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## Dr. Martin Luther King, Jr.'s Legacy: An Economic Justice Imperative

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## Dr. Martin Luther King, Jr.'s Legacy: An Economic Justice Imperative

Susan R. Jones<sup>\*</sup>

It is a tremendous honor to be the 2005 Martin Luther King Jr. Commemorative Speaker and a participant in the 2004–05 Seventh Annual Public Interest Law Speakers Series, entitled “Access to Justice: The Social Responsibility of Lawyers.” I would like to thank Professor Karen Tokarz for the invitation to speak today. I would also like to thank Tiffany Haiger, President of the Black Law Students Association and Washington University law school staff members, Shelly Nelson and Michael Cherba, who so graciously set up all of the travel arrangements for me to come to St. Louis today.<sup>1</sup>

The topic of my speech today is *Dr. Martin Luther King's Legacy: An Economic Justice Imperative*. I will explore the ways in which Dr. King's legacy demands that lawyers work to abolish poverty and homelessness and the ways that lawyers can help to advance economic opportunity for low-income people. I will do this by discussing legislation that promotes the abolition of poverty and the ways in which nonprofit groups and progressive corporations can support the cause.

The Reverend Dr. Martin Luther King, Jr. was a philosopher, theologian, orator, essayist, author, civil rights leader, advocate of worldwide social justice, recipient of the Nobel Peace Prize, prophet of his people, and American hero. He inspired and sustained the struggle for racial freedom, nonviolence and interracial unity. His

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1. I would also like to thank my research assistants, Chevron Brooks, Jason Wing, Jaia Thomas (3L), and my Executive Assistant, Milagros Tudela.

words and deeds continue to shape the lives and destinies of people worldwide.<sup>2</sup>

Dr. King was propelled to servant leadership in 1955 when Mrs. Rosa Parks, a forty-two year old black seamstress, defied the Jim Crow laws of Alabama by not giving up her seat to a white person on a bus. Dr. King, as president of the Montgomery Improvement Association, led a 381 day black boycott of the Montgomery, Alabama, public bus system.<sup>3</sup>

Dr. King was also an advocate for economic justice.<sup>4</sup> His concern for economic justice, symbolized by the Poor People's Campaign, was frustrated by his assassination in 1968.<sup>5</sup>

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2. For a compilation of Dr. King's writings and speeches, see *A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR.* (James M. Washington ed., Harper Collins pbk ed. 1991) (1986).

3. MARTIN LUTHER KING, JR., *STRIDE TOWARD FREEDOM: THE MONTGOMERY STORY* (1958), reprinted in *A TESTAMENT OF HOPE*, *supra* note 2, at 417, 423-38.

4. See MARTIN LUTHER KING, JR., *WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY?* (1967), reprinted in *A TESTAMENT OF HOPE*, *supra* note 2, at 555, 600-04; LUTHER D. IVORY, *TOWARD A THEORY OF RADICAL INVOLVEMENT: THE THEOLOGICAL LEGACY OF MARTIN LUTHER KING, JR.* 148 (1997); see also Jeanne M. Woods, *Rights As Slogans: A Theory of Human Rights Based on African Humanism*, 17 NAT'L BLACK L.J. 52 (2003).

5. The Poor People's Campaign was a movement founded to address "economic inequalities with nonviolent direct action." Poor People's Campaign, [http://www.stanford.edu/group/King/about\\_king/encyclopedia/poorpeoples.html](http://www.stanford.edu/group/King/about_king/encyclopedia/poorpeoples.html) (last visited Sept. 28, 2005). Unfortunately, due to Dr. King's assassination on April 4, 1968, the movement never reached its full potential. The campaign ended on June 19, 1968. *Id.* For additional information, see generally GERALD D. MCKNIGHT, *THE LAST CRUSADE: MARTIN LUTHER KING, JR., THE FBI, AND THE POOR PEOPLE'S CAMPAIGN* (1998). In his last Sunday morning sermon, Dr. King described the upcoming Poor People's Campaign:

There is nothing new about poverty. What is new is that we now have the techniques and the resources to get rid of poverty. The real question is whether we have the will.

In a few weeks some of us are coming to Washington to see if the will is still alive or if it is alive in this nation. We are coming to Washington in a poor people's campaign. Yes, we are going to bring the tired, the poor, the huddled masses. We are going to bring those who have known long years of hurt and neglect. We are going to bring those who have come to feel that life is a long and desolate corridor with no exit signs. We are going to bring children and adults and old people; people who have never seen a doctor or a dentist in their lives.

We are not coming to engage in any histrionic gesture. We are not coming to tear up Washington. We are coming to demand that the government address itself to the problem of poverty. We read one day—We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights. That among these are life, liberty and the pursuit of happiness. But if a man

I was eleven years old when Dr. King was assassinated in 1968, and I remember well the civil rights era. I grew up on the lower east side of Manhattan in New York City in a culturally diverse melting pot community of African-American, Asian, Puerto Rican and Jewish people, many of whom were involved in the labor movement and the civil rights movement. My parents were church social workers who were intimately involved in the civil rights movement, and it is indeed a privilege to have this special opportunity to reflect on Dr. King's legacy.<sup>6</sup>

Today, as a clinical law teacher and activist lawyer and scholar, I am advocating that lawyers embrace the notion of economic justice as a cause; that law professors incorporate the subject area into their classroom curriculum and clinics; and that lawyers pursue legal reforms and practices that promote economic justice.

"In 1966, Dr. King admonished that 'America's greatest problem and contradiction is that it harbors 35 million poor [people] at a time when its resources are so vast that the existence of poverty is an anachronism.'"<sup>7</sup> The demands of the Poor People's Campaign included a \$30 billion annual appropriation for a comprehensive anti-poverty effort, a full-employment act, a guaranteed annual income, and construction funds for at least 500,000 units of low-cost housing

doesn't have a job or an income, he has neither life nor liberty nor the possibility for the pursuit of happiness. He merely exists.

We are coming to ask America to be true to the huge promissory note that it signed years ago. And we are coming to engage in dramatic nonviolent action, to call attention to the gulf between promise and fulfillment; to make the invisible visible.

Why do we do it this way? We do it this way because it is our experience that the nation doesn't move around questions of genuine equality for the poor and for black people until it is confronted massively, dramatically in terms of direct action.

Martin Luther King, Jr., Sermon at the National Cathedral, Washington D.C.: Remaining Awake Through a Great Revolution (Mar. 31, 1968), in *A TESTAMENT OF HOPE*, *supra* note 2, at 268, 274.

6. My parents worked on some of the economic development initiatives and social programs of the day, at the Office for Economic Opportunity and the Henry Street Settlement. I am sure that my current passion for economic development and economic justice was fueled during this time. I observed that social work puts a band-aid on many social problems and that, as a lawyer, I hoped to be able to change law and policy.

7. Florence Wagman Roisman, *The Lawyer as Abolitionist: Ending Homelessness and Poverty in Our Time*, 19 ST. LOUIS U. PUB. L. REV. 237, 242 (2000) (quoting DAVID J. GARROW, *BEARING THE CROSS: MARTIN LUTHER KING, JR., AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE* 533 (1986)).

per year.<sup>8</sup> Unfortunately, more than thirty-five years later, the demands of the Poor People's Campaign remain unmet. Indeed, the gap between the rich and the poor in America is as severe now as it was at the time of Dr. King's observation in 1966.<sup>9</sup>

In order to better understand the depth of the problem, let us take a look at poverty statistics from the U.S. Census Bureau, dated August 26, 2004. These statistics reveal that 35.9 million Americans, or 12.5% of the population, fell below the poverty line in 2003.<sup>10</sup> This was 1.3 million more poor people than the year before.<sup>11</sup> This poverty

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8. DONALD T. PHILLIPS, MARTIN LUTHER KING, JR., ON LEADERSHIP: INSPIRATION & WISDOM FOR CHALLENGING TIMES 314 (1998).

