

# Power from the Margins: Grassroots Mobilization and Urban Expansions of Civil Legal Rights

Urban Affairs Review

1–33

© The Author(s) 2019

Article reuse guidelines:

[sagepub.com/journals-permissions](https://sagepub.com/journals-permissions)

DOI: 10.1177/1078087419855677

[journals.sagepub.com/home/uar](https://journals.sagepub.com/home/uar)

Jamila Michener<sup>1</sup> 

## Abstract

Many scholars paint a somber picture of the political status of racially and economically marginalized groups in the United States. In particular, seminal studies on cities—places where race and class strikingly intersect—emphasize economic and political elites as primary drivers of urban politics, underscoring the disempowerment of those at the margins. This article offers a different, theoretically instructive perspective. Through a qualitative analysis of two major expansions of the legal right to counsel in civil courts, I describe political processes that afforded race–class subjugated communities pivotal influence over urban policy. I demonstrate how groups that many theories of political science do not expect to have substantive political influence, nonetheless profoundly shaped the course of urban policy development in the civil legal domain. I find an especially crucial role for membership-driven local organizations focused on building equitable community power.

## Keywords

race, class, political participation, civil legal representation, membership-driven organizations

When the gas pipes in Frank's<sup>1</sup> building were damaged, the gas company suspended service to fix the problem. Everything was supposed to be back to

---

<sup>1</sup>Cornell University, Ithaca, NY, USA

## Corresponding Author:

Jamila Michener, Cornell University, 123 Central Ave., Ithaca, NY 14853, USA.

Email: [jm2362@cornell.edu](mailto:jm2362@cornell.edu)

normal in two or three days. Those days went on for more than a year. Frank and other tenants in his building went without heat and were unable to cook. When they petitioned the landlord for rent abatement to offset this burden, the landlord resisted. Frank is a working class Black immigrant from the Caribbean. Like most everyone else in his neighborhood, he had little discernable power. Knowing as much, Frank's landlord was unresponsive to the needs of his tenants. Eventually, however, Frank wrested concessions from his landlord. Reasoning that "the only way we could get anything done is through association," Frank realized that his building needed a tenant association. But he faced major obstacles. As he put it, "I did not know what the laws were for tenant organizing in New York, and how tenant associations worked or . . . what you could and could not do." Lacking knowledge, Frank sought help. He found a local tenant organization that trained ordinary neighborhood residents to be community leaders. With their help, Frank and his neighbors started a tenant association and took the landlord to court. Then, having been sensitized to housing issues, Frank became involved in other related political struggles. By the time I met him in 2018, he was a community organizer and part of a citywide coalition that had recently scored an unprecedented victory: in 2017, New York City passed a law committing to provide legal representation to all poor and near poor (<200% of the federal poverty level [FPL]) tenants facing eviction.

Frank's journey from besieged renter to community leader was remarkable, but not singular. Indeed, others like him were a crucial part of the process that led to New York City's historic legislative expansion of civil legal rights. This article explores the political underpinnings of that process, as well as that of similar legislation passed in San Francisco in 2018. In particular, I emphasize the power of people (like Frank) who reside in communities that fall at structurally disadvantageous intersections of race and class. These are precisely the folks whom many scholars deduce have little power to shape public policy. Nevertheless, they sometimes do. By qualitatively charting two instructive cases of how that happens, I offer a more complete picture of democratic possibilities in the context of urban political economies marked by deep inequalities. Grassroots community based organizations emerge as crucial actors in the processes I observe. While sociologists have been attentive to how such organizations operate as political actors, political scientists have done less in this vein (Levine 2016; Marwell 2007). In particular, little of the political science literature on interest groups and advocacy organizations has focused on the issues that most affect racially and economically marginalized communities or the conditions that facilitate political power within them (Andrews and Edwards 2004; Baumgartner and Leech 1998; Hojnacki et al. 2012; see Miller, 2008 and Strolovitch, 2008 for important exceptions).

## From Deficits to Prospects

A wide range of scholars paint a somber picture of the political status of racially and economically marginalized groups in the United States (Bartels 2008; Butler 2014; Flavin 2012; Franko 2013; Gilens 2012; Gilens and Page 2014; Griffin and Newman 2012; Hajnal 2009; Hayes 2013; Hill and Leighley 1999; Michener 2016; Piven et al. 2009; Rigby and Wright 2013; Schlozman et al. 2012). Crucially, seminal studies on American cities—places where race and class strikingly intersect—emphasize economic and political elites as primary drivers of urban politics and underscore the institutional constraints structuring political outcomes in local politics (Elkin 1987; Molotch 1976; Peterson 1981; Rast 1999; Sharp and Maynard-Moody 1991; Trounstone 2018). A significant corpus of urban politics scholarship has focused on identifying who has power in local political systems (Browning, Marshall, and Tabb 1984; Dahl 1961; Einstein and Kogan 2016; Hajnal and Trounstone 2010, 2014, 2016; Morel 2018; Palus 2010; Peterson 1981; Trounstone 2010). While a broad assessment of this body of work reveals theoretical and empirical nuance, there is wide consensus about race and class as sources of political disempowerment in urban contexts (though see Morel, 2018, for an example of scholarly nuance). Echoing this perspective in a trenchant review of inequality and local politics, Hajnal and Trounstone (2016, p. 139) conclude that “local democracy, by almost all accounts, is more likely to represent the interests of whites and the wealthy than those of minorities and the poor.”

This is a well corroborated and valuable assessment of local democracy. Nevertheless, urban politics scholarship—and research on American politics more broadly—risks rendering an incomplete picture. A preponderance of research in American politics follows a “prevailing tendency to view race-class subjugated communities in terms of political deficits” (Soss and Weaver 2017, p. 583). Though these studies reflect important realities of American political inequality, a primarily deficit-oriented outlook obscures the prospects for marginal denizens to mobilize as “resourceful, creative and deliberate” political actors (Soss and Weaver 2017, p. 583). In this article, I foreground such possibilities by exploring when and how race-class subjugated (RCS)<sup>2</sup> communities can have pivotal influence over urban policy.

I begin with the premise that scholars can more readily detect political agency in places we do not usually find it when we consider “whose politics are overlooked” (Jones-Correa and Wong 2015, pp. 162, 168). I take two steps to operationalize this idea. First, I look beyond voting, the outcome of interest in the most influential urban politics studies (Hajnal 2009; Hajnal and Trounstone 2005, 2014, 2016). While voting is clearly important, it can overshadow less conventional routes to political action that are most directly

relevant to people less attached to the formal political system (Cohen 2006). A second (related) step I take to elucidate otherwise overlooked politics is to foreground civil legal representation, an issue with substantial consequences in the lives of many marginalized denizens. An issue-based perspective on urban political power allows me to observe how political action unfolds within the context of a specific policy domain that has immediate implications for the material well-being of clear constituencies. Among many potential issues, I highlight civil legal representation both because of its arresting, understated significance—and because it is an arena where the enduring question of “who governs” is especially contingent on the positioning and power of racially and economically marginalized communities (Dahl 1961; Hajnal and Trounstein 2010; Morel 2018).

Civil (noncriminal) legal problems are prevalent. Over 70% of low-income Americans report having a civil legal problem each year (this includes problems with housing, health care, domestic violence, and public benefits). Only a small fraction (14%) of those problems receive legal attention (Legal Services Corporation 2017). In large part, this is because legal representation by attorneys in civil courts is not constitutionally guaranteed.<sup>3</sup> Further still, legal representation is severely underfunded at the federal, state, and local levels (Legal Services Corporation 2017). People who are unable to effectively navigate civil institutions as a result of representational inequities experience this state of affairs firsthand. Most everyone else—those who are not directly affected by or even aware of the civil legal system—has little incentive to care.

Under such conditions—where the negative consequences of a policy issue are disproportionately concentrated in RCS communities but otherwise largely invisible—much of the scholarship on American politics suggests a dearth of political levers for compelling elites to be responsive to the policy needs of those who are least privileged (Gilens 2012; Hajnal and Trounstein 2016; Peterson 1981).<sup>4</sup> In this article, I offer qualitative case studies of two cities that have recently implemented major expansions of civil legal representation (New York City [NYC] & San Francisco [SF]). By describing and comparing these cases, I demonstrate how groups that most theories of political science do not expect to have substantive political influence can nonetheless profoundly shape the course of urban policy development in the civil legal domain.

## **Civil Legal Representation: A Lens on Urban Power**

Civil statutes protect crucial economic and social rights for all Americans. In contradistinction to *punitive* criminal law, the intended functions of civil law

are both protective and corrective. This includes things like preventing illegal evictions, adjudicating the detainment and deportation of immigrants, safeguarding the rights of public assistance beneficiaries, protecting women from domestic violence, and negotiating family disputes (e.g. child support, custody).<sup>5</sup> Crucially, civil legal representation is meant to provide “a remedy to individuals or entities harmed by other individuals or entities, in order to make them whole” (Klein 1999). In a society where law can “designate the distribution of legitimate social entitlements and burdens among citizens,” representation in court helps low-income Americans to obtain and retain resources that forefend against economic precarity and reduce inequality (Housman and Minoff 2014; McCann 2004, p. 506; Pollock 2014; Pollock and Gardner 2011; Powers 2015; Sandefur 2008). Such protections are particularly critical to low-income women and people of color. In 2016, 72% of legal services beneficiaries were women and over 50% were people of color (Legal Services Corporation 2016).<sup>6</sup>

Perhaps most compellingly, civil legal representation matters for democracy and political equality. Put broadly, “law is a significant part of how we learn to live and act as citizens in a society” (McCann 2004, p. 506). Civil statutes, in particular, are intended to offer “the potential for every individual to mobilize the law,” enabling denizens to be more than “passive object[s] of the state” and positioning them as “the demander[s] of rights and status” (Zemans 1983, pp. 693–94). As such, civil law plays an “important role in democratic governance” (Zemans 1983, p. 693). By extension, major expansions of civil legal rights are meaningful political outcomes in a democratic polity.

