence by providing monthly stipends coupled with intensive therapy, social services, and employment coaching to small groups of young men at high risk of committing violent gun crimes.”³² In Josephine County, it was the sheriff who understood that social service cuts had gone

23 *Id.* at 112.

24 *Id.* at 117.

25 *Id.* at 113.

26 *Id.* at 123–27.

27 *Id.* at 153; *see also id.* at 155 (“As labor organizers had done during the Bread and Roses Strike, Centro and other Latino organizations helped create ties among Puerto Ricans, Dominicans, and smaller immigrant groups from Latin America. White Lawrencians lumped these groups together as ‘the Spanish,’ but the machine’s hold on the city could survive only if new immigrants competed amongst themselves.”).

28 *Id.* at 155.

29 *Id.* at 134.

30 *Id.* at 59.

31 *Id.*

32 *Id.* at 71.

too far—“a local government needs a few jail cells and some trained police officers to dispatch for 911 calls”³³—and helped organize a solution.

Anderson could have stopped there and told the stories of local governments and activists. But that story wouldn’t fully explain how these places became what they now are. So instead, she weaves history into her story as a structural mechanism to explain poverty and inequality.³⁴ In Stockton, for example, the past is so present that it shapes the literal spaces of the city.

Even though there are no plaques marking the city’s redlining boundaries from the late 1930s, it is not hard to guess which streets enjoyed early public investment and mortgage lending, and which were marked as unworthy. Sidewalk canopies of ash, pistachio, oaks, and redwood trees now shade those streets once color-coded as all-white and optimal for investment. Their sturdy trunks and arching branches reflect public dollars spent long ago. The redlined zones of Black, Latino, Asian-American, and mixed-race families, which were deemed high risk for investment, have sidewalks that are mostly a barren landscape of cracked concrete and scrappy grasses. These neighborhoods have a mismatched scattering of street trees, most of which are scrawny young things planted by nonprofits.³⁵

Similarly, in Detroit, Black neighborhoods are underfinanced today in part because going back to the 1930s, “every Black neighborhood in Detroit was classified as a ‘hazardous’ investment. These ‘redlining’ practices disqualified homes from Federal Housing Administration (FHA) insurance, which in turn meant that households and developers could not borrow to finance construction.”³⁶ Much of the “Black wealth, housing, and cultural heritage built up during segregation” was bulldozed by the city “based on its deterioration and its reputation for vice—both of which were byproducts of racial discrimination.”³⁷ Past destruction and violence resulted in inequality and disparity in the present. And in Oregon, “a long and blighted history of racial exclusion and violence in the state” helped to explain why so few African Americans lived there.³⁸

The fourth core piece of Anderson’s structure is mental health and drug addiction. The Stockton chapter in particular highlights how deeply important the trauma of gun violence was to the governance needs of the community. The chapter begins with a story about teenage gun deaths and the effect of that violence on the community. Activists had to

33 *Id.* at 85.

34 In the introduction, for example, Anderson links history to the present by noting that “[t]he same freeways, train lines, and rivers that once made these places good at moving products in the industrial economy now make them convenient for moving illicit drugs.” *Id.* at 11.

35 *Id.* at 40–41.

36 *Id.* at 196.

37 *Id.* at 199.

38 *Id.* at 119.

“com[e] to terms with the degree of trauma carried by the city’s children and families.”³⁹ That trauma, Anderson writes, was not just a tragic part of life in Stockton but a “root problem hiding beneath many others,”⁴⁰ and one that activists and the local government would need to address head on. Childhood trauma is an “adverse childhood experience” that, especially when compounded, decreases the chances of living a long, healthy life.⁴¹ Treating that trauma—and other mental health issues like addiction, also common in the cities that Anderson describes⁴²—became an important part of the activist and local government policy agenda. In Stockton, “[t]reating trauma became part of a comprehensive anti-violence strategy in the Tubbs mayoral administration,”⁴³ and trauma counselors now play a role in Stockton’s public high schools.⁴⁴

Two additional pieces of Anderson’s structure are governments beyond the local: the state and federal governments. Although these governments are more distant from the problems that Anderson describes, they shape and constrain local governments in important ways. I’ve written previously that no full understanding of federal law is possible without understanding how federal policies play out at the state and local levels.⁴⁵ Anderson shows us the converse: no full understanding of local governments is possible without understanding how they are affected by state and federal policies.

