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Civic Education as an Instrument of Social Mobility

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CIVIC EDUCATION AS AN INSTRUMENT OF SOCIAL MOBILITY

DAWINDER S. SIDHU[†]

ABSTRACT

Economic inequality—the relative distance between the wealthy and the poor—is growing in the United States. Relatedly, social mobility—the opportunity to rise economically—has stalled for many in the nation. This is most true for the urban poor, who experience extreme poverty and are trapped in American inner cities. Meaningful economic opportunity and robust public educational support are among the traditionally discussed means by which the urban poor may attain enhanced economic and physical mobility. The question becomes whether civic education—an understanding of the structure and contents of the U.S. Constitution and of the American government more broadly—has anything to offer in terms of uplifting the urban poor out of their economic stagnation and physical isolation.

This Article explores, by way of interviews with various stakeholders, whether there is a cognizable relationship between civic education and increasing the urban poor's prospects for social and physical mobility. It affirms that civic education can play a role in facilitating such mobility and argues that law schools should shoulder some of the responsibility to provide civic education in high schools located in urban areas of concentrated poverty. The Article also provides specific guidance on how civic education programs can be tailored to be most effective in these high schools.

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I. BACKGROUND

The United States is premised on the proposition that regardless of one's background or original circumstances, one can rise economically by way of hard work and ingenuity.¹ In his seminal study of early America, Alexis de Tocqueville marveled at the "equality of conditions" in the nascent nation—the ostensible common starting point from which the individual could prosper and attain a higher quality of life for himself and his family.² In the United States, de Tocqueville observed, "the [privileges] of birth and fortune are destroyed"³ and the "former barriers that kept back the multitude" have been swept away,⁴ freeing the individual to pursue success unrestrained and to potentially achieve it through his energies and ambition.⁵

This fundamental promise of the country—that one can attain a higher economic position through merit and effort, irrespective of one's initial position—appears to have been breached in today's America. For example, a report uncovered that "[s]ixty-six percent of those raised in the bottom of the wealth ladder remain on the bottom two rungs them-

1. See ISABEL V. SAWHILL & JOHN E. MORTON, PEW CHARITABLE TRUSTS, ECONOMIC MOBILITY IN AMERICA: IS THE AMERICAN DREAM ALIVE AND WELL? 3 (2007) ("For more than two centuries, economic opportunity and the prospect of upward mobility have formed the bedrock upon which the American story has been anchored—inspiring people in distant lands to seek our shores and sustaining the unwavering optimism of Americans at home."). President Barack Obama recently repeated this notion, stating that "here in America, no dream is too big if [our children are] willing to work for it." President Barack Obama, *Weekly Address: Wishing the American People a Happy Thanksgiving*, WHITE HOUSE (Nov. 22, 2012), <http://www.whitehouse.gov/the-press-office/2012/11/22/weekly-address-wishing-american-people-happy-thanksgiving>.

2. See 1 ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA 4 (Eduardo Nolla ed., James T. Schleifer trans., Liberty Fund 2012) (1835) ("Among the novel objects that attracted my attention during my stay in the United States, nothing struck me more forcibly than the general equality of condition among the people. . . . The more I advanced in the study of American society, the more I perceived that this equality of condition is the fundamental fact from which all others seem to be derived and the central point at which all my observations constantly terminated.")

3. 2 DE TOCQUEVILLE, *supra* note 2, at 945.

4. *Id.* at 1118.

5. de Tocqueville appreciated that this promise was functionally available only to white men, and not to "the Negro and the Indian," whom he called the "two unhappy races" in America. 1 DE TOCQUEVILLE, *supra* note 2, at 517.

selves,” and, “[o]nly four percent of those raised in the bottom quintile make it all the way to the top as adults.”⁶ A separate report found that “in recent decades family income growth has slowed” and that “[u]nless economic growth picks up, the next generation will experience an improvement in its standard of living that is only about one-third as large as the historical average for earlier generations.”⁷ These and other studies point to the same unavoidable conclusion, summarized by a prominent American public intellectual: “[O]ver the past decade, growing evidence shows pretty conclusively that social mobility has stalled in this country.”⁸

This reality is especially true for the urban poor, generally individuals in the United States who experience significant poverty, live in areas of concentrated urban poverty, and are disproportionately African-American and Hispanic.⁹ “[M]ore than 70% of black children who are raised in the poorest quarter of American neighborhoods will continue to live in the poorest quarter of neighborhoods as adults.”¹⁰ A leading expert on urban poverty, William Julius Wilson, similarly determined that “most black families who lived in the poorest neighborhoods in the 1970s continue to live in such neighborhoods today.”¹¹

6. PEW CHARITABLE TRUSTS, PURSUING THE AMERICAN DREAM: ECONOMIC MOBILITY ACROSS GENERATIONS 2 (2012).

7. Isabel Sawhill & Sara McLanahan, *Introducing the Issue*, THE FUTURE OF CHILDREN, Fall 2006, at 3, 5.

8. Fareed Zakaria, *The Downward Path of Upward Mobility*, WASH. POST (Nov. 10, 2011), http://www.washingtonpost.com/opinions/the-downward-path-of-upward-mobility/2011/11/09/gIQAegpS6M_story.html; see also Rana Foroohar, *What Ever Happened to Upward Mobility*, TIME, Nov. 2011, at 26, 28 (“America’s story, our national mythology, is built on the idea of being an opportunity society. . . . [W]e have defined our country as a place where everyone, if he or she works hard enough, can get ahead. . . . [But] for most people, it’s harder to get ahead than it’s ever been in the postwar era.”); Jason DeParle, *Harder for Americans to Rise from Lower Rungs*, N.Y. TIMES, Jan. 5, 2012, at A1 (“American life is built on the faith that others can do it, too: rise from humble origins to economic heights. . . . Now the evidence suggests that America is not only less equal, but also less mobile.”); *Upper Bound*, ECONOMIST, Apr. 17, 2010, at 84, 84 (“If there is one thing [Americans] believe in above all, it is the ability to move ahead. . . . [But] rates of social mobility are unlikely to grow. . . . The evidence is that America does offer opportunity; but not nearly as much as its citizens believe.”).

9. More specifically, this class of Americans is defined by the following general characteristics: they are extremely poor, spatially confined to depressed metropolitan areas, disproportionately African-American and Hispanic, and subjected to public and private discriminatory policies, programs, and practices, both past and present. See Dawinder S. Sidhu, *The Unconstitutionality of Urban Poverty*, 62 DEPAUL L. REV. 1, 6–16 (2012).

10. Patrick Sharkey, *The Intergenerational Transmission of Context*, 113 AM. J. SOC. 931, 933 (2008). Although this study, and others, speak specifically to African-Americans in areas of concentrated urban poverty, it should be noted that this Article concerns the social mobility as to all peoples and races who constitute the urban poor. It is true, nonetheless, that the urban poor are disproportionately represented by African-Americans and Hispanics. See William Julius Wilson, *Public Policy Research and the Truly Disadvantaged*, in THE URBAN UNDERCLASS 460, 464 (Christopher Jencks & Paul E. Peterson eds., 1991) (“Sixty-five percent of the 2.4 million ghetto poor in the United States are black, 22 percent Hispanic, and 13 percent non-Hispanic and other races. Thus to speak of the ghetto poor in the United States is to refer primarily to blacks and Hispanics.”).