Notwithstanding the weight and consequence of civil legal protections, the defining reality of civil legal representation (CLR) in the United States is difficulty of access. In 2016, a staggering 86% of civil legal problems received inadequate or no legal attention (Legal Services Corporation 2017). Due to limited public resources, more than half of low-income Americans who come to legal aid organizations for help are turned away (Legal Services Corporation 2017).

Such representational scarcity raises critical questions about urban politics and power. To clarify why, consider the example of representation in housing court. As many cities confront affordable housing crises, millions of Americans are evicted each year (Badger and Bui 2018; Desmond 2016; Metcalf 2018). As a result, overpopulated housing courts have become a significant institutional presence in RCS communities where many denizens are vulnerable to economic instability and predatory landlords (Steinberg 2015). Such courts are complex labyrinths that present formidable obstacles for unrepresented tenants (Bezdek 1991; Engler 1997; Rhode 2004; White 1990).

When ordinary people show up in court, it is tough for them to effectively represent themselves (Goldschmidt 2002; Seron et al. 2001). At the same time, few tenants can afford a lawyer. A 2010 report to the Chief Judge of the State of New York noted that at the time, 99% of tenants went unrepresented in eviction cases in NYC compared with only 1% of landlords. This imbalance leaves many tenants aggrieved. Yet, there is a nontrivial chasm between grievance and action. The people who frequent housing court are also often those with the least wherewithal for translating frustration over civil legal experiences into concerted political action. They (understandably) have little sense of what to ask for, whom to ask, or how to be heard. Instead, the most knowledgeable players are the advantaged ones. Lawyers, organizations representing landlords and political elites rule the day in the arena of civil legal policy. For this reason, the civil legal domain is a least likely case for observing significant policy influence stemming from RCS communities. Indeed, as the national movement for a right to counsel has emerged and grown, it has been overwhelmingly driven by legal elites: lawyers and judges who perceive civil injustices firsthand and take action in response (Gardner 2006; Gardner and Coe 2014; Pollack 2012). In most places, the *burden* of inadequate civil legal representation falls squarely on the most marginalized while the *politics* of civil legal representation remains profoundly dependent upon elite political power (Gardner and Coe 2014). Though expansions of civil legal rights occur sporadically across the country, they tend to be tightly delimited and very incremental.<sup>7</sup>

Despite this wider context, NYC and SF have recently achieved unprecedented expansions of civil legal rights (which I'll describe in detail shortly). How did this happen? I investigate via qualitative study of the political processes that propelled these civil legal expansions. Of course, many factors contributed. This research is neither designed nor intended to finely parse the precise effect of each one. Instead, I descriptively delineate the broad contours of the policy process by drawing on qualitative interviews with tenant organizers, community residents, political officials, lawyers, and judges who were at the forefront of policy change in each locale. I find that grassroots mobilization and organization within RCS communities was a necessary (though neither singular nor sufficient) condition for expansive civil legal reform. I also find that membership-driven community based organizations oriented toward equity and power building acted as conduits, cultivating and directing the energy of RCS communities and transforming it into influence (Han 2014). Though powerful economic and political elites resisted expansion in both cities, "people power" (as one activist called it) pushed expansions beyond the threshold of passage. San Francisco and New York City are each idiosyncratic in their own ways. As such, the developments observed in

this study may not be “representative” of all or even most urban political processes (Small 2009). Only future research can determine the scope to which these findings apply. Nevertheless, the cases I present are instructive and informative. They provide examples of potent and otherwise undetected instances of political agency among actors who are often assumed powerless, pointing to blind spots in the dominant emphases of research on political inequality, participation, and urban power.

## Research Process and Method

To understand the successful passage of major expansions of civil legal rights in New York City and San Francisco, I interviewed key actors in both places. To identify such people, I worked with research assistants over the course of 4 months to examine newspaper articles<sup>8</sup> legislation<sup>9</sup> and city council hearings.<sup>10</sup> While carefully reading through those sources, we noted the names of people and organizations described as being involved in the policy efforts for civil legal rights expansion. We then made a list of the names that came up multiple times (within each case). Our final list included 20 people (in total). I interviewed 14 of those 20, plus one additional person whose name came to my attention via other interviewees.<sup>11</sup> Two of the people I was not able to interview were political elites (city council members). The other two were tenants’ rights organizers. Since I ultimately interviewed people holding similar positions, those I missed likely did not prevent me from capturing an adequate range of perspectives. Moreover, when I asked interviewees to recommend other key actors whom they believed I should speak with, they generally named people I eventually interviewed.

Altogether, this article is based on 15 in-depth interviews with policy actors from New York City (10) and San Francisco (5). I interviewed fewer people in San Francisco because the city is smaller and the political process that led to the policy in question happened on a quicker timeline, with fewer core leaders involved. The interviewees spanned a spectrum in terms of background. They occupied different positions, had varied life experiences, and worked in distinct organizational capacities. This provided numerous vantage points from which to understand the politics of civil legal expansions. Many of the interviewees were elites (judges, lawyers, politicians, leaders of legal assistance agencies) while about a quarter of them were nonelite leaders (local tenant organizers and community leaders).

Several factors assuage potential concerns about not having talked to enough people (Small 2009). First, though thousands of people were mobilized to participate in various forms of political action in the efforts that unfolded in NYC and SF, only a small number played primary organizing

roles. Identifying and interviewing those people offered the most germane basis for insight into the politics of the process underlying the passage of both laws. As I mentioned earlier, not all of the people I interviewed were economic or political elites. Still, all of them were well networked leaders. They were thus aptly positioned to speak to me about their own actions, about the scope and range of other people involved, and about the political process that made the passage of expansive civil legal policy possible.

Another indication that I conducted a sufficient number of interviews was that by the time I wrapped up the interviews, I had reached the point of saturation—when each new interview yielded very little new information (Small 2009). Reaching saturation suggested that I had completed “enough” interviews to have gotten as full an accounting as is likely possible. For research focused on a specific policy process that a limited and closely connected number of people were responsible for generating, interviewing a relatively small group can produce substantial insights. That was precisely the scenario here.

Finally, a third factor mitigating concerns about the number of interviews was the consensus that emerged. Had I encountered vastly differing accounts of the process I sought to understand, I may have needed to continue interviews to make sense of divergent perspectives. To the contrary, the information that interviewees offered was striking in terms of commonalities across actors—especially given the care I took to interview different kinds of people (as detailed above) who viewed the policy process from distinct standpoints.

The interviews were conducted over the phone and very loosely structured, with the intention of giving interviewees the discursive freedom to tell me things I did not already know. Interviews began by asking people to describe the process that led to the passage of the legislation in question. Most people had a lot to say and spoke at length in response to this original question. I then allowed the conversations to move organically from there. I was intentional about eventually asking all of the interviewees to comment on which factors they believed were most important for making the tenant rights expansion happen in their city.

I recorded the conversations, had them transcribed, and coded the transcriptions. Thematic coding focused on analyzing how interviewees described the main factors accounting for passage of the “right to counsel” laws in their city. The descriptive accounts below are based on those analyses.

## **New York City: The Enactment of Historic Legislation**

In July 2017, the New York City council passed Intro Bill 214-B with a veto proof majority. This landmark legislation created a guarantee of legal



representation in eviction proceedings for tenants at or below 200% of the FPL. Less than a month later, Mayor Bill de Blasio signed the bill into law. Intro Bill 214-B was the first of its kind to be passed anywhere in the United States. It was designed to have a phased implementation over 5 years. In 2018, NYC spent 78 million on tenant legal services (Kim 2019). By 2022, every income eligible NYC resident will have counsel in eviction cases. The NYC government is expected to spend roughly \$155 million per year on funding (Kim 2019).

By the time Intro 214-B was enacted in July 2017, there was a vast outpouring of support for it. Everyone from the Mayor to the City Council to a host of powerful legal organizations was on board. Opposition was barely discernible. At that point, the legislation was buoyed by a powerful coalition called the “Right to Counsel NYC.” Coalition members included tenant organizing groups, policy advocates, legal services organizations, religious organizations, disability organizations, and even the AARP. The list of coalition supporters—groups that were publicly supportive of the coalition even if not maximally engaged in its efforts—was even more expansive and included the New York City Bar Association, the official boards of each borough in the city, and several unions. By early 2017, there were so many powerful interests aligned in favor of the bill that its passage appeared all but guaranteed. Yet, as one attorney I interviewed relayed, just a few years prior everyone had “dismissed” the idea of a right to counsel as “completely unwinnable.” If I had asked the most knowledgeable and well-connected members of the legal and political community in 2013 (just a year before the initial right to counsel bill, 214-A, was first introduced in the City Council), few of them would have predicted the advent of Intro 214-B, and certainly not as quickly as it happened.