One role that the federal and state governments play in Anderson’s stories is as finance regulator. The federal government has—inconsistently—provided financial assistance to local governments, especially as a temporary salve for failing industries, such as the timber industry.⁴⁶ That money has decreased in recent years.⁴⁷ State governments also provide funding to local governments or, more devastatingly, decrease funding, as the states of Michigan and Oregon did to Detroit⁴⁸ and Josephine County.⁴⁹ States can appoint fiscal

39 *Id.* at 37.

40 *Id.* at 60.

41 *Id.* at 62 (“As people rack up three, four, even ten of these adverse childhood experiences, their odds of living a long life go down.”).

42 *Id.* at 106 (“Nonetheless, by 2014, after Josephine’s patrol levels hit historic lows, a journalist reported a drug leader ‘hawk[ing] meth and heroin along one town’s commercial strip like they were Thin Mints and Samoas.’”).

43 *Id.* at 67.

44 *Id.* at 71.

45 See Weinstein-Tull, *supra* note 11, at 1538 (“[D]issolving the federalism/localism distinction allows us to attend to the ways that people actually experience federalism and decentralization, and even changes our understanding of the federal-state balance of power.”).

46 See ANDERSON, *supra* note 2, at 84–85 (“The federal government had been sending special funding to Josephine and other ‘timber counties’ for more than twenty years, but those payments were sure to end.”).

47 *Id.* at 94 (“Federal funding has been saved through several late-breaking appropriations, but it has declined dramatically.”).

48 *Id.* at 207 (describing how the state of Michigan cut aid to Detroit).

49 *Id.* at 8 (noting that financial contributions from state and federal governments to Josephine County, Oregon, are in decline); *id.* at 238 (“Since the 1980s, local governments have also needed to raise a growing share of their budget from their ‘own source revenue’ . . . rather than revenues shared by federal or state governments.”).

managers to oversee local governments when those governments cannot manage themselves, as the state of Massachusetts did to the city of Lawrence.⁵⁰ States even control whether their local governments possess the ability to raise their own revenue. As Anderson notes, “it was not poverty alone that made local governments broke. A web of austerity measures constrained local authority to raise money and spend it.”⁵¹

The second role that state and federal governments play in Anderson’s structure is as generic enforcement- and punishment-based authorities standing in for more tailored local policies. As Anderson writes, when local governments are so broke that they cannot provide meaningful resources to their residents, states step in, often in punitive ways:

Depleted local governments do not mean that residents live without any government at all. On the contrary, the state is dominant in our poorest places. But it is not necessarily there to help. Other than local police and public schools, the face of government in urban and rural areas of concentrated poverty has increasingly become state systems—like civil courts enforcing eviction and foreclosure orders, criminal courts, prisons, child welfare systems. From afar, the federal government enacts tax, environmental, labor, or trade policies that many low-income households expect will reduce their incomes.⁵²

And although having a governmental backstop can sometimes be helpful—Anderson describes how in Josephine County, for example, the state police took over some law enforcement and service provider functions that the county was unable and unwilling to provide⁵³—states largely administer stock, enforcement-based services not well-suited to actual problem solving.⁵⁴

The last piece of Anderson’s structure is the demos: non-activists in the places that Anderson highlights. In Josephine County, for example, the demos was deeply anti-government. It had voted down funding and tax proposals year after year even though it meant that the government could not provide basic public services.⁵⁵ Elsewhere, Anderson

50 *Id.* at 162.

51 *Id.* at 238; *see also id.* at 149 (describing state tax laws that prevent municipal governments from raising their own money).

52 *Id.* at 10; *see also id.* at 242 (“The face of government in many border-to-border poor places has long been the police, the courts, and the child welfare system connected to both.”).

53 *See id.* at 106 (“Every man for himself never became the complete reality in Josephine, because the state of Oregon stepped up its own staff and resources during these years. The Oregon State Police, a law enforcement unit designed to focus on highway safety and statewide crime, doubled its staff focused on Josephine and took over all investigations of major crimes. . . . State-level governmental task forces looked for new ways to help provide basic local functions like running elections, granting building permits, collecting taxes, and providing veterans’ services.”).