11. WILLIAM JULIUS WILSON, MORE THAN JUST RACE: BEING BLACK AND POOR IN THE INNER CITY 52–53 (2009); see also Anmol Chaddha & William Julius Wilson, “*Way Down in the Hole*”: Systemic Urban Inequality and The Wire, 38 CRITICAL INQUIRY 164, 164–65 (2011) (“[T]he

The urban poor, in other words, are marginalized economically and occupy the neglected corners of American social space. Furthermore, they lack meaningful opportunity to change either their prospects for social mobility or their physical location. They are stuck horizontally and vertically. This situation has reached a juncture that the urban poor are effectively considered unnecessary in the contemporary economy and society. John O. Calmore diagnosed that a “significant segment of today’s poor . . . are superfluous not only to the economy, but also to the nation’s societal organization,” referring also to their “isolation and expendability.”¹² David Simon, a former *Baltimore Sun* reporter and the creator of the acclaimed Baltimore-based HBO television series *The Wire* states more directly that “[t]hese really are the excess people in America. Our economy doesn’t need them [They are] unprepared for the technocracy of the modern economy, [yet] we pretend to need them.”¹³

Whereas the “equality of conditions” in the United States, as a historical matter, sought to remove artificial barriers to prosperity (e.g., place of birth, family name, status, or wealth), in today’s America the salient characteristic that functionally predetermines one’s economic fate and opportunity to rise socially is geography. For example, Sergio J. Campos writes, “The primary source of [the black urban poor] subordination stems . . . from geography This is one instance in which one’s actual location literally defines one’s social position.”¹⁴ This fact may be summed up this way: “The ZIP code you’re born in shouldn’t determine your destiny, but too often it does.”¹⁵

Accordingly, no longer, it seems, can we credibly hold out to ourselves nor to the world—or perhaps even to posterity—that upward mobility will reliably follow diligence and the drive to “make it.” And the “dream” is a particularly distant and unlikely reality for the urban poor among us.

persistence and durability of concentrated disadvantage [in urban environments] . . . is reproduced across generations.”).

12. John O. Calmore, *A Call to Context: The Professional Challenges of Cause Lawyering at the Intersection of Race, Space, and Poverty*, 67 *FORDHAM L. REV.* 1927, 1943 (1999).

13. Bill Moyers, *The Straight Dope*, *GUERNICA MAG.* (Apr. 1, 2011), http://www.guernicamag.com/interviews/2530/simon_4_1_11 (quoting David Simon) (internal quotation marks omitted).

14. Sergio J. Campos, *Subordination and the Fortuity of Our Circumstances*, 41 *U. MICH. J.L. REFORM* 585, 613 (2008).

15. Zakaria, *supra* note 8 (quoting a student interviewed by Opportunity Nation, a bipartisan group founded to address poverty issues) (internal quotation marks omitted); see also Reynolds Farley, *The Waning of American Apartheid?*, 10 *CONTEXTS* 36, 36 (2011) (“Where you live . . . determines much about what happens to you and your family, where your children attend school, how easily you can [access] health care (and the quality of that care), your exposure to crime, your opportunities for employment, the quality of your municipal services, your local tax rates, whether your home appreciates in value, and so on.”).

It is therefore incumbent upon those of us who subscribe to the national ethos memorialized by de Tocqueville or who are moved by relevant moral, social, or economic considerations to explore how social mobility can be more than a theoretical or aspirational possibility and can be restored in real terms for the urban poor.¹⁶ Investments in improved social services, housing, education, and infrastructure are some of the traditionally discussed means by which the urban poor may break loose from their economic marginalization and physical isolation.¹⁷ Changes in the criminal justice system, including a comprehensive reevaluation of the purported social benefits and consequences of the War on Drugs, as well as enhanced efforts to reintegrate ex-offenders into mainstream society, have been forcefully recommended.¹⁸

In this Article, I explore whether civic education—an understanding of the structure of the government, the individual rights protected by the U.S. Constitution, and how one may affirmatively participate in government—in high schools in urban areas has anything to offer in terms of increasing the prospects for the social mobility of the urban poor.¹⁹ Since the founding of the nation, civic education has been viewed as a neces-

16. I focus on the urban poor because of my experiences living, working, and contributing to a community project in Baltimore, Maryland and Washington, D.C. The plight of the urban poor especially resonates with me for this personal reason. This discussion should not be construed to indicate that other geographic sectors of the American landscape are unworthy of similar inquiries. In fact, it is my sense that the lessons that may be extracted from this Article parallel those that may be found in other American pockets, particularly as to the rural poor and Indian country.

17. See, e.g., *America's Wasted Blacks*, *ECONOMIST*, Mar. 30, 1991, at 14 (proposing “expensive policies . . . to lure better teachers and school managers into the cities, to build transport links to the suburbs where the jobs are, [and] to train young people for jobs”); Zakaria, *supra* note 8 (“The ingredients [for social mobility] are obvious: decent health care and nutrition for children, good public education, high-quality infrastructure—including broadband internet—to connect all regions and all people to market opportunities, and a flexible and competitive free economy.”).

18. See Chaddha & Wilson, *supra* note 11, at 170 (“Faced with the expectation of producing numbers, police departments are encouraged to focus on poor, inner city neighborhoods to provide a greater number of arrests, especially by targeting the open-air drug trade.”); *id.* at 168 (“[T]he incarceration rate is substantially higher for residents in neighborhoods . . . of concentrated disadvantage.”); see also MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* 13 (2010) (“Like Jim Crow (and slavery), mass incarceration operates as a tightly networked system of laws, policies, customs, and institutions that operate collectively to ensure the subordinate status of a group defined largely by race.”); Alexander Polikoff, *America and Its Black Ghettos*, in *PUBLIC HOUSING AND THE LEGACY OF SEGREGATION* 99, 102 (Margery Austin Turner et al. eds., 2009) (“The war on drugs, which is producing no demonstrable effect on drug availability, drug crime rates, or crime rates generally, is directly responsible for the drug black market and for the crime it breeds, while diverting money from education and social initiatives.” (footnote omitted)). Respondents to this survey, perhaps moved by the importance and complexity of the subject matter, volunteered intriguing alternative proposals for how social mobility may more reliably reach the urban poor. See, e.g., E-mail from Kent Talbert, Former General Counsel, U.S. Dep’t of Educ., to Author (Oct. 20, 2012, 19:20 PM) (on file with author) [hereinafter Talbert] (suggesting that, in addition to civics education programs, students should be taught “free enterprise and entrepreneurship principles on how to start and operate a business”). “Teaching individual accountability, responsibility, hard work and the like as part of overall civics instruction can go a long way toward eliminating poverty.” *Id.*

19. I examine the relationship between urban poverty and civic education because I founded a civics program at the law school where I teach, have participated as a judge at a similar program, and happen to believe as a principled matter that civic knowledge and engagement are essential to a healthy democratic society.

sary piece for the democratic machinery to function well and function throughout the ages. “Those who won our independence believed,” explained Justice Louis Brandies, “that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government.”²⁰ If civic education keeps alive and replenishes our democracy, it may be helpful to diagnose whether there are additional significant functions that civic education can serve in our republic, namely the ability to facilitate social mobility in urban environments.

II. METHODOLOGY AND SUMMARY

Thankfully, this inquiry does not begin in a vacuum. A number of dedicated Americans have committed themselves to civic education in high schools and urban poverty both independently and where these two subjects intersect. This Article draws on and memorializes the commendable work of these individuals, framed around the question of the overlap between civic education in high schools and the social mobility of the urban poor.

More specifically, in an effort to appreciably determine if there is a relationship between civic education in high schools and facilitating the social mobility of the urban poor, I interviewed a number of individuals: educators who manage high schools in neighborhoods of urban poverty, education officials, sociologists who focus specifically on the urban poor, advocates with organizations dedicated to promoting civic education, legal academics who are experts in constitutional law or who participate in civic education programs, and law students who have taught civics to underserved high school students, among others. A range of individuals, several of whom are leaders in their respective fields, was interviewed to enrich the quality of the substantive responses on whether such a relationship exists.

Instead of seeking broad and guideless responses that may be unmanageable and not optimally helpful for the reader, the responses were structured around the following topics: first, the practical value, if any, of civic education programs for students attending schools in areas of concentrated urban poverty; second, whether such civic education programs can serve a role in improving urban poor students’ prospects for achieving social mobility; third, how these programs can be tailored to be most effective for students in areas of urban poverty; and fourth, what responsibility, if any, law schools may have with respect to (a) organizing civic education programs in areas of concentrated urban poverty, and

20. *Whitney v. California*, 274 U.S. 357, 375 (1927) (Brandeis, J., concurring).

