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Cultivating “Civity”: Enhancing City Resilience with Bridging Relationships and Increased Trust

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CULTIVATING “CIVITY”: ENHANCING CITY RESILIENCE WITH BRIDGING RELATIONSHIPS AND INCREASED TRUST

PALMA JOY STRAND*

“Above all, we must free ourselves from our tendency to see cities as their buildings, and remember that the real city is made of flesh, not concrete.”

Edward Glaeser¹

“We are the city.”

Geoffrey West²

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1. EDWARD GLAESER, TRIUMPH OF THE CITY: HOW OUR GREATEST INVENTION MAKES US RICHER, SMARTER, GREENER, HEALTHIER, AND HAPPIER 15 (2011).

2. TED, *Geoffrey West: The Surprising Math of Cities and Corporations*, YOUTUBE (July 26, 2011), <http://www.youtube.com/watch?v=XyCY6mjWOPc> [hereinafter TED Talk].

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The very title of this Symposium—“Resilient Cities: Environment, Economy, Equity”—poses intriguing questions. What do we mean by “cities”? How shall we define “resilient”? Are there distinct dimensions of city resilience? If so, how do they relate to each other?

These questions arise at the juncture of two separate trends. The first is urbanization, a phenomenon that is occurring both globally and domestically. On a global scale, city admirer and economist Edward Glaeser observes, “Five million more people every month live in the cities of the developing world, and in 2011, more than half the world’s population [was] urban.”³ In the United States, over the course of the twentieth century the share of the population living in the largest one hundred metropolitan areas rose from 44% in 1900 to 66% in 2009.⁴ In the years between 2000 and 2009 alone, these areas grew 10.5%, in comparison to 5.8% growth in the rest of the nation.⁵ And urban areas now extend far beyond the top one hundred metropolises: The U.S. Census Bureau identifies 486 urbanized areas in the United States with populations greater than 50,000 and 3,087 urban clusters with populations between 2,500 and 50,000.⁶ Overall, the Census Bureau now classifies 80.7% of the U.S. population as urban.⁷

The second trend, related to the first, results from the devastating effects on large numbers of people when cities experience environmental and/or social shocks. Within the last decade alone, environmental disasters have affected millions of people in urban areas. Hurricane Katrina decimated the City of New Orleans in 2005,⁸ Superstorm Sandy pummeled cities along the northeastern coast in 2012,⁹ and Typhoon Haiyan wreaked havoc on the small (population 222,000) coastal city of

3. GLAESER, *supra* note 1, at 1.

4. Brookings Inst. Metro. Policy Program, *State of Metropolitan America: On the Front Lines of Demographic Transformation*, THE BROOKINGS INST. 1, 16–17 (2010), http://www.brookings.edu/~media/research/files/reports/2010/5/09%20metro%20america/metro_america_report.pdf.

5. *Id.* at 24.

6. U.S. CENSUS BUREAU, 2010 CENSUS URBAN & RURAL CLASSIFICATION & URBAN AREA CRITERIA (2010); *see also* U.S. CENSUS BUREAU, 2010 CENSUS URBAN AREA FACTS (2010).

7. 2010 CENSUS URBAN AREA FACTS, *supra* note 6.

8. Kimberly Amadeo, *How Much Did Hurricane Katrina Damage the U.S. Economy?*, ABOUT.COM (Oct. 31, 2012), http://useconomy.about.com/od/grossdomesticproduct/f/katrina_damage.htm (estimating economic losses as a result of Katrina-caused flooding in New Orleans).

9. Kimberly Amadeo, *What Are the Facts About Sandy’s Damage and Economic Impact?*, ABOUT.COM (Nov. 2, 2012), <http://useconomy.about.com/od/Disasters/f/Hurricane-Sandy-Economic-Impact.htm> (describing effects on New York City and environs).

Tacloban in the Philippines in late 2013.¹⁰ The 2010 Haitian earthquake literally toppled the lives of millions of Port-au-Prince residents,¹¹ and a 2011 tornado hit hard in Joplin, Missouri.¹² The drought in east Africa had extensive repercussions in cities in Ethiopia and other countries because of higher food prices.¹³

A 2011 earthquake-caused tsunami, along with the tsunami-caused meltdown of a nuclear power plant near Fukushima, Japan, caused massive dislocation in that city.¹⁴ Fukushima provided a sobering reminder that devastation can be caused or compounded by human action or inaction. Just as the effects of the earthquake and tsunami in Fukushima were magnified by the malfunction of the nuclear power plant, the effects of Katrina were magnified by the failure of the levees in New Orleans.¹⁵ And earlier catastrophes—such as Chernobyl, which turned the nearby city of Pripet in Ukraine into a ghost town;¹⁶ and the gas leak from an insecticide plant, which killed hundreds and injured thousands in the nearby city of Bhopal in India,¹⁷—show that human activity alone can send shock waves through city populations.

The potential disruptive effect of human activity is not limited to external forces or discrete events. Riots within cities can cast long shadows: Witness the 1965 Watts Riots in Los Angeles, and the riots almost thirty years later following the not-guilty verdict of the defendants in

10. Kate Hodal, *Typhoon Haiyan: Desperate Survivors and Destruction in Flattened City*, THE GUARDIAN (Nov. 11, 2013, 1:02 PM), <http://www.theguardian.com/world/2013/nov/10/typhoon-haiyan-dead-aid>.

11. *Haiti Earthquake Facts and Figures*, DISASTERS EMERGENCY COMMITTEE, <http://www.dec.org.uk/haiti-earthquake-facts-and-figures> (last visited April 14, 2014) (3.5 million people were affected, including an estimated 220,000 dead and over 300,000 injured).

12. *2011 Tornado Information*, NAT'L OCEANIC & ATMOSPHERIC ADMIN., http://www.noaanews.noaa.gov/2011_tornado_information.html (last updated Mar. 20 2012, 12:00 PM) (Joplin tornado ranked as seventh deadliest in U.S. history and left 157 people dead).

13. See, e.g., *Drought Hits Children in Ethiopia's Cities*, PLAN ETHIOPIA (Aug. 3, 2011), <https://plan-international.org/where-we-work/africa/ethiopia/about-plan/news/drought-hits-children-in-ethiopia-cities/>.

14. *The Faces of Fukushima's Fallout*, ALJAZEERA AMERICA (Jan. 8, 2014), <http://america.aljazeera.com/watch/shows/america-tonight/america-tonight-blog/2014/1/8/the-faces-of-theturntofukushimaseries.html> (highlighting "Genpatsu rikon"—"nuclear divorce" resulting from the disaster).

15. Michael Grunwald & Susan B. Glasser, *Experts Say Faulty Levees Caused Much of Flooding*, WASH. POST, Sept. 21, 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/09/20/AR2005092001894.html>.

16. *Chernobyl: 25 Years After the Nuclear Disaster*, HUFFINGTON POST (Sept. 19, 2011, 9:47 PM), http://www.huffingtonpost.com/2011/02/02/chernobyl-25-years-after-n_816902.html#s233577.

17. Sanjoy Hazarika, *Gas Leak in India Kills at Least 410 in City of Bhopal*, N.Y. TIMES, Dec. 4, 1984, <http://www.nytimes.com/learning/general/onthisday/big/1203.html#article>.

the Rodney King police brutality trial.¹⁸ International trends reach deep into cities: Observe the effects of the globalization of the automobile industry on Detroit's economic viability.¹⁹ Planet-wide climate change threatens "[p]orts, which constitute more than half the world's largest cities."²⁰ All of these phenomena, and more, demonstrate that the ability of cities to recover, to bounce back, is a high-stakes issue.

Part I of this article starts by proposing working definitions for "city" and "resilience." Both of these definitions rest on an understanding of cities as complex adaptive systems. Part I also connects this systems approach to social network analysis, which views cities not only as complex systems, but also as intricate social networks. Part I then articulates a specific systems- and networks-based view of resilience in the context of cities.

Part II examines city resilience and, in particular, describes a civic networks approach under which city resilience thrives on diversity and the textured range of knowledge that diversity nurtures and sustains. This approach offers the key insight that diversity's benefits can best be realized when bridging relationships of trust exist between disparate bonded groups. These bridges allow information to travel between groups, and a certain level of equality facilitates this function. Because cities are social networks, the health of those social networks underlies the health and resilience of the city overall.

Finally, Part III highlights legal interventions within cities to support city resilience. One set of legal approaches facilitates bridges between diverse groups—linkages between demographic communities, sectors, jurisdictions, and issue silos. A second set focuses on ways to nurture the trust that underlies the collaboration and problem-solving that constitutes resilience. The legal approaches in this Part reflect an understanding of law as encompassing not just its formal articulation, but also the civic communication that leads to formal law, the civic responses that follow formal law, and the civic grounding that is law's ultimate sustenance.

18. See generally JERRY COHEN & WILLIAM S. MURPHY, *BURN, BABY, BURN! THE LOS ANGELES RACE RIOT, AUGUST 1965 (1966)* (describing the riots and their underlying causes); Patrick Range McDonald, *Then & Now: Images from the Same Spot as the L.A. Riots, 20 Years Later*, L.A. WKLY., <http://www.laweekly.com/microsites/la-riots/> (last visited April 14, 2014).