9. See THOMAS M. SHAPIRO, THE HIDDEN COST OF BEING AFRICAN-AMERICAN: HOW WEALTH PERPETUATES INEQUALITY (2004); Suzanne Goldenberg, *US Wealth Gap Grows for Ethnic Minorities*, THE GUARDIAN, Oct. 19, 2004, available at <http://www.guardian.co.uk/usa/story/0,12271,1330360,00.html>; Thomas Kostigen, *Growing Wealth Gap Rates an 'Orange Alert'*, CBSMARKETWATCH.COM, June 1, 2004, available at <http://www.commondreams.org/headlines/04/0601-07.htm> (stating that "the richest one percent of the U.S. population saw its financial wealth grow 109 percent from 1983 to 2001, [while] the bottom two-fifths watched as its wealth fell 46 percent").

10. Ceci Connolly & Griff Witte, *Poverty Rate Up 3rd Year in a Row*, WASH. POST, Aug. 27, 2004, at A01. In 2004, an estimated 13.1% of the population fell below the poverty line. See U.S. Census Bureau, American Community Survey-Data Profile, Selected Economic Characteristics: 2004, [http://factfinder.census.gov/Servlet/ADPTable?\\_bm=y&-geo\\_id=D&-qr\\_name=ACS\\_2004\\_EST\\_G00\\_DP3&-ds\\_name=D&-\\_lang=en&-redoLog=false](http://factfinder.census.gov/Servlet/ADPTable?_bm=y&-geo_id=D&-qr_name=ACS_2004_EST_G00_DP3&-ds_name=D&-_lang=en&-redoLog=false) (last visited Sept. 28, 2005).

11. How is poverty in America determined? The poverty line was first drawn by Mollie Orshansky of the Social Security Administration in the 1960s during the Johnson Administration's War on Poverty. *The Other Planet*, ECONOMIST, Aug. 30, 2004, available at [http://www.economist.com/agenda/PrinterFriendly.cfm?Story\\_ID=3146724](http://www.economist.com/agenda/PrinterFriendly.cfm?Story_ID=3146724). It calculates the cost of a family's nutritional needs and multiplies this by three because families in the early 1960s spent about a third of their income on food. *Id.* "Whatever crude logic it possessed at the time, the Orshansky poverty line is by now quite arbitrary." *Id.* Moreover, many believe that the government's poverty statistics are flawed because they do not account for low wage workers or reflect the real depth of poverty in America. See Sharon M. Dietrich, *When Working Isn't Enough: Low-Wage Workers Struggle to Survive*, 6 U. PA. J. LAB. & EMP. L. 613, 619 (2004). The National Low Income Housing Coalition (NLIHC) found that the national housing wage in 2004 was \$15.37 an hour, or \$31,970 a year—three times the federal minimum wage. See National Low Income Housing Coalition, *Out of Reach 2004*, Introduction, <http://www.nlihc.org/or2004/introduction.htm> (last visited Sept. 28, 2005). The housing wage indicator represents the amount a full-time worker must earn to rent a modest two bedroom home at the U.S. Department of Housing and Urban Development's estimated fair market rent, based on the federal affordability standard of paying no more than 30% of income for housing costs. *Id.* The NLIHC also found that "[t]here is not a single metropolitan area where an [extremely low income] household can be assured of finding a modest two bedroom [home] that is affordable." *Id.*; see also Annual Update of the HHS Poverty Guidelines, 69 Fed. Reg.

rate in the richest and most powerful nation in the world is simply unacceptable. America's record of helping lift families out of poverty is shameful and U.S. government policies, which only reduce poverty by 38%, remain ineffective. Social and government policies in other Western industrialized countries reduce poverty by an average of 79%.<sup>12</sup> Dr. King's dream implied a massive redistribution of wealth and resources. He wrote that "the solution to poverty is to abolish it directly," and he advocated for a "guaranteed income" that would benefit all poor Americans, not just poor African-Americans.<sup>13</sup>

So, my friends and colleagues, as I noted at the beginning of my talk, it is in the spirit of the Reverend Dr. Martin Luther King Jr. that I wish to talk with you today about "An Economic Justice Imperative."

The American Heritage Dictionary defines "economic" as "[o]f or relating to the production, development, and management of material wealth, as of a country . . . or relating to the practical necessities of life."<sup>14</sup> "Justice" is defined as "moral rightness . . . [and] [t]he upholding of what is just . . . fair treatment and due reward in accordance with honor, standards, or law."<sup>15</sup> These definitions were embedded in the civil rights movement that historically used the concept of economic rights as an integral part of the movement.<sup>16</sup>

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7336, 7336–38 (Feb. 13, 2004). Moreover, these statistics do not include low wage workers who lack affordable housing, medical care and child care.

12. SHAPIRO, *supra* note 9, at 190.

13. Gary Chartier, *Civil Rights and Economic Democracy*, 40 WASHBURN L.J. 267, 281 (2001) (citing MARTIN LUTHER KING, JR., WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY? 199–200 (1967)). Dr. King argued that the amount would need to be substantial to guarantee an income because "[t]o guarantee an income at the floor would simply perpetuate welfare standards and freeze into the society poverty conditions." *Id.* Moreover, the amount of the guaranteed income would have to rise as the national wealth increased; if not, "a creeping retrogression would occur, nullifying the gains of security and stability." *Id.* He "urged the adoption of a basic income scheme that would provide 'a guaranteed annual income of \$4,000 for every American adult' [in 1968 dollars]." *Id.* (citing DAVID J. GARROW, BEARING THE CROSS: MARTIN LUTHER KING, JR., AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE 535 (1986)).

14. THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (4th ed. 2000), available at <http://www.bartleby.com/61/13/E0031300.html>.

15. *Id.* at <http://www.bartleby.com/61/76/J0087600.html>.

16. *Id.*

Economic globalization, the realities of racism, gender, sexual preference and class discrimination, the war in Iraq and the economic and financial problems facing the U.S. and other countries globally help to foster a renewed look at economic justice and how it will be achieved. It is my position that economic justice must be advanced independently and as a critical part of social justice, racial justice and human rights. Although economic justice is considered a core part of social and racial justice, this fact is not properly emphasized. Indeed, the complexities of economic globalization dictate that economic justice be given primary attention. Economic justice must be given independent primary attention because of the growing gap in economic opportunity, educational opportunity, wealth accumulation and access to technology.

Let us examine this a bit more carefully. First, the nature of work in America has changed. Americans have witnessed the permanent disappearance of blue- and white-collar jobs.<sup>17</sup> In New York City, 50% of black men are unemployed.<sup>18</sup> One national study found that “[b]y 2002, one of every four black men in the U.S. was idle all year long.”<sup>19</sup> The government’s public policy emphasizes economic self-sufficiency. This is evidenced by the end of welfare as a permanent public entitlement for needy people. Second, as Professor Sheryll Cashin observes, in this century geography will increasingly determine opportunity in America as geographic separation of the races and classes threatens to create a structure of permanent inequality. That is to say, where one lives in America matters.<sup>20</sup> Third, public policy discourse focuses more on asset accumulation

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17. See JEREMY RIFKIN, *THE END OF WORK: THE DECLINE OF THE GLOBAL LABOR FORCE AND THE DAWN OF THE POST-MARKET ERA* (1995); WILLIAM JULIUS WILSON, *WHEN WORK DISAPPEARS: THE WORLD OF THE NEW URBAN POOR* (1996); see also Jennifer M. Russell, Book Note, *Stuck at the Bottom: Race, Work, and the American Dream*, 3 AFR.-AM. L. & POL’Y REP. 325 (1997).