(b) developing tangible solutions that are designed to address the limited social mobility of the urban poor, more broadly.²¹

With a view towards supplementing the substantive responses, I visited inner city high schools in southeast Washington, D.C., and Harlem, New York, which integrate, to various degrees, civic education programs into their particular curricula. These visits provided a more tangible dimension to this research and enabled me to confer directly with administrators who not only implement civic education in their educational requirements, but also are part of overall efforts to enlarge the social welfare of their urban communities more generally.

The respondents first reported that there are practical benefits to civic education programs. Second, these benefits, they generally agreed, can be useful with respect to the social mobility of the urban poor. To be sure, this consensus cannot be described as unanimous because there were dissenting voices on both points, which were more pronounced as to the latter of the two. Third, the respondents also provided several suggestions as to how the benefits of civics programs can be maximized in urban environments. Fourth, the respondents were quite reluctant to hold that law schools possess some responsibility either to host civics programs in urban settings or to divert their intellectual capital towards resolving urban poverty itself.

These responses confirm my opinions based on my own experience in civics programs and supplementary studying of the issue: that there is practical value to civic education programs; that these programs can provide benefits to students in areas of urban poverty that can be useful in the achievement of social mobility; and that there are ways to tweak existing civic education programs to make them more effective. I cannot share the respondents' view, however, that law schools are without any responsibility to participate in civic education programs or to help dismantle urban poverty more generally. Law schools should be producing individuals who are capable of serving, and are inclined to serve, their clients as well as their communities at large,²² and should be writing about and proposing solutions to society's most persistent and devastating problems, such as entrenched generational poverty in urban areas.

Before proceeding, I must enumerate the reasons why this inquiry is warranted. The first is self-evident—the very existence of concentrated urban poverty, which is significant and perpetual over time, calls for new

21. Please note that these individuals provided responses in their individual capacities. Their responses, as a result, should not be construed as official statements of their respective organizations or employers. I provide the respondents' titles and institutional affiliations for identification purposes only.

22. See Charles J. Crimmins, *Teaching the Constitution: An American Tradition*, 90 DENV. U. L. REV. 1003, 1018–21 (2013) (arguing that legal education, as envisioned by Thomas Jefferson and George Wythe, was designed to develop a cadre of “citizen lawyers,” or civically conscious and engaged lawyers).

and additional ideas for its banishment. Second, this Article provides law schools with information on whether to start or fund civic education programs, and high schools with information on whether to allow such programs. Third, those who participate in civic education programs may assume that there is a tangible, positive social advantage to such programs, and a sense of fulfillment may follow as a result. This study examines whether this self-congratulatory impulse can be validated by evidence on the ground.

I must also acknowledge the primary limits on the potential benefits of this Article. First, this Article does not suggest that civic education will solve the depressed economic and marginalized physical situations of the urban poor. Nor does it argue that civic education will serve as the tipping point that when added to other initiatives, will unleash a flood of liberty that has been previously held back from the urban poor. The Article does, however, address whether civic education can be part of a viable solution to the elimination of barriers to the social mobility of the urban poor.

Second, though the subject of this Article does not begin in a vacuum, neither does this Article pretend to end that inquiry. Indeed, the findings in this Article should be construed as preliminary because its contents are based on interviews with a fixed universe of respondents. As noted above, this Article does not start from scratch—it harnesses and orients the existing work of various respondents as to a particular issue. This Article hopefully will serve as a springboard for further and more comprehensive exploration as to whether civic education can help reanimate and give full meaning to the American promise of upward social mobility—a promise that defines this nation and distinguishes it from other political experiments.

III. DISCUSSION

A. Practical Benefits of Civic Education

There is practical value to civic education programs for students attending secondary schools in areas of concentrated urban poverty. More specifically, such programs provide several benefits, which may be subdivided into three categories, with admittedly soft edges: personal or developmental benefits that speak to high school students' growth as individuals and a widening of their perspectives as it relates to the world outside; educational or professional benefits that focus on the students aspiring towards higher education and perhaps law school; and finally, democratic or institutional benefits that touch on high school students' ability to participate effectively as citizens and in governance.

1. Personal or Developmental Benefits

a. Civics programs may adjust high school students' perceptions of the law such that the law is not seen as an inaccessible, external force or barrier to their welfare, but rather as an organic framework that they can understand, actively engage in, and improve through such engagement.²³ "When the vast majority of interactions you and those around you have with 'the system' are negative, of course it would be natural to develop biases against it and to think it is stacked against you," notes Dr. Jennifer Husbands.²⁴ Civics programs therefore "help[] us teach the youth that the law is not an external force that is constantly pushing down on them Rather, the law is something that they can get involved with and change," a law-student civics teacher told me.²⁵ Professor Margaret Fisher adds that civics programs encourage students' "[i]nclusion in the process" and can shift "urban poor youth's perspectives . . . from being on the outside to being on the inside."²⁶

b. This modification in mentality and perspective can generate greater social cooperation with the law and legal institutions.²⁷ "The practical value" of civic education programs, identifies Parker Hudnut, "is ensuring that the basic principles of the American democracy are understood and can therefore be lived by."²⁸

c. Civics programs enable high school students to process and formally discuss real problems that they may be encountering in their lives. As an example, civics programs may cover Fourth Amendment standards regarding searches and seizures, where high school students may have had interactions with police or know of family, friends, or neighbors who have had such interactions.²⁹ Civics programs thus may contain "content that is very useful for their personal life issues."³⁰

23. See E-mail from Alexandra Pardo, Exec. Dir., Thurgood Marshall Acad., to Author (July 20, 2012, 7:07 EST) (on file with author) [hereinafter Pardo] ("If the student sees him/herself as part of that system and not 'against' the system he/she can engage in the system positively."); see also E-mail from Genevieve Norwood, Former Law Student Civics Teacher, to Author (Aug. 2, 2012, 16:30 EST) (on file with author) [hereinafter Norwood] (commenting that a participating high school student can learn how the laws "can be changed" such that he may "feel as if he is a part of a democratic system").

24. E-mail from Jennifer Husbands, Dir., AUSL, to Author (July 16, 2012, 15:36 EST) (on file with author) [hereinafter Husbands].

25. *Law Students Teach Civics to High School Students*, U.N.M. SCH. L. (Sept. 10, 2012), <http://lawschool.unm.edu/news/archives/2012/sept/marshall-brennan.php> (quoting Jacob Vallejos) (internal quotation marks omitted).

26. E-mail from Margaret Fisher, Distinguished Practitioner in Residence, Seattle Univ. Sch. of Law, to Author (Aug. 5, 2012, 15:27 EST) (on file with author) [hereinafter Fisher].

27. See Norwood, *supra* note 23 (noting that civics classes "help[] bring about this transparency and trust" such that students "in turn [may be] more inclined to trust it and abide by its laws").

28. E-mail from Parker Hudnut, CEO, ICEF Pub. Sch., to Author (Sept. 27, 2012, 12:46 EST) (on file with author) [hereinafter Hudnut].