19. Patrice Hill, *As Detroit Founders, Its Auto Industry Soars: Rapid Globalization Leaves City's Economy Behind*, WASH. TIMES, Aug. 11, 2013, <http://www.washingtontimes.com/news/2013/aug/11/as-detroit-founders-its-auto-industry-soars/?page=all>; Melanie Hicken & Chris Isidore, *Judge: Detroit Can Proceed with Bankruptcy*, CNN (Dec. 3, 2013), <http://money.cnn.com/2013/12/03/news/economy/detroit-bankruptcy-ruling/>.

20. Eric Roston, *Top 20 Cities with Billions at Risk from Climate Change*, BLOOMBERG (July 5, 2012, 8:32 PM), <http://www.bloomberg.com/slideshow/2012-07-06/top-20-cities-with-billions-at-risk-from-climate-change.html>.

I. WORKING DEFINITION OF “RESILIENT CITY”

The Symposium’s call for papers proposes a definition of a resilient city:

A resilient city is a sustainable network of physical systems and human communities. Physical systems are the constructed and natural environmental components of the city. They include its built roads, buildings, infrastructure, communications, and energy facilities, as well as its waterways, soils, topography, geology, and other natural systems. In sum, the physical systems act as the body of the city, its bones, arteries, and muscles. . . . Human communities are the social and institutional components of the city. They include the formal and informal, stable and ad hoc human associations that operate in an urban area: schools, neighborhoods, agencies, organizations, enterprises, task forces, and the like. In sum, the communities act as the brain of the city, directing its activities, responding to its needs, and learning from its experience.²¹

At the outset, I offer three observations about this definition. First, it places the physical attributes of a city first, and describes the human part of the socioenvironmental network as both subsequent and somewhat apart. In contrast, I see the essence of any city as the aggregation of humans who create it. Without humans, there is no city. Though creation of a city inevitably arises from and leads to changes in the physical environment, those changes and the city’s resulting physical attributes are human-initiated. Acknowledging this, “the starting point in thinking about the Anthropocene [the current “Age of Humans”²²] is that *we live in the world by altering it*. This is a function of our basic adaptations enabling us to buffer uncertainty and instability by changing how the world is.”²³

Second, the definition’s analogy between cities and human bodies manifests a human nature dichotomy that is a familiar and deep-seated—but erroneous—construct in western philosophy. In this con-

21. Idaho Law Review, *2014 Idaho Law Review Symposium: Resilient Cities*, UNIV. OF IDAHO: LAW, <http://www.uidaho.edu/law/law-review/symposium> (last visited April 14, 2014) (quoting David R. Godschalk, *Urban Hazard Mitigation: Creating Resilient Cities*, 4 NAT. HAZARDS REV. 136, 137 (2003), available at [http://ascelibrary.org/doi/pdf/10.1061/\(ASCE\)1527-6988\(2003\)4%3A3\(136\)](http://ascelibrary.org/doi/pdf/10.1061/(ASCE)1527-6988(2003)4%3A3(136))).

22. W. John Kress, *Living in the Anthropocene: Planet Earth in the Age of Humans*, NAT’L MUSEUM OF THE AM. INDIAN, Winter 2013, 14, available at <http://content.yudu.com/A2jp4j/2013/resources/16.htm>.

23. Rick Potts, *Being Human in the Age of Humans*, NAT’L MUSEUM OF THE AM. INDIAN, Winter 2013, 30, available at <http://content.yudu.com/A2jp4j/2013/resources/16.htm>.

struct, the mind and the body are distinct.²⁴ Moreover, humans, who are the only living beings with minds and souls, are separate from and act on nature.²⁵ My view, in comparison, is that humans are an inseparable part of nature just as minds are an inextricable part of bodies. Humans don't (as the definition would have it) simply direct the activities, respond to the needs, and learn from the experience of the city. Our actions and interactions *are* the city's activities. Our needs *are* the city's needs. Our understanding of what has happened *becomes* the city's story.

Third and most important, the definition omits the quintessential human characteristic: our own malleability and our ability to change our beliefs, our actions, and ourselves.

Homo sapiens possesses, through its natural evolutionary heritage, an extraordinary capacity to modify landscapes; the distribution of food, water and other resources; and, most interesting, *ourselves*. We have an unprecedented proclivity to alter our ways of life, our systems of belief, and our transactions with one another and the world around us. This is responsible for the vast diversity of human behavior and our species' cultural diversity.²⁶

This core human characteristic of flexibility means that the first place to look to determine a city's qualities, including resilience, is the sociocultural configuration of humans in that city. This sociocultural configuration will vary from city to city.

The importance of human flexibility cannot be overemphasized. Biologist Mary Clark carefully traces the connection between the environment in which humans evolved and the unique adaptation we developed.²⁷

Our ancestors [evolved during] one of the most unstable periods in Earth's long climatic history. [They] were . . . honed by ongoing environmental instability . . . [S]ome of them managed, by luck and wit, to squeak through because they never did become "naturally (i.e. genetically) adapted" to any one environment . . . Humans have no specific niche of their own; wherever they are is "home."²⁸

24. See, e.g., *Rene Descartes*, STANFORD ENCYCLOPEDIA ON PHIL. (Jan. 16, 2014), <http://plato.stanford.edu/entries/cartesius/> (mind/body dualism; ensouled versus unensouled beings).

25. See *id.*

26. Potts, *supra* note 23, at 29–30.

27. See generally MARY E. CLARK, IN SEARCH OF HUMAN NATURE (2002).

28. *Id.* at 99 (order of quotations has changed from the original, for clarity, but it does not alter the original meaning).

As a result, “[f]lexibility is the ultimate hominid adaptation.”²⁹

Human flexibility as our evolutionary hallmark translates to cultural variation as the primary mode of human adaptation.³⁰ Humans adapt to different environments by modifying cultural practices to accommodate those environments.³¹ This goes hand-in-hand with human selection for bonded groups, which resulted in an “ability to survive as reproductive units during highly stressful environmental periods.”³²

These cultural practices lead to different human actions vis-à-vis the surrounding environment, and they do so by providing worldviews or stories that make sense of and prompt those actions.³³ One advantage of cultural adaptation is that, because it can occur much more quickly than genetic adaptation, it can successfully respond to rapid changes in environment and thus encompass a broad range of environments.³⁴ A disadvantage of cultural adaptation is that because it centers on systems of meaning, conflicts between meaning systems can arise.³⁵

A working definition of a “resilient city,” then, should look first to the human. Such an approach does not denigrate the importance of the physical environment, both natural and built. This approach does acknowledge that a city without humans is like an anthill without ants: a shell.³⁶ It also recognizes that the way we build and live in our cities—and provide for their response to shocks or changes—depends predominantly on us.

A. “City” = “Region,” “CBSA,” “Citistate,” or “City-System”

Legally, U.S. cities are public corporations, chartered under the rules of the state in which they are located.³⁷ These charters generally specify a form of self-governance and geographical boundaries within which that self-governance applies.³⁸ The general purpose of these public corporations is to promote the welfare of the city’s residents.³⁹ Though a few of our older cities have charters that predate the states⁴⁰ and though most major cities existed as settlements before they had the

29. *Id.*

30. *See id.* at 124–25.

31. *See id.* at 124.

32. *Id.* at 121–24 (quoted material appears on page 122); *see also id.* at 102–03.

33. *See* CLARK, *supra* note 27, at 158–59.

34. *See, e.g., id.* at 87–89.

35. *Id.* at 64.

36. *Cf.* STEVEN JOHNSON, *EMERGENCE: THE CONNECTED LIVES OF ANTS, BRAINS, CITIES, AND SOFTWARE* 87–100 (2002) (discussing both anthills and cities as complex adaptive systems).

37. Alex Marshall, *Cities and Corporations: One and the Same*, CITIWIRE.NET (Mar. 7, 2013), <http://citiwire.net/columns/category/author/alex-marshall/>.

38. *See id.*

39. *See id.*

40. *Id.*

legal status of a city,⁴¹ the legal definition of a city has taken hold in our understanding.⁴²

Functionally, however, legally defined cities often constitute only small parts of much larger city-systems.⁴³ Older, larger cities tend to constitute the urban nuclei of metropolitan regions or smaller micro-regions.⁴⁴ Newer, smaller cities clustered around those nuclei are suburbs with intricate connections to the urban core.⁴⁵ Formerly rural, ex-urban cities orbit at a greater distance but are also interdependent in many ways.⁴⁶

The U.S. Census Bureau refers to these aggregations of legally defined cities (and some unincorporated areas) as “Core Based Statistical Areas” (CBSA), differentiating such areas into metropolitan or micropolitan depending on the size of the core urban area (50,000 or more for metro areas; 10,000 to and including 49,999 for micro areas).⁴⁷ Localist Neal Peirce, two decades ago, coined the term “citistate” both to denote the integration of center cities with their surrounding jurisdictions and to highlight the economic significance of these agglomerations.⁴⁸ In urban environmental and transportation planning and economic development, these areas often take on the term “regions.”⁴⁹ The essence of all of these characterizations is the recognition of economic and social integration. In this article, I use the terms “city,” “region,” “CBSA,” and “citistate” interchangeably.

I also use the term “city-system.” Increasingly, the social organizations denoted as cities, CBSAs, citistates, or regions are understood as complex adaptive systems.⁵⁰ Complex adaptive systems consist of self-organizing groups of individual agents whose interactions result in pat-

41. See generally *Urban Populations on the Rise*, NAT'L GEOGRAPHIC, <http://environment.nationalgeographic.com/environment/habitats/urban-profile/> (last visited April 14, 2014).

