

**CENTERING THE STATE IN STATEGRAFT:
REFORMING ABUSIVE LOCAL GOVERNMENTS
REQUIRES STATE LAW REFORM**

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Ten years have passed since Darren Wilson, an officer of the Ferguson police department in Missouri, killed teenager Michael Brown. The street uprising that followed led to a generation of investigative journalism, federal inquests, civil rights litigation, and legal and policy scholarship that documented local governments engaged in illegal, racially discriminatory revenue collection practices. Today, nearly every state has advocates pushing to reform local systems that stack fines and fees on cities' poorest residents. From the political right as well as the political left, these advocates demand a version of local government that does not fund its operations by making its most vulnerable residents even worse off. Bernadette Atuahene has long been among the scholars driving this work. She forcefully critiques exploitative practices by local governments in "A Theory of Stategraft."

Atuahene is right in her unsparing assessment. But the rightness of her argument should not deflect from the degree to which state governments also drive stategraft. State regulation, funding, and delegation of authority to local governments are background causes of abusive local systems. This Essay pulls up alongside Atuahene's article to argue that any answer to "stategraft" will have to force states to the table of reform. Using Missouri and Michigan as examples, this Essay highlights some of the state background rules that are responsible for the impossible fiscal bind that local governments face in providing basic services to high-poverty cities. A quick look at a lawsuit in Louisiana demonstrates how states can and must share the costs of the concentrated poverty that state policy has helped to build.

Introduction	622
I. Atuahene's Stategraft.....	624
II. State Background Rules Driving Stategraft.....	626
A. Missouri's Stategraft Drivers.....	627
B. Michigan's Stategraft Drivers	633
III. Conclusion: Local Governments Alone Cannot Fix Stategraft	638

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INTRODUCTION

North St. Louis County, Missouri, is divided into forty-six tiny, legally independent municipalities.¹ Scholar Jodi Rios, who conducted ethnographic research across the region for two decades, describes the oppressive system of revenue-based policing that grew up around traffic and building code enforcement. Rios tells the story, for example, of a Black mother named Patrice who commuted between home, two part-time jobs, and her children's three schools.² Crossing crowded municipal boundaries on a daily basis, Patrice received eight traffic tickets, four of which were for a single faulty muffler.³ Even though the tickets only concerned her car's condition, they required in-person court appearances on rare and specific dates that conflicted with her evening shifts at work.⁴ She eventually gave up \$800 of her scarce income to pay off those tickets, but still ended up with three arrest warrants for failure to appear at some of her mandatory court dates.⁵

These warrants ramped up the stakes that much more. They terrorized Patrice, who had once been jailed for ten days because she could not afford a \$1,000 bond on a traffic ticket stemming from a broken tail light.⁶ Her jail cell had housed fifteen other people with only a few beds, no access to showers, and inadequate access to toilets.⁷ "It was literally like animals in a cage," she told Rios.⁸ While her mother, Evelyn, and her brother desperately scrambled for money to help her make bail, Patrice lost her job.⁹ Meanwhile, Evelyn was being harassed with aesthetic building code citations related to the painting of her home's foundation, her front door, and her back door.¹⁰ Local governments eventually loaded up Evelyn's house with so many fines accumulating interest that she was forced to sell it for next to nothing.¹¹ She decided to move back to her hometown of Birmingham, Alabama, even though she

1. JODI RIOS, *BLACK LIVES AND SPATIAL MATTERS: POLICING BLACKNESS AND PRACTICING FREEDOM IN SUBURBAN ST. LOUIS* 79 (2020).

2. Patrice's story, along with that of her mother Evelyn, is detailed at length in Rios's incredible, interdisciplinary narrative of the fines and fees crisis in north St. Louis County. As with all names in her book and consistent with best practices in ethnographic methods, "Patrice" and "Evelyn" are pseudonyms. *See id.* at 83–86.

3. *Id.* at 84.

4. *Id.* at 85.

5. *Id.*

6. *Id.* at 85–86.

7. *Id.* at 85.

8. *Id.*

9. *Id.*

10. *Id.* at 84.

11. *Id.* at 110.

had vowed never to return to the Deep South.¹² “[N]obody should have to live like that,” Evelyn told Rios.¹³

Scholar Bernadette Atuahene rightly calls this kind of oppressive local government conduct “stategraft” in her compelling article “A Theory of Stategraft.”¹⁴ In that piece and in co-authored work with Timothy R. Hodge, Atuahene defines and documents “stategraft” as illegal, predatory actions by local governments that benefit or fund the public treasury.¹⁵ Her theorization of this term stands on the foundation of years of academic research documenting exploitative property taxation by the city of Detroit. So too, her writing reflects years of experience advocating for reimbursements of residents gouged by those unlawful, unpayable taxes and the foreclosures that followed.