29. See E-mail from Josh Blackman, Assistant Professor of Law, S. Tex. Coll. of Law, to Author (July 31, 2012, 22:44 EST) (on file with author) [hereinafter Blackman] ("I once gave a lesson to a group of 8th graders, where I told them that they had no obligation to talk to the police,

d. These programs carry the added benefit of allowing students to bring their “practical life experience” to the classroom, where such experience may be otherwise overlooked or underappreciated in other traditional educational curricula.³¹

e. The law student teachers can serve as mentors and role models,³² where participating high school students may “[l]ack . . . civic education examples at home [and] in community that may be positive.”³³ These programs “can give students the kinds of experiences that make learning fascinating, rewarding, and uplifting,” and these experiences can in turn “empower them,” notes Charles Quigley.³⁴

2. Educational or Professional Benefits

a. A benefit that closely parallels the more personal benefits of civics education is that the law student teachers can be examples of individuals who have overcome obstacles to achieve academic success and are now on the verge of being lawyers, leaders, or both in their communities.³⁵

b. Relatedly, civics programs in urban environments can serve as a pipeline from high schools to higher education in general and law schools in particular. “Many of the law school-based Street Law programs think of themselves as operating pipeline efforts designed to expose high school-age students to law as a career, motivate them to improve academic performance, continue on to higher education, and consider law school,” says Lee Arbetman about Street Law.³⁶

and if a police officer talks to them, they should request a parent be present (if possible). The teacher was aghast at what I was saying, and I’m sure wanted me to stop, but I continued . . . These are lessons that many of them might face in their futures.”)

30. Fisher, *supra* note 26; *see also* E-mail from Lee Arbetman, Exec. Dir., Street Law, Inc., to Author (July 17, 2012, 12:03 PST) (on file with author) [hereinafter Arbetman] (“The specific value [of civic education programs includes] instruction in practical legal content . . .”).

31. Fisher, *supra* note 26.

32. For the benefit of civic education programs to law students, *see* Jill Friedman, Conrad Haber & Eve Biskind Klothen, *Educating Young People About Law in a Disadvantaged City: Rutgers University School of Law and the City of Camden, New Jersey*, 90 DENV. U. L. REV. 937, 953–54 (2013).

33. Pardo, *supra* note 23.

34. E-mail from Charles Quigley, Dir. & Founder, Ctr. for Civic Educ., to Author (July 24, 2012, 11:55 AM) (on file with author) [hereinafter Quigley].

35. Professor Fisher points out that civics programs generate “[e]xposure to careers and connections to real persons who are successful in law-related fields. Many of these individuals have overcome urban poverty to succeed. This also encourages these young people to continue in school.” Fisher, *supra* note 26. In this respect, higher education and even graduate school may be seen as more than an aspiration or ideal, but a real possibility that is attainable and that may be actualized. *See id.*

36. As a result, and because these programs are based primarily in low-income areas that have a disproportionate representation of minorities, the programs “are also a part of the overall effort to help diversify the legal profession.” Arbetman, *supra* note 30. For those who may not be aware, Street Law sends second- and third-year law students at the Georgetown University Law Center to “teach practical law and public policy lessons in District of Columbia [p]ublic [h]igh [s]chools using creative, interactive teaching methods.” E-mail from Lee Arbetman, Exec. Dir., Street Law, Inc., to

3. Institutional or Democratic Benefits

a. With respect to benefits concerning high school students' ability to participate meaningfully in the law and democratic self-government, civics programs may give high school students basic knowledge of the law that may be a prerequisite for the ability to trigger social change and for being a genuine part of the democratic system.³⁷

b. Civics programs may encourage students to effectuate change by way of the voting booth or ordinary political means, on which the urban poor historically have not relied to enhance their conditions.³⁸ The participating high school students not only may be more inclined to exercise the franchise but also may be more informed voters as well.³⁹ In this respect, Mr. Arbetman notes that civics programs offer students "the opportunity to develop civic dispositions leading to meaningful and effective participation in our form of government."⁴⁰

c. Civics programs may fulfill a democratic imperative that in order for the nation to function and function well, its citizens must have a certain threshold understanding of their rights and responsibilities. For example, Robert Cane, executive director of FocusDC, notes that "all stu-

Author (Jan. 8, 2013, at 18:50 PST). "More than 70 law schools in the U.S. self identify as having Street Law type programs with another 50 or so in existence around the world." *Id.*

37. A law student civics teacher states, "[T]o effectively advocate on behalf of your community and to feel empowered to do so . . . you need to understand the way the system works." E-mail from Shelby Berchermann, Former Law Student Civics Teacher, to Author (July 30, 2012, 19:37 EST) (on file with author) [hereinafter Berchermann]. J.B. Schramm, founder and chief executive officer of College Summit, a non-profit that seeks to raise college enrollment levels in traditionally low-income areas, notes that civic education "can help young people understand how they can strengthen their community." E-mail from J.B. Schramm, Founder & CEO, College Summit, to Author (July 19, 2012, 13:25 EST) (on file with author) [hereinafter Schramm]. Mr. Quigley explains that civics programs "should provide students with the kind of understanding of the fundamental . . . values, principles, and goals of our political system that leads to a reasoned commitment to them and a constant reference to them when participating in political life and evaluating, taking, and defending positions on public policy." Quigley, *supra* note 34. Ms. Pardo comments that "[s]tudents through civic education begin to understand the policies, systems, organizations, [and] stakeholders . . . that impact them and their community." Pardo, *supra* note 23. She adds that this foundational knowledge may correct substantive misconceptions about the law and the legal system: "[S]tudents have many misunderstandings about how government functions and policy is created, implemented, [and] understood." *Id.*

38. See Blackman, *supra* note 29 ("[Civics programs can impart] basic knowledge of how voting works [and why] exercising the right to choose your representative . . . is . . . important [That is, t]o the extent that [participating high school students] realize their vote, or corresponding failure to hold elected officials unaccountable, may impact their prosperity in many regards, they will be better off.").

39. Stanford Law Professor and former Circuit Court Judge Michael W. McConnell states that civics programs can help high school students "learn to be intelligent, skeptical consumers of political promises. All too often young people vote on style, with little regard for the long-term implications of policy." E-mail from Michael W. McConnell, Richard & Frances Mallery Professor of Law, Stanford Law Sch., to Author (July 17, 2012, 11:12 EST) (on file with author) [hereinafter McConnell].

40. Arbetman, *supra* note 30.

dents should be firmly grounded in civics so as to be able to participate fully in our democracy.”⁴¹

I align myself with the respondents who have identified these benefits. I agree with these respondents even in consideration of those who were not as sanguine about the value of civic education in urban high schools. One respondent, a university professor who is involved in the assessment of the quality of education in traditionally underserved urban environments, expresses concern about the opportunity costs of civics programs. He says that whatever the purported benefits enumerated above,

it is important to consider what the time spent in the civic education program would have been devoted to. For instance, one should think differently about the value of a civic education program if it crowds out time spent learning math th[a]n if it crowds out time spent doing something unproductive.⁴²

Dr. Massey, perhaps one of the most respected sociologists in the field of urban poverty,⁴³ registers serious doubt as to whether civic education can overcome the significant entrenched structural causes of urban poverty. He assesses civics education in urban environments as having “[l]imited value,” precisely because “[t]eaching rights theoretically bestowed by the [C]onstitution when poor minorities’ *de facto* rights are systematically compromised by a corrupt and racially biased judicial and criminal justice system is not going to solve the problem.”⁴⁴ “The problem,” Dr. Massey claims, “is not a lack of awareness of rights, it is the inability of entire classes of people to exercise those rights in the face of overwhelming power and authority arrayed against them.”⁴⁵

It seems to me that the respondents’ reactions to the query about the value of civic education for high school students in areas of urban poverty can be reconciled and are not in conflict—they merely invoke a different baseline in adjudging whether there is any advantage to civics education programs. The positive benefits identified by the respondents speak to the potential advantages of civic education programs for high

41. E-mail from Robert Cane, Exec. Dir., FocusDC, to Author (July 16, 2012, 15:17 EST) (on file with author). Dr. Husbands similarly states that “[e]very American student, regardless of socioeconomic status, should receive civic education to understand democracy and basic rights.” Husbands, *supra* note 24.

42. E-mail from Anonymous Respondent, Assoc. Professor, to Author (Aug. 20, 2012, 15:39 EST) (on file with author) [hereinafter Anonymous Respondent].

43. See Doug Massey, *Princeton Sociology Dep’t*, PRINCETON UNIV., <http://www.princeton.edu/sociology/faculty/massey/> (last visited Apr. 17, 2013); see also Douglas S. Massey *Curriculum Vitae*, PRINCETON UNIV., http://www.princeton.edu/sociology/faculty/massey/cv_massey.pdf (last visited Apr. 17, 2013).