42. See Marshall, *supra* note 37.

43. See generally *Encyclopedic Entry: Urban Area*, NAT'L GEOGRAPHIC, http://education.nationalgeographic.com/education/encyclopedia/urban-area/?ar_a=1 (last visited April 14, 2014) (explaining the networking and connections of the urban areas surrounding a city).

44. See *id.*

45. See *id.*

46. See *id.*

47. U.S. CENSUS BUREAU, METROPOLITAN AND MICROPOLITAN STATISTICAL AREAS MAIN (2013) (“Each metro or micro area consists of one or more counties and includes the counties containing the core urban area, as well as any adjacent counties that have a high degree of social and economic integration (as measured by commuting to work) with the urban core.”).

48. See NEAL R. PEIRCE, CITISTATES: HOW URBAN AMERICA CAN PROSPER IN A COMPETITIVE WORLD, at ix–xi (1993).

49. See, e.g., WILLIAM R. BARNES & LARRY C. LEDEBUR, THE NEW REGIONAL ECONOMIES: THE U.S. COMMON MARKET AND THE GLOBAL ECONOMY 20–28 (1998).

50. See, e.g., MICHAEL BATTY, CITIES AND COMPLEXITY: UNDERSTANDING CITIES WITH CELLULAR AUTOMATA, AGENT-BASED MODELS, AND FRACTALS 1–8, 63–66 (2005). The seminal work on cities as complex systems, however, was written over half a century ago. See generally JANE JACOBS, THE DEATH AND LIFE OF GREAT AMERICAN CITIES (1961).

with others in patterns that bring meaning to our lives, often grouping ourselves according to characteristics we have determined to be socially salient: race,⁶³ language, religion, economic status. We mold the physical environment to create different built environments: denser or more sprawling. We create transportation systems in which people interact more (public transit) or less (cars on public roads). We decide whether to invest collectively in environmental hygiene: sanitation and industrial pollution cleanup. These cultural stories take various forms, including the form of law.⁶⁴

Human interactions, mapped over time, constitute immense and immensely complicated social networks. Urban planners Rolf Pendall, Kathryn Foster, and Margaret Cowell identify seven characteristics of complex adaptive systems.⁶⁵ City-system regions reflect all seven:⁶⁶

1. City-systems operate at *multiple scales*.⁶⁷
2. *Internal connections* along with
3. *openness* to external forces and
4. *continual flows* of energy, matter, and information lead to
5. *sudden fluctuations* and feedback loops that result in
6. *non-linear processes*.⁶⁸
7. “Often these non-linearities are *irreversible*, leading to path dependence.”⁶⁹

All of these attributes lead to complex adaptive systems displaying “*tendencies* rather than *inevitabilities*.”⁷⁰ This last quality aligns with the observation above that complex systems are susceptible to influence but not control.⁷¹

The work of physicist Geoffrey West and his colleagues on the scaling of urban systems takes the view of cities as complex adaptive systems a step further.⁷² Searching for the underlying mathematical relationships of such systems, West and his colleagues have found that biological organisms, corporations, and cities all exhibit similar economies

63. On the social construction of “race,” see for example, Ta-Nehisi Coates, *What We Mean When We Say ‘Race Is a Social Construct’*, ATLANTIC (May 15, 2013, 12:55 PM), <http://www.theatlantic.com/national/archive/2013/05/what-we-mean-when-we-say-race-is-a-social-construct/275872/>.

64. Strand, *Law as Story*, *supra* note 51, at 605, 608–11.

65. Rolf Pendall et al., *Resilience and Regions: Building Understanding of the Metaphor*, 3 CAMBRIDGE J. REGIONS, ECON. & SOC’Y 71, 77–78 (2010).

66. *Id.* at 78.

67. *Id.*

68. *Id.*

69. *Id.*

70. *Id.*

71. See *supra* note 52 and accompanying text and example.

72. See generally John Brockman, *Why Cities Keep Growing, Corporations and People Always Die, and Life Gets Faster: A Conversation with Geoffrey West*, EDGE (May 23, 2011), www.edge.org/conversation/geoffrey-west [hereinafter EDGE]; TED Talk, *supra* note 2. For a more focused discussion, see Luis M. A. Bettencourt et al., *Growth, Innovation, Scaling, and the Pace of Life in Cities*, 104 PROC. NAT’L ACAD. SCI. 7301, 7301–06 (Apr. 24, 2007), available at <http://www.pnas.org/content/104/17/7301.full>.

of scale in terms of their physical characteristics.⁷³ For mammals, for example, the metabolic rates of mice, cats, dogs, women, men, and elephants all lie on the same logarithmic line.⁷⁴ For corporations, scalability transcends product.⁷⁵ For cities, physical characteristics such as the number of gas stations or other infrastructure, compared to overall population, scale independently of city location or national boundaries.⁷⁶

In cities, qualities associated with human socioeconomic interactions also scale, but at a different rate—an accelerating rate as the city grows⁷⁷:

[Socioeconomic] quantities ... have no analog in biology. These are quantities, phenomena that did not exist until about 10,000 years ago when men and women started talking to one another and working together and forming serious communities leading to what we now call cities, i.e. things like wages, the number of educational institutions, the number of patents produced, et cetera.⁷⁸

West and his colleagues conclude:

[G]rowth driven by innovation implies, in principle, no limit to the size of a city, providing a quantitative argument against classical ideas in urban economics. The tension between economies of scale and wealth creation . . . represents a phenomenon where innovation occurs on time scales that are now shorter than individual life spans and are predicted to become even shorter as populations increase and become more connected, in contrast to biology where the innovation time scales of natural selection greatly exceed individual life spans. Our analysis suggests uniquely human social dynamics that transcend biology and redefine metaphors of urban “metabolism.” Open-ended wealth and knowledge creation require the pace of life to increase with organization size and for individuals and institutions to adapt at a continually accelerating rate to avoid stagnation or potential crises.⁷⁹

73. TED Talk, *supra* note 2.

74. *Id.*

75. *Id.*

76. *Id.*

77. These qualities grow “superlinearly” as compared to “sublinear[ly],” meaning that the slope of the logarithmic line is greater than one. Bettencourt et al., *supra* note 72, at 7303.

78. EDGE, *supra* note 72.

79. Bettencourt et al., *supra* note 72, at 7306.

The dense socioeconomic networks that constitute cities lead to increasing “dimensionality”—to “extraordinary diversity.”⁸⁰ Cities, in other words, are complex adaptive systems with a distinctive twist—a form of “organism” that is not self-limiting, at least in familiar ways.⁸¹ Moreover, cities have, to date, adapted by ever-accelerating cycles of innovation.⁸²

B. “Resilient” = “Adaptive” > “Sustainable”

“Resilience,” as a general matter, implies an ability to bounce back from a shock or stress, from a forced deviation from the status quo.⁸³ As urban planners Pendall, Foster, and Cowell point out, resilience is susceptible of various understandings.⁸⁴ This multiplicity raises the question of the most applicable view of “resilience” for cities as complex adaptive systems.

Pendall, Foster, and Cowell first identify an engineering conceptualization of “resilience” as “a return to normalcy,” which “concentrates on stability at a presumed steady-state, and stresses resistance to a disturbance and the speed of return to the equilibrium point.”⁸⁵ This view assumes “a single equilibrium” and is common in psychology, disaster, and ecosystem studies.⁸⁶ Such a single-equilibrium approach, which uses pre-shock criteria as the key measure, is common in exploring urban and regional resilience.⁸⁷ This idea of the presence of a desired equilibrium and steady state also underlies the popular rallying cry of “sustainability.”⁸⁸

Pendall, Foster, and Cowell next describe a second understanding of resilience, which recognizes the existence of multiple equilibria.⁸⁹ People grow in response to adverse experiences (what doesn’t kill you makes you stronger). “[N]ew normals” develop following periods of difficulty.⁹⁰ This view may more accurately, in Pendall, Foster, and Cowell’s words, be understood as a focus on “transform[ation]” of regions rather than “resilience.”⁹¹ They view multiple equilibria as a step toward a

80. See EDGE, *supra* note 72.

81. Biological organisms, for example, grow to a maximum, mature size and eventually die. TED Talk, *supra* note 2. So, too, according to the analyses of West and his colleagues, do corporations. *Id.*: see also *infra* notes 90–96 and accompanying text.

82. TED Talk, *supra* note 2; see also *infra* notes 110–11 and accompanying text.

83. Pendall et al., *supra* note 65, at 72.

84. *Id.*

85. *Id.* (source of quotation omitted).

86. *Id.*

87. *Id.* at 73.

88. See Andrew Zolli, Op-Ed., *Learning to Bounce Back*, N.Y. TIMES, Nov. 2, 2012, http://www.nytimes.com/2012/11/03/opinion/forget-sustainability-its-about-resilience.html?pagewanted=all&_r=0 (“Where sustainability aims to put the world back into balance, resilience looks for ways to manage in an imbalanced world.”).

89. Pendall et al., *supra* note 65, at 73.

90. *Id.* at 74.

91. *Id.* at 76.

The socioeconomic aspects of cities, in contrast, scale superlinearly, which means that the returns to scaling up are greater than one.¹⁰² These returns include both socioeconomic positives (wages and innovation) and socioeconomic negatives (crime and contagious disease).¹⁰³ West attributes this underlying pattern to the universal essence of cities:

What is it that's universal that transcends countries and culture?