54 *See id.* at 73 (noting how “police and prisons” were a poor answer to “the toxic chemistry of guns, victimization, and chronic economic stress in poor neighborhoods”).

55 *See id.* at 3.

describes how wealthy suburbs used their land use authority to block multifamily housing so that low-wage workers were forced to crowd into low-income suburbs with cheaper housing.⁵⁶ Or take this powerful example from Lawrence, Massachusetts, where a resident told Anderson that her friends “were too scared to go to Lawrence day or night.”⁵⁷ Later that day,

Anderson sat down in a Lawrence café near a Latino family of three. The mother had to leave before the other two. As she stood to go, the father said, “I love you.” She answered, “I love you more.” I remembered the *Boston* magazine article calling Lawrence “the most godforsaken place in Massachusetts.” It was not God, I thought to myself, who had forsaken Lawrence.⁵⁸

It was, in a sense, the demos that had forsaken Lawrence; the people who had to be convinced that these places were worth saving.

In sum, Anderson achieves the depth of storytelling that she does in part because of the extraordinary collection of external and internal forces that she describes. Those forces provide the structure for the book, the explanations, the *why*. And as I describe below, this structure also provides a guide to understanding the forces required to make change.

II. FINDING EQUALITY

Anderson uses context and structure to craft rich descriptions of local governments and the inequality that inhabits them. In a sense, inequality is the subject of Anderson’s book. It leaps off the page. It takes the form of divided places and unequal opportunity. But in a more subtle way, Anderson describes equality as well, or the potential for equality. It is harder to identify. But there are moments when Anderson describes something akin to equality of opportunity, or the minimum conditions under which local governments can help people flourish. And those moments offer important insight into both the nature of equality and how we might achieve it.

Inequality is all around in *The Fight to Save the Town*. Local governments with border-to-border poverty are not just poor, they are unequal. They “are divided by differences in scale, politics, race, and more.”⁵⁹ Residents of these places “[f]ac[e] the humiliation and hopelessness created by racial segregation and intergenerational poverty.”⁶⁰ Inequality also helps to explain why people are unable to leave these low-income places.⁶¹

56 *See id.* at 7.

57 *Id.* at 167.

58 *Id.*

59 *Id.* at 238.

60 *Id.* at 37.

61 *Id.* (“[R]acial and ethnic discrimination in employment and credit markets helps explain not only why households are so poor, but also why they can’t move away.”).

The inequality that Anderson describes is *visible*. In the first city that the book profiles—Stockton, California—Anderson describes the distinction between Stockton and South Stockton. In South Stockton, which is a low-income neighborhood, sidewalks are bleak and bereft of greenery.⁶² Life expectancy is distributed unequally. In 2012, “life expectancy in Stockton’s high-income Lincoln Village was twenty-one years higher than that of downtown and South Stockton” despite the two locations being only seven miles apart.⁶³

Anderson describes how in Detroit, Michigan, “[i]nequality, not poverty alone, has driven [the housing displacement] crisis. The city’s real estate market has been remade by consolidation and speculation, with fewer owners accumulating bigger land portfolios. Several billionaires, all of whom are white, are leading the largest privately financed and privately owned downtown transformation in American history.”⁶⁴ And in one extraordinary passage, Anderson describes a telephone helpline offered by an organization that assists Detroit residents with housing needs. The helpline describes a number of potential housing problems—tax foreclosure, mortgage foreclosure, court eviction judgment, eviction hearing, shut off water, living in a vehicle or abandoned property, lost home, etc.—all of which describe forms of inequality prevalent in Detroit.⁶⁵

It is more difficult to locate *equality* in the book, but it is there. The book “chronicles good work toward a gateway-city vision for Stockton, Josephine, Lawrence, and Detroit. It is about several of the most fundamental ingredients of flourishing and opportunity: mental health, personal safety, access to living wage jobs, and secure housing.”⁶⁶ That vision describes something akin to equality of opportunity—something that resonates with the Supreme Court’s own discussions of equality. Going back to *Brown v. Board of Education*, the Court has held that equality means offering an opportunity for education “to all on equal terms.”⁶⁷ In the foundational sex-equality opinion *United States v. Virginia*, the Court held that governments violate equal protection when they deny to women “equal *opportunity* to aspire, achieve, participate in and contribute to society based on their

62 *Id.* at 41 (stating that “sidewalks . . . are mostly a barren landscape of cracked concrete and scrappy grasses.”)