18. Janny Scott, *Nearly Half of Black Men Found Jobless*, N.Y. TIMES, Feb. 28, 2004, at B1.

19. Bob Herbert, *An Emerging Catastrophe*, N.Y. TIMES, July 19, 2004, at A17 (noting a study by Andrew Sum, Director of the Center for Labor Market Studies at Northeastern University in Boston); see also U.S. Dep’t of Labor, Bureau of Labor Statistics, *Labor Force Statistics from the Current Population Survey*, <http://www.bls.gov/cps/home.htm> (last visited Sept. 28, 2005).

20. Sheryll D. Cashin, *Civil Rights in the New Decade: The Geography of Opportunity*, 31 CUMB. L. REV. 467, 468–69 (2001).

strategies such as home ownership, small business development and other asset accumulation strategies especially for low-income people. Examples of these are individual development accounts (IDAs) and children's savings accounts. IDAs enable the savings of low-income people to be matched from public and private sources to pay for education, to buy a home, or to start a business.<sup>21</sup> Similarly, children's savings accounts allow families to save using matching funds from public and private sources for education, home purchases and small businesses.<sup>22</sup>

Scholars encourage civil rights advocates to rename the struggle as one for human rights. Human rights implies international concern while, traditionally, civil rights implies domestic concern. Indeed, in his book, *Where Do We Go From Here: Chaos or Community*, Dr. King observed, "we have left the realm of constitutional rights and we are entering the area of human rights."<sup>23</sup> In his speech, *I've Been to the Mountaintop*, delivered in support of striking sanitation workers in Memphis, Tennessee the day before he was assassinated, Dr. King observed that "in the human rights revolution, if something isn't done, and in a hurry, to bring the colored peoples of the world out of their long years of poverty, their long years of hurt and neglect, the whole world is doomed."<sup>24</sup> In that same speech he talked about the power of economic withdrawal and the importance of building an economic base and strengthening black institutions.<sup>25</sup> Taking lessons from Dr. King, other civil rights activists, and the abolitionists that came before them, we should be energized by their moral fervor and encouraged by their successes.

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21. MICHAEL W. SHERRADEN, ASSETS AND THE POOR: A NEW AMERICAN WELFARE POLICY 234 (1991).

22. RAY BOSHARA, NEW AMERICA FOUNDATION, AMERICAN STAKEHOLDER ACCOUNTS (2003), available at [http://www.newamerica.net/Download\\_Docs/pdfs/Pub\\_File\\_1292\\_1.pdf](http://www.newamerica.net/Download_Docs/pdfs/Pub_File_1292_1.pdf); RAY BOSHARA ET AL., NEW AMERICA FOUNDATION, POLICY OPTIONS TO ENCOURAGE SAVINGS AND ASSET BUILDING BY LOW-INCOME AMERICANS (2004), available at [http://www.newamerica.net/Download\\_Docs/pdfs/Pub\\_File\\_1464\\_1.pdf](http://www.newamerica.net/Download_Docs/pdfs/Pub_File_1464_1.pdf).

23. MARTIN LUTHER KING, JR., WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY 153 (1968).

24. Martin Luther King, Jr., Speech in Support of Striking Sanitation Workers in Memphis, Tennessee: I've Been to the Mountaintop (Apr. 3, 1968), available at <http://www.afscme.org/about/kingspch.htm>.

25. *Id.*



The human rights paradigm anchors and contextualizes economic justice discourse. As one human rights scholar observed:

We have begun to speak a language of global morality. And whether or not one agrees that this morality is universal, the concern for justice inevitably implicates international human rights and international law. In view of this shifting landscape, lawyers today should be familiar, at the very least, with the components of international legal regimes and international human rights norms, if not the elements of a transnational legal ethic.<sup>26</sup>

For example, the abolition of poverty could also be advanced by the United States' ratification of both the Universal Declaration of Human Rights, which says that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services,"<sup>27</sup> and of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which recognizes the "right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."<sup>28</sup> Increasingly, these international norms can also be applied in domestic litigation.<sup>29</sup>

For example, lawyers working on poverty law issues have begun to explore human rights approaches to address homelessness and housing, and to focus on housing as a human right. Their advocacy draws on the central place of the right to housing in international human rights law as well as in social movements in the U.S. and

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26. Deena R. Hurwitz, *Lawyering for Justice and the Inevitability of International Human Rights Clinics*, 28 YALE J. INT'L L. 505, 507-08 (2003) (arguing that globalization forces a deeper understanding of social and legal pluralism and that law schools must respond by redesigning their curricula to meet the challenges of a transnational public order and legal practice). The article also suggests that human rights lawyering can be considered the twenty-first century's manifestation of the original social justice mission of clinical legal education. *Id.*

27. Universal Declaration of Human Rights, G.A. Res. 217A (III), Art. 25(1), at 76, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc A/810 (Dec. 10, 1948), available at <http://www.un.org/Overview/rights.html>.

28. International Covenant of Economics, Social and Cultural Rights, Art. 11(1), available at [http://www.unhchr.ch/html/menu3/b/a\\_ceschr.htm](http://www.unhchr.ch/html/menu3/b/a_ceschr.htm) (last visited Nov. 1, 2005).

29. Roisman, *supra* note 7, at 253.

other countries. Recognizing the importance of a human rights framework in challenging and addressing systematic patterns of social and economic deprivation and inequality requires a paradigm shift. What these lawyers advocate is no more radical than previous civil rights campaigns at other times in history.<sup>30</sup> Challenges are opportunities. Our opportunity today is to reignite Dr. King's call during the Poor People's Campaign for full employment and affordable housing.

Given the position of power that law and lawyers hold in society, and in keeping with the theme of this public interest speaker series—Access to Justice and Social Responsibility of Lawyers—I suggest that law schools can better prepare students for issues of inequality by teaching economic justice in law schools and by advancing the ideal of the lawyer as abolitionist.

In the same way that lawyers have embraced International Human Rights as a *necessary* component of legal education, and in the same way that poverty law is included in the legal curriculum, I contend that law schools should teach Economic Justice and advance the ideal of the role of the lawyer as an abolitionist.

Last year, I had the privilege of being the Haywood Burns Visiting Chair in Civil Rights at the City University of New York Law School at Queens College, where I taught an Economic Justice Seminar and New Perspectives in Community Economic Development Law. Course materials included readings from Emma Jordan and Angela Harris's forthcoming casebook, *Economic Justice*,<sup>31</sup> Mahoney, Calmore and Wildman's text, *Social Justice: Professionals, Communities, and the Law*,<sup>32</sup> and other materials. These readings pull together the problems of inequality and the law's response, or lack thereof. The first reading of the semester was by

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30. *Id.* at 239.

31. EMMA JORDAN & ANGELA HARRIS, *ECONOMIC JUSTICE: RACE, GENDER, IDENTITY AND ECONOMICS* (2005).

32. MARTHA R. MAHONEY ET AL., *SOCIAL JUSTICE: PROFESSIONALS, COMMUNITIES, AND LAW* 1 (2003) ("This book brings together the systems of lawyers, law, and politics that connect legal work and communities that seek to meet basic human needs, create and sustain environments of viable opportunity, and undertake the practice of democracy.").