Well obviously, it's what cities are really about, not these buildings and the roads and things, but the people. It's people. What we believe is that the scaling laws are a manifestation of social networks, of the universality of the way human beings interact . . .¹⁰⁴

West and his colleagues observe that while biological organisms eventually die a natural death and corporations reach a size plateau, cities can grow indefinitely, which leads to an ever-increasing pace of life and the threat of collapse as exponential growth becomes unsustainable.¹⁰⁵ To date, innovation from cities has allowed us to reset the clock,¹⁰⁶ but innovation must come ever faster. The need to innovate to avert collapse is, in West's view, "the challenge . . . [—]something that we have to face."¹⁰⁷

Though West does not discuss city-system resilience, his view of city-systems suggests a less fuzzy approach to assessing regional resilience, to developing the concept of definable and measurable regional health.¹⁰⁸ Establishing a science of cities opens the door to assessment of cities as having more or less resilience. Though cities fall generally along logarithmic lines, some may have metrics that are better than the norm; others may be worse.¹⁰⁹ As this science of cities progresses, it may become possible to identify the social, cultural, and institutional patterns and practices that underlie positive and negative deviations.¹¹⁰

102. *Id.*; Bettencourt et al., *supra* note 72, at 7303. The physical aspects of cities, in comparison, scale sublinearly—similar to animals and corporations. *See supra* note 76 and accompanying text.

103. Bettencourt et al., *supra* note 72, at 7303 (Table 1.).

104. EDGE, *supra* note 72.

105. Bettencourt et al., *supra* note 72, at 7304.

106. *Id.* at 7305.

107. EDGE, *supra* note 72.

108. *Id.*

109. *See* Bettencourt et al., *supra* note 72, at 7306 ("New indices of urban rank according to deviations from the predictions of scaling laws also provide more accurate measures of the successes and failures of local factors (including policy) in shaping specific cities.").

110. *Id.* ("This knowledge will suggest paths along which social forces can be harnessed to create a future where open-ended innovation and improvements in human living standards are compatible with the preservation of the planet's life-support systems.").

City-systems are comprised of citizens. In this article, I use the word “citizens” expansively to encompass all residents, commuters, workers, and officials—all those individuals who interact as agents within a region.¹¹⁷ This approach may be thought of as a *de facto* rather than a *de jure* approach to citizenship. “Citizens” thus includes people without immigration papers, minors, people who are disenfranchised for various reasons, people who physically cycle in and out of the region, and even people who are physically located elsewhere who interact regularly with people inside the region.¹¹⁸

As a complex adaptive system, moreover, the emergent patterns or system-level characteristics of a particular city will result not only from the qualities of its citizens as individuals, but also from their interactions and relationships. As such an emergent characteristic, resilience arises from and depends on how citizens interact with and relate to each other. Cities are more or less resilient as a result of citizen interactions that allow, or do not allow, for self-organizing behavior that facilitates adaptation to shocks and changes.¹¹⁹ These interactions include, but are by no means limited to, those with individuals in “governing” roles.

This Part maps a view of city-system resilience as grounded in interpersonal interactions and relationships onto one sophisticated effort to develop a multi-faceted assessment of real-world regional resilience. The goal is to explore the possibility of aligning the local and system levels: individual civic experience, interpersonal interactions, and relationships on the one hand, and regional resilience on the other.

A. Civic Networks

If humans and human interactions constitute cities, we must look to the citizens of cities for enlightenment as to system dynamics. We learn about city-system function, in other words, by asking and observing citizens. In prior work, I developed a bottom-up approach—an indi-

117. See MELINDA PATRICIAN & PALMA JOY STRAND, ARLINGTON’S CHANGING STORY: CIVIC ENGAGEMENT IN ARLINGTON COUNTY, VIRGINIA 15 (2003), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1510267; see also PALMA JOY STRAND, CIVIC ENGAGEMENT: A GUIDE FOR COMMUNITIES 1 (2006), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1510276.

118. For example, I am a faculty member of the Werner Institute at Creighton University, a department of the law school that offers an international, online degree in conflict resolution. I have a colleague, Noam Ebner, who lives in Israel. From Israel, he directs and teaches in the online program based at the Werner Institute in Omaha, Nebraska. We have Werner staff meetings on a regular basis that he attends via video conference. He has offered webinars campus-wide as part of our faculty development program. We have video conferences with Noam and instructors in the online program who are based elsewhere. Those of us who are based in Omaha email with Noam frequently, and we see him in person several times a year when he travels to Creighton for our residency program. In this globalized age, Noam is a citizen of Werner, a citizen of Creighton, and a citizen of Omaha, even though his primary physical residence is elsewhere.

119. *But cf.* Plummer & Armitage, *supra* note 94, at 65–68 (discussing resilience in the context of adaptive co-management of socio-ecological environments).

ed to more effective regional government in Italy.¹³¹ Further, he identified trust, generalized reciprocity, and social norms of cooperation as the characteristics of relationships within these networks that enabled good government—government that functioned effectively to meet the needs of the population.¹³²

In later work, Putnam defined the relationships that comprise these social webs in terms of bonding relationships that join people who are alike and bridging relationships linking disparate bonded groups.¹³³ Focusing on bridges, sociologist Ashutosh Varshney meticulously demonstrated that inter-ethnic (Muslim and Hindu) associations in Indian cities result in lower overall rates of inter-ethnic violence in those cities.¹³⁴ Such associational contacts, Varshney found, give rise to inter-ethnic relationships that allow small conflicts to be extinguished “*from below*” before they rage out of control.¹³⁵ The inter-ethnic associational bridges, though weak in an interpersonal sense, play an essential role at the system or city level by linking bonded groups sufficiently to enable social responses to shocks that protect against internal violence. The resilience of Indian cities in this particular context depended on the existence of associational civic networks with strategic bridging relationships.¹³⁶

Another sociologist, Sean Safford, compared two U.S. Rust Belt cities hit by deindustrialization—Allentown, PA and Youngstown, OH—and concluded that social networks with intersecting relationships helped Allentown to be “more robust in the face of economic change.”¹³⁷ Safford highlighted several key characteristics of the salutary civic networks.¹³⁸ First, diverse bonded groups within the system provide for greater information and interpretation, while bridges between groups allow for the flow, sharing, and careful selection of useful information.¹³⁹ Second, the presence of various civic spaces within the region offer myriad places from which leadership can emerge.¹⁴⁰ Third, a crisis in one

131. *Id.*

132. *Id.* at 163–85; *see also* Strand, *Civic Underpinnings*, *supra* note 120, at 144–45.

133. ROBERT D. PUTNAM, BOWLING ALONE: THE COLLAPSE AND REVIVAL OF AMERICAN COMMUNITY 22–24 (2000).

134. ASHUTOSH VARSHNEY, ETHNIC CONFLICT AND CIVIC LIFE: HINDUS AND MUSLIMS IN INDIA 119–67, 171–215, 219–78 (2002).

135. *Id.* at 46–47.

136. *Id.* at 23–52, 281–82; *see also* Strand, *Civic Underpinnings*, *supra* note 120, at 146–47.

137. SEAN SAFFORD, WHY THE GARDEN CLUB COULDN’T SAVE YOUNGSTOWN 138 (2009). On a smaller scale, an AP-NORC poll after Hurricane Sandy showed that “neighborhoods lacking in social cohesion and trust more generally are having a difficult time recovering.” TREVOR THOMPSON ET AL., RESILIENCE IN THE WAKE OF SUPERSTORM SANDY 5 (2013), *available at* http://www.apnorc.org/PDFs/Resilience%20in%20Superstorm%20Sandy/AP_NORC_Resilience%20in%20the%20Wake%20of%20Superstorm%20Sandy-FINAL.pdf.

138. SAFFORD, *supra* note 137, at 138.

139. *Id.*

140. *Id.*

works, people create the relationships: the nodes create the links.¹⁴⁶ Individuals can “harness[] and utiliz[e] resources and spread[] information [via existing relationships].”¹⁴⁷ They can also “change at least part of the network structure through strategically interacting with new actors.”¹⁴⁸ Civic network entrepreneurs or civic organizers can both create new relationships and modify the valence or quality of existing ones to nudge existing social networks in a more civic direction.¹⁴⁹ The networks, as well as the relationships, are dynamic, which contributes to and facilitates cultural changes.¹⁵⁰

On a preliminary basis, then, city-system resilience emerges from essential attributes of civic networks including distinct perspectives and sources of knowledge, a combination of bonding and bridging relationships, and good flows of communication.¹⁵¹ Relational trust, controlled power dynamics, and generalized reciprocity characterize the bridges that allow the collaboration that enables problem solving and innovation.¹⁵² And citizens themselves have the capacity to nurture the civic networks that ground resilience.

The signal advantage of a civic networks approach to city resilience is that it illuminates the cause-and-effects of interpersonal interactions leading to system-level emergent effects.¹⁵³ The difficulty of the approach is that it calls for description and analysis of not only individuals and groups but of interpersonal interactions and relationships.¹⁵⁴ This difficulty arises from the fact that identifying, measuring, and evaluating relationships—taking them seriously—is not standard practice.¹⁵⁵

B. The Building Resilient Regions Resilience Capacity Index

The Building Resilient Regions (BRR) initiative of the Institute of Governmental Studies at the University of California at Berkeley highlights a Resilience Capacity Index (RCI) for regions: “a single statistic summarizing a region’s score on 12 equally weighted indicators—four

146. Strand, *Civic Underpinnings*, *supra* note 120, at 157.

147. Crona et al., *supra* note 142, at 54.

148. *Id.* (citation omitted).