## Tenant Organizing and Mobilizing

How did Intro 214-B go from pipe dream to reality? The second person I interviewed presented a stunningly complete narrative of the process that ended with the passage of NYC’s Intro 214-B. I’ll call her Sandy<sup>12</sup> and draw on her comments to explicate the most relevant aspects of what happened. Sandy was part of a local community based organization in the Bronx, NY, called Communities Mobilizing for Housing (CMFH).<sup>13</sup> CMFH is a membership-driven tenant organizing group. I began my interview with Sandy by asking her to tell me about the trajectory of 214-B. I barely had to ask another question after that. This single question was enough to elicit a long and detailed response. Sandy’s description of events was more thorough and detailed than I realized at the time. She began as follows:

We started really thinking about the root causes of why housing court is the way that it is, and how do we really—understanding that it’s a center of displacement—how do we really interrupt that cycle and reclaim it? [The housing court] has really been a tool. It’s been weaponized, and how do we take it out of the landlord’s arsenal? So, we’re really rooted in building tenant power. Folks were leaving that court not wanting to organize. A big deterrent to organizing in buildings was people’s fear of being evicted and retaliation and knowing that generally landlords won because that’s how shit works. So that was the impetus for the campaign. [To start] we did a participatory action research project . . . tenants developed and ran a survey campaign that collected a thousand surveys of tenants’ experience in housing court . . . it was a huge base building tool. People really developed an incredible sense of ownership over the campaign because tenant leaders wrote the surveys, conducted the surveys, were trained on how to do focus groups, facilitated the focus groups and really just literally did everything . . . it was an awesome beginning . . .

In describing the early genesis of Intro 214-B, Sandy delineates an initial process of “transformational organizing” (Han 2014). At base, such organizing is about investing “in developing the capacities of people to engage with others in activism and become leaders” (Han 2014, p. 8). The inclination and ability to do this is what distinguishes organizations that most effectively engage people in political action, from those that do not (Han 2014). Sandy’s group was in the business of organizing. When CMFH realized that disempowering experiences with landlords and within housing court were making it more difficult to build tenant power, they developed a campaign in response. Instead of only attempting to mobilize people who were already inclined to act, CMFH worked to build capacity. This was the function of launching a community-based survey. Soon enough, these efforts led to new connections and began to spread across the city. Sandy describes it this way,

. . . so when we released our report [on the community survey] and we did this big thing, people from Brooklyn came. And we took folks from the Bronx to Brooklyn to talk about shared demands and some shared strategies because the governing agency in New York is the same, the courts are run by the state . . . We were united and working across the city . . . one of the strategies was that we were trying to meet with key people in government across the city—even though [CMFH] only worked in the Bronx—because we needed citywide buy-in for some of our demands. And so, at that time we met with Mark Levine who is a council member in Washington Heights.

Mark Levine is the councilmember (7th District, Manhattan) who eventually introduced, sponsored, and championed Intro 214-B (along with councilmember Vanessa Gibson, 16th District, Bronx). In this way, Sandy drew a

direct link between the early grassroots action of a member-driven tenant organization based in low-income communities of color (CMFH) and the City Council member responsible for the expansionary “right to counsel” bill. As Sandy told it, CMFH and other tenant-based membership organizations in other parts of the city played a fundamental role catalyzing the action that led to 214-B.

Given how early in the research process I interviewed Sandy, I thought it was possible that she overestimated the role of her organization and others like it. However, every person I interviewed afterward (and the one person I had interviewed before her) corroborated Sandy’s account. Though each of these actors could have inflated their own importance and minimized the role of CMFH, they did not. Instead, subsequent interviewees validated Sandy’s telling of the process, even when the perspectives they offered were drawn from a very different context.

For example, Allen was a prominent attorney who had been involved in civil legal services for nearly 40 years. Over that time, he held numerous leadership roles. Allen started his explanation of the genesis of 214-B at a point that literally predated Sandy’s adult life, but he nonetheless worked his way to the same place as her. With the long view in mind, Allen told me this:

this really goes back decades . . . as I progressed in my career I really became very partisan of the idea that there should be a right to counsel in housing . . . [in 1989] we brought a class action making a claim that there was a constitutional right in housing matters . . . but we lost on procedural ground . . . Then over the decades there were other moments when there was advocacy to try to win a right to counsel . . . in the mid-90s we had a justice week, we sent tenants into court pro se and asked the judges to assign them lawyers. Then in the 2000s a coalition came together again to take a legislative approach and at that point we tried to get legislation passed to provide a right to counsel for senior citizens and disabled people who were facing eviction thinking that would be a more sympathetic group . . . there was legislation introduced in the city council, we were building some momentum and the Brennan Center was involved. But 2008 hit, the economy collapsed . . . the wind kind of went out our sails. Then, the modern successful moment began back in 2013 when CMFH did this study...tenants were very involved in assessing how...housing court worked and they made a number of recommendations including that tenants should have a right to counsel. Shortly after that Mark Levine and Vanessa Gibson introduced 214. Then CMFH kind of takes the lead . . . one thing leads to another and this coalition starts to get formed to support Intro 214. They get 42 of the 51 council members to sign on. Then we spend the next 3 years organizing to make this happen. CMFH is pretty much in the lead . . . I played more of the role of integrating them with the legal world . . .

This was the first of many instances in which different people closely corroborated one another's perspectives. Continuing that pattern, Martha, a tenant organizer in the Brooklyn, noted that tenant groups had been working on different campaigns to improve housing courts in individual boroughs of the city. In Brooklyn, where she had done organizing work, there was a widespread perception of the right to counsel as an "unwinnable" issue. Then, when the tenants campaign in Brooklyn connected with CMFH (in the Bronx), things suddenly changed. Martha describes it this way:

CMFH mounted their own campaign . . . and they really took it to the whole next level and had tenants survey 1000 other tenants about their experience in the court. . . and in the course of working through that campaign their tenant leaders and tenants really wanted to prioritize advancing a right to counsel for tenants and that was really the inception of it . . .

Among the people I interviewed, there was consensus about the essential role of CMFH and tenant organizations more generally. Even councilmember Levine (whose comments I do not anonymize because of his role as a public official) acknowledged the power of local tenant groups. While councilmember Levine noted that he campaigned on a platform of expanding tenant rights and always intended to push in that direction, he also insisted that

this was going to be an epic battle and was going to require a movement to break through . . . I have certainly never seen a larger more intense and better organized coalition of activists in any policy push I've been involved in.

Councilmember Levine eschewed political credit claiming and underscored the centrality of grassroots participation. Toward the end of our conversation, he articulated this most directly saying,

My role was very different from the role of activists, they could push loudly and intensely and harshly in a way that is harder for someone on the inside who needs to sit down and negotiate with the other players inside the government. But we needed the voices from the activists or I don't think we would have broken through . . . *I know for a fact this would not have happened if there was not an organized activist coalition pushing from the outside* (emphasis mine).

These sentiments closely reflected Sandy's description of what the grassroots, community-based, activist arm of the coalition accomplished. But *how* did they accomplish it? When I asked Sandy about the specific actions that tenant organizers took in an effort to exert political influence, she offered many details. Because she was so adept at speaking for herself, I will quote

her at length. It is worth noting that each step Sandy recalls below was confirmed by other interviewees. Sandy first emphasizes mass mobilization efforts in the immediate wake of the bill being introduced. The goal here was to get lots of people involved to build momentum:

we planned an initial press conference in June 2014 to announce that the bill had been introduced, and then we started organizing in high gear, like officially formed a coalition . . . our initial event, like our coming out party was a big forum about the right to counsel in December of 2014 . . . I think maybe 500 people came, and Matt Desmond<sup>14</sup> came and we had a human rights person come, we had judges on the panel, we tried to have a really wide swath of folks to get at the issue from different angles. We even had a landlord attorney . . . And then we really just launched this three year campaign . . .

Once the campaign was officially launched, there was still much work to do. For the bill to eventually be passed, the pressure had to continue building. Toward this end, CMFH took diverse and creative approaches, as Sandy describes:

we did a lot of things. We collected 7,000 signatures, we released another report, we had an interfaith forum, we took public officials on tours of housing courts to try to make the invisible visible. We had a lot of meetings with city council members to sign on, we did presentations across the city to get community boards to endorse it . . . then we did a series of town halls, we did canvassing . . . we had tenant Tuesday where we told people's stories and fact Fridays about indigent defense. Because the Mayor during this entire time had not supported it—he either said that it was too expensive or that it wasn't the city's job—we did not want to have a hearing on this bill until we had created this kind of ground swell . . . The hearing was in Sept. 2016 and that we just packed like nuts. It was to the point where people couldn't get in, like people were turned away . . . Like 80 people testified . . .

After several years of continued organizing and mobilizing, the fight for a right to counsel for low-income New Yorkers took hold, and the tide of initial opposition from powerful elites quickly turned. In Sandy's words:

We had tons of press, it trended on Twitter and then we just tried to keep the momentum up. In December, we did an action where we delivered all the 7,000 signatures to the Mayor and the Speaker. In February, the Mayor announced his support, then the Speaker announced her support. [Before that] the speaker would not meet with us the whole campaign.