Atuahene’s condemnation of some local governments is unsparing, and stories like that of Patrice and Evelyn demonstrate the degree to which this forceful critique is justified. Cities can and sometimes do entrench their own residents’ poverty, confiscate their property, and eviscerate their human rights. But the rightness of Atuahene’s argument should not deflect from the degree to which *state* governments also drive stategraft. State regulation, funding, and delegation of authority to local governments are background causes of abusive local systems. The article, “A Theory of Stategraft,” throws the book at local governments.

12. *Id.*

13. *Id.*

14. See Bernadette Atuahene, *A Theory of Stategraft*, 98 N.Y.U. L. REV. 1, 3 (2023).

15. Bernadette Atuahene & Timothy R. Hodge, *Stategraft*, 91 S. CAL. L. REV. 263 (2018). Atuahene’s work joins a new generation of scholarship that has revealed and critiqued exploitative revenue generation (especially through fines and fees) extracted from low-income people by local governments. See, e.g., FEES, FINES, AND THE FUNDING OF PUBLIC SERVICES: A CURRICULUM FOR REFORM (Brian Highsmith ed., 2020), https://law.yale.edu/sites/default/files/area/center/liman/document/fees_fines_and_the_funding_of_public_services.pdf [<https://perma.cc/45QZ-N3QX>] (collecting policy briefs in this field); MONEY AND PUNISHMENT, CIRCA 2020 (Anna VanCleave, Brian Highsmith, Judith Resnik, Jeff Selbin & Lisa Foster eds., 2020), https://law.yale.edu/sites/default/files/area/center/liman/document/money_and_punishment_circa_2020.pdf [<https://perma.cc/2K9Y-RR8W>] (collecting articles that survey “many misuses of money as punishment and the range of efforts underway to undo the webs of fines, fees, assessments, charges, and surcharges that undergird so much of state and local funding”); Beth A. Colgan, *Fines, Fees, and Forfeitures*, 18 CRIMINOLOGY CRIM. JUST. L. & SOC’Y 22 (2017) (surveying the constitutional problems with relying on fines, fees, and forfeitures to fund police and criminal court systems); CORTNEY SANDERS & MICHAEL LEACHMAN, CTR. ON BUDGET & POL’Y PRIORITIES, STEP ONE TO AN ANTIRACIST STATE REVENUE POLICY: ELIMINATE CRIMINAL JUSTICE FEES AND REFORM FINES (2021), <https://www.cbpp.org/sites/default/files/9-17-21sfp.pdf> [<https://perma.cc/FHG5-CG7Y>] (situating fines and fees as a feature of a racially discriminatory criminal justice system).

This piece pulls up alongside to make sure we throw a book at states, too.

Part I of this Essay summarizes Atuahene’s concept of stategraft and contextualizes her work as a scholar and activist to address this problem. Part II then captures key state background rules that have driven stategraft in two of the settings where Atuahene documents stategraft. Missouri bears tremendous responsibility for the fines and fees abuses by St. Louis’s north county suburbs. Michigan similarly built the revenue structure that drove the property tax foreclosure crisis in Detroit.

To recenter states in stategraft is not just about apportioning blame. Burrowing into the role of state law is crucial for solving the problem of abusive local governments. As I have argued in a recent book, we need a new generation of cities that invest in their low-income residents’ safety, mobility, and flourishing.¹⁶ To get there—to get past our age of poverty traps and stategraft—state governments must be brought to the table of reform. Without states’ deeper pockets of money and power, solutions to stategraft may well backfire against the very people that reformers seek to protect.