Professor Florence Roisman, *The Lawyer as Abolitionist*.<sup>33</sup> She observes, taking from Dr. King's Legacy:

If I may do so without being disrespectful, I want to suggest that homelessness and poverty are, for our era, the equivalent of slavery and segregation: institutions that blight and stunt human life, causing misery, illness, and death. Indeed, the battle against homelessness and poverty is in several ways a continuation of the movements to abolish slavery and de jure and de facto segregation.<sup>34</sup>

Homelessness is caused by poverty, not by substance abuse or mental illness.<sup>35</sup> My friends and colleagues, the solutions to the

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33. Roisman, *supra* note 7. Professor Roisman and I served together on the American Bar Association Commission on Homelessness and Poverty, and I appreciate her perspectives on the problem of poverty in America.

34. *Id.* at 241 (footnote omitted). To illuminate the notion that homelessness and poverty are, for our era, the equivalent of slavery and segregation, it should be noted that there are three significant similarities with the movements to abolish slavery and de jure and de facto segregation. *Id.*

First, poverty disproportionately affects people of color, the same people for whom the 19th and 20th Century abolitionists fought. *Id.* The problems that beset African-Americans were problems of political freedom, but they were also economic problems which have not been fully addressed. *Id.* "The original abolitionists knew that their battle was incomplete unless the freed slaves were accorded economic redress—hence, the famous '40 acres and a mule,' recognized as necessary but never provided." *Id.* at 242. Indeed, there are advocates who still fight for this benefit in the form of reparations for slavery. *See, e.g.*, Charles J. Ogletree, Jr., *The Current Reparations Debate*, 36 U.C. DAVIS L. REV. 1051 (2003).

A second similarity is that both struggles challenge widely-held views about private property rights. *See* Roisman, *supra* note 7, at 243. Abolitionists confronted slaveholders' arguments that they had a property right to holding human beings in chattel slavery, and civil rights activists challenged the argument that restaurants, hotels and other establishments could serve, house, accommodate or employ whomever they chose. *Id.* Advocates fighting for the rights of the poor and homeless also confront arguments based on property values from communities who cry "not in my backyard," fearing a decline in property values if certain individuals or groups move into the community. *Id.* The issue of property rights in the form of re-distributive justice was also at the core of Dr. King's teaching. In order to attain a just society, resources and money would have to be redistributed from wealthy people to underprivileged people. *Id.*

The third similarity is that the struggle to end slavery and segregation, like the struggle to end poverty, is a fundamentally moral crusade. *Id.* There was a time when the immorality of slavery and segregation was not recognized by the government. Although there is some indeterminacy about morality today, a strong argument can be made that it is morally unacceptable that millions of men, women and children go to bed hungry at night or cannot earn enough at minimum wage jobs to move their families out of poverty. *Id.* at 244.

35. *Id.* Indeed, many people who abuse alcohol or drugs or suffer from mental illness are

problems of poverty are not more radical than were solutions to the problems of slavery and segregation. Indeed, ending slavery required the Civil War, a series of amendments to the federal Constitution, a succession of civil rights acts, and a general reconstruction of the governance of the United States. Similarly, the struggle to end *de jure* segregation required extraordinary campaigns of direct action, great personal courage, substantive new local, state and federal legislation, reinterpretation of the 1866 Civil Rights Act, and countless law suits. Unfortunately, the battle against *de facto* segregation still is not finished.<sup>36</sup>

Housing and income are the keys to ending poverty and homelessness. There are several significant legislative changes that will contribute to the availability of housing and income. I will focus on these legislative initiatives and the role that government can play for several reasons. First, governmental incentives appear to catalyze private sector efforts.<sup>37</sup> Second, lawyers and other advocates for economically disenfranchised people need to understand what systems are in place now, how they work and how they can be improved. Third, the reality is that the movement for an end to big government and efforts to promote economic self-sufficiency are firmly entrenched in America. In addition to legislative initiatives, there are also opportunities to reach the goal of abolishing poverty and homelessness in America that businesses and the nongovernmental or nonprofit sector must pursue.

I gained additional perspective on the depth and complexity of the affordable housing crisis during my two-year tenure as the Editor-in-Chief of the American Bar Association (ABA) Journal of Affordable Housing and Community Development Law and as a member of the ABA Commission on Homelessness and Poverty. According to the National Alliance to End Homelessness, 10.5 million renters compete for 6.1 million low-income housing units; 4.4 million people lack an affordable place to live; and at least 2.3 million Americans (nearly

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perfectly well-housed.

36. *Id.* at 245.

37. Michael S. Barr, *Banking the Poor*, 21 YALE J. ON REG. 121, 126–28 (2004); Susan R. Jones, *Will New Markets Tax Credits Enhance Community Economic Development?*, 8 J. SMALL & EMERGING BUS. L. 229 (2004).

one percent of the U.S. population) are likely to experience a period of homelessness.<sup>38</sup> A significant improvement would be to increase housing subsidies. Housing aid is granted to homeowners in the form of a mortgage interest deduction, and it should be an entitlement for the poor as well as for the middle-income and the rich.<sup>39</sup>

Professor Cashin examined the shameful public policy choices that made segregation in housing the natural order of things.<sup>40</sup> She observed that federal policies in particular gave birth to concentrated poverty and American ghettos.<sup>41</sup> For example, the Fair Housing Administration (FHA), which was responsible for underwriting about one-third of all new housing construction during its heyday from the 1930s through the 1960s, instructed lenders and the real estate industry to use racially restrictive covenants in the transfer of homes.<sup>42</sup> Thus, the FHA, one of the largest insurance operations in the world, created racial and socioeconomic segregation.<sup>43</sup> When the FHA ceased endorsing racist practices, private actors such as banks and insurance companies continued to redline minority neighborhoods. This process literally involved drawing a red line around certain neighborhoods so that they were off limits to African-Americans and other people of color. These practices made the Fair Housing Act of 1968<sup>44</sup> necessary. But even after the Fair Housing Act was passed, extremely weak enforcement greatly constrained the housing opportunities available to African-Americans and other minorities.<sup>45</sup> Similarly, during the Urban Renewal Program, the federal government spent about \$3 billion to remove almost 4000 units of affordable housing occupied by minorities and located in downtown centers.<sup>46</sup> The federally funded public housing program

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38. Susan R. Jones, *Representing the Poor and Homeless: Innovations in Advocacy, Tackling Homelessness Through Economic Self-Sufficiency*, 19 ST. LOUIS U. PUB. L. REV. 385, 385 (2000).

39. Roisman, *supra* note 7, at 252.

40. Cashin, *supra* note 20, at 469.

41. *Id.*

42. *Id.*

43. *Id.*

44. *Id.*

45. *Id.*

46. *Id.* at 469–70.

continues to be largely segregated by race, creating pockets of intense minority poverty.<sup>47</sup>

Recent reports by the Joint Center for Housing Studies at Harvard University and the Millennial Housing Commission reflect the growing national consensus that there is simply not enough affordable housing, especially for very low-income people.<sup>48</sup> Affordable housing advocates say that housing is the most critical element in breaking cycles of poverty. To this end, they support the establishment of a federal affordable housing trust fund to increase the availability of affordable housing.<sup>49</sup> The proposed legislation seeks to provide capital for the development, rehabilitation, and preservation of at least 1.5 million decent, safe and affordable housing units for low-income families in the next ten years.<sup>50</sup> The legislation proposes to use surplus FHA funds to increase affordable housing throughout America.<sup>51</sup> It would do this by creating a trust fund from which states and nonprofit groups could draw upon to build affordable rental units, construct affordable homes for low-income families, and provide rent subsidies to low-income people.<sup>52</sup> The Campaign for a National Housing Trust Fund advanced the legislative agenda for the trust fund. Housing advocates observe that the Campaign has made tremendous strides since its inception, and that “[i]t’s just a matter of finding the right political climate to make it happen.”<sup>53</sup>

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47. *Id.* at 470.