149. *See* Strand, *Civic Underpinnings*, *supra* note 120, at 157–61.

150. *See supra* notes 28–30 and accompanying text. Changed relationships lead to changed stories, which reinforced changed relationships. Virtuous (or vicious) cycles can result. *See also* VARSHNEY, *supra* note 134, at 289–97 (discussing whether civic links can be forged).

151. *See* Crona et al., *supra* note 142, at 51–52.

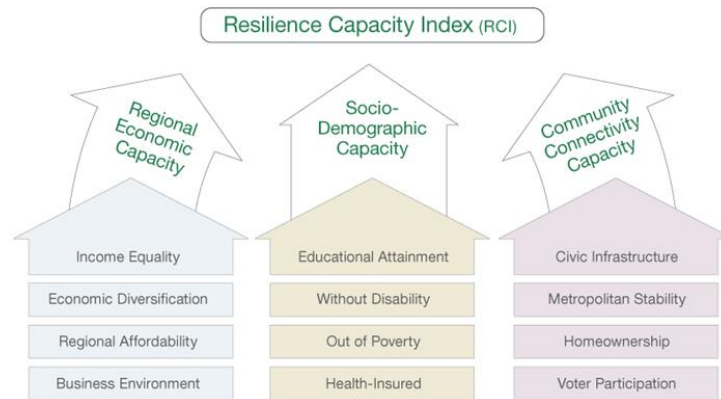
152. *Id.*

153. *See generally id.*

154. *See id.* at 52–53.

155. JOHN ESTERLE, MALKA KOPELL & PALMA STRAND, FROM THE KIDS’ TABLE TO THE ADULTS’ TABLE: TAKING RELATIONSHIPS SERIOUSLY IN A WORLD OF NETWORKS (2013), available *at* <http://www.thewhitmaninstitute.org/pdf/From%20the%20Kids%27%20Table%20to%20Adults%27%20Table.pdf>.

indicators in each of three dimensions”¹⁵⁶ The RCI is graphically described below:¹⁵⁷



Each of the three dimensions of the RCI has a primary emphasis.¹⁵⁸ The first dimension focuses on the region’s economy.¹⁵⁹ The second looks to the capabilities of individuals within the region.¹⁶⁰ The third taps into non-economic connectedness.¹⁶¹

The largest proportion of the RCI indicators, across the three dimensions, invoke individual capability to contribute:¹⁶² Five indicators—regional affordability, educational attainment, lack of disability, absence of poverty, and health insurance—relate to individual abilities to withstand stressors.¹⁶³ Two additional indicators—metropolitan stability and homeownership—denote the presence of bonded groups.¹⁶⁴

156. The Univ. of Cal. Berkley, *Harnessing the Power of Metropolitan Regions: Resilience Capacity Index*, INST. OF GOV. STUDIES: UNIV. OF CAL. BERKLEY, <http://brr.berkeley.edu/rci/> (last visited April 14, 2014) [hereinafter *Resilience Capacity Index*].

157. *Id.*; see also Peter Hart, *Regional Resilience: Pittsburgh Ranks High in Study*, U. TIMES, Mar. 31, 2011, <http://www.utimes.pitt.edu/?p=15852> (speech by Kathryn Foster as featured in the University of Pittsburgh’s *University Times*).

158. *Resilience Capacity Index*, *supra* note 156.

159. *Id.*

160. *Id.*

161. *Id.*

162. See The Univ. of Cal. Berkley, *Harnessing the Power of Metropolitan Regions: Sources and Notes*, INST. OF GOV. STUDIES: UNIV. OF CAL. BERKLEY, <http://brr.berkeley.edu/rci/site/sources> (last visited April 14, 2014) [hereinafter *Sources and Notes*].

163. *Id.*

164. *Id.*

Three indicators take a city-system perspective. Two of these—economic diversification and civic infrastructure (which measures the density but not the diversity of civic organizations¹⁶⁵)—describe emergent effects of innovation and problem-solving.¹⁶⁶ And one indicator—business environment—encapsulates certain infrastructure, investment capacity, and overall regional business phenomena (small and large businesses and average churn).¹⁶⁷

Only two indicators arguably shed light on relationships within the region: income inequality and voter participation. Income inequality is the sole factor that goes directly to relationships among individuals, and it is a factor that relates directly to civic culture.¹⁶⁸ Socioeconomic inequality, which has grown dramatically since the 1970s, is now at levels unmatched since before the Great Depression.¹⁶⁹ Social mobility in the U.S. is low,¹⁷⁰ and there is evidence that this low mobility is linked to inequality.¹⁷¹ Further, many worry that this inequality has weakened the social linkages that hold our society, our democracy together.¹⁷² Inequality undermines interpersonal trust, which results in a fraying of the civic fabric.¹⁷³ When people do not trust in a generalized manner, they are unlikely to bridge out to others unlike them.¹⁷⁴ The result is less robust civic networks.

Voter participation, in comparison, is an indirect measure of relationship that is largely unrelated to civic networks.¹⁷⁵ Voter participation describes the connection of individuals to the political process via the formal mode of voting.¹⁷⁶ Political participation, however, appears to be unrelated to the trust that correlates to civic networks and thus to resilience.¹⁷⁷ Political participation and voting bring people together with others who are like them rather than connecting them with others

165. *Id.*

166. *Id.*

167. The business environment criterion is drawn from the Economic Dynamics component of the Innovation Index developed by statsamerica.org. *See generally id.*; Innovation in Am. Regions, *Calculating the Innovation Index*, STATSAMERICA.ORG, http://www.statsamerica.org/innovation/innovation_index/weights.html (last visited April 14, 2014).

168. *See* JOSEPH E. STIGLITZ, *THE PRICE OF INEQUALITY* 2 (2012).

169. *See id.* at 4–8.

170. *See* PALMA JOY STRAND, *EDUCATION AND THE INHERITANCE-VERSUS-OPPORTUNITY TRADEOFF: THE REGRESSIVE EFFECTS OF PRIVATIZATION AND UNDERINVESTMENT* 5 (2013), *available at* http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2344872.

171. *Id.* at 17 n.75.

172. *See, e.g.*, STIGLITZ, *supra* note 168, at 65.

173. Eric M. Uslaner & Mitchell Brown, *Inequality, Trust, and Civic Engagement*, 33 AM. POL. RES. 868, 889–91 (2005), *available at* <http://www.gvpt.umd.edu/uslaner/uslanerbrownapr.pdf>.

174. *See* Crona et al., *supra* note 142, at 51–52.

175. *See* Uslaner & Brown, *supra* note 173, at 874–75.

176. *See id.*

177. *See id.* at 887.

racial, ethnic, and/or socioeconomic achievement gaps? How integrated are the region's neighborhoods along various socially salient lines? Are both men and women working to their full potential? Do process alternatives to traditional government exist: community visioning, collaborative governance, participatory budgeting, public dialogues? Are some parts of the region languishing under environmental burdens? Is the region investing in human sociolegal infrastructure—preschool, K-12, health, and governance?

Network and systems thinking is relatively new. Traditional metrics focus on either the characteristics of individuals or the qualities of groups—identifiable groups or large-scale agglomerations.¹⁸⁷ Recognizing that interpersonal interactions and relationships play a key role in determining the network dynamics that lead to system-level patterns in regions opens up new vistas for investigation, exploration, and experimentation.

III. CIVITY

Social networks constitute particular configurations of individual-level interactions and relationships.¹⁸⁸ System-level effects emerge from those interactions and relationships.¹⁸⁹ Civic networks describe a cognizable combination of diverse bonded groups with looser, power-with-bridges that are lubricated by trust and generalized reciprocity.¹⁹⁰ One of the emergent characteristics of city-systems with a bounty of civic networks is resilience: collaboration, problem solving and adaptation in response to stress.¹⁹¹

The word “civity” denotes city-systems comprised of people, citizens in the generous sense described above, whose interactions and relationships create civic networks. Before the word “city” came to its current meaning of the “town or place occupied by the community,” it referred to “the body of citizens, the community.”¹⁹² “Civity,” a word that in earlier times meant “city,”¹⁹³ resurrects the emphasis on the people and their relationships and, with its similarity to “civic,” invokes not merely physical residence or connection but quality of interaction.¹⁹⁴ The word “civity” is like “community” in that both describe a social group and a particular quality of that group.¹⁹⁵ One might refer to a city-system with a bounty of civic networks as “a civity” and also as having a high degree of “civity.” “Civity” is unlike “community,” however, in that “civity” connotes the diversity and difference within the social group associated

187. See generally STIGLITZ, *supra* note 168, at 264.

188. See Uslaner & Brown, *supra* note 173, at 872–73.

189. See Strand, *Law as Story*, *supra* note 51, at 620.

190. See Uslaner & Brown, *supra* note 173, at 875.

191. See generally *id.*

192. 3 OXFORD ENGLISH DICTIONARY 252 (2nd ed. 1989) (derivation of “city”).

193. *Id.* at 258 (definition of “civity”).

194. *Id.* at 254 (definition of “civic”).

195. *Id.* at 581–582 (derivation and definition of “community”).