I. ATUAHENE’S STATEGRAFT

Through its actions and omissions, government can be part of the reason it is “so expensive to be poor,” as the common saying goes. But Atuahene’s concept of “stategraft” is not a catch-all for any affirmative, extractive action by government that brings money into a public treasury (such as pricey tickets for aesthetic housing code violations) and any failure to protect residents from private parasites on a public system (such as the failure to regulate private bail bondsmen). She focuses only on those practices that have been found (or arguably could be found) illegal under existing laws, such as unconstitutional court or detention practices.¹⁷

16. MICHELLE WILDE ANDERSON, *THE FIGHT TO SAVE THE TOWN: REIMAGINING DISCARDED AMERICA* 21–24, 235–45 (2022).

17. Atuahene, *supra* note 14, at 17–19. Three compelling comments on “A Theory of Stategraft” help highlight the degree to which *legal* practices can also be a form of extraction and repression. See Rebekah Diller, Mitali Nagrecha & Alicia Bannon, *Reflections on Fees and Fines as Stategraft*, 98 N.Y.U. L. REV. ONLINE 262 (2023), https://www.nyulawreview.org/wp-content/uploads/2023/05/NYULawReview98_DillerNagrechaBannon-1.pdf [https://perma.cc/EGU4-ZYL8]; Beth A. Colgan, *Illegality in a World of Predation*, 98 N.Y.U. L. REV. ONLINE 246 (2023), <https://www.nyulawreview.org/wp-content/uploads/2023/05/NYULawReview-Volume98-Colgan-2.pdf> [https://perma.cc/EVH4-5HD3]; Dick M. Carpenter II, *Generating Revenue Through Civil Forfeiture*, 98 N.Y.U. L. REV. ONLINE 205 (2023),

Motives and mens rea—whether government agents knew their actions to be unlawful or predatory—are beside the point. She “places the focus where it belongs, which is on the actual theft and its impact on vulnerable populations.”¹⁸ These harms, Atuahene argues, go far beyond property lost to the state. “Through stategraft,” she tells us, cities have “not only robbed [their] citizens of their money and houses, but [they] also plundered their trust and hijacked their faith in the democratic institutions that govern them.”¹⁹ I invite you, as my reader, to read and highlight that important sentence.

As I have explored in my own work, damage to trust in government is an independent layer of harm when city governments exploit and trap vulnerable residents.²⁰ A growing literature has explored the consequences of untrustworthy, unfair criminal and immigration legal systems for citizen mental health, cooperation with police, expectations of government, and more.²¹ Those harms “trickle up” from personal experiences at a local level to perceptions of government in general. They endanger faith in democracy itself.

Atuahene assembles four examples of stategraft in “A Theory of Stategraft”: (1) foreclosure for nonpayment of property taxes using uncorrected and inflated property assessments (as in Detroit);²² (2) extraction of exorbitant fines and fees through civil ticketing, traffic enforcement, and criminal arrests (as in Ferguson and other St. Louis suburbs);²³ (3) civil forfeiture laws (as in Philadelphia);²⁴ and (4) civil debt collection (as in New Orleans).²⁵ In each city, government officials

<https://www.nyulawreview.org/wp-content/uploads/2023/05/NYULawReview-Volume98-Carpenter.pdf> [<https://perma.cc/7R9N-DAGK>].

18. Atuahene, *supra* note 14, at 8.

19. *Id.* at 31.

20. See ANDERSON, *supra* note 16, at 239–42.

21. For example, see TRACEY L. MEARES & PETER NEYROUD, NAT’L INST. OF JUST., DEP’T OF JUST., NO. 248411, RIGHTFUL POLICING (2015), <https://www.ncjrs.gov/pdffiles1/nij/248411.pdf> [<https://perma.cc/C93Q-KHKP>]; Tracey L. Meares, *The Path Forward: Improving the Dynamics of Community–Police Relationships To Achieve Effective Law Enforcement Policies*, 117 COLUM. L. REV. 1355 (2017); Tom R. Tyler, Phillip Atiba Goff & Robert J. MacCoun, *The Impact of Psychological Science on Policing in the United States: Procedural Justice, Legitimacy, and Effective Law Enforcement*, 16 PSYCH. SCI. PUB. INT. 75 (2015). See also Emily Ryo, *Fostering Legal Cynicism Through Immigration Detention*, 90 S. CAL. L. REV. 999, 999 (2017) (making a related case that immigrant detention promotes “the belief that the legal system is punitive despite its purported administrative function, legal rules are inscrutable by design, and legal outcomes are arbitrary”).

22. Atuahene, *supra* note 14, at 8–11.

23. *Id.* at 4–5.

24. *Id.* at 5–6.

25. *Id.* at 6.

used regressive, harmful, and legally dubious (or outright illegal) practices to extract revenue from vulnerable residents to fund the city budget. Low-income residents of color bore the worst harms of these practices.