44. E-mail from Douglas S. Massey, Henry G. Bryant Professor of Sociology & Public Affairs, Woodrow Wilson Sch. of Public & Int’l Affairs, Princeton Univ., to Author (July 17, 2012, 7:57 EST) (on file with author) [hereinafter Massey].

45. *Id.*

school students relative to their understanding or situation prior to the commencement of the programs. By contrast, Dr. Massey's comments touch upon the value of such civic education programs relative to the structural reasons for urban poverty that have been amassed against and to the detriment of the urban poor.⁴⁶

Moreover, the law professor's comment appears to be based on a concern that civics should not crowd out instruction in other critical subjects; I do not believe, however, that schools need to be faced with an either-or proposition of either offering civics or offering math, science, and similar essential courses. Rather, civics should be taught along with, not at the expense of, these courses. Indeed, it is problematic that civics may be seen as expendable, and that civics is not seen as capable of compatibly coexisting with these courses and not occupying the same tier of educational importance as math, science, etc. Accordingly, even upon considering the more pessimistic responses, the benefits of civic education generally should not be set aside or dismissed.

B. Civic Education and Social Mobility

Civic education programs provide benefits to high school students situated in areas of urban poverty, and one of those benefits includes enhancing urban poor students' prospects for achieving social mobility. That is, civic education can serve a role and be part of a viable solution to minimizing or eliminating the causes and effects of urban poverty. Although respondents mostly agreed that there is a plausible relationship between civic education and enlarging the social mobility of the urban poor, this sense is not universally shared. In fact, there is greater skepticism as to the existence of this relationship, as compared to the more general concern of whether civic education has any practical value overall.

1. In support of a connection between civic education and enhancing the social mobility of the urban poor, respondents noted that civic education programs may create or supplement high school students' networks of individuals who have demonstrated an ability to overcome modest circumstances to reach higher education and potentially hold positions of power and influence. Such networking is important because

46. In response to Dr. Massey's take on civic education in schools situated in urban environments, David Wakelyn of Democracy Prep, a network of public charter schools in Harlem, New York, that makes it its mission to "educate responsible citizen-scholars for success in the college of their choice and a life of active citizenship," DEMOCRACY PREP, <http://www.democracyprep.org> (last visited Apr. 19, 2013), notes that some may have not seen the tangible benefits of civic education on a micro level, and that as a result, they may not see the potential of such programs if and when they grow in scale. Interview with David Wakelyn, Senior Dir. of Strategy & Dev., Democracy Prep, in Harlem, N.Y. (Aug. 3, 2012). I share Wakelyn's view that with a significantly increased reach of such civic education programs, the beneficiaries of these programs may, in concert with others, be able to meaningfully contest and tear down the entrenched structural problems giving rise to and reinforcing urban poverty.

urban high school students may be detached from individuals who have succeeded in pursuing higher education, attaining meaningful employment, or engaging in the civic life of the country. Civics programs, however, may help bridge the gap between high school students' existing role models, on the one hand, and accessible individuals who are doing well academically and generally have bright professional futures ahead of them, on the other.⁴⁷

2. Civic education programs may give high school students the tools to converse and engage with individuals for purposes of changing public policy or obtaining meaningful employment.⁴⁸ Mr. Arbetman mentions that these programs can assist in the "development of skills that are needed [for the participating students] to navigate our law-saturated society."⁴⁹ Elisabeth Medvedow of Discovering Justice explains, "By teaching young people about law, justice, government, and democracy, in combination with exposure and introductions to lawyers, judges, and legal professionals, students will have their eyes opened to new career possibilities in their lives."⁵⁰

3. Related to the potential of giving students the common instruments to participate in the mainstream contexts, civic education programs may encourage or activate students' interests in civic engagement. For example, Professor Blackman comments, "To the extent students understand how their government structure, and related voter apathy, may keep them in poor conditions, they may be motivated to either get more involved, or seek institutions that are more responsive to their needs."⁵¹

4. The urban poor are, functionally speaking, politically orphaned.⁵² But civic education programs may give the urban poor the substantive knowledge of the government such that they may be able to independent-

47. For example, Professor Fisher states that civic education programs "can have an impact on reducing the effects of urban poverty . . . by providing connections to individuals who have found a way out . . . and many times overcome the same type of obstacles as they are facing." Fisher, *supra* note 26.

48. As one former law student teacher indicates, "[C]ivic education programs can help students work on their critical thinking, writing, and reading skills, which are all helpful when advocating for one's self and acquiring employment." Norwood, *supra* note 23. "Often, people of influence in government are in a higher income bracket, and by giving everyone the tools to represent themselves and their needs, it helps decrease this gap," she explains. *Id.*

49. Arbetman, *supra* note 30.

50. E-mail from Elisabeth Medvedow, Exec. Dir., Discovering Justice, to Author (Aug. 2, 2012, 15:02 MST) (on file with author).

51. Blackman, *supra* note 29. Similarly, Dr. Husbands writes, "[T]he more urban teens know about the system that surrounds them and how it actually works (or can work), they may be more empowered." Husbands, *supra* note 24.

52. See Sidhu, *supra* note 9, at 14–15.

ly advocate for their interests, rather than depend on political actors for assistance.⁵³

Accordingly, and in sum, there is consensus among the respondents surveyed that civic education may play a role in enhancing social mobility of high school students in areas of urban poverty. Even the most optimistic respondents acknowledged, however, that civic education will not, alone, remedy the entrenched causes of urban poverty, though it may help chip away at those causes and their deleterious effects.⁵⁴

Other respondents, however, resisted the suggestion that civic education can serve any meaningful part in enhancing the social mobility of the urban poor.⁵⁵ This reluctance was more pronounced than the question of whether civics education has any practical benefits in the urban high school setting. For instance, Dr. Massey admits to being “skeptical of civics as an antidote to the terrible inequalities of class and race that prevail in the United States.”⁵⁶ As with his response to the existence of any benefits to civic education, however, I suspect that Dr. Massey’s sense is tied to his baseline (i.e., the entrenched situation of the urban poor, rather than the level of civic capacity possessed by the urban poor).

Dr. Massey also rejects the premise that civic education can play some role in improving social mobility for the urban poor: “[K]nowledge of rights and principles of democratic government are not going to help students compete in a post-industrial knowledge economy when the schools they attend leave them barely literate in English, math, and science, not to mention critical thinking.”⁵⁷ Dr. Massey’s comments highlight the inadequacy of education generally in urban environments. Studies indicate that schools in areas of urban poverty are not preparing students with basic skills or with the ability to participate in the modern economy.⁵⁸ Viewed against the backdrop of the inadequate educational

53. See Talbert, *supra* note 18 (“As . . . students become educated on local, state, and national government and citizenship, they will use that to improve their position in life and be able to move from the category [of] urban poor to middle class or better.”); see also Norwood, *supra* note 23 (noting that civics may provide students with “an understanding of government so that they have an outlet to voice their opinions and needs”).

54. Mr. Arbetman states that “sending smart, well-intentioned law students into urban schools will not, by itself, do the trick.” Arbetman, *supra* note 30. Mr. Hudnut observes that civic education programs “certainly can be a part but they will not in and of themselves solve the crisis.” Hudnut, *supra* note 28. Mr. Quigley adds, “Civic education is not a panacea, but it can and should be used to diminish the problem as much as possible[,] and it has the potential to do so.” Quigley, *supra* note 34. Mr. Talbert echoed this view: “Civic education can be a viable solution (it’s only part of the solution) for minimizing or eliminating the effects of poverty.” Talbert, *supra* note 18. A law-student civics teacher joined the chorus: “[C]ivic education programs help, but while uncoordinated with larger efforts by organizations committed to creating change, law schools will not move the needle significantly enough.” Berchelmann, *supra* note 37.