48. HARVARD UNIVERSITY JOINT CENTER FOR HOUSING STUDIES, THE STATE OF THE NATION’S HOUSING: 2004, at 4 (2004), available at <http://www.jchs.harvard.edu/publications/markets/son2004.pdf> (finding that over half of the lowest income renters pay more than 50% of their incomes in rent); MILLENIAL HOUS. COMM’N, MEETING OUR NATION’S HOUSING CHALLENGES 18 (2002), available at <http://www.chapa.org/MillennialReport.pdf> (finding that there are 6.7 million units of housing available to the nation’s 8.5 million extremely low-income renter households).

49. Nancy Bernstine & Irene Basloe Saraf, *New Rental Production and the National Housing Trust Fund Campaign*, 12 J. AFFORDABLE HOUSING & COMMUNITY DEV. L. 389 (2003).

50. *Id.*

51. *Id.*

52. *Id.*

53. Beth Parr, Note, *Almost Home: Policy and Politics in the Campaign for a National Housing Trust Fund*, 11 GEO. J. ON POVERTY L. & POL’Y 321, 365 (2004); see also Bernstine & Saraf, *supra* note 49.

Now, people need adequate income to pay for affordable housing, food, clothing, health care and other necessities. Scholars and advocates offer several suggestions to improve the existing policy regarding income. First, they advocate for increasing the minimum wage so that it is a living wage.<sup>54</sup> Second, they argue for an increase in the earned income tax credit, a federal refund that provides low-income working families with \$32 billion through the tax system.<sup>55</sup> Such increases are designed to bring people above the real poverty level, which is twice the federal poverty level.<sup>56</sup>

In preparing law students, courses on community economic development also present opportunities to examine economic justice. A historical perspective shows that Community Economic Development (CED), which began in the 1960s during the civil rights movement and continues today, involves numerous strategies for the revitalization of low-income communities. Initially supported by the federal government and the Ford Foundation, the movement expanded in the 1970s to address further deterioration of rural and urban communities.<sup>57</sup> The de-industrialization of the 1980s intensified public antipoverty and social welfare efforts, and community organizations became the major vehicles for delivering housing and job programs to low-income communities. However, the 1990s ushered in the demise of welfare, devolution from federal to

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54. See WILLIAM P. QUIGLEY, *ENDING POVERTY AS WE KNOW IT: GUARANTEEING A RIGHT TO A JOB AT A LIVING WAGE* (2003).

55. More than twenty-one million low- and moderate-income workers claimed the Earned Income Tax Credit (EITC). NLIHC, 2005 Advocates' Guide to Housing and Community Development Policy, Earned Income Tax Credit, <http://www.nlihc.org/advocates/eitc.htm> (last visited Sept. 28, 2005). These taxpayers often use the money they receive to pay for child care, transportation costs, essential bills, a down payment on a house or a better apartment, education, or to start a small business. *Id.*

The amount of the EITC varies according to a family's earnings and the number of children, but the credit can be relatively large. Workers raising two or more children with an income of less than \$35,263 in 2005 can receive up to \$4,400. *Id.* Workers raising one child with an income of less than \$31,030 in 2005 can receive up to \$2,662. *Id.* For a family with two children and very low wages, the EITC equaled 40% of the first \$11,000 in earnings in 2005; a family that worked full-time year-round at minimum wage received an additional \$4,130 from EITC. *Id.*

56. Roisman, *supra* note 7, at 252.

57. See WILLIAM H. SIMON, *THE COMMUNITY ECONOMIC DEVELOPMENT MOVEMENT: LAW, BUSINESS, AND THE NEW SOCIAL POLICY* (2001).

state government, and a public policy emphasis on economic self-sufficiency.<sup>58</sup>

It is important to note that throughout the evolution of the CED movement, lawyers worked with community residents to provide a wide range of legal services. Initially, legal representation focused primarily on affordable housing, but today, legal advocacy has expanded to the creation of microenterprises and worker-owned cooperatives, sector employment intervention, child care, health care, the creation of community development banks and credit unions, environmental justice, and combating predatory lending. CED practice requires a broad range of complex and sophisticated lawyering skills. These skills are used to create affordable housing, start microenterprise development organizations, and create small businesses and worker cooperatives. Lawyers also use their skills to form nonprofit organizations, conduct business negotiations, create corporate subsidiaries and obtain federal tax exemptions. CED practice also involves working with community organizers and community groups to achieve economic justice in the form of community benefit agreements and living wage paying jobs. This current phase of the CED movement is also marked by the increased involvement of pro bono business lawyers.<sup>59</sup>

Market-based CED initiatives, such as the Low-Income Housing Tax Credit Program and the New Markets Tax Credit Program, enjoy bipartisan support. The Low-Income Housing Tax Credit Program provides the primary incentive for the private production of affordable housing, and helps to produce more than one million homes for low-income renters by providing investors in eligible affordable housing developments with a dollar-for-dollar reduction in their federal tax liability.<sup>60</sup> This program has spurred the New

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58. *Id.*

59. Susan R. Jones, *Promoting Social and Economic Justice Through Interdisciplinary Work in Transactional Law*, 14 WASH. U. J.L. & POL'Y 249, 291 (2004) (citing James L. Baillie, *Perspectives on Business Law: Fulfilling the Promises of Business Law Pro Bono*, 28 WM. MITCHELL L. REV. 1543, 1544 (2002)); see also SIMON, *supra* note 57; 37 CLEARINGHOUSE REV.: ECONOMIC DEVELOPMENT STRATEGIES FOR INDIVIDUALS AND COMMUNITIES (2003).

60. According to the NLIHC, the Low Income Housing Tax Credit program generates \$6 billion in housing investment each year and produces more than 125,000 affordable apartments for working families, seniors, homeless individuals and people with special needs. See National



Markets Tax Credit Program, America's newest economic development initiative, designed to stimulate investments in low-income rural and urban communities—from commercial real estate to small business development—using tax credits.<sup>61</sup> It will infuse \$15 billion in low-income census tracts over a seven-year period.<sup>62</sup> Lawyers, as advocates for change and social and economic development, must track and monitor this new public subsidy to ensure that it not only attracts new investment in low income communities, but that it also creates sustainable jobs, encourages small business development for persons left out of the economic mainstream, and does not exacerbate gentrification.<sup>63</sup>

Today, lawyers and other advocates promote a variety of economic justice tools such as living wage ordinances. These ordinances require certain employers who benefit from public subsidies and contracts to pay workers greater-than-minimum wages, and sometimes health benefits as well.<sup>64</sup> Another tool, community

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Low Income Housing Coalition, 2005 Advocates' Guide to Housing and Community Development Policy, Low Income Housing Tax Credit, <http://www.nlihc.org/advocates/lihc.htm> (last visited Sept. 28, 2005). Apartments supported by the credit cannot be rented to anyone whose income exceeds 60% of the area median income. *Id.* Each year, the credit creates 167,000 jobs and produces \$1.35 billion in revenue for local governments. *See* Congress and the Administration Must Protect the Housing Credit from Unintended Consequences of the Dividend Exclusion Proposal, [http://ncsha.org/uploads/Dividend\\_FactSheet.pdf](http://ncsha.org/uploads/Dividend_FactSheet.pdf) (last visited Nov. 29, 2005).