It is especially notable that leading political elites were not on board with 214-B for the majority of the campaign. Every person I talked to described

the (Democratic) Mayor Bill de Blasio as the principal hold out. All of the NYC interviewees noted numerous factors that worked in favor of eventually getting Mayor de Blasio to cooperate: he was up for re-election, he had gotten very bad press for mishandling the city's housing crisis and needed a "win" in the arena of housing, and he was inclined to take saliently bold action in the wake of the election of Donald Trump. Notwithstanding those considerations, de Blasio declined to support 214-B for an extended period of time and his ultimate support was never a foregone conclusion. When I asked interviewees what they viewed as the deciding factor, the unanimous response was that the grassroots efforts of activists and organizers made a pivotal difference in prompting the Mayor to commit hundreds of millions of dollars (annually) to expanding civil legal rights, despite having initially refused.

One convincing indication of the power of the grassroots coalition was the intensive involvement of activists in the period between February 2017 when de Blasio first declared his support and August 2017 when he finally signed the bill. In that interim, there were crucial issues at stake. Most controversially, the de Blasio administration did not want to include public housing tenants in the protections offered by 214-B. Ostensibly, the Mayor reasoned that the city government should not pay for lawyers to represent tenants when the city was itself the landlord. Stunned activists—some of whom were either from communities with significant amounts of public housing, or lived in public housing themselves—refused to exclude the poorest and most racially marginal renters in the city from the "right to counsel" deal. Tense negotiations ensued. Sandy described it this way:

[de Blasio] didn't want to include public housing tenants. The people [in the de Blasio administration] who were figuring out how to make this happen didn't have conversations with us about our vision about how to operationalize it and so they had developed this rollout plan to make it work and they had everything worked out in their minds from a housing court based model and just never actually thought about other venues [administrative courts where public housing tenants fight evictions] . . . the city was about fighting landlord harassment, the bad apples. [public housing] didn't fit into that narrative because the city is the landlord! *They didn't see it as being about power* . . . now we have right to counsel for all tenants, hands down. But it took internal negotiation with the administration to win that (emphasis mine).

Sandy clarified the continued role that membership-based tenant groups played in policy design, even after the legislation has been introduced and the Mayor had signed on. Nearly all of my interviewees mentioned the standoff with the Mayor's office over the inclusion of public housing tenants. The resolution of that conflict in the direction that activists demanded was no

small feat and it signified the sway that activists held, even in the face of a powerful Mayor.

Sandy's narrative evinces the broader argument that RCS communities can wield substantive policy influence in ways that much political science research, including work on urban politics, does not often capture. Yet, some pertinent scholarship on advocacy groups and community based organizations offers possible counter perspectives. For example, Strolovitch (2008) finds that even advocacy groups intending to represent the interests of the disadvantaged can end up favoring the interests of most advantaged among their constituency. This raises a question about whether it is appropriate to equate CMFH and the many other tenant organizations involved in fighting for 214-B with the "grassroots" and RCS "communities." Another related potential counter perspective emerges from the work of sociologist Jeremy Levine. Levine (2017) points to the paradox of "community power" that arises from the fact that community based organizations can leverage the ideal of "community" for various ends, such that local residents "appear empowered as members of 'the community,' but in effect have little influence" (Levine 2017, p. 2). These alternative theories suggest a different interpretation of Sandy's narrative: organized interests are really the key factor in this policy story, not the political influence of economically and racially marginalized community residents (whom I refer to as race class subjugated [RCS] communities). While the work of both Strolovitch (2008) and Levine (2017) is critically important, there are several reasons why I cast this policy narrative in terms of the power of RCS communities as opposed to interest group/organizational power (though note that the two are at times compatible and overlapping). First, the dominant organizations involved were membership-driven and based in working class neighborhoods disproportionately populated by people of color. These groups' effectiveness relied on RCS community residents taking action. Many leaders within tenant groups were drawn from the communities most affected by the eviction and affordable housing crises. Additionally, even as tenant groups integrated into a broader coalition that included elite actors, the community based organizations leading the coalition intentionally took steps to incorporate and center the voices of local nonelite tenant leaders.

To this point, the meaning of the phrase "membership-driven" came to life when I interviewed several CMFH local community leaders and realized the significance of the work they did within the organization. This was a model that other tenant organizations shared as well. Most CMFH leaders were ordinary community members, not professional organizers. They were people like Frank—introduced at the beginning of this article—whose experiences had motivated them to turn to organizing. Ronald, for example, was a major figure

in the citywide fight for 214-B. As an African American single father living in subsidized housing, Ronald's landlord attempted to evict him after he returned from an extended hospital stay that had nearly resulted in his death. Here is how Ronald describes why he became involved:

When I got out of the hospital the landlord's lawyer served me papers. I was put on bed rest when I got out of the hospital and I was out of the hospital two days when I got served. I tried to get the landlord's lawyer to come in [to the apartment] because I wasn't supposed to get out of bed...but he couldn't so I had to go to the door. That's when everything began. I'm a single parent with five kids...and [my kids] were standing in the hallway when I got served. The landlord's lawyer, first thing he said was "I hate to be the one but I have to put you out" and my kids were standing there looking at me waiting to see what I was going to say. I could see the fear in their eyes that they understood what it meant that we were getting ready to be evicted. But what I couldn't understand at that time was why I was being evicted.

It turned out that even though Ronald had kept up-to-date on his portion of the rent payments, Section 8 had stopped paying their portion until the landlord made the repairs necessary to bring the apartment up to code. Instead of making the required repairs, the landlord was evicting him. The day after Ronald was served eviction papers—just three days after coming home from the hospital—he defied doctors' orders, got out of bed, and found his way to the corner store to speak to a friend who he hoped could give him advice on finding legal help. His friend directed him to a local legal aid office. He went there and was able to speak to an attorney. On his way out, he saw a flier advertising a "know your rights" workshop that CMFH was hosting for tenants in his neighborhood. Even though he had already spoken to a lawyer, he still felt confused about his circumstances, so he went to the workshop. Nearly seven years later, Ronald was still a part of CMFH. His extended two-year battle with his landlord had kept him deeply connected to issues of housing rights and he decided to invest in the fight. CMFH trained him to be a leader through workshops, seminars, and organizing events. He then mobilized tenants in his neighborhood, spoke at political rallies, shared his story with political officials, accompanied tenants who needed support in court and did much more. Ronald was so vital to the passage of 214-B that I spotted him (among many others) in the background of a picture taken at a major press event held after 214-B was signed.

A primary function of CMFH was to bring poor people of color like Ronald to the forefront, to put them in positions of power, and to foreground their experience. Two other tenant leaders I interviewed told me similar



stories of harrowing years-long battles with landlords that eventually led them to CMFH and motivated them to engage. CMFH and other tenant rights groups equipped these otherwise marginalized actors, giving them a channel through which to become leading voices. Most crucially, CMFH did this with an eye toward power and equity. Ronald lived in poverty and he was not highly educated. But when I asked him whether he felt like he was on equal terms with the lawyers, academics, and other elites in the coalition, he insisted on his equality and even on his *distinctive* standing. He and other organizers actually understood the experiences of low-income tenants; they were able to spot problems and solutions that the “higher ups” could not see. CMFH took care to structure the coalitional meetings in ways that made it possible for the insights of grassroots organizers to be heard. Sandy explained the philosophy that motivated this approach:

The law is not about justice. The law is a reflection power. And most of the time reflects the ruling class interests. If we're actually going to transform [that] . . . then *how* we do it is also important. Like who is in the room making decisions? Our coalition meetings frankly are kind of hard to navigate because there are a lot of attorneys in the room, but also, we always have tenant leaders in the room. And how do you manage that room in a way that says, actually what you [tenant leaders and tenants] think is more important than what the attorneys think? [We] create strong rules around trying to manage how people take up space in that room. We always have breakout groups, because everybody speaks. And I think the fact that it started with tenant organizing in the Bronx and Brooklyn and that it was tenant organizing groups that have a membership-based structure, they're accountable to members, where members hold leadership positions who make strategic decisions in the organization . . . that's important. People in organizing always say that a principle is that the folks [whose interests] are represented need to be in leadership. And I think it's this liberal idea that gets tokenized . . . But in my perspective, the reason you do it is because those folks are the least compromised. They have everything to lose and everything to gain. They're not looking to maintain the status quo and they're not thinking about their next job, they're not invested in the system as it is so you can root decisions in those folks who are really invested.

The tenant leaders I interviewed confirmed this. They felt empowered and believed that they played leading roles in the advancement of 214-B. All of the external evidence I examined corroborated this belief. I saw tenant leaders—ordinary working class people who had themselves faced housing struggles—in videos speaking at rallies, testifying in public hearings, being quoted by media, and being photographed at major press events.

## New York City: Contextualizing the Power of RCS Communities

Though I emphasize the political influence of RCS communities, it is worth noting that many other factors were critical to the passage of 214-B. As I noted earlier, I asked interviewees what they viewed as the key determinants of the bill's success. Their answers were broadly similar. The most commonly stated determinants involved electoral, representative, and policy institutions. Everyone mentioned two or more of these factors. *Elections*: Mayor de Blasio would have been less motivated to act had it not been an election year. *Local legislatures*: The city council held hearings were covered widely by the media; council members vocalized their support for the bill and generated media attention. Councilmember Levine wrote an op-ed in the *New York Times*. There is no doubt that an overwhelmingly democratic City Council that offered very little resistance and much active assistance was vital. *Local policy*: New York was a city where the right to counsel actually mattered. As one attorney described it to me, long standing policies like rent control made a right to counsel more valuable by enabling it to be a tool that actually kept people in their homes. Without rent control, many tenants would have no hope whatsoever of affording skyrocketing rents in the wake of gentrification and market forces. Staying in their homes would be impossible—and nothing that happened in housing court could change that. But rent control meant that what happened in court mattered, because fighting off predatory landlords could actually result in keeping one's home. Another local policy legacy that mattered was a codified right to shelter. Beginning with *Callahan v. Carey* in 1979, a series of legal victories in the 1970s and 1980s ensured the right to shelter for homeless men, women, children, and families in New York City. This was a powerful background condition that permeated the discourse and expectations around the needs of tenants in the city.