63 *Id.* at 50.

64 *Id.* at 190.

65 *Id.* at 221–24.

66 *Id.* at 22; *see also id.* at 239 (“[I]f there has been a single problem facing contemporary democracies, whether aspiring or well established,’ writes political scientist Francis Fukuyama, ‘it has been centered in their failure to provide the substance of what people want from government: personal security, shared economic growth, and quality of basic services like education, health, and infrastructure that are needed to achieve individual opportunity.’ So it is with our local democracies. When they fail to provide basic services, we blame them—not because they are irrelevant, but because they are important.”).

67 *See Brown v. Bd. of Educ.*, 347 U.S. 483, 493 (1954) (“In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”).

individual talents and capacities.”⁶⁸ Martha Minow, in distinguishing between equity and equality in these pages, has described equality as “[f]ocus[ed] on *opportunity* going forward.”⁶⁹

The moments where Anderson describes what equal opportunity looks like are illuminating. One vivid example is Anderson’s description of the Bread and Roses strike, a labor strike in the early 1900s in Lawrence, Massachusetts. As Anderson notes, the name of the strike comes from a poem by James Oppenheim: “Our lives shall not be sweated from birth until life closes; Hearts starve as well as bodies; give us bread, but give us roses.”⁷⁰ The strikers used this phrase to reflect their belief that “they should be able to live a life beyond bare survival.”⁷¹ And in fact, the Bread and Roses strike and legal reforms in the years after resulted in “reduced inequality and laid the foundation for the modern middle class. Lawrence built its first public playground, and Massachusetts adopted America’s first minimum-wage law. Locally and elsewhere, housing codes brought sunlight, air flow, plumbing, and garbage disposal into tenements.”⁷² This “life beyond bare survival” is something like an equal opportunity to flourish.

In Stockton, a life beyond bare survival meant three resources in particular: first, “safe places for children and teens to play after school hours”; second, “a medical clinic with mental health resources”; and third, “closure of the drug market at the New Grand Save liquor store.”⁷³ In Josephine County, in the context of safety, a local government “need[ed] a few jail cells and some trained police officers to dispatch for 911 calls”⁷⁴ for its residents to live healthy lives.

Importantly, these goals were defined by the residents, activists, and government workers of these localities themselves, not Anderson or think tanks or state legislators. The three resources that South Stockton needed to find its footing, described just above, were priorities that an organization called REINVENT South Stockton Coalition (comprising people working with schools, hospitals, churches, nonprofits, and government agencies) identified via “an extensive community survey through a series of volunteer-run block parties” and youth who “canvassed neighborhoods, talking to residents about their priorities.”⁷⁵

In Lawrence, advocates understood that a life beyond bare survival required building a Latino political community, directing existing anti-poverty programs toward Latinos, and

68 United States v. Virginia, 518 U.S. 515, 532 (1996) (emphasis added).

69 Martha Minow, *Equality vs. Equity*, 1 AM. J.L. & EQUAL. 167, 180 (2021) (emphasis added).

70 ANDERSON, *supra* note 2, at 139.

71 *Id.*

72 *Id.* at 140.

73 *Id.* at 55.

74 *Id.* at 85.

75 *Id.* at 54–55.

placing Latinos in positions of governmental power to change those programs and tailor them to their community's needs.⁷⁶ And stock solutions do not cut it. When activists in Lawrence sought to help those in their community break into jobs in the education and health care fields, “[i]nstead of trying to wing it . . . based on generic research from other places, Lawrence’s leaders turned to their networks of residents to figure out the barriers to entry in education and health care jobs.”⁷⁷

Equality in Anderson’s book is thus tied to opportunity. It is the equal chance for human flourishing—chances that are often denied in local governments that experience border-to-border poverty. It is also bespoke and only fully vindicated by engaging directly with individuals and advocates.