1.. Bridges across demographic divides

One of the most entrenched separations in U.S. cities is residential segregation by race.²⁰⁰ Federal policies governing mortgage lending in the middle of the 20th century—“redlining”—led directly to racially segregated neighborhoods, to higher real estate values in predominantly White neighborhoods, and to “hypersegregated” poor Black neighborhoods.²⁰¹ The effects of these policies are still evident in our racially segregated cities²⁰² and the continued isolation and vulnerability of poor neighborhoods.²⁰³ A primary consequence of residential racial segregation is the lack of opportunities for people of different demographic backgrounds to interact where they live, to see diverse people on the street, at the grocery store, in the classroom at the local school,²⁰⁴ or even at the city council or school board meeting as it is not uncommon for segregation to have been protected by the drawing of jurisdictional lines.

The Civil Rights Act of 1964 has made major inroads in desegregating public spaces such as workplaces, restaurants, stores, accommodations, and other institutions and facilities.²⁰⁵ The Fair Housing Act of 1968 has made far fewer inroads in desegregating housing and neighborhoods, even though it imposed on the federal government not only a duty to prevent discrimination in housing but a duty to “affirmatively

200. Palma Joy Strand, *Inheriting Inequality: Wealth, Race, and the Laws of Succession*, 89 OR. L. REV. 453, 455–56 (2010).

201. See SHERYLL CASHIN, *THE FAILURES OF INTEGRATION: HOW RACE AND CLASS ARE UNDERMINING THE AMERICAN DREAM* 83–201 (2004) (history of policies leading to residential segregation and differential effects on black and white citizens); DOUGLAS S. MASSEY & NANCY A. DENTON, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* 74–78 (1993) (discussion of “hypersegregation”); Strand, *Inheriting Inequality: Wealth, Race, and the Laws of Succession*, *supra* note 198, at 461–63 (racial disparities in wealth, including home equity); *Race: The Power of an Illusion: The House We Live In* (PBS, California Newsreel television broadcast 2003), available at http://www.pbs.org/race/000_About/002_04-about-03-01.htm (description of “redlining”).

202. See, e.g., *Segregation of the Population: Dissimilarity with Non-Hispanic Whites by Race/Ethnicity*, DIVERSITYDATA.ORG (2010), <http://diversitydata.sph.harvard.edu/Data/Rankings/Show.aspx?ind=163&tf=38&sortby=Value&sortChs=6&sort=HighToLow¬es=True&rt=MetroArea&rgn=ShowLargest100> (rank ordering of the top 100 U.S. metropolitan areas by racial segregation between black and white residents).

203. See, e.g., JESUS HERNANDEZ, *THE RESIDUAL IMPACT OF HISTORY: CONNECTING RESIDENTIAL SEGREGATION, MORTGAGE REDLINING, AND THE HOUSING CRISIS* (2009), available at http://www.kirwaninstitute.osu.edu/reports/2010/02_2010_RedliningHistorySubprime_Hernandez.pdf (analyzing Sacramento as an example).

204. See CASHIN, *supra* note 201, at 202–36 (schools).

205. See, e.g., Donald T. Kramer, Annotation, *Validity, Construction, and Application of § 201(b)(2) and Related Provisions of the Civil Rights Act of 1964 (42 U.S.C.A. § 2000a(b)(2)), Prohibiting Discrimination or Segregation in Restaurants, Cafeterias, and Other Such Facilities Principally Engaged in Selling Food for Consumption on the Premises, and in Gasoline Stations*, 10 A.L.R. FED. 220 (1972).

further fair housing” (AFFH).²⁰⁶ After 45 years of dormancy, the Obama Department of Housing and Urban Development resurrected the AFFH mandate by proposing implementing regulations in July 2013.²⁰⁷

The proposed regulations provide that HUD will supply local entities with comprehensive data on housing patterns related to race, ethnicity, poverty, employment, environment, and transportation.²⁰⁸ Local entities engaged in community planning will thus be in a better position to not simply prohibit housing discrimination but to affirmatively further fair, equitable, and integrated housing. In the face of the new AFFH regulations, assuming they are finalized in essentially their proposed form, local governments can exercise leadership to facilitate more bridging relationships within neighborhoods through increased residential integration.

2. Bridges between jurisdictions

An important set of bonded groups in any region are the multiple jurisdictions that operate there. Multiple cities (sometimes dozens in one metropolitan area), counties, special districts, and various state and federal agencies operate as discrete entities within any city-system.²⁰⁹ Though regional planning authorities often exist, these authorities generally lack teeth,²¹⁰ and few states have acted to enforce general regional cooperation through regional governments.²¹¹ Neal Peirce refers to the resulting lack of coordination as the “governance gap”: “[V]irtually no problem of the modern citistate—be it strategic economic planning, environmental protection, education and work force preparedness, transportation, parks, recreation, urban growth management—can be handled entirely on a municipality-by-municipality basis.”²¹²

206. Nikole Hannah-Jones, *Living Apart: How the Government Betrayed a Landmark Civil Rights Law*, PRO PUBLICA (Oct. 28, 2012, 11:00 PM), <http://www.propublica.org/article/living-apart-how-the-government-betrayed-a-landmark-civil-rights-law>.

207. Affirmatively Furthering Fair Housing, 78 Fed. Reg. 43709 (proposed July 19, 2013) (to be codified at 24 CFR pts. 5, 91, 92, 570, 574, 576, and 903), *available at* <https://www.federalregister.gov/articles/2013/07/19/2013-16751/affirmatively-furthering-fair-housing> (last visited April 14, 2014).

208. *Id.*

209. *See Number of Governments*, DIVERSITYDATA.ORG, <http://diversitydata.sph.harvard.edu/Data/Rankings/Show.aspx?ind=155¬es=True&rgn=ShowLargest100&sortChs=Non-Hispanic%20Black%20%28Velir.DataCenter.Domain.Characteristic%236%29&sort=HighToLow&sortBy=Value&rt=MetroArea> (last visited April 14, 2014) (highest is Chicago with 1,742).

210. Patricia E. Salkin, *Metropolitan and Regional Planning*, 2 AM. L. ZONING § 10:9 (5th ed. 2013).

211. *See generally* GERALD FRUG ET AL., LOCAL GOVERNMENT LAW: CASES AND MATERIALS 537–94 (5th ed. 2010) (overview of regional initiatives).

212. PEIRCE, *supra* note 48, at 32–35.

Unquestionably, there is value in smaller units of government within larger city-systems. Citizens may find smaller government entities more accessible. Particular issues of importance (schools, resources, economic development) may receive more focused attention. The challenge, however, is that these smaller units do not always see their interests as aligned with those of an overall city-system, myopia which leads to failure to work together toward *regional* health. Too often, for example, wealthy suburbs do not see their well-being as tied to central city stability.²¹³ Many regions lack the necessary impetus for getting a region's various jurisdictions to work together, while those jurisdictions experience incentives to actively compete. In key ways, the Tiebout model of local jurisdictions as economic competitors captures this dynamic.²¹⁴

When formal regional governance is absent or infeasible, more flexible collaboration among regional jurisdictions offers a promising way to move forward. Bill Barnes of the National League of Cities recommends an entrepreneurial approach:

[T]he relevant options for regional action are too often framed as either doing nothing or engineering major structural change in the form of jurisdictional consolidation. This is a false choice and a bad way to frame the topic.

To get away from this false choice about consolidation, we should shift to a less dramatic but more practical focus on regional governance as capacity and process. The measure of regional governance success is achieving a goal—solving a problem, seizing an opportunity—not governmental consolidation for its own sake.

Regional governance occurs when multiple governmental jurisdictions and interest groups in an area work and struggle together toward a goal.²¹⁵

How can this work? Networks. Bridging relationships among local public jurisdictions, an approach that is already making inroads in regional governance.²¹⁶

213. Keith R. Ihlanfeldt, *The Importance of the Central City to the Regional and National Economy: A Review of the Arguments and Empirical Evidence*, 1 CITYSCAPE: J. POL'Y DEV. & RES. 125, 125 (June 1995) available at <http://www.huduser.org/Periodicals/CITYSCPE/VOL1NUM2/ch3.pdf>.

214. See Charles M. Tiebout, *A Pure Theory of Local Expenditures*, 64 J. POL. ECON. 416, 418–20 (Oct. 1956) available at <http://www.econ.wayne.edu/agoodman/5520/week3/Tiebout-JPE-1956.pdf>.

215. Bill Barnes, *Emerging Issues: Closing the Regional Disconnect*, NATIONAL LEAGUE OF CITIES, (July 11, 2011), <http://www.nlc.org/media-center/news-search/emerging-issues-closing-the-regional-disconnect>.

216. See Thom Reilly & Robert J. Tekniepe, *Collaborative Regional Networked Systems*, in TRANSFORMING AMERICAN GOVERNANCE: REBOOTING THE PUBLIC SQUARE 126, 126–44 (Alan P. Balutis et al. eds. 2011).

With this mindset, officials at multiple levels within local jurisdictions can create the bridging relationships—build the “trust and respect” with their counterparts in other jurisdictions—that facilitates collaboration and problem-solving.²¹⁷ The network dynamic here is similar to that of individuals in less formalized groups. The nested nature of networks underlies this similarity: Bridging relationships can join bonded organizational groups such as local jurisdictions in much the same way that they can join bonded groups of individuals.