*Economic context* was also imperative. Most of the interviewees in NYC mentioned this. The city faced a formidable housing crisis that produced troubling rates of homelessness and eviction. These issues were on everyone's radar. While civil legal representation was generally not a salient hot button political matter, representation in housing court became prominent because it tapped into a broader policy domain (housing) that was a top priority throughout the city.

Having contextualized the range of factors that were crucial for making Intro 214-B happen, I'll reiterate that the research approach I take here does not enable me to isolate the exact "effect" of any given "variable." Instead, I

develop a theoretically informative qualitative description of the political process that facilitated the passage of 214-B (Sandelowski 2000, 2010; Simmons and Smith 2017). I emphasize the engagement and influence of economically and racially marginal communities because it emerged as *the key* factor in those policy processes and because many theories of urban politics and political participation would lead us to discount it. Most of the interviewees mentioned all of the factors that I bring up in this section. Still, *all* of them agreed that grassroots involvement was the crucial element. This points to the conditions of possibility for power within RCS communities. In the case of New York City, such power was facilitated by significant grievances being directed through membership-driven organizations that mobilized and organized on the neighborhood level and operated with an eye toward equitable power relations. I turn now to San Francisco, a distinct but comparable model for understanding the conditions that facilitate what leaders in that city called “people power.”

### **San Francisco: Different Route, Similar Destination**

San Francisco saw a largely symbolic victory in the name of the right to council in 2012. That year, the city Board of Supervisors (the equivalent of a city council) passed an ordinance declaring SF a “right to civil counsel city.”<sup>15</sup> The ordinance did not actually establish a right to counsel, but it was presented as a step in the direction of creating one. That step turned out to be quite small. Long on intentions but short on resources, the ordinance authorized a one-year “Right to Civil Counsel Pilot Program” but limited the city’s financial commitment to roughly \$100,000 to pay for staff to support “program coordination among the City, the Superior Court, nonprofit organizations, and others involved in the Pilot Program.” The funds necessary to fully ensure a right to council in the city (estimated at upward of 3 million at the time) never materialized.

Despite the underwhelming reach of the ordinance, the demand for civil legal representation persisted and the ordinance created an expectation that grassroots organizers built upon. After seeing what had happened in New York City with Intro 214-B, a coalition of renters, tenant groups, and advocates decided to pursue a right to counsel for SF tenants. In November 2017, they submitted a ballot measure that would guarantee *every* tenant facing eviction in SF a right to a lawyer. They called it the “No Eviction Without Representation Act of 2018.”<sup>16</sup> Here is how one organizer described the process that preceded the submission of the ballot measure:

The Board [of Supervisors] passed a measure to do a pilot program [for] a right to counsel for tenants and . . . once you read the details the grandiose statement was just words with no teeth and the pilot program was incredibly modest and helped some people but very few. A couple years went by and come 2016 . . . tenant advocates really started to take a look at whether the Board could be pushed or whether we needed to go some other route to really make this real . . . [we decided] that the dynamics locally hadn't changed, that the Board is controlled, largely the real estate industry has its way. The Mayor's office is as bad or worse and if we went back to the board we'd get mostly lip service maybe a little minor progress and what was needed was something significant. Obviously, New York then happened . . . the best way to go to the ballot is when you've got a model so that you can show voters that we didn't just come up with this crazy idea whole cloth but we are taking a good idea from somewhere else and we're making it happen here and we're doing it quickly . . . we then sort of quietly drafted a measure that on November 1st a group of activists walked into the department of elections at City Hall and filed, which began the process. We purposely did it quietly and didn't give the Board or politicians a chance to co-opt it or water it down.

Since the ballot initiative was meant to circumvent a reluctant Board of Supervisors (BOS) and was done without their knowledge or input, it was more expansive than anything the BOS had previously (or subsequently) considered. Of particular note was that the proposed measure provided for legal representation *without any income criteria*, making it even more inclusive than what 214-B offered in NYC.

## San Francisco: "People Power" Made the Difference

After submitting the ballot measure in November, it was not long before the coalition encountered obstacles. One organizer that I interviewed noted that

two weeks after we filed the measure, the BOS president London Breed held a surprise press conference to try to derail the ballot measure. She said the ballot measure was a "waste of time." In response to questions she said that the Board would do an ordinance and it would be means-tested and it would have three or four other limitations. Her pitch was that the Board would do this quicker, people would get attorneys faster and there would be funding attached . . . she was trying to tell voters that they should reject the ballot measure and support her ordinance . . . but we had already begun and clearly, they were trying to derail something that would have been more valuable to tenants . . . people who were with us stayed with us . . . we kept going.

The coalition needed 9,485 signatures by February 5 for the measure to qualify to be placed on the June ballot. Given the challenges of the signature validation process, the coalition hoped to get at least 16,000 signatures. Jake, one of the local leaders most deeply involved with the process, described the strategy of the coalition this way:

There are two ways to do it in essence. One is volunteers and the other is paying people to go standing on street corners and bother people for signatures. So, we did both.

And typically, and increasingly everywhere, but certainly in San Francisco where it's hustle and bustle on the street, not a lot of people hanging out just chit chatting...it's tough to get signatures unless you're doing it for hours and hours, unless you're doing it day after day so you get the hang of it, get the wrap down. Actually, most measures that make the ballot for signatures on the local level almost all are by professional signature gatherers. So, we enlisted one of the local firms to do it . . . *But there was [also] a huge pool of fired up activists, volunteers, people who are facing eviction and others . . . a whole bunch of [groups] sort of teamed up* (emphasis mine).

Initially uncertain of how much grassroots involvement they would get, the organizers raised funds to pay for professional signature gatherers, as is the norm in San Francisco. Had this been the primary pathway to support for the measure, the SF victory would have been much less a reflection of engaged RCS communities. Indeed, it would have exemplified what political scientist Hahrie Han aptly calls transactional mobilization—organizations taking action aimed at leveraging people toward some specific end (Han 2014). That was not what happened in SF. Instead, the organizers of the effort, most of whom were themselves community members and SF tenants, found “a huge pool of fired up activist, volunteers, people who are facing eviction” and subsequently created opportunities for these folks to engage in civic and political activity—a process of *organizing* that went beyond transactional mobilizing (Han 2014). Jake makes the organizing features of the tenants' right efforts quite clear:

We did our kick off in late November or early December at the office of the Tenants Union in the Mission District, we had about 100 people there waving clip boards with petitions on them. I think in the end 300 to 400 people collected signatures as volunteers. Roughly 50 percent of the signatures were volunteers and the other half were from the paid signature gatherers . . . I was just amazed that people didn't just come out on the first day for the photo op but they came on the next day and the next week and the next week, they came out right

before Christmas, right after Christmas . . . a pretty wide swath of folks stood on street corners and bothered their friends in the neighborhood and came to our events. . . particularly in a pretty depressing national political time, I think it's very hopeful for people to have something substantive that would help . . . in a real way. Very empowering to folks. We collected in the end 21,000 signatures . . . and we turned them in two or three weeks early.

It is no small thing that the kick off for the ballot measure occurred in the Mission District at the offices of one of the main tenant organizations involved in the effort. The Mission District is largely populated by people of color (37% Latino, 14% Asian, 3% Black). Moreover, Latinos in the District neighborhood acutely struggle with poverty and severe housing cost burden (Wenus 2017). Launching the campaign for the ballot initiative in this neighborhood signaled the people and priorities that lie at the heart of the effort.

Once the "right to counsel" measure made it onto the ballot, it was endorsed by four of the eight candidates running for San Francisco Mayor that year. Crucially, it was also backed by a strong and varied coalition of tenant organizations, community members, and neighborhood leaders. Many of the organizations at the forefront represented tenants of color and low-income tenants. The NYC Right to Counsel Coalition endorsed the measure from afar but also sent local CMFH leaders (including Ronald) to California to share insights and strategies. Between January and June, SF leaders, advocates, and organizers galvanized supporters to say "Yes on F" (since the measure would appear on the ballot as Proposition F). In the June 2018 election, that work proved effective as 55% of voters approved the "No Eviction without Representation" legislation.