III. EQUALITY AND LOCAL GOVERNMENT

The equality of opportunity that Anderson describes is not juricentric; in fact, courts have nothing to do with it. Rather, it is explicitly linked to local government policy, and specifically local government policy created in conversation with community advocates. This part discusses that link.

Justice Sotomayor, dissenting in *Students for Fair Admissions v. Harvard*, which struck down as unconstitutional the practice of affirmative action in college admissions,⁷⁸ invoked Dr. King’s “I Have a Dream” speech to present a stirring image of racial equality under the law: “A racially integrated vision of society, in which institutions reflect all sectors of the American public and where ‘the sons of former slaves and the sons of former slave owners [are] able to sit down together at the table of brotherhood,’ is precisely what the Equal Protection Clause commands.”⁷⁹ Sotomayor connects equal protection—the clearest mandate for equality that our Constitution provides—to proximity in space, to sitting together. But Justice Sotomayor is writing in dissent. The Equal Protection Clause, as interpreted over the years by our rights-restrictive Supreme Court, does not require the kind of equality that Sotomayor (and Dr. King) describe.

Anderson understands the limits of the law. In her discussion of Josephine County and its fight for law-enforcement funding, Anderson notes that the Constitution doesn’t solve these problems. The Constitution provides no right to police assistance or other basic

76 *Id.* at 154–56 (“[E]ffective democratic institutions require people to understand and shape the systems around them. . . . They needed inclusion in existing programs, but also the power to change them.”).

77 *Id.* at 178.

78 *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023).

79 *Id.* at 361 (Sotomayor, J., dissenting).

government services.⁸⁰ As a consequence, “we secure most basic services not through law but through politics.”⁸¹

Constitutional law does even less than that. Although the Supreme Court has held that the Constitution prevents the most heavy-handed forms of racial segregation (such as school segregation⁸²), it does not require (or even permit⁸³) governments to take affirmative steps to racially integrate schools when the racial segregation is caused by “demographic factors” or racially segregated housing patterns.⁸⁴

Nor does constitutional law have much to say about poverty. It does not require states or local governments to use public safety personnel to protect us from private violence.⁸⁵ It does not require schools to provide us with a minimum level of educational instruction,⁸⁶ and it does not require the government to provide us with a minimum level of income.⁸⁷

The Fight to Save the Town thus demonstrates the poverty of our equality jurisprudence: constitutional law offers no recourse for the inequality that the book so vividly describes. Even though the differences between Stockton and South Stockton, for example, are caused in part by discriminatory mortgage practices, the Equal Protection Clause has nothing to offer residents of South Stockton. It does not require Stockton to create livable public spaces for its residents. Nor does it require the city to make the streets safe from drug dealers and other criminals.

And in truth, it is not just a rights-limiting Supreme Court that prevents the Constitution from providing a legally enforceable equality of opportunity via the courts. Constitutionally requiring states and local governments to provide basic services for everyone in the United States would run up against basic resource scarcity. As Anderson notes,

even the strongest mandatory arrest laws are empty without police to enforce them. Budget-strapped municipalities cannot order employees like police to serve if there is no public money to pay them. . . . Democratic process and our representatives make the choice to fund critical government functions like emergency services.⁸⁸

A Constitution that requires something like the equality that Anderson describes would still rely on states and local governments to fund those guarantees. And that funding depends on the policy preferences of the people and the details of the political process.

80 See ANDERSON, *supra* note 2, at 107–08.

81 *Id.* at 108.

82 See *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).

83 See *Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007).

84 See *Missouri v. Jenkins*, 515 U.S. 70 (1995).

85 See *DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.*, 489 U.S. 189 (1989).

86 See *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1 (1973).

87 See *Dandridge v. Williams*, 397 U.S. 471 (1970).

88 ANDERSON, *supra* note 2, at 108.

What is more, one of the great insights of Anderson's book is that solutions to problems of basic needs must come from communities themselves, not from policymakers on high. It is hard to imagine courts productively interpreting a right to basic needs in the tailored way that right requires.