Atuahene's arguments stand on an unusual foundation. She is a rare law scholar for having triangulated a live, urgent legal problem (the tax foreclosure crisis in Detroit) and systematically pursued solutions. She built a descriptive base of doctrinal research, quantitative empirical analysis, and ethnography of a devastating wave of tax foreclosures of occupied homes in Detroit. This work documented the extent of this pattern, explored the state legal rules that govern such taxes and foreclosures, and investigated the local politics and practices driving these foreclosures.²⁶ In a normative wing of this work, she analyzed and argued state constitutional doctrines as well as a civil rights theory under the Fair Housing Act to challenge many of these foreclosures as unlawful.²⁷ "A Theory of Stategraft" provides a theory to label and contextualize these practices.

Alone, Atuahene's work would be a formidable contribution to legal reform efforts on the ground. But Atuahene has gone further—she built an activist network to fight this problem. Atuahene's Coalition For Property Tax Justice has become a force in local politics in Detroit.²⁸ Atuahene herself (at protests and public hearings, on local radio and TV, and in op-eds) has become a leading voice demanding reform. This is a scholar who saw a problem, mobilized her research to understand it, and then used her voice as an activist to *solve* it. Her work is a model for the legal academy.

II. STATE BACKGROUND RULES DRIVING STATEGRAFT

From the first paragraph of her article, and extensively in other work, Atuahene acknowledges the "ever-drier wells" that cities now face after years of state austerity measures and disinvestment.²⁹ I have many

26. See Atuahene & Hodge, *supra* note 15; Bernadette Atuahene & Christopher Berry, *Taxed Out: Illegal Property Tax Assessments and the Epidemic of Tax Foreclosures in Detroit*, 9 U.C. IRVINE L. REV. 847 (2019).

27. Bernadette Atuahene, "Our Taxes Are Too Damn High": *Institutional Racism, Property Tax Assessments, and the Fair Housing Act*, 112 NW. U. L. REV. 1501 (2018).

28. I wrote about Atuahene's work in a deeper narrative look at the movement politics of stopping a devastating foreclosure crisis in Detroit. See ANDERSON, *supra* note 16, at 225–31.

29. Atuahene, *supra* note 14, at 2. See also Bernadette Atuahene, *Predatory Cities*, 108 CALIF. L. REV. 107, 132–36 (2020) (describing Michigan's deep cuts to local aid as well as state-issued fines and fees as causes for local stategraft in Detroit).

reasons to think she would agree there is no “stategraft” without states. So while Atuahene focuses on holding local governments to account for their own conduct, I do not think “A Theory of Stategraft” should be read without an anchor in state law. State constitutions, statutes, tax systems, and budget appropriation have empowered or disempowered local governments in ways that (1) drove decades of disinvestment in older cities and racial and economic segregation across metro areas, then (2) constrained older cities’ authority to rebuild and remedy the fallout. State background rules also determine the line between legality and illegality that Atuahene uses to distinguish predatory government from stategraft.

Two states provide examples of how this works. At the risk of belaboring the point, my goal is not to try to excuse or justify stategraft by local governments. My goal is to acknowledge the challenges they are up against, the limited powers and resources they have to solve those challenges, and the ways that state law and politics determine their constraints.

A. Missouri’s Stategraft Drivers

Rewind to the story that opened this Essay. Several local agencies bore immediate responsibility for the boot-on-neck version of government that kept Patrice exploited, broke, afraid, and powerless. They included the cities of Pagedale, St. Ann, Pine Lawn, Velda City, Jennings, and others, plus the municipal court systems overlaid across them. Who are those governments? They are a mix of majority-White and majority-Black cities.³⁰ Pine Lawn, infamous for its system of debtors’ prisons for civil fines, is 96% Black and drew 48% of its 2013 budget from fines and fees.³¹ St. Ann is only 22% Black, but 40% of the stops by its police department targeted Black drivers between 2005–2015.³² Traffic stops funded 37% of the city budget in 2013.³³ Many of the cities in north St. Louis County (such as Pagedale, Normandy, Pine Lawn, Velda City, and Ferguson) have extremely high rates of poverty, with at least one in five people living below the poverty line.³⁴ All have been hit hard by the deindustrialization and depopulation of St. Louis and the region. The majority-Black neighborhoods and cities in the region face daunting environmental challenges related to the legacy of industrial

30. Rios, *supra* note 1, 92–96 tbl.3.1.

31. *Id.* at 95 tbl.3.1.