55. Professor McConnell asserts that to the extent that civic education programs “can develop students’ minds and abilities and encourage them to work hard and succeed,” the ability of civic education to facilitate social mobility is “[d]oubtful, but not impossible.” McConnell, *supra* note 39.

56. Massey, *supra* note 44.

57. *Id.*

58. See Sidhu, *supra* note 9, at 20–23.

opportunities of urban high school students, providing civic education to such students may be seen, at worst, as a lost cause and, at best, as a partial toolkit where more fundamental and basic aspects of a student's skill set, such as reading and writing, may be lacking. Accordingly, for civics to serve a useful role in urban high school students' ability to attain greater social mobility, the quality of their core education must be assured.

Even accepting this, we, again, are not presented with an either-or proposition in which civics will be taught at the expense of other critical subjects. Indeed, to argue in favor of civics education, and therefore the accrual of the certain benefits that will flow from civics, is not to suggest that other instruction in English, math, or science should be pushed aside. As Justice Sandra Day O'Connor, a champion of civics education, notes in a co-authored essay, to promote civic learning is not "to diminish the importance of improving math and science education."⁵⁹ "We need more students proficient in math, science and engineering. We also need them to be prepared for their role as citizens."⁶⁰

In short, these respondents' objections, however thoughtful and well-reasoned, are not enough to overcome the modest proposition that civics can play a meaningful part in facilitating the social mobility of high school students in areas of concentrated urban poverty.

C. Tailoring Civics Programs for Maximum Value in Urban High School Settings

The benefits of civic programs are not automatic; the programs must be structured and taught effectively for the identified benefits to materialize. There are ways to help ensure that the benefits identified above spring from civics instruction. The role of law schools, law student teachers, and the civics curriculum each can be addressed in order to fulfill the potential of these programs.⁶¹

1. Law Schools

a. A concerning practice has developed where some law schools seem to be selling civics programs to law students as an opportunity to improve the *law students'* credentials and to "save" poor students. Alexandra Pardo, executive director of the Thurgood Marshall Academy, explains that "[t]he experience becomes more about the law students['] own development and growth than that of the high school students" and

59. Sandra Day O'Connor & Roy Romer, *Not by Math Alone*, WASH. POST (Mar. 25, 2006), <http://www.washingtonpost.com/wp-dyn/content/article/2006/03/24/AR2006032401621.html>.

60. *Id.*

61. To be sure, not all respondents offered any specific ideas. Instead, some of the respondents simply repeated their skepticism that civics education had any part to play in elevating urban poor students' opportunities for social mobility.

that law students “feel the need to ‘save’ the kids.”⁶² She convincingly states, however, that law schools must emphasize that civics programs are about the development of the high school students and that civics programs, although important, are only part of high schools’ efforts to enhance the knowledge base and skills of the high school students.⁶³ In other words, law schools must present civics education programs as a way to develop high school students, not to advance law students’ own interests. Any benefits to law students themselves, therefore, should be seen as incidental to the cardinal purpose of the civics programs.

b. As noted above, law-student civics teachers may provide high school students with mentorship and with support that the high school students may be otherwise lacking. The law students also may exist as real-life examples of individuals who have been able to reach not only college but also law school, and who are on the precipice of joining a respected public service profession. To ensure this relationship exists between the law students and high school students, law schools should select law student teachers who demonstrate a sincere interest in the high school students and who, because of their own experiences, may be able to relate to the high school students. Professor Fisher, for example, “strongly suggest[s] recruiting law students from the minority student organizations,” who may “come from similar backgrounds” as the high school students.⁶⁴ It is important to select law students in this fashion, according to Professor Fisher, because the law students, ultimately, must “be authentically interested in the [high school] students,” be able to “connect with [the high school students] one on one,” and “take the time to ask about issues/events that are important to [the high school students].”⁶⁵

2. Law School Civics Teachers

a. In addition to law schools, there are ways to calibrate the law-student civics teachers to ensure that the positive benefits of the civics programs materialize. Due to the fact that the law students may be seen as mentors and as role models, the law student teachers should be open to developing meaningful, long-term professional and mentoring relation-

62. Pardo, *supra* note 23.

63. *Id.*

64. Fisher, *supra* note 26.

65. *Id.* Mr. Arbetman seems to agree, stating that a “practical suggestion . . . is to recruit . . . from [the Black Law Students Association] and other minority law student organizations on . . . campus.” Arbetman, *supra* note 30. There may be a sense that law students from the same backgrounds or neighborhoods as the high school students may be more likely to connect with the high school students. There is intuitive appeal to this argument. I wish to emphasize, however, that any law student with a genuine interest in the welfare and development of high school students can be a successful civics teacher and mentor, and that race itself should not be used as a proxy for such interest or ability. Moreover, civics programs would be committing a disservice to the high school students if these programs were to suggest to high school students that only individuals of a given race are capable of exhibiting such interest or ability. In short, such capability should not be presumed by or tied to race.

ships with the high school students. Put differently, the law student teachers should not perceive their responsibilities towards the high school students as being defined by the class period or as ending with the semester or academic year, whichever the case may be. A law student teacher puts it this way: “To have a greater impact, . . . there needs to be ongoing contact between the students and teachers for the change to be long lasting.”⁶⁶

b. Even during the term of the civics program, law student teachers can open up the opportunities for mentorship and demonstrate concern for the high school students by being available both before and after class sessions, by being available after the end of the semester or academic year, and by making an effort to attend events of importance to the high school students, such as sports matches, plays, or celebrations.⁶⁷

c. The law student teachers themselves should be adequately trained. Mr. Arbetman concedes that “[w]ithout significant training in empowering pedagogy, law students may teach as they have (for the most part) been taught and the results will not be positive.”⁶⁸ He further notes that “we can’t expect law students to be proficient at teaching, particularly in challenging urban school settings.”⁶⁹ Mr. Quigley shares this concern: “[T]he vast majority of teachers do not have the required subject matter background and skills in using the kind of interactive methodology that is required for effective civic education programs. [The teachers] need inspiration and professional development.”⁷⁰

d. The law student teachers must comport themselves in a professional manner, both in words and in appearance. Ms. Pardo, for example, observes that “[s]tudents in areas of high poverty need to learn soft skills—professional dress being one of them. When students see their teachers in less than professional dress[,] this sends the message that it is appropriate to wear ‘street’ clothes in such a setting.”⁷¹ In short, “[s]tudents model what we do.”⁷² As a corollary, law student teachers must resist the temptation to sacrifice professional modes of behavior to be more accepted by the high school students. Ms. Pardo elaborates:

Students do not benefit from a law student (or anyone else) who comes in and wants to be friends with them while the person is unable to distinguish [his or her] role as a role model or adult in the classroom. Too often, we’ve had unsuccessful law students at the

66. Norwood, *supra* note 23.

67. *See id.* (“[C]urrently law school civic education programs targeting urban poverty are too short lived[,] and the reach is not broad enough to make sweeping changes to the landscape of urban poverty.”).

68. Arbetman, *supra* note 30.

69. *Id.*

70. Quigley, *supra* note 34.

71. Pardo, *supra* note 23.

72. *Id.*

school because they want to come into the building[,] share their knowledge[,] and not recognize that the students need structure of a class.⁷³

Although the instinct to want to develop a strong rapport with the high school students and be likeable in general is understandable, informal or inappropriate language undermines both the professionalism that is necessary for these programs to succeed and the example that should be set for the high school students.