But I think the book provides an even more important insight than the lack of law. It shows us that what we may have once understood or hoped to be a juricentric pathway to equality—something like Frank Michelman's vision of a constitutional law that requires government to provide basic needs⁸⁹—is itself an incomplete vision. The book asks a challenging question: how do we create equality and justice where the law has run out? Anderson's answer: through local government, in conversation with local activists and residents. The equality promised by our Constitution depends principally not on legal constitutional interpretation but on the actions of local government. We will achieve justice and equality by looking not to socially progressive courts, but to the smallest governments that we have—cities, towns, and counties—and mobilizing them through organizing and politics.

In a more abstract sense, Anderson's book demonstrates the ways that the *right* of equality or equal opportunity is only ultimately vindicated via *structure*: the collection of governmental entities and local activists described in part I of this review. As Anderson writes, local governments

affect people's safety, comfort, and life chances. They can create, protect, or destroy wealth. When they work well, city and county governments help children do better than their parents. When they do not, they help seal the economic fate now associated with childhood zip code. Local governments do not just reflect inequality. They help drive it.⁹⁰

Local governments—and the structure surrounding them—can create inequality and they can create opportunity.

How and whether structure can vindicate rights is an underexplored but important question. In the context of voting rights, Sam Issacharoff and Pam Karlan once observed that the benefits of the civil rights movement to African Americans flowed more from minority political control than from judicial decision-making:

[I]n terms of providing meaningful access to the benefits of integration, the political realm proved to be a decisive arena for minority advancement. . . . [T]here is a far

89 See Frank I. Michelman, *Foreword: On Protecting the Poor Through the Fourteenth Amendment*, 83 HARV. L. REV. 7 (1969).

90 ANDERSON, *supra* note 2, at 10.

different conception of political rights that operates not at the level of formal law but through the myriad quotidian decisions of governing councils deciding how to allocate municipal, county, state, and even federal resources. Across the country, these bodies now have their minority legislative caucuses and their minority governing officials. The avenues of black advancement since the era of the civil rights movement have largely come through the instrumentalities of governmental power. Whether it be state commitments to affirmative action in education, or minority preferences in contracting, or minority opportunity in state employment, or securing minority representation through redistricting, the steady advancement in the creation of a black middle class has depended on the vigilance of a black political class.⁹¹

In other words, the promise of the civil rights movement came not strictly from the legal rights conferred by Congress but from the structure of state and local governments and policies enacted by “a black political class.”

Monica Bell, in her essay *Safety, Friendship, and Dreams*, links a set of basic human needs to the vindication of civil rights that states and local governments fail to provide: “the unfinished work of the Civil Rights Movement is observable through state failure to respect and protect three intertwined social entitlements—safety, friendship, and dreams—in many high-poverty African-American communities.”⁹² These are things traditionally provided (or not provided) by states and local governments. Bell understands them as crucial to the project of civil rights and notes that to accomplish them, “lawyers and activists must stretch their limbs toward the unorthodox, the unthinkable.”⁹³

Joshua Sellers and I, in a different context, have argued that the right to vote is vindicated only by affirmative governmental action at all levels—federal, state, and local.⁹⁴ Although the right to vote is a *right*, it is a right that “stretches beyond the purview of the courts.”⁹⁵ Conceptualizing the right as broader than merely juricentric actually expands opportunity for advocacy: “Where state and federal governments are unresponsive, advocates can look to local governments. Framing the right to vote as constructed by multiple actors in fact opens ‘multiple ports of entry’ for advocates.”⁹⁶

91 Samuel Issacharoff & Pamela S. Karlan, *Groups, Politics, and the Equal Protection Clause*, 58 U. MIAMI L. REV. 35, 48–49 (2003).

92 Monica C. Bell, *Safety, Friendship, and Dreams*, 54 HARV. C.R.-C.L. L. REV. 703, 706 (2019).

93 *Id.*

94 See Joshua S. Sellers & Justin Weinstein-Tull, *Constructing the Right to Vote*, 96 N.Y.U. L. REV. 1127, 1157–58 (2021) (“Constructing the right to vote requires governmental action of multiple kinds. Adequate funding and well-tailored election laws come from legislatures, whether federal, state, or local. Competent administration requires competent state and local bureaucrats. Responsive electoral structures arise from well-written election laws and state constitutional provisions. Proactive voting rights doctrines originate in the courts.”).