3. Bridges across sectors

The field of public administration explicitly articulates the value of cross-sector networks in governance and offers a wealth of insights into the design and implementation of such networks for various purposes.²¹⁸ Cross-sector networks, by their nature, incorporate bridging relationships between people who operate within the different sectors—public, private, non-profit.²¹⁹ One well-established group of initiatives designed to nurture cross-sector relationships are the “Leadership XXX” programs that operate in cities across the country.²²⁰

My introduction to these initiatives was Leadership Arlington,²²¹ a yearlong program sponsored by the Arlington County, Virginia, Chamber of Commerce in which I participated as a member of the class of 2000. With approximately forty members, our class included—intentionally—approximately one-third members from the public sector, one-third members from the private sector, and one-third members from the non-profit sector. Members of the class included real estate developers, the CEO of the Metropolitan Washington Airport Authority, the executive directors of the local animal welfare league and a business improvement district in one of Arlington’s commercial areas, a local high school principal, and someone from the county’s economic development department.

Though there were a number of activities in the program designed to develop our individual leadership capacity, the primary focus was on

217. Bill Barnes, *Emerging Issues: Intergovernmental System Requires Attention*, NATIONAL LEAGUE OF CITIES (Feb. 21, 2011), <http://www.nlc.org/find-city-solutions/city-solutions-and-applied-research/emerging-issues/2011-columns/intergovernmental-system-requires-attention>.

218. See, e.g., STEPHEN GOLDSMITH & WILLIAM D. EGGERS, *GOVERNING BY NETWORK: THE NEW SHAPE OF THE PUB. SECTOR* 55–91 (2004); John M. Bryson, Barbara C. Crosby & Melissa Middleton Stone, *The Design and Implementation of Cross-Sector Collaborations: Propositions from the Literature*, 2006 PUB. ADMIN. REV. (SPECIAL ISSUE) 44, available at <http://www-test.hhh.umn.edu/centers/pnlc/pdf/DesignImplementationCross-Sector.pdf>.

219. Bryson et al., *supra* note 218, at 44.

220. See *Advancing the Effectiveness of Leadership Programs*, ASS’N. OF LEADERSHIP PROGRAMS, <http://www.alp-leaders.net/> (last visited April 14, 2014).

221. See *Leadership Arlington*, <http://www.leadershiparlington.org/> (last visited April 14, 2014).

connecting us to each other and to Arlington as a whole. We worked primarily in groups, and we were intentionally exposed to a wide range of who was doing what in the county. I left the program with a few close ties and a much longer list of people I felt comfortable contacting.

Over two hundred programs across the country are members of the Association of Leadership Programs.²²² The robustness of these programs, a number of which have been in existence for several decades,²²³ speaks of both local understanding of the importance of cross-sector relationships and the ability to intentionally create or strengthen those relationships.²²⁴ Providing a space in which cross-sector relationships can grow is akin to a civity greenhouse.

4. Bridging across issues

One of the most challenging divides in city-systems relates to the issues people care about and are working to address. Making progress on one issue often requires significant progress on others. Criminal justice, for example, is linked to education, which is related to health. Health varies with socioeconomic status, which depends on employment, which may depend on access to transportation. The list goes on. Yet people often work in issue silos, perhaps because of a personal connection to a particular issue, perhaps because looking at all the issues together can seem overwhelming.

An organization here in Omaha, the Nonprofit Association of the Midlands (NAM), draws together nonprofits addressing a broad range of issues in Nebraska and Western Iowa. Chief Executive Officer Anne Hindery notes that adversity can enable those with very different issue portfolios to see that they have common ground.²²⁵ For example, in the face of a state government “divide and conquer” approach that would set members against each other as competitors for scarce funding, NAM has sought to unite its members in asserting for “both-and” solutions.²²⁶ On the specific recent question of the elimination of the Nebraska state income tax, for example, NAM’s members joined in opposition.²²⁷

NAM has also sought to build a “sector identity.”²²⁸ A 2012 report highlighted the economic impact of Nebraska nonprofits overall, enhanc-

222. ASS’N OF LEADERSHIP PROGRAMS, ADVANCING THE EFFECTIVENESS OF LEADERSHIP PROGRAMS 2012-2013 ANNUAL REPORT, (2013), *available at* <http://www.alp-leaders.net/2013/2013annualreport.pdf> (listing 203 total members, including 65 new members in 2012-2013).

223. *See Leadership Development: Leadership Omaha*, GREATER OMAHA CHAMBER, <https://www.omahachamber.org/talent-and-workforce/leadership-development.cfm/> (last visited April 14, 2014) (showing that Leadership Omaha began in 1978).

224. *See Our Mission: Committed to Empowering New Leaders*, PRESIDIO INST., <http://institute.presidio.gov/about/Pages/Mission.aspx> (last visited April 14, 2014) (initiating a new cross-sector leadership program on a broader geographical scale).

225. Interview with Anne Hindery (Jan. 17, 2013) (notes on file with author).

226. *Id.*

227. *Id.*

228. *Id.*

ing the story of connection between individual members.²²⁹ NAM has also encouraged the creation of links between members that focus on different issues.²³⁰ Again, adversity has had a silver lining. As a result of the economic downturn beginning in the late 2000s, less grant money has led to members holding closer to their core missions while networking with other organizations to enhance effectiveness.²³¹

Interestingly, adversity as a catalyst for forcing cross-issue dialogue has also occurred in participatory budgeting. Cities facing fiscal challenges—cities such as Menlo Park, California, in 2005²³²—have brought citizens who care about different issues together to hammer out how to stretch resources to address community needs.²³³ Participatory budgeting enables members of a city, through the shared medium of finance, to talk about shared priorities and to develop relationships across issue commitments.²³⁴

B. Nurturing Trust

Cultivating civity calls not only for building relationships but also for infusing relationships with trust. The collaboration that allows for innovation, the deliberation that enables real communication, the cooperation and reciprocity that ground problem solving—all of these depend on trust. Trust is essential to city-system resilience.

Trust cannot be taken for granted. Generalized trust within the U.S. has been falling.²³⁵ So too has trust in a large number of our institutions, especially those that are public, civic, or political.²³⁶ The ques-

229. See NONPROFIT ASS'N OF THE MIDLANDS, NEBRASKA NONPROFITS: ESSENTIAL & VIBRANT: ECONOMIC IMPACT REPORT 2012 (2013), available at www.nonprofitam.org/resource/resmgr/docs/economic_report_2013_finalpd.pdf.

230. Interview with Anne Hindery, *supra* note 225.

231. *Id.*

232. *Menlo Park's Participatory Budgeting “Your City/Your Decision,”* INST. FOR LOCAL GOV'T, <http://www.ca-ilg.org/post/menlo-parks-participatory-budgeting-your-cityyour-decision> (last visited April 14, 2014).

233. See *generally Mission & Approach*, PARTICIPATORY BUDGETING PROJECT, <http://www.participatorybudgeting.org/who-we-are/mission-approach/> (last visited April 14, 2014) (describing process and projects The Participatory Budgeting Project uses to help communities decide how to spend public money).

234. See *generally id.*

235. See *Variable Trust: Can People Be Trusted*, GEN. SOC. SURVEY, <http://www3.norc.umd.edu/GSS+Website/Browse+GSS+Variables/Subject+Index/> (follow “T” hyperlink; then follow “trust” hyperlink; then follow “CAN PEOPLE BE TRUSTED” hyperlink to view question; then follow “Click here to see Trends for Trust” hyperlink to view trends) (last visited April 14, 2014) (asking the question: “Can people be trusted?” Responses: “CAN TRUST” from 46.3% in 1972 to 32.3% in 2006; “CANNOT TRUST” from 50.0% in 1972 to 62.4% in 2006).

236. *Confidence in Institutions*, GALLUP, <http://www.gallup.com/poll/1597/confidence-institutions.aspx#1> (last visited April 14, 2014) (showing that public schools, churches, the media, and political bodies have lost trust over

tion arises: How can we nurture trust in city-systems, especially in fledging or attenuated bridging relationships? How can we intentionally create the conditions in which trust can grow?

1. Trust in bonded settings

An important component of trust building in cities is nurturing trust within bonded communities. Most people interact most frequently with others within their families, schools, faith communities, workplaces, and neighborhoods. People learn to trust—or distrust—from their experiences in those environments. We can all build trust in our bonded communities, with a particular emphasis on trust that is inclusive rather than exclusive. In this section, I want to highlight three types of initiatives that can build trust within neighborhoods.

One initiative is the 21st-century equivalent of the neighborhood newsletter: the neighborhood listserv.²³⁷ A listserv allows people in a small geographical area to share information, identify their neighbors, and plan events with very little investment of time or resources.²³⁸ Once the listserv is set up, people post by their own choice and read or respond only if they wish.²³⁹ My own neighborhood listserv here in Omaha, “Nextdoor Joslyn Castle,”²⁴⁰ serves as a bulletin board, crime watch, conduit for notices from the city government, and a way to transmit information about block parties or trick-or-treating. I don’t think I’ve ever posted to it myself, but I feel connected just because other people do. (And thanks to Rob and Marnie Corsaro, who have taken the lead both on the listserv and in our civic association!) A listserv can also be part of a larger community effort to transform an ailing neighborhood into a vibrant one.²⁴¹

Social psychologists established a long time ago that working together toward a common goal is a proven strategy for bringing together even antagonistic groups.²⁴² Groups of people who are not necessarily

the past 40 years, while the military and the police have gained trust and business and the medical system have stayed steady).