3. Civics Curriculum

a. Because personal development purportedly is a key advantage of these civics education programs and the high school students' existing support mechanisms may be modest, the law student teachers should positively reinforce the high school students whenever possible, as appropriate and consistent with established pedagogical standards. Professor Fisher notes that the law student teachers should "give [high school] students a chance to shine" and "use positive feedback regularly."⁷⁴

b. Dr. Husbands suggests that for the law and legal principles generally to seem more accessible to the high school students, and conversely for the law and governing doctrine not to appear removed and distant, the law student teachers should incorporate local landmarks and "local stories or cases with which they may be familiar or have them provide examples."⁷⁵

c. The law student teachers should allow the high school students to speak with other possible leaders and successful individuals from the legal community. Dr. Husbands suggests that perhaps high school students should "hear from a judge who is from a similar background as them (racially/ethnically and socioeconomically) to share his or her perspective on the justice system and how their life choices will influence how they do and do not interact with it."⁷⁶

d. Relatedly, to reduce the possibility that high school students will see the law as a foreign and unsavory force imposed (perhaps disproportionately) on them, the law student teachers should have high school students meet with legal actors in a friendly, non-adversarial fashion. Such interaction may break down preconceived notions and may permit a more human, informal connection to be built. One law student teacher

73. *Id.*

74. Fisher, *supra* note 26.

75. Husbands, *supra* note 24. Professor Fisher similarly states that the law students should "localize hypos and examples." Fisher, *supra* note 26. Professor Blackman takes an additional step, noting that perhaps the law student teachers should explore the possibility of role-playing "instances where students from that school have been disciplined in a manner that touched on the [First, Fourth, and Fifth] [A]mendment[s]." Blackman, *supra* note 29.

76. Husbands, *supra* note 24.

offered that, where high school students “look upon cops and the ‘system’ as villainous, as opposed to supportive, . . . exposing at-risk youth to law enforcement and vice versa is critical in order to desensitize biases,” and that “the students need to see that same person in uniform to help complete the desensitization and [elimination] of biases.”⁷⁷ This bond, the law student teacher states, may diminish prior views of the law and may facilitate compliance with the law, and this elevated behavioral cohesion with the law may, in turn, “increase the likelihood of employment and social mobility.”⁷⁸

e. Similarly, with school permission and while adhering to all appropriate policies, law student teachers should take the high school students outside of the classroom to expose them to legal institutions and civics in action. For example, Dr. Husbands suggests “showing them what a law school looks like by perhaps teaching one of the classes on campus [or by] taking them to a courthouse or other institution representing the justice system that could paint the system in a more positive light.”⁷⁹ Ms. Pardo similarly encouraged civics programs to “actually leave the classroom to see ‘civic education’ in their local government. Field trips to council meetings; local protest; board meetings can all serve this purpose.”⁸⁰ Mr. Talbert concurs, recommending “multiple ‘field trips’ that are synchronized with the lesson plans.”⁸¹ For example, “learning about the county court system would involve studying about trial courts . . . and taking the students to a trial [on a topic that] will generate interest.”⁸² These experiences could be recreated in the classroom, Mr. Talbert notes, where students could conduct mock trials and a “mock session” of the legislature in which students would consider, debate, and vote on bills.⁸³

f. With respect to the substantive instruction in civics courses, Professor McConnell opines that high school students should be given information on why the prospects for social mobility are limited in areas of concentrated urban poverty and on the factors that may make it more likely for them to escape their economic position and spatial isolation.⁸⁴ He states, specifically, that the high school students should have “an accurate understanding of the reasons opportunity is bleak and what they can do about it.”⁸⁵ Professor McConnell cites a study showing that “if students do three things: (1) complete high school, (2) get a full time job,

77. Norwood, *supra* note 23.

78. *Id.*

79. Husbands, *supra* note 24.

80. Pardo, *supra* note 23.

81. Talbert, *supra* note 18.

82. *Id.*

83. *Id.*

84. McConnell, *supra* note 39.

85. *Id.*

and (3) get married and do not have children out of wedlock, they will very likely achieve a middle class life.”⁸⁶

g. Professor McConnell further warns that civics education programs must instill in the minds of high school students the view that they can change their circumstances and that they should not look exclusively to others for assistance in improving their situation. Civics teachers “must not encourage dependency and despair, or a sense of grievance.”⁸⁷

h. Perhaps one of the most promising and compelling initiatives is being spearheaded by Democracy Prep, a high school located in Harlem, New York. Democracy Prep requires, as a condition of graduation, that high school students complete various civic activities, including in-person lobbying, publishing an op-ed column or letter to the editor, volunteering for a political campaign, voting (if eligible), engaging in web-based advocacy, fundraising for a social cause, participating in a debate tournament, and volunteering outside of the school.⁸⁸ Another is Discovering Justice, which, based in Boston, Massachusetts, involves “teaching about tolerance, justice, democracy, how to use one’s voice, civility, debate, government, laws, and the justice system,” and does so in a way that “encompasses in-school curriculum, afterschool multi-week programs, and courthouse-based experiential learning.”⁸⁹

Clearly, there a number of ways in which civics education can be improved, particularly with respect to how law schools sell civics teaching opportunities to prospective law student teachers, ensuring that law student teachers are properly trained and oriented, and tailoring the substantive contents of the curriculum itself. These suggestions, if implemented, may raise the benefits of civics education programs to an optimal level.

D. The Responsibility of Law Schools to Provide Civics in Urban High Schools

Law schools are being battered by charges that they do not sufficiently prepare law students with the requisite skills for legal employment and that they saddle graduates with too much debt, all while compensating law faculty for producing irrelevant and obscure scholarship.⁹⁰ Legal education in the United States, in part because of these internal and

86. *Id.* (citing Ron Haskins, *Mobility Is a Problem, Now What?*, BROOKINGS INST. (Dec. 23, 2011), <http://www.brookings.edu/up-front/posts/2011/12/23-mobility-opportunity-haskins>).

87. *Id.*

88. E-mail from Benjamin Feit, Assistant Dir. of Strategy & Dev., Democracy Prep Pub. Sch., to Author (Aug. 20, 2012, 14:22 EST) (on file with author).

89. Medvedow, *supra* note 50.

90. See, e.g., Elizabeth Lesly Stevens, *Will Law School Students Have Jobs After They Graduate?*, WASH. POST (Oct. 31, 2012), http://www.washingtonpost.com/lifestyle/magazine/will-law-school-students-have-jobs-after-they-graduate/2012/10/31/f9916726-0f30-11e2-bd1a-b868e65d57eb_story.html.

external criticisms and in part because of the persistent decline in applicants, is undergoing significant self-assessment and is bracing itself for the likelihood of wholesale reform. This institutional reflection and any resultant modifications, it is hoped, will yield law schools that are more responsive to employment realities and social needs.

As part of this introspection, it may be asked what responsibility, if any, law schools have in terms of (a) organizing civic education programs in areas of concentrated urban poverty, and (b) developing tangible solutions designed to improve the urban poor's chances to achieve social mobility more broadly. To the extent that law schools are said to possess this responsibility, law schools should consider adjusting accordingly, in order to more fully serve their students and their communities.

Respondents were hesitant, however, to assert that law schools have a responsibility towards either maintaining civics education programs in areas of concentrated urban poverty or offering suggestions to bring greater social mobility to the urban poor. At most, it seems, respondents were willing to indicate that law schools can and should play an enhanced supporting role in this context. Dr. Massey, for example, says that law schools, and the communities, would be better off tackling the entrenched reasons for persistent urban poverty: "Law schools would do greater good by challenging the legal structures that now work to oppress minorities and the poor."⁹¹ Professor McConnell also says that law schools' responsibility with respect to urban poverty is "[n]one," adding that this "is not the law schools' job."⁹² He notes instead that law schools' efforts in civics in urban settings and in eliminating urban poverty may be incidental to their core purposes.⁹³ "In the course of educating their students, law schools may sometimes make a modest contribution to civic education in poverty areas."⁹⁴ Another law professor was reluctant to "say [that law schools] have a responsibility" to civics or urban poverty.⁹⁵ Furthermore, he shares, "[I]mproving social mobility is an important goal, but I don't think it's right to say that law schools generally have a responsibility to do so."⁹⁶

Ms. Pardo admits that she "would not go as far as to say it is a law school's responsibility" because "[t]he responsibility is on the [high] school the student attends."⁹⁷ Rather, she states, "Law schools can be a

91. Massey, *supra* note 44.

92. McConnell, *supra* note 39.

93. *Id.*

94. *Id.* For example, a law-student civics teacher points out that law schools can train their students to be more effective lawyers and leaders by exposing law students to "low income populations" because these "populations are counting on these law students/future politicians to go on to accurately represent their interests." Norwood, *supra* note 23.