The political process that propelled this civil legal expansion in San Francisco was very different than the process at work in New York City. Institutions accounted for key differences. The people I interviewed noted this every time. One advocate extolled, "there is just no substitute for the citizen initiative process." The availability of a ballot measure meant that the coalition in SF did not have to engage in nearly as much political maneuvering as their counterparts in NYC. Had the city council in NYC been unsupportive, Intro 214-B could not have happened. Given this, activists and advocates in NYC had to till the political ground for much longer before finding a fertile field for policy change. The three-year period between the original introduction of 214-B and its final passage speaks to this. In SF, the Board of Supervisors could be circumvented through a ballot initiative. So instead of waiting, compromising, or diminishing their goals, the SF coalition leveraged "people power" to act outside of the city's political establishment. One of the major groups involved in organizing for the "Yes on F" campaign

was the SF chapter of the Democratic Socialists of America (SF DSA). The chapter was formed in 2016—when the NYC coalition had already been at work for years—and Prop F has been one of their breakthrough victories. SF DSA aims to “learn from and build power for the working class of the city” and like CMFH they are a membership-based organization that relies heavily on the engagement and participation of people whose life experiences compel them to volunteer time and energy to the causes that the organization champions. In an official statement, SF DSA describes their work on the campaign this way:

DSA powered the bold measure with mass mobilizations and volunteerism . . . over 100 DSA members volunteered over 1,000 hours to Yes on F. Dozens walked San Francisco’s neighborhoods to distribute literature and knock on doors. And even more members participated in phone and text banking across almost 400 logged hours. DSA brought in just under \$90,000 in donations for Yes on F with no assistance from special interest, corporate developer, or real estate money . . . the campaign was fueled by individuals and organizations outside the political establishment of San Francisco.

All of the interviewees confirm this view of what drove the mobilization. One neighborhood leader said, “I really credit it to the volunteers, activists and folks who got all the signatures and showed that there was a steam behind this from day one.” Similarly, a local activist I interviewed declared that “people power was the crucial factor.” Dean Preston (who I name only because of his status as public figure) is a key political player in SF who has run for public office on multiple occasions. Preston is the person who officially submitted the ballot measure that became Prop F. He was also the executive director of a tenants rights group called Tenants Together. In my interview with Preston, he took care to note that though he had a leading role in the “Yes on F” campaign, it “took people power to make this happen.” Preston noted other institutional and contextual factors. The recent death of Mayor Ed Lee had led to an unexpected special election during what would have otherwise been a “sleepy special election.” The attention and voters brought in by that election made the ballot measure more salient and politically viable. More broadly, an affordable housing crisis was devastating San Francisco. Notwithstanding these significant dynamics, Preston returned again and again to the central role of tenants, ordinary people.

Even on a fundamental level, it was low-income city residents who had initially “pushed” Preston “towards a right to counsel” as an issue of concern. Years earlier, while Preston was organizing tenants’ rights boot camps, his conversations with community residents sensitized him to the powerful fear

of eviction that permeated low-income neighborhoods. He decided then that a right to counsel was not just about making sure people could be represented in court, it was also about “alleviating the anxiety that came with knowing that you were powerless should your landlord try to evict you.”

Importantly, the role of RCS communities was different in SF than it was in NYC. One reason is that the efforts in SF spanned a wider class spectrum: for at least the last 45 years, over two-thirds of San Francisco households have been renter occupied (SF Housing Data Hub 2019). The universal design of the SF right to counsel ballot initiative meant that all of those tenants, across socioeconomic backgrounds, stood to benefit from Prop F. This incentivized participation from many different corners and made for a diverse group of organizations and participants. At the same time, while prop F was not exclusively germane to low-income renters, it was still disproportionately crucial for them. Evictions in SF and across the country are patterned by racial and class status. A 2013 city sponsored survey of legal tenant aid organizations in San Francisco indicated that over 50% of clients were people of color: 28% were Black (compared with only 6% of the city population), 16% were Latino, and 9% were Asian (Hing 2013).

Coalitional leaders in SF recognized these racial configurations and many were responding directly to them. For example, organizers noted that there were “a high number of seniors of color, particularly Latino and Chinese immigrants” being targeted by landlords. Several of the organizations involved in the SF Right to Counsel Committee had express commitments to particular racial and economic groups and were focused on advancing the rights of Asian Americans, Latinx communities, and working class renters. For example, Justice First Now (JFN) was one of the organizations that contributed “people power” for the Prop F campaign.<sup>17</sup> JFN was explicitly dedicated to building grassroots power and leadership. The organization was “born through mergers between Black organizations and Latino organizations,” and was committed to building “bridges of solidarity between working class communities . . . [through] policy campaigns, civic engagement and direct action.” Most of the leaders and members of JFN are people of color. Other organizations that participated in the SF right to counsel coalition were similarly oriented toward representing particular racial and/or class sub-groups. So, while the “Yes on F” campaign involved a diverse range of actors, RCS communities and organizations devoted to them were imperative.

Elite leaders like Dean Preston certainly ushered Prop F to success. Ultimately, however, everything from the initial inspiration for the right to counsel to the signature drives, pointed back to ordinary people engaging in collective political action in the face of significant economic and racial



marginalization. Grassroots organizations were key in channeling the power of those people. Effective organizations were those that were membership-driven, had relatively nonhierarchical power structures, and had an explicit focus on racial and economic inequality.

## Conclusion

In 2017 and 2018, New York City and San Francisco (respectively) achieved significant expansions of civil legal rights. Despite the divergent institutional paths that led to these policy developments, the politics underlying them contained informative overlap. In particular, both policies required widespread grassroots participation as a necessary (though not sufficient) condition for success. In both cases, powerful coalitions of elites and non-elites unified to advance the cause of civil legal rights. I argue that the grassroots engagement of significant numbers of nonelites from race class subjugated communities—"people power"—was a crucial factor. I intend for this argument to speak to scholars of American politics who too often conceptualize RCS communities in terms of their political deficits without sufficiently appreciating possibilities for their substantive influence within policy processes. By attending to such possibilities, I identify a mechanism for cultivating political power in RCS communities: local membership-driven community based organizations that actively seek to build community power. Social scientists certainly know that political organizations matter (Andrews and Edwards 2004; Baumgartner and Leech 1998; Han 2009, 2014, 2016; Hojnacki et al. 2012; Wilson 1995). Yet, relatively few scholars attend to organizations that represent the interests of nonelites, examine grassroots organizing in the context of urban policy, or consider how local organizations operating in RCS communities catalyze grassroots participation to achieve policy change (Han 2009, 2014, 2016; Portney and Berry 1997; Su 2009; Warren 2001; Warren and Mapp 2011). On those counts, this research makes a notable contribution.

My focus on two large, idiosyncratic cities is one limitation of this study. New York City and San Francisco share similarities that make them particularly apt places for effective grassroots mobilization of the sort I observe (e.g., affordable housing crises that generate many grievances, a dense infrastructure of community organizations with a long history of engagement, large populations of low-income people and people of color). At the same time, the political processes in these cities unfolded through different institutional mechanisms (city council legislation vs. ballot initiative), catalyzed different constellations of community coalitions (the coalition in NYC was

much more extensive and better integrated), and occurred over different time frames (months in SF vs. years in NYC). The processes also produced different policy designs (a universal tenant “right to counsel” in SF versus a targeted “right” in NYC). All of this means that SF and NYC do not make for optimally neat or causally opportune controlled comparisons (Gisselquist 2014; Slater and Zibblatt 2013). Instead, I have proceeded on the logic that “cases need not be selected for their ability to address potential alternatives through ‘control’ but rather for how elements of their processes speak to one another in theoretically relevant ways” (Simmons and Smith 2017, p. 129). In this light, the contrasts and similarities between my cases are at once this study’s weakness and its strength.

Certainly, this suggests that more qualitative case studies could yield more insights. Fortunately, there will be no shortage of opportunities for additional cases. The Newark City council has recently passed legislation aimed at significantly expanding legal representation for tenants. Numerous other cities are pursuing the same. Scholars will thus have promising chances to continue building knowledge about the politics underlying these efforts and the outcomes that they generate.

The continued spread and growing salience of right to counsel expansions in urban contexts bring into sharp relief enduring questions about “who governs.” In particular, in a polity marked by deep inequalities, within cities (often bitterly) divided by race and class, there is often a dim prospect for policies that disproportionately benefit racially and economically marginal denizens. Many studies provide substantial reason to expect that such policies will rarely materialize. But what do we make of it when they do? What conditions, institutions, and groups account for outcomes favorable to marginalized communities? By focusing on the power that community members exert in high stakes battles over fundamental legal rights, this research builds on and extends important but often overlooked ideas about the sources and modes of engagement that emerge at the racial and economic margins of the polity (Han 2009; Jones-Correa and Wong 2015; Michener and Wong 2018; Portney and Berry 1997; Su 2009).

### **Declaration of Conflicting Interests**

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

### **Funding**

The author(s) received no financial support for the research, authorship, and/or publication of this article.