61. Susan R. Jones, *Will New Markets Tax Credits Enhance Community Economic Development?*, 8 J. SMALL & EMERGING BUS. L. 229, 230–31 (2004).

62. *Id.*

63. *Id.* at 238.

64. Lawyers must be aware of living wage laws because many of the problems of low-income people are income related. Living wage laws require certain employers benefiting from public subsidies and contracts to pay workers higher than minimum hourly wages (from \$8.00–\$12.00 and higher) and sometimes to provide other benefits, such as health insurance. ACORN, *Living Wage*, <http://www.acorn.org/index.php?id=42> (last visited Nov. 3, 2005). According to the Association of Community Organizations for Reform Now (ACORN), one of the nation's oldest and largest grass roots organizations, the concept behind living wage campaigns is simple: "Living-wage laws prevent the use of public dollars to create poverty-wage jobs." *Id.* The NLIHC reports that the average person who worked forty hours a week would need to earn \$12.47 an hour to rent a two-bedroom apartment. *See* QUIGLEY, *supra* note 54, at 88. Other "self-sufficiency" calculations report that the real cost of living—including adequate housing, child care, food, transportation, taxes and medical care for a single adult with a school-aged child in Boston—is \$32,280. *Id.* At the same time, jobs in the low-wage sector, such as security guards, day care workers, and home care attendants for the elderly, pay less than \$25,000 per year. *Id.*

benefit agreements, are legally enforceable contracts between community groups and developers that specify the kinds of jobs and other resources that will be available during and after development.<sup>65</sup> Similarly, equitable development promotes equal access to the social and economic benefits of development, often through community ownership.<sup>66</sup> Sector employment intervention strategies locate good jobs in growth industries beyond neighborhoods.<sup>67</sup> Income generation strategies include microenterprise development. Lawyers can support microenterprise and small business development and advocate for government funding.

As the Director of the George Washington University Law School Small Business Clinic/Community Economic Development Project, I am interested in the ways that microenterprise development can

65. Lawyers working with communities must be familiar with community benefit agreements. These are legally enforceable contracts signed by community groups and by a developer that set forth a range of community benefits that the developer agrees to provide as part of the development project. See JULIAN GROSS ET AL., COMMUNITY BENEFITS AGREEMENTS: MAKING DEVELOPMENT PROJECTS ACCOUNTABLE (2005), available at <http://www.goodjobsfirst.org/pdf/cba2005final.pdf>. For example, in New York City, the Brooklyn Nets basketball stadium is expected to cause significant housing displacement and transportation issues. See Jake Mooney, *In a War of Words, One Has the Power to Wound*, N.Y. TIMES, Dec. 19, 2004; Editorial, *The Brooklyn Nets*, N.Y. TIMES, July 4, 2004, at 1. In response, Nets basketball community groups are mobilizing local residents to negotiate such agreements, see Develop—Don't Destroy, Required Reading, <http://www.developdontdestroy.org/requiredreading.php> (last visited Sept. 28, 2005), and organizations such as Good Jobs First are pushing for sorely needed jobs, see Good Jobs New York, <http://www.goodjobsny.org> (last visited Sept. 28, 2005). Job creation is imperative given the reports that 50% of African-American men in New York City are unemployed. See Scott, *supra* note 18. This data is especially horrifying when the city is granting significant tax benefits to sports stadium developers.

66. Organizations such as PolicyLink are working to promote equitable development, that is, equal access to the social and economic benefits of development. See PolicyLink, Equitable Development, Overview, <http://www.policylink.org/EquitableDevelopment/> (last visited Sept. 28, 2005). It is empowering for residents to be shareholders in a community's economic development projects. As America becomes more ethnically, racially and culturally diverse, it is essential to recognize that the future of low-income neighborhoods is tied to social, political, and economic factors—more specifically, to transportation, housing, economic opportunity, land use and infrastructure, education, environmental justice, and health. PolicyLink highlights the successes of resident-owned businesses such as B.I.G. Wash, a laundromat in Washington, DC, and Market Creek Plaza, a twenty-acre mixed-use commercial and cultural center in one of San Diego's most ethnically and culturally diverse communities. See Policy Link, Equitable Development, Projects, <http://www.policylink.org/EquitableDevelopment/projects.html> (last visited Sept. 28, 2005).

67. See Nat'l Economic Development & Law Center, <http://www.nedlc.org/> (last visited Sept. 28, 2005).

support economic self-sufficiency and move people from welfare to work. My book, *Legal Guide to Microenterprise Development*, recently published by the ABA, is an effort to educate the legal community about microenterprise development and the possibilities for moving people out of poverty with pro bono support from the bar.<sup>68</sup>

Small businesses create most new jobs in America today.<sup>69</sup> Yet insufficient attention has been devoted to supporting and encouraging some of these small businesses. Microenterprise development promotes self-employment by turning hobbies, talents and skills into viable small businesses in service industries such as catering, childcare and construction. Microenterprise development programs, numbering more than 750 nationwide, provide business education and small loans (from \$500 to \$35,000), or access to such loans, for low- and moderate-income persons who want to start small businesses. Sometimes microbusinesses “patch income” or supplement low-wage work, creating the second job. As the economy continues to downsize, more people are forming small businesses to create their own jobs. Approximately 10% of the American population is self-employed.<sup>70</sup> Microbusiness development is proving to be an option for people left out of the economic main stream. It will become increasingly important because of the changing nature of work. Advocates of microenterprise development say that it’s a human development strategy as much it is a business development strategy.

One of our clinic clients recently told me about a community-based entrepreneurship class she took. In that class she worked on her business plan for a marketing business aimed at the African-American community. As a graphic artist, she had a vision for combining art and marketing. Her excitement for learning about

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68. SUSAN R. JONES, *LEGAL GUIDE TO MICROENTERPRISE DEVELOPMENT* (2004).

69. See United States Small Business Administration, *Small Business Statistics*, <http://www.sba.gov/aboutsba/sbastats.html> (last visited Sept. 28, 2005).

70. Jones, *supra* note 59, at 257; see also NATIONAL FEDERATION OF INDEPENDENT BUSINESSES, *NFIB SMALL BUSINESS POLICY GUIDE 13* (2003), available at <http://www.nfib.com/object/2753115.html>; UNITED STATES SMALL BUSINESS ADMINISTRATION, OFFICE OF ADVOCACY, *SMALL BUSINESS ECONOMIC INDICATORS FOR 2001* (2003), available at [www.sba.gov/advo/stats/sbei01.pdf](http://www.sba.gov/advo/stats/sbei01.pdf).

business development was infectious. The course she described focused not only on business development, such as marketing and financing, but also on personal, spiritual and leadership development—topics that are rarely taught in any educational or training environment for people without economic means.

Lawyers working in communities can advance asset accumulation strategies such as IDAs and children's savings accounts, which are examples of hopeful law and policy strategies. In my opinion, the income and asset accumulation issues which are explored in Thomas Shapiro's book, *The Hidden Costs of Being African American: How Wealth Perpetuates Inequality*, present some of the most interesting components of the current economic justice dialogue.<sup>71</sup> Antipoverty policy makers have traditionally focused on income, spending and consumption. A new vision is emerging that is focused on savings, investment and asset accumulation, but it works with, and not instead of, traditional antipoverty programs. Assets matter because they provide more than just an economic cushion. They provide a psychological orientation that income alone cannot provide.<sup>72</sup>

One type of asset accumulation strategy involves Individual Development Accounts (IDAs).<sup>73</sup> Similar to Individual Retirement Accounts (IRAs), IDAs reward monthly saving of low-income households with matching funds that come from a variety of private and public sources.<sup>74</sup> These funds can be used for education, to purchase a home, or to start a small business.