237. Danielle Davis, *How to Build a Better Neighborhood*, SHAREABLE (June 9, 2010), <http://www.shareable.net/blog/how-to-build-a-better-neighborhood>.

238. See generally Rob Goodspeed, *What’s Your Neighborhood Listserv?*, DCIST (May 25, 2005, 10:30 AM), http://dcist.com/2005/05/whats_your_neig.php.

239. See generally *id.* (discussing how community listservs are open to the public).

240. See NEXTDOOR, <https://nextdoor.com> (last visited April 14, 2014); see also Jared Nissim, *Here’s How it Works*, MEETTHENEIGHBORS.ORG, http://www.meettheneighbors.org/public_mtn_experiment.html (last visited April 14, 2014).

241. Cf. Kaid Benfield & Matt Higbee, *How a Once-Disinvested Neighborhood is Building Community With Pride and Leadership*, SWITCHBOARD, (Aug. 1, 2013), http://switchboard.nrdc.org/blogs/kbenfield/how_a_once-disinvested_neighbo.html (“The neighborhood website, which posts a community calendar and contact information for neighborhood committees for people who want to get involved, is now the community’s virtual hub.”).

242. See URIE BRONFENBRENNER, *THE ECOLOGY OF HUMAN DEVELOPMENT: EXPERIMENTS BY NATURE AND DESIGN* 98–103 (1979).

communities. With both of these strategies, cities adapt by nurturing trust.

As have many U.S. cities, Arlington, Virginia, has experienced a shift in population demographics over the past couple of generations.²⁵⁴ Between 1970 and 2000, “whites as a percentage of Arlington’s total population ... decreased from 93% ... to 69%,” while the “Hispanic/Latino population more than tripled ... (from 6% to 19%)” between 1980 and 2000.²⁵⁵ Along with this shift, the percentage of Hispanic students in the Arlington Public Schools (APS) increased dramatically; by the fall of 2013, 27.8% of APS students overall were Hispanic.²⁵⁶

One APS response to these changing demographics was the creation in 1986 of Key School or Escuela Key—a two-way, partial immersion Spanish language elementary school that all of my three children attended at one time or another.²⁵⁷ In this kind of immersion program, half of the students are native English speakers and half are native Spanish speakers.²⁵⁸ Half of the day’s instruction is in English; half is in Spanish.²⁵⁹ With this instructional model, students learn not only from their teachers but from each other.

In addition to learning two languages, students and their families, through their everyday interactions, have the opportunity to develop familiarity with and knowledge of members of a different language community, members who in many instances also live in different neighborhoods.²⁶⁰ Moreover, extensive research on these programs has developed protocols for deepening relationships with minority-language parents who might otherwise feel marginalized vis-à-vis their children’s education.²⁶¹ The success of the Key program in Arlington led over time to the opening of another immersion elementary school and the extension of the immersion program into middle and high school.²⁶²

A very different current initiative addresses the fact that, in the U.S. as a whole, political polarization has grown dramatically in recent

254. PATRICIAN & STRAND, *supra* note 117, at 9.

255. *Id.*

256. ARLINGTON PUBLIC SCHOOLS, QUICK FACTS (Dec. 2013), *available at* <http://www.apsva.us/cms/lib2/VA01000586/Centricity/Shared/QuickFacts.pdf>.

257. *See* FRANCIS SCOTT KEY ELEMENTARY SCHOOL, <http://www.apsva.us/Domain/960> (last visited April 14, 2014).

258. *Id.*

259. *Id.*

260. *See Segregation of the Population: Dissimilarity with Non-Hispanic Whites by Race/Ethnicity*, DIVERSITYDATA.ORG, <http://diversitydata.sph.harvard.edu/Data/Rankings/Show.aspx?ind=163&ch=1&tf=38&sortby=Value&sortChs=1&sort=HighToLow¬es=True&rt=MetroArea&rgn=ShowLargest100> (last visited April 14, 2014).

261. ELIZABETH R. HOWARD ET AL., GUIDING PRINCIPLES FOR DUAL LANGUAGE EDUCATION 36–37, 91–94 (2d ed. 2007), *available at* http://www.cal.org/twi/Guiding_Principles.pdf.

262. *See Directory of Two-Way Bilingual Immersion Programs in the U.S.*, CTR. FOR APPLIED LINGUISTICS, <http://www.cal.org/jsp/TWI/SchoolListings.jsp> (last visited April 14, 2014).

meetings and sunshine laws that apply to local government bodies.²⁷¹ Nevertheless, much goes on behind the scenes, and public engagement between officials and citizens in the sense of meaningful two-way rather than one-way communication is often not the norm. Public comment periods during formal government meetings, for example, rarely lead to interactive questions and answers or other official-citizen exchanges.

Moreover, when city-system government bodies do seek to undertake deeper citizen engagement, they run the risk of promising more than they deliver. The International Association for Public Participation (IAP2) spectrum lays out a range of levels of citizen involvement in decision-making.²⁷² Discerning the differences between the levels is not always an easy task, but mismatches between rhetoric and reality can actually engender distrust rather than trust: citizens are savvy and do not care to participate as “window-dressing.”²⁷³

To build trust, city governments can clarify public participation processes and the level of citizen participation in actual decision-making commensurate with those processes and then stick to decision-making commitments. Such commitments require openness to policy decisions and implementation processes that public officials may not contemplate or may even resist at the outset. But the hallmark of meaningful public participation or civic engagement that builds trust is respect for process.²⁷⁴ Citizens can accept substantive results that differ from their own positions or interests more easily if they feel that their voices were heard.²⁷⁵ Trust is built through real conversation in which people speak and are heard,²⁷⁶ which means that trust in government can be nurtured through authentic conversations. Such conversations are, of course, most practicable at the local level.

In this vein, one useful guideline for local officials desirous of building trust is to analyze whether a particular process will diminish or build trust. Officials often look at decisions primarily or exclusively from the perspective of their consistency with a contribution to furthering a master plan, complying with regulatory requirements, or meeting identified needs. All of these are important. So too, however, is how the decisions are made. The processes by which officials arrive at and implement decisions can move a city forward by building trust, which can make future deliberations and decisions easier. Alternatively, processes

271. Daxton R. “Chip” Stewart, *Let the Sunshine in, or Else: An Examination of the “Teeth” of State and Federal Open Meetings and Open Records Laws*, 15 COMM. L. & POL’Y 265, 265 (2010).

272. Int’l Assoc. for Pub. Participation, *IAP2 Spectrum of Public Participation*, IAP² (2007), <http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/spectrum.pdf>.

273. PATRICIAN & STRAND, *supra* note 117, at 33.

274. See Tom Tyler et al., *Understanding Why the Justice of Group Procedures Matters: A Test of the Psychological Dynamics of the Group-Value Model*, 70 J. PERSONALITY & SOC. PSYCHOL. 913, 913 (1996).

275. *Id.*

276. See Gerard A. Hauser & Chantal Benoit-Barne, *Reflections on Rhetoric, Deliberative Democracy, Civil Society, and Trust*, 5 RHETORIC & PUB. AFF. 261, 262 (2002).

tion,” as “having trouble connecting with the newcomers.”²⁸⁶ She was quoted as saying, “People seem more self-absorbed, maybe more individualistic in a way, less empathetic.”²⁸⁷

Chris Murphy, a twenty-something techie who had recently moved into the Mission, wanted to make a connection with the neighborhood and was having a hard time figuring out where and how to plug in.²⁸⁸ Chris read the article and reached out to Christina.²⁸⁹ Chris and Christina started getting together for coffee.²⁹⁰ They didn’t rush it, but they ended up bringing in other folks—Chris, his tech friends; Christina, her colleagues from the neighborhood.²⁹¹ For the last few months, a group of twenty to thirty people, drawn from both Christina’s and Chris’s networks, have been getting together monthly.²⁹² The group is starting to focus on reaching out even further through cultural activities, volunteering, and other activities.²⁹³

Christina says that the elephant in the room is still there: Gentrification of the neighborhood and the emotions and issues that accompany it have not gone away.²⁹⁴ But she also says that she is at a point of wanting to be part of a different dialogue—as are others in the community who are intrigued.²⁹⁵ The meetings are putting faces, for people in both groups, on people in the other group.²⁹⁶

Chris and Christina are, in the language of this article, civity entrepreneurs. They are building bridges and helping information flow. They are nurturing trust. They do not know yet what will come from their work, but I suspect that this work will make the Mission’s ability to adapt to the tech influx more, rather than less, likely. An additional strategy for building trust, then, is to reach existing or potential institutional entrepreneurs such as Chris and Christina and encourage their civity entrepreneurship.

IV. CONCLUSION

Cartoonist Walt Kelly’s Pogo asserted, “We have met the enemy, and he is us.”²⁹⁷ Human behavior has caused or contributed to many of

286. *Id.*

287. *Id.*

288. Telephone interview with Christina Olague, Mission resident, & Chris Murphy, Mission resident, (Jan. 14, 2013) (notes on file with author).

289. *Id.*

290. *Id.*

291. *Id.*

292. *Id.*

293. *Id.*

294. Interview with Christina Olague & Chris Murphy, *supra* note 288.

295. *Id.*

296. *Id.*

297. *See* WALT KELLY, POGO: WE HAVE MET THE ENEMY AND HE IS US (1972).