## Notes

1. To protect the identity of study participants, the names I use in this article are pseudonyms (unless otherwise noted) and the details of particular cases (especially potentially identifiable specifics) are sometimes altered in minor ways.
2. I follow Soss and Weaver (2017, p. 567) in using the phrase “race-class subjugated (RCS).” In doing so, I echo their rationale for employing this language: “Race and class are intersecting social structures and productive social forces that defy efforts to classify people neatly on the basis of subjective identity, socioeconomic status, or possessions. We intend for the term RCS to trouble the tidy analytic opposition of race and class variables that prevails in much American politics research and to avoid the tendency to reduce race and class to discrete sets of labels.”
3. In *Gideon v. Wainwright* (1963), the U.S. Supreme Court found a right to counsel in criminal cases involving felony charges. In *Argersinger v. Hamlin* (1972), the Court supported the right to counsel in criminal cases involving misdemeanor charges. No equivalent federal rights exist for civil cases.
4. Offering a very different theoretical vantage point, a seminal literature on power resources theory (PRT) emphasizes the importance of class-based political mobilization in shaping the generosity of welfare state policies (Esping-Andersen 1990; Huber and Stephens 2001; Korpi 1983). The contrasting perspective of PRT is rooted in cross-national comparison of social policy, with individual- and community-level processes generally outside of the purview of the theory. As such, PRT has not widely influenced the urban politics literature I reference here.
5. While the distinction between criminal and civil law is one the foundations of the American legal system, the boundary between these categories is notoriously fuzzy (Klein 1999; Mann 1992). Notwithstanding this conceptual uncertainty, the civil-criminal distinction is a social fact that has consequences in the lives of many Americans. Of particular importance is that most civil litigants do not have a constitutional right to representation (see note 3).
6. Black Americans comprised 28% of Legal Services Corporation (LSC) clients, Hispanic Americans 18%, Asian Americans 3%, and Native Americans 3% (Legal Services Corporation 2016).
7. For examples of what is happening with the right to counsel across the country, see <http://civilrighttocounsel.org/map>
8. We identified 35 newspaper articles detailing efforts to expand access to counsel in New York City (21 articles) and San Francisco (14 articles).
9. We identified four bills related to the expansions of counsel in NY (Intro 214-A & Intro 214-B) and SF (2012 Board of Supervisors Ordinance & 2017 Prop F).
10. The text of committee hearings for the NYC bills is available via the NYC City Council website: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1687978&GUID=29A4594B-9E8A-4C5E-A797-96BDC4F64F80>
11. Throughout this article, I anonymize the names of interviewees except when they are public officials or people running for public office to whom I have not promised anonymity.

12. Again, note that this is a pseudonym.
13. This is also a pseudonym. I mask the name of the community groups in question to make it more difficult to identify the parties involved.
14. Matthew Desmond is the author of a Pulitzer Prize winning book (*Evicted: Poverty and Profit in an American City*). In a nod to academic work, numerous activists I interviewed noted (without prompting) that Desmond's book drew much useful and necessary attention to the issue of eviction.
15. San Francisco Ordinance No. 45-12 was passed by a vote of 9-2. The ordinance added San Francisco Administrative Code Article 58, §§ 58.1 through 58.3.
16. See text here: [https://www.sfrighttocounsel.com/initiative\\_text](https://www.sfrighttocounsel.com/initiative_text)
17. This is a pseudonym standing in for the name of the actual organization in question.

## ORCID iD

Jamila Michener  <https://orcid.org/0000-0002-7343-442X>

## References

- Andrews, Kenneth T., and Bob Edwards. 2004. "Advocacy Organizations in the U.S. Political Process." *Annual Review of Sociology* 30:479–506.
- Badger, Emily, and Quoc Trung Bui. 2018. "In 83 Million Eviction Records, a Sweeping and Intimate Look at Housing in America." *New York Times*, April 7. Accessed May 26, 2019. <https://www.nytimes.com/interactive/2018/04/07/upshot/millions-of-eviction-records-a-sweeping-new-look-at-housing-in-america.html>.
- Bartels, Larry M. 2008. *Unequal Democracy: The Political Economy of the New Gilded Age*. Princeton: Princeton Univ. Press.
- Baumgartner, Frank R., and Beth L. Leech. 1998. *Basic Interests: The Importance of Groups in Politics and in Political Science*. Princeton: Princeton Univ. Press.
- Bezdek, Barbara. 1991. "Silence in the Court: Participation and Subordination of Poor Tenants' Voices in Legal Process." *Hofstra Law Review* 20 (3): 533–608.
- Browning, Rufus P., Dale Rogers Marshall, and David H. Tabb. 1984. *Protest Is Not Enough: The Struggle of Blacks and Hispanics for Equality in Urban Politics*. Berkeley: Univ. of California Press.
- Butler, Daniel M. 2014. *Representing the Advantaged: How Politicians Reinforce Inequality*. New York: Cambridge Univ. Press.
- Cohen, Cathy J. 2006. "African American Youth: Broadening our Understanding of Politics, Civic Engagement and Activism." Social Science Research Council. Accessed May 26, 2019. <http://ya.ssrc.org/african/Cohen/>.
- Dahl, Robert A. 1961. *Who Governs?: Democracy and Power in an American City*. New Haven, CT: Yale University Press.
- Desmond, Matthew. 2016. *Evicted: Poverty and Profit in an American City*. New York: Broadway Books.
- Einstein, Katherine Levine, and Vladimir Kogan. 2016. "Pushing the City Limits: Policy Responsiveness in Municipal Government." *Urban Affairs Review* 52 (1): 3–32.

- Elkin, Stephen L. 1987. *City and Regime in the American republic*. Chicago: University of Chicago Press.
- Engler, Russell. 1997. "Out of Sight and Out of Line: The Need for Regulation of Lawyers' Negotiations with Unrepresented Poor Persons." *California Law Review* 85 (1): 79–158.
- Esping-Andersen, Gosta. 1990. *The Three Worlds of Welfare Capitalism*. Cambridge: Polity Press.
- Flavin, Patrick. 2012. "Income Inequality and Policy Representation in the American States." *American Politics Research* 40 (1): 29–59.
- Franko, William W. 2013. "Political Inequality and State Policy Adoption: Predatory Lending, Children's Health Care, and Minimum Wage." *Poverty & Public Policy* 5 (1): 88–114.
- Gardner, Debra. 2006. "Pursuing a Right to Counsel in Civil Cases: Introduction and Overview." *Clearinghouse Review Journal of Poverty Law and Policy* 40 (3–4): 166–69.
- Gardner, Debra, and Ward B. Coe, III. 2014. "A Right to Counsel in Critical Civil Cases and the Role of the Private Bar." *Maryland Bar Journal*, July/August, 12–17. Accessed May 26, 2019. <http://www.publicjustice.org/news/pjc-news/90>.
- Gilens, Martin. 2012. *Affluence and Influence: Economic Inequality and Political Power in America*. Princeton: Princeton Univ. Press.
- Gilens, Martin, and Benjamin I. Page. 2014. "Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens." *Perspectives on Politics* 12 (3): 564–81.
- Gisselquist, Rachel M. 2014. "Paired Comparison and Theory Development: Considerations for Case Selection." *PS: Political Science and Politics* 47 (2): 477–84.
- Goldschmidt, Jona. 2002. "The Pro Se Litigant's Struggle for Access to Justice: Meeting the Challenge of Bench and Bar Resistance." *Family Court Review* 40 (1): 36–62.
- Griffin, John D., and Brian Newman. 2012. "Voting Power, Policy Representation, and Disparities in Voting's Rewards." *The Journal of Politics* 75 (1): 52–64.
- Hajnal, Zoltan. L. 2009. *America's Uneven Democracy: Race, Turnout, and Representation in City Politics*. New York: Cambridge Univ. Press.
- Hajnal, Zoltan L., and Jessica Trounstine. 2005. "Where Turnout Matters: The Consequences of Uneven Turnout in City Politics." *The Journal of Politics* 67 (2): 515–35.
- Hajnal, Zoltan L., and Jessica Trounstine. 2010. "Who or What Governs? The Effects of Economics, Politics, Institutions, and Needs on Local Spending." *American Politics Research* 38 (6): 1130–63.
- Hajnal, Zoltan L., and Jessica Trounstine. 2014. "What Underlies Urban Politics? Race, Class, Ideology, Partisanship and the Urban Vote." *Urban Affairs Review* 51 (1): 63–99.
- Hajnal, Zoltan L., and Jessica Trounstine. 2016. "Race and Class Inequality in Local Politics." In *The Double Bind: The Politics of Racial and Class Inequalities in*

- the Americas*, edited by Juliet Hooker and Alvin B. Tillery Jr., pp. 139-155. Washington, DC: American Political Science Association.
- Han, Hahrie. 2009. *Moved to Action: Motivation, Participation, and Inequality in American Politics*. Palo Alto: Stanford Univ. Press.
- Han, Hahrie. 2014. *How Organizations Develop Activists: Civic Associations and Leadership in the 21st Century*. New York: Oxford Univ. Press.
- Han, Hahrie. 2016. "The Organizational Roots of Political Activism: Field Experiments on Creating a Relational Context." *American Political Science Review* 110 (2): 296-307.
- Hayes, Thomas J. 2013. "Responsiveness in an Era of Inequality: The Case of the U.S. Senate." *Political Research Quarterly* 66 (3): 585-99.
- Hill, Kim Quaile, and Jan E. Leighley. 1999. "Racial Diversity, Voter Turnout, and Mobilizing Institutions in the United States." *American Politics Quarterly* 27 (3): 275-95.
- Hing, Julianne. 2013. "Where Do San Francisco's Evicted Go?" *Colorlines*, December 13. Accessed May 26, 2019. <https://www.colorlines.com/articles/where-do-san-franciscos-evicted-go>.
- Hojnacki, Marie, David C. Kimball, Frank R. Baumgartner, Jeffrey M. Berry, and Beth L. Leech. 2012. "Studying Organizational Advocacy and Influence: Reexamining Interest Group Research." *Annual Review of Political Science* 15:379-99.
- Housman, Alan W., and Elisa Minoff. 2014. "The Anti-poverty Effects of Civil Legal Aid." Report for the Public Welfare Foundation. Accessed May 26, 2019. <https://legalaiddresearch.org/pub/4188/anti-poverty-effects-civil-legal-aid/>.
- Huber, Evelynne, and John D. Stephens. 2001. *Development and Crisis of the Welfare State*. Chicago: The Univ. of Chicago Press.
- Jones-Correa, Michael, and Diane Wong. 2015. "Whose Politics? Reflections on Clarence Stone's Regime Politics." *Urban Affairs Review* 51 (1): 161-70.
- Kim, Elizabeth. 2019. "New York City Bill Aims to Educate Low-Income Tenants About Right to Counsel Law." *Gothamist*, April 19, 2019. Accessed, May 31, 2019. [http://gothamist.com/2019/04/19/tenants\\_right\\_to\\_counsel.php](http://gothamist.com/2019/04/19/tenants_right_to_counsel.php)
- Klein, Susan. 1999. "Redrawing the Criminal-Civil Boundary." *Buffalo Criminal Law Review* 2 (2): 681-723.
- Korpi, Walter. 1983. *The Democratic Class Struggle*. London: Routledge & Kegan Paul.
- Legal Services Corporation. 2016. "Grant Activity Report." Legal Services Corporation Office of Data Governance and Analysis, Washington, DC.
- Legal Services Corporation. 2017. "The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans." *Prepared by NORC at the University of Chicago for Legal Services Corporation, Washington, DC*, June.
- Levine, Jeremy R. 2016. "The Privatization of Political Representation: Community-Based Organizations as Nonelected Neighborhood Representatives." *American Sociological Review* 81 (6): 1251-1275.