Shapiro observes that “[a]bout four in 10 children grow up in asset poor families. More distressing [is that], over half of [all] African American Children grow up asset poor. What difference would it make if every child in America grew up knowing that (s)he had a nest egg to use to go to college, buy a home or start a business?”<sup>75</sup>

The Corporation for Enterprise Opportunity has planned a national Children's Savings Accounts demonstration program to put

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71. See SHAPIRO, *supra* note 9.

72. *Id.* at 186.

73. For more information on IDAs, visit the IDANetwork website at <http://www.idanetwork.org>, and the CFED website's IDA page at [www.cfed.org/focus.m?parentid=31&siteid=241&id=241](http://www.cfed.org/focus.m?parentid=31&siteid=241&id=241).

74. *Id.*

75. SHAPIRO, *supra* note 9, at 184.

this idea into practice. If at birth a \$1,000 contribution is made to a child and \$500 is contributed annually thereafter (with half being matched for poor families), a young adult at age eighteen could have more than \$40,000 with which to start a productive life. Shapiro explains:

This lack of assets impedes [Americans] from moving ahead, and they watch people jumping ahead who they know have not worked harder, have not tried harder, and do not deserve financial success any more than they do. Start-up assets for opportunities like education, businesses, and retirement could dramatically improve the lives of average Americans.<sup>76</sup>

Another important dimension of asset accumulation is making sure that low-income people can keep the money that they already have. Lawyers are essential to efforts to combat predatory lending practices<sup>77</sup> and to advance policies that promote alternatives or options to so-called “Alternative Financial Services.” Alternative Financial Services include check cashiers, payday lenders and tax preparation services that provide refund anticipation loans.<sup>78</sup> The Alternative Financial Services industry has emerged in part because 8.5 million families, or 22% of low-income families, earn under \$25,000 per year and do not have a checking or savings account.<sup>79</sup> They are “unbanked.”<sup>80</sup> Some argue that these services have emerged because of the absence of traditional banking services for low-income families. In either case, the high cost of Alternative Financial Services undermines key income redistribution policies for the poor.<sup>81</sup>

An Economic Justice Imperative also requires that lawyers working in low-income communities remain vigilant in identifying economic opportunities for low-income communities. A colleague of

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76. *Id.* at 186.

77. See Predatory Lending Resource Center, <http://www.mortgagebankers.org/resources/predlend/> (last visited Sept. 28, 2005).

78. Barr, *supra* note 37, at 124. Most banks, with the exception of community development financial institutions, are not designed to compete with alternative financial services. *Id.* at 125. Rent-to-own furniture operations also come at a high cost.

79. *Id.* at 123.

80. *Id.*

81. *Id.*

mine who is with Neighborhood Legal Services in DC observes that the clients with repetitive landlord and tenant problems are the ones who most often experience problems of inadequate income. How, then, do we cure this problem? One example, which we hope will be a national model, is a city-wide "Small Business, Job Creation, Microenterprise Working Group," which will develop comprehensive strategies to support neighborhood small businesses and microenterprises that in turn support families, create role models for community entrepreneurs, and provide good-paying jobs.<sup>82</sup>

Today, lawyers must be instrumental in promoting business development because the market requires that professionals satisfy multiple client demands efficiently. An example of this market demand is the debate over multidisciplinary practices, a new method of professional service delivery and business problem solving in one-stop shops that combine accounting, consulting, and legal services.<sup>83</sup> The Multidisciplinary Practice (MDP) debate makes it clear that lawyers must be interdisciplinary workers who collaborate with other professionals.<sup>84</sup> For community lawyers, public interest lawyers and activist lawyers, such collaborators include community organizers, business development counselors, accountants, urban planners, social workers, engineers, architects, health care advocates, and environmentalists.

Lawyers can help their clients and judges by raising public awareness of some of the current and hopeful initiatives in community economic development law, practice, and social policy. Moreover, the American policy emphasis on economic self-sufficiency demands that we push government for improved policies based on the moral codes invoked by Dr. King. Lawyers as abolitionists of poverty and homelessness need to work with the business community and the nonprofit sector. While I am not optimistic about the role of government in creating new social

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82. Interview with William Stancil, Managing Attorney, Neighborhood Legal Services, in Washington D.C.

83. See Jones, *supra* note 59, at 303. "The concept emerged from the growth of corporate clients, the rapid globalization of financial markets, and the integration of services offered by some of the largest accounting and law firms. At the center of the MDP debate is resistance to reordering well-established economic interests within the profession." *Id.*

84. *Id.*

programs in the coming years,<sup>85</sup> this reality may present special opportunities for the nonprofit sector and the private sector in years to come. The nonprofit sector is also known as the third sector or the citizen sector. Government and business are the first and second sectors.<sup>86</sup>

Within the citizen sector, a hallmark of Dr. King's legacy is his deep understanding of the power of leadership. Dr. King was an authentic, visionary, and strategic thinker who was holistic in his approach and spiritually grounded.<sup>87</sup> In this regard, Dr. King was a Social Entrepreneur.<sup>88</sup> Social entrepreneurs are transformative forces, people with new ideas to address major problems who are relentless in pursuit of their visions, "people who simply will not take 'no' for an answer, who will not give up until they have spread their ideas as far as they possibly can."<sup>89</sup> And, in the context of law school, these can also be some of the traits of a good lawyer. While social entrepreneurs have existed throughout the ages, today social entrepreneurship is becoming an established vocation and a mainstream area of inquiry. While social entrepreneurs were once persecuted for their efforts, the spread of democracy and the emergence of the citizen sector in the last thirty years has resulted in changes in the nonprofit world, such that it is beginning to resemble a "market economy of social ideas."<sup>90</sup> Indeed, the organization Ashoka: Innovators for the Public, started by lawyer Bill Drayton, supports leading social entrepreneurs around the world.<sup>91</sup>

Ashoka works a little like a venture capital firm. It seeks high yields from modest, well-targeted investments. However, the

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85. See, e.g., Jonathan Weisman, *Bush Plans Sharp Cuts in HUD Unit*, WASH. POST, Jan. 14, 2005, at A1.

86. BRUCE R. HOPKINS, *THE LAW OF TAX-EXEMPT ORGANIZATIONS* 5 (8th ed. 2003).

87. David Hall, *The Challenge of Black Leadership in the Twenty-First Century*, 48 DEPAUL L. REV. 899, 900-02 (1999).

88. DAVID BORNSTEIN, *HOW TO CHANGE THE WORLD: SOCIAL ENTREPRENEURS AND THE POWER OF NEW IDEAS* (2004).

89. *Id.* at 1.

90. *Id.* at 269 (citing the rapid expansion of microcredit as an example of market expansion in the nonprofit sector).

91. *Id.* at 11. Other organizations that support social entrepreneurs include Echoing Green. Echoing Green "has provided seed capital to 350 young social entrepreneurs, mostly in the United States." *Id.* at 264.

returns it seeks are not in [major] profits, but in advances in education, environmental protection, rural development, poverty alleviation, human rights, healthcare, care for the disabled, care for children at risk, and other fields.<sup>92</sup>

Ashoka “operates in forty-six countries across Asia, Africa, the Americas, and Central Europe and has assisted 1,400 social entrepreneurs, providing them with close to \$40 million in direct funding.”<sup>93</sup>

Many observers of American politics today believe that the current Administration sometimes pays more attention to international matters than to domestic issues. Indeed, in 2002 the Administration established the Millennium Challenge Account and the Millennium Challenge Corporation.<sup>94</sup> “The goal of the Millennium Challenge Account initiative is to reduce poverty by significantly increasing economic growth in recipient countries through a variety of targeted investments.”<sup>95</sup> The program has been described as “the most fundamental change to U.S. foreign assistance policy since President John Kennedy introduced the Peace Corps and the U.S. Agency for International Development (USAID) in the early 1960s.”<sup>96</sup> In introducing the Millennium Challenge Account, President Bush said: “Developed nations have a duty not only to share our wealth, but also to encourage sources that produce wealth: economic freedom, political liberty, the rule of law and human rights.”<sup>97</sup> Furthermore, he proposed a \$5 billion annual increase in Overseas Development Assistance (ODA) through the Millennium

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92. *Id.* at 11–12.