95. Anonymous Respondent, *supra* note 42.

96. *Id.*

97. Pardo, *supra* note 23.

partner and support.”⁹⁸ Mr. Arbetman also writes that he perceives “a law school as a place where law is taught and learned,” and that a “law school can also serve the community as a resource for teaching the law, a task that can be accomplished by law students, given adequate preparation.”⁹⁹

Whereas in other aspects of this Article I agree with the consensus of the respondents’ views, as to this particular question I must respectfully depart from and lodge a dissent to these prevailing sentiments. Although this issue deserves more comprehensive treatment, suffice it to say that law schools, in my view, should shoulder some of the burden in educating the public about civics, and in addressing how entrenched urban poverty may be diminished or eliminated. That burden rises to the level of a responsibility.

Law schools provide intellectual experiences in which students may enrich and expand their understanding of various important subjects, including, and surely not limited to, the legitimacy and credibility of a sovereign, the propriety of rules governing otherwise unrestrained individual behavior, the respective functions of and checks on the branches of government, the relationship between morality and the law, and what constitutes justice. Knowledge for the sake of knowledge is an essential feature of higher education. Such questions and issues only serve to elevate the capacity of a student to think critically and to ultimately arrive at a more sound position as to his place in the world and how he may most robustly advance ideas and arguments on behalf of his community or his client, whatever the case may be.¹⁰⁰

Law schools, in addition, are in the business of producing legal practitioners, more specifically giving students the practical instruments with which to write, research, and advocate on given issues.¹⁰¹ A student may possess significant knowledge of a particular legal subject but is poorly situated to effectively represent a client or cause if he cannot adequately express himself orally or in writing. Accordingly, there is necessarily a merger or union between the substantive components of the law and the more skills-oriented aspects of legal practice. Neither should exist without, and each by nature mutually reinforces, the other.

98. *Id.*

99. Arbetman, *supra* note 30.

100. See generally JOHN STUART MILL, “ON LIBERTY” AND OTHER WRITINGS 38 (Stefan Collini ed., 1989) (1859); Dawinder S. Sidhu, *A Critical Look at the “Critical Mass” Argument*, CHRON. HIGHER EDUC. (Feb. 18, 2013), <http://chronicle.com/article/A-Critical-Look-at-the/137369/> (“[E]xposure to different backgrounds and perspectives requires people to defend and even reformulate their respective worldviews. . . . [T]hat diversity enriches what we think about ourselves and one another.”).

101. See generally *Sweatt v. Painter*, 339 U.S. 629, 634 (1950) (“[A]lthough the law is a highly learned profession, we are well aware that it is an intensely practical one. The law school [is] the proving ground for legal learning and practice . . .”).

At bottom, the pursuits of the law student are to serve himself (e.g., his knowledge and his skills), but in a greater measure to serve the society and community in which he will have a personal and professional life. The public continually turns to lawyers for help in resolving disputes and cutting through complex and persistent problems in society. Lawyers are, in other words, a source of policy and legal decision making that permit general society to move forward and hopefully move ahead. In this respect, lawyers are quintessential public and social actors, if not servants.

Law students and law schools thus depend on the public and on society for their very purpose and survival. Were it not for a public that desires or needs the judicial system for the evaporation of disputes, requires proposals to enhance social welfare, and needs general leadership in the face of local, national, global, and intergenerational problems, the social importance of law schools would be at its lowest ebb, sustainable only on a purely intellectual foundation. As it turns out, however, law schools owe their existence to society and are in business because of the social function they are designed and called on to perform.¹⁰² Justice Cardozo wrote: “The final cause of law is the welfare of society. The rule that misses its aim cannot permanently justify its existence.”¹⁰³ I would modify this quote to read as follows: “The final cause of law schools is the welfare of society. Legal education that misses its aim cannot permanently justify its existence.”

To artificially restrain the passage of knowledge and the development of skills to the law school walls—and to only those who pay tuition—is to ignore the meaningful social role that law schools play in our country and to deprive others beyond the law school gates of tools that can uplift both the individual and the community to which he belongs. An opposite viewpoint—one of a law school maintaining a complete monopoly on and hoarding of certain information and abilities—cannot be maintained on any legitimate ground of which I am aware. Furthermore, a major responsibility of law faculty is to engage in teaching and scholarship. To fail to explore in the classroom or in scholarship society’s most pressing problems, such as concentrated and generational poverty, is to be complicit in their existence and to permit their perpetuation.

102. See generally Earl Warren, *Responsibilities of the Legal Profession*, 26 MD. L. REV. 103, 108 (1966) (“The law is not just a craft. It is a profession. And it is a profession with increasing responsibilities to serve society as a whole. Today’s law schools have a significant responsibility, not just to train lawyers but to further the development of our democratic system. The law must keep abreast of the needs of society. In order to fulfill these needs, a lawyer cannot confine his services entirely to special interests, important as those may be. But the community in which he lives and the national community as well—indeed, the international community—must be viewed in the broader sense as each lawyer’s client.”).

103. Dawinder S. Sidhu, *A Crisis of Confidence and Legal Theory: Why the Economic Downturn Should Signal the End of the Doctrine of Efficient Breach*, 24 GEO. J. LEGAL ETHICS 357, 393 (2011) (quoting BENJAMIN N. CARDOZO, *THE NATURE OF THE JUDICIAL PROCESS* 66 (1921)) (internal quotation marks omitted).

Accordingly, I cannot join the view that law schools are without a responsibility either to improve the civic capacity of young minds or to help fashion solutions to concentrated urban poverty.

There are ways to closely align the functions of law schools as educators of future lawyers with the needs of the local community. Dr. Husbands explains that law school “projects that are designed for service-learning can be very productive and engaging, and often count toward requirements for volunteering and other forms of civic participation that high schools increasingly require.”¹⁰⁴ In addition, she offers that “much like medical schools, perhaps law schools could set up clinics in impoverished areas . . . to provide advice, guidance, and support to young people and their families who are dealing with legal matters and feel they have nowhere to turn.”¹⁰⁵ She envisions that, collectively, “[t]hese types of actions could go a long way in reducing the distrust of the system and those within it (such as attorneys and judges)[,] which [are] sorely needed in high poverty communities.”¹⁰⁶ Given this potential, law school-based “[c]ivics education represents fertile territory for law schools to contribute to expanding educational opportunities in low-income communities,” according to Mr. Schramm.¹⁰⁷ Law schools should seriously consider the aforementioned and similar possibilities to better educate their students and to justify their place in society.

IV. CONCLUSION

Generally, the urban poor are effectively locked into marginalized economic and physical positions, without meaningful opportunity to enhance either their social or geographic mobility. This Article explores whether civics programs can help the urban poor reach greater economic heights and expand the spatial choices available to the urban poor. There is ample support for the proposition that there are benefits to civics education, which can exist as a partial, but meaningful, instrument of social mobility for the urban poor.

There is also ample reason to assert that civic education should be made a more ubiquitous, if not essential, aspect of law students’ and high school students’ educational experiences. Should such programs be utilized in schools in urban settings, this Article contains explicit guidance on how the programs can be refined to be most useful for the students themselves. These suggestions will ensure that the programs can be optimally taught and implemented.

This Article also addresses whether law schools possess an obligation to engage in civic education programs outside of campus and other-

104. Husbands, *supra* note 24.

105. *Id.*

106. *Id.*

107. Schramm, *supra* note 37.

wise help uplift the urban poor out of their entrenched positions. I answer this inquiry in the affirmative. In this respect, it joins the broader reexaminations of the role of law schools in society and whether law schools are worthy of their special standing in our nation.