- Mann, Kenneth. 1992. "Punitive Civil Sanctions: The Middleground Between Criminal and Civil Law." *Yale Law Journal* 101 (8): 1795–1873.
- Marwell, Nicole P. 2009. *Bargaining for Brooklyn: Community Organizations in the Entrepreneurial City*. Chicago: University of Chicago Press.
- McCann, Michael. 2004. "Law and Social Movements." In *The Blackwell Companion to Law and Society*, edited by Austin Sarat, 506–22. Malden: Blackwell.
- Metcalfe, Gabriel. 2018. "Sand Castles Before the Tide? Affordable Housing in Expensive Cities." *Journal of Economic Perspectives* 32 (1): 59–80.
- Michener, Jamila. 2016. "Race, Poverty, and the Redistribution of Voting Rights." *Poverty & Public Policy* 8 (2): 106–28.
- Michener, Jamila, and Diane Wong. 2018. "Gentrification, Demobilization, and Participatory Possibilities." In *Neighborhood Change and Neighborhood Action: The Struggle to Create Neighborhoods that Serve Human Needs*, edited by Richard Allen Hayes, 123–46. Lexington, MA: Lexington Books.
- Miller, Lisa L. 2008. *The Perils of Federalism: Race, Poverty, and the Politics of Crime Control*. New York: Oxford University Press.
- Molotch, Harvey. 1976. "The City as a Growth Machine: Toward a Political Economy of Place." *American Journal of Sociology* 82 (2): 309–32.
- Morel, Domingo. 2018. *Takeover: Race, Education, and American Democracy*. New York: Oxford Univ. Press.
- Palus, Christine Kelleher. 2010. "Responsiveness in American Local Governments." *State and Local Government Review* 42 (2): 133–50.
- Peterson, Paul E. 1981. *City Limits*. Chicago: The Univ. of Chicago Press.
- Piven, Frances Fox, Lorraine Carol Minnite, and Margaret Groarke. 2009. *Keeping Down the Black Vote: Race and the Demobilization of American Voters*. New York: New Press.
- Pollack, John. 2012. "Where We've Been, Where We're Going: A Look at the Status of the Civil Right to Counsel, and Current Efforts." *Management Information Exchange Journal* 26: 29–53.
- Pollock, John. 2014. "The Right to Counsel: A Tool for Fighting and Preventing Poverty." Public Justice Center Blog, March 20. Accessed May 26, 2019. [http://civilrighttocounsel.org/uploaded\\_files/245/The\\_Right\\_to\\_Counsel-\\_A\\_Tool\\_for\\_Fighting\\_and\\_Preventing\\_Poverty\\_\\_Pollock\\_-\\_PJC\\_blog\\_.pdf](http://civilrighttocounsel.org/uploaded_files/245/The_Right_to_Counsel-_A_Tool_for_Fighting_and_Preventing_Poverty__Pollock_-_PJC_blog_.pdf).
- Pollock, John, and Debra Gardner. 2011. "Civil Right to Counsel's Relationship to Antipoverty Advocacy: Further Reflections." *Clearinghouse Review Journal of Poverty and Law Policy* 45 (3–4): 150–53.
- Portney, Kent E., and Jeffrey M. Berry. 1997. "Mobilizing Minority Communities: Social Capital and Participation in Urban Neighborhoods." *American Behavioral Scientist* 40 (5): 632–44.
- Powers, Lonnie A. 2015. "Civil Legal Assistance Is a Potent Anti-poverty Tool." *The Huffington Post*, February 24. Accessed May 26, 2019. [http://www.huffingtonpost.com/lonnie-a-powers/civil-legalassistance-is\\_b\\_6740134.html](http://www.huffingtonpost.com/lonnie-a-powers/civil-legalassistance-is_b_6740134.html).
- Rast, Joel. 1999. *Remaking Chicago: The Political Origins of Urban Industrial Change*. DeKalb, IL: Northern Illinois University Press.

- Rhode, Deborah L. 2004. *Access to Justice*. Oxford: Oxford Univ. Press.
- Rigby, Elizabeth, and Gerald C. Wright. 2013. "Political Parties and Representation of the Poor in the American States." *American Journal of Political Science* 57(3): 552–65.
- Sandefur, Rebecca L. 2008. "Access to Civil Justice and Race, Class, and Gender Inequality." *Annual Review of Sociology* 34:339–58.
- Sandelowski, Margarete. 2000. "Whatever Happened to Qualitative Description?" *Research in Nursing & Health* 23 (4): 334–40.
- Sandelowski, Margarete. 2010. "What's in a Name? Qualitative Description Revisited." *Research in Nursing & Health* 33 (1): 77–84.
- Schlozman, Kay Lehman, Sidney Verba, and Henry E. Brady. 2012. *The Unheavenly Chorus: Unequal Political Voice and the Broken Promise of American Democracy*. Princeton: Princeton Univ. Press.
- Seron, Carroll, Martin Frankel, Gregg Van Ryzin, and Jean Kovath. 2001. "The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment." *Law & Society Review* 35 (2): 419–34.
- Sharp, Elaine B., and Steven Maynard-Moody. 1991. "Theories of the Local Welfare Role." *American Journal of Political Science* 35 (4): 934–50.
- SF Housing Data Hub. 2019. "Housing Overview: Housing Stock and Occupancy." Available Online: <https://housing.datasf.org/overview/>
- Simmons, Erica S., and Nicholas Rush Smith. 2017. "Comparison with an Ethnographic Sensibility." *PS: Political Science & Politics* 50 (1): 126–30.
- Slater, Dan, and Daniel Ziblatt. 2013. "The Enduring Indispensability of the Controlled Comparison." *Comparative Political Studies* 46 (10): 1301–27.
- Small, Mario Luis. 2009. "How Many Cases Do I Need? On Science and the Logic of Case Selection in Field-Based Research." *Ethnography* 10 (1): 5–38.
- Soss, Joe, and Vesla Weaver. 2017. "Police Are Our Government: Politics, Political Science, and the Policing of Race–Class Subjugated Communities." *Annual Review of Political Science* 20:565–91.
- Steinberg, Jessica K. 2015. "Demand Side Reform in the Poor People's Court." *Connecticut Law Review* 47 (3): 741–808.
- Stone, Clarence N. 1989. *Regime Politics: Governing Atlanta 1946-1988*. Lawrence: University Press of Kansas.
- Strolovitch, Dara Z. 2008. *Affirmative advocacy: Race, Class, and Gender in Interest Group Politics*. Chicago: University of Chicago Press.
- Su, Celina. 2009. *Streetwise for Book Smarts: Grassroots Organizing and Education Reform in the Bronx*. Ithaca: Cornell Univ. Press.
- Trounstine, Jessica. 2010. "Representation and Accountability in Cities." *Annual Review of Political Science* 13:407–23.
- Trounstine, Jessica. 2018. *Segregation by Design: Local Politics and Inequality in American Cities*. New York: Cambridge Univ. Press.
- Warren, Mark R. 2001. *Dry Bones Rattling: Community Building to Revitalize American Democracy*. Princeton: Princeton Univ. Press.



- Warren, Mark R., and Karen L. Mapp. 2011. *A Match on Dry Grass: Community Organizing as a Catalyst for School Reform*. New York: Oxford Univ. Press.
- Wenus, Laura. 2017. "Survey: Latino Families in Mission Struggle, Many Earn Below Poverty Level." *Mission Local Newsletter*, March 23. Accessed May 26, 2019. <https://missionlocal.org/2017/03/survey-latino-families-in-mission-struggle-many-earn-below-poverty-rate/>.
- White, Lucie E. 1990. "Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G." *Buffalo Law Review* 38 (1): 1–58.
- Wilson, James Q. 1995. *Political Organizations*. Vol. 46. Princeton: Princeton Univ. Press.
- Zemans, Frances Khan. 1983. "Legal Mobilization: The Neglected Role of the Law in the Political System." *American Political Science Review* 77 (3): 690–703.

### **Author Biography**

**Jamila Michener** is an assistant professor of government at Cornell University.