93. *Id.* at 11. Ashoka’s reputation for selectivity also lends credibility to the efforts of these social entrepreneurs, and its professional services help to analyze their strategies for change and development. *Id.*

94. Millennium Challenge Act of 2003, Pub. L. No. 108-199, 118 Stat. 211; see President’s Letter Conveying MCA Legislation to the Congress (Feb. 4, 2003), available at <http://www.state.gov/e/eb/rls/othr/19431.htm> [hereinafter President’s Letter].

95. President’s Letter, *supra* note 94.

96. Steve Radelet, *Will the Millennium Challenge Account Be Different?*, 26 WASH. Q. 171, 171 (2003), available at [http://www.twq.com/03spring/docs/03spring\\_radelet.pdf](http://www.twq.com/03spring/docs/03spring_radelet.pdf).

97. Stephen Marks, *The Human Right to Development: Between Rhetoric and Reality*, 17 HARV. HUM. RTS. J. 137, 156 (2004) (citing President George W. Bush, Remarks at the International Conference on Financing for Development (Mar. 22, 2002), available at <http://www.un.org/ffd/statements/usaE.htm>).



Challenge Account, which will be “devoted to projects in nations that govern justly, invest in their people and encourage economic freedom.”<sup>98</sup>

Imagine, if you will for a moment, a Domestic Millennium Challenge Account to End Poverty and Homelessness. The purpose would be the same: “to reduce poverty by significantly increasing economic growth in recipient [American communities] through a variety of targeted investments.”<sup>99</sup> Like the Millennium Challenge Account, this initiative would be “devoted to projects in [American communities] that [enhance local and regional democratic structures,] govern justly, invest in their people and encourage economic freedom [and opportunity].”<sup>100</sup> Such a program could facilitate the creation of community leaders and social entrepreneurs and could, among other things, fund the path-breaking work of the citizen sector that contributes to economic justice.

Dr. King’s legacy also teaches us that new leadership must come from the faith-based community. Dr. King developed what has been described as a “theology of radical involvement.”<sup>101</sup> He was not only a student of theology but also a “doer of theology.”<sup>102</sup> He believed that being a minister required asking fundamental questions about God, man, and community, and that God was at work in the world seeking to redeem mankind and to restore the beloved community where peace, love and justice abound.<sup>103</sup> Some members of the faith-based community embrace Dr. King’s leadership on the theology of

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98. *Id.* at 156–57 (citing President George W. Bush, Remarks at the International conference on Financing for Development (Mar. 22, 2002), available at <http://www.un.org/ffd/statements/usaE.htm>). Certain eligible countries will qualify for funding based on their policy and performance in areas such as ruling justly, investing in people, and encouraging economic freedom. See United States Embassy, Bogotá, Colombia, The Millennium Challenge Account; the Economic Rationale Behind It (Mar. 6, 2003), available at <http://bogota.usembassy.gov/wwwsee04.shtml>.

99. See President’s Letter, *supra* note 94.

100. See Marks, *supra* note 97, at 156–57 (citing President George W. Bush, Remarks at the International Conference on Financing for Development (Mar. 22, 2002), available at <http://www.un.org/ffd/statements/usaE.htm>).

101. Steven H. Hobbs, Review Essay, *Following the Drum Major for Justice: Reflections on Luther D. Ivory’s Toward a Theology of Radical Involvement: The Theological Legacy of Martin Luther King, Jr.*, 50 ALA. L. REV. 7, 13–20 (1998).

102. *Id.* at 15.

103. *Id.* at 16.

radical involvement in the economic justice arena. One example comes to mind. In Washington, D.C., 150 churches representing more than 200,000 individuals formed the Collective Banking Group to address inequitable access to services provided by banks and businesses.<sup>104</sup> Before forming the group in 1993, organizers interviewed sixteen banks to establish relationships in which the churches and its members would receive favorable banking services.<sup>105</sup> As of last year, the Collective Banking Group members “have been approved for more than \$100-million dollars in loans and have on deposit in excess of \$130-million dollars with area banking partners. The collaboration between CBG, its member churches, covenant banks and business alliances have offered significant savings and other benefits to the community at-large.”<sup>106</sup>

Finally, there are examples of fresh new economic justice initiatives in the progressive corporate world. Greyston Bakery is a social experiment started more than twenty years ago by Bernie Glassman, a Jewish aerospace engineer from Brooklyn, New York, who became a Buddhist priest.<sup>107</sup> Greyston Bakery was established with the goal of employing the chronically unemployed.<sup>108</sup> Profits from the bakery, a \$5 million a year business that sells to businesses such as Ben and Jerry's Ice Cream, are used to fund day care centers, health clinics and counseling services.<sup>109</sup> Greyston makes cakes in order to hire people, and currently employs some sixty-five workers, including former drug dealers and homeless people.<sup>110</sup> These examples show us that the opportunities for creating good jobs as part of a larger mission to end homelessness and poverty are truly possible, and lawyers play a critical role in the process of nonprofit and for-profit business development.

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104. See The Collective Banking Group, Inc., About Us, [http://www.collectivebankinggroup.org/2005b/about\\_us.html](http://www.collectivebankinggroup.org/2005b/about_us.html) (last visited Nov. 29, 2005).

105. *Id.*

106. *Id.*

107. Greyston Bakery, The Greyston Bakery Story, <http://www.greystonbakery.com/bakery.html> (last visited Nov. 29, 2005).

108. *Id.*

109. *Id.*

110. *Id.*

## CONCLUSION

Lawyers, as trained wordsmiths, can use their skills at storytelling, description and persuasion to better educate the public, media, judges, administrators and legislators. The work of lawyers can also be a critical element of public education campaigns and legal challenges that will be important to advancing economic and human rights.<sup>111</sup>

Throughout history, the American government has helped millions of Americans acquire assets and economic independence. The Homestead Act, GI Bill, 401(k) retirement plans and the home mortgage interest deduction are all examples of how it has accomplished this goal. These benefits should be extended to poor people as well.<sup>112</sup>

Appropriate public subsidies in housing, full employment at a living wage, as well as income generation and asset accumulation strategies have the potential to bring us closer to the goal of abolishing poverty. Achieving this goal is possible with moral and political will.<sup>113</sup> Lawyers working as abolitionists for poverty can contribute much to this work. Dr. King observed:

These are revolutionary times. All over the globe men are revolting against old systems of exploitation and oppression. The shirtless and barefoot people of the world are rising up as never before. The people that walked in darkness have seen a great light. . . . We must move past indecision to action. . . . If we do not act, we shall surely be dragged down the long, dark, and shameful corridors of time reserved for those who possess power without compassion, might without morality, and strength without sight.<sup>114</sup>

This is as true now as it was in 1967. Thank you.

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111. Roisman, *supra* note 7.

112. *Id.*

113. *Id.*

114. PHILLIPS, *supra* note 8, at preface.