95 *Id.* at 1158.

96 *Id.* (quoting Judith Resnik, *Law’s Migration: American Exceptionalism, Silent Dialogues, and Federalism’s Multiple Ports of Entry*, 115 YALE L.J. 1564, 1626–27 (2006)).

I see *The Fight to Save the Town* as resonant with these ideas. It portrays equality as a shared endeavor, as an idea that is only achieved structurally, through the cooperation of community members, advocates, and local government. In the chapter on Lawrence, Massachusetts, for example, Anderson describes how Latino activists understood that a prerequisite to improving the lives of community members was community *engagement*.⁹⁷ Disengagement meant that community members were not willing to become leaders or “understand and shape the systems around them. Whether involving parents in their children’s education or helping jobseekers navigate the hiring process at a new business, Latino leaders build residents’ confidence and knowledge. By doing so, they could improve their families and their city.”⁹⁸ Equal opportunity lies not only in the courts, not only in federal and state government, not only in local governments, but in networked communities,⁹⁹ trusting relationships,¹⁰⁰ government investment in human beings,¹⁰¹ the fiscal relationships between local governments and states, the fiscal relationships between local governments and the federal government, and the ability of local governments to meaningfully care for the needs of their residents.

As Anderson notes, this shouldn’t feel radical.¹⁰² But it does. It demonstrates to us not only the insufficiency of our equality framework but also the insufficiency of our conventional thinking about local government, which focuses less on engagement with and care for the community than on specific legal rights and obligations that local governments exercise, like state preemption, zoning, and land use. And it is a provocative thing to argue that our basic legal concepts should be reasoned not from the top down or through the lens of people with means. Reasoning of that kind requires a shift, not just in substance but in methodology and focus.

97 ANDERSON, *supra* note 2, at 158 (“Over the years, LCW and Groundwork Lawrence came to see that the disengagement Nancy Rodriguez had described so well, which Centro and other Latino leaders had mobilized to address, was not just one problem on a long list. It was the problem—the one at the center of other hardships.”).

98 *Id.* at 156.

99 *Id.* at 177 (“[A] networked community at least offers a better way to live.”).

100 *Id.* at 244 (“Again and again, people described how nothing could progress in their community unless they could repair trust in neighborhoods, trust in government, trust within families.”).

101 *Id.* at 240 (“[W]e failed to invest in the people who live in poor places—their K-12 schools, their community colleges, their housing, their neighborhoods. Local and state systems largely ignored the mental health and family dissolution impacts of the crack and heroin epidemics. Courts and politics systemically neglected segregated cities and neighborhoods of color. We answered violence and addiction with little more than police, costing society a fortune in broken families, lost potential, and taxpayer money.”).

102 *Id.* at 243 (“The idea that cities and counties should focus on shaping comfort, safety, and opportunity for their people should not sound radical. It sounds like democracy (governments should serve constituents), or even like family (take them as they are and go from there).”).

CONCLUSION

Although Anderson says that she does not intend to “offer a transformative vision of local politics,”¹⁰³ I think she does offer a way forward for legal academics: considering questions of legal theory from the perspective of the individual, or the community. Anderson describes a former mayor of Lawrence, Massachusetts, discussing his approach to governing:

“First who, then what.” It’s a reminder that his staff’s work was for and about residents, not for outsiders or their perceptions. It’s not always easy or obvious to nail the “what” part. For decades, we have done more to pursue the interests of people outside poor communities than those inside.¹⁰⁴

It’s a goal that we could all embrace—no matter our discipline or field of study. John Noonan once observed that “the neglect of the *person* by legal casebooks, legal histories, and treatises of jurisprudence . . . led to the worst sins for which American lawyers were accountable.”¹⁰⁵ Anderson’s book makes it clear that human-centered analysis not only enriches our thinking but also helps us to make progress on problems that theory alone cannot solve.

103 *Id.* at 242.

104 *Id.* at 242–43.

105 JOHN T. NOONAN, JR., *PERSONS AND MASKS OF THE LAW: CARDOZO, HOLMES, JEFFERSON, AND WYTHE AS MAKERS OF THE MASK* xv (1976).