32. *Id.*

33. *Id.*

34. *Id.* at 93–95 tbl.3.1.

land contamination, dilapidated housing, and air pollution.³⁵ Pine Lawn, for example, has dozens of federally tracked brownfield sites and hazardous waste cleanups pending within a three-mile radius,³⁶ which helps to explain the city's poor air quality and high asthma rates.³⁷

Close analysis of these municipalities reveals clear patterns. Those cities with high rates of poverty and lower property values have relied more heavily on revenue from fines, fees, and courts.³⁸ Many of the poorest, most abusive cities have weak tax bases (meaning that their property and sales tax revenues lag) borne of a triple burden: (1) extremely high local government fragmentation (*i.e.*, tiny municipalities crowded among other tiny ones); (2) an extremely racially and economically segregated region organized by an infamous, violent history of racial discrimination in housing,³⁹ and (3) private and public abdication of the environmental clean-up and workforce recovery work required for humane deindustrialization. If facing these legacy problems sounds like a terrible governance challenge, it is. But those problems can be mitigated by strong, state-level redistribution to reduce inequality among municipalities' per capita revenues for education and basic services.⁴⁰

Alas, local governments in Missouri do not have such support from their state. Missouri's revenue transfers to its local governments are among the lowest in the country—they have always been inadequate to

35. See, *e.g.*, Faisal Khan, *A Legacy of Environmental Health Concerns in St. Louis*, WASH. UNIV. IN ST. LOUIS INST. PUB. HEALTH (Nov. 30, 2015), <https://publichealth.wustl.edu/the-manhattan-project-a-legacy-of-environmental-health-concerns-in-st-louis/> [https://perma.cc/94AV-ZLAZ]; INTERDISC. ENV'T CLINIC AT WASH. UNIV. SCH. OF L., ENVIRONMENTAL RACISM IN ST. LOUIS (2019), https://law.wustl.edu/wp-content/uploads/2020/08/2019-09-30_STL_Env_Racism_Report_REVISIED_FINAL_Cropped.pdf [https://perma.cc/9F4K-EWJM].

36. See EPA, CLEANUPS IN MY COMMUNITY: MISSOURI, <https://map22.epa.gov/cimc/MO> [https://perma.cc/5XKP-CZJX] (click "List of Cleanups and Grants Page," then enter "Pine Lawn" with a radius of three miles plus "all cleanups" for a list of 270 active brownfield sites, hazardous waste cleanup operations, and underground storage tank releases).

37. See Andrea Y. Henderson, *A Tree Canopy Program Launches in North St. Louis County To Help Improve Air Quality*, ST. LOUIS PUB. RADIO (Dec. 6, 2021, 5:20 AM), <https://www.stlpr.org/health-science-environment/2021-12-06/a-tree-canopy-program-launches-in-north-st-louis-county-to-help-improve-air-quality> [https://perma.cc/S672-JMTA].

38. COLIN GORDON, *CITIZEN BROWN: RACE, DEMOCRACY, AND INEQUALITY IN THE ST. LOUIS SUBURBS* 137–42 (2019).

39. See RIOS, *supra* note 1, at 42–81; GORDON, *supra* note 38, at 50–119.

40. ANDERSON, *supra* note 16, at 131–86, 235–48 (exploring this point in general and profiling the background rules in Massachusetts that, while imperfect, have helped to mitigate extreme inequality among local governments).

support basic services in the state's poor cities.⁴¹ The state presents an extreme but not otherwise atypical example of state tax controls that effectively abandon the city's highly segregated, postindustrial cities without the fiscal support to create safe, habitable environments for their residents.

Missouri and its local governments take in lower revenues per capita than all but eight states, and they spend less per capita on their constituents than all but six states.⁴² Between 2004 and 2020, Missouri's state and local general revenue as a percentage of personal income was the forty-fifth smallest of fifty states and Washington, D.C.⁴³ From 2010 to 2014, the years before Michael Brown's murder on August 9, 2014, and the worst years of citizen abuses through the fines and fees systems, this percentage of personal income that supports state and local services started to plunge in Missouri.⁴⁴ It has been falling ever since.⁴⁵

These low transfer rates are rooted in tax-and-spend background rules. In particular, the state's Hancock Amendment to its constitution includes a tax and expenditure limitation (TEL) and a tax increase limitation (TIL).⁴⁶ Missouri has one of the nation's most restrictive TELs; only five other states require voter approval to exceed the limitation.⁴⁷ Hancock limits annual state tax revenue to no more than

41. Missouri's state-to-local transfers average \$1,113 per capita, averaging forty-sixth lowest out of fifty-one states. See *State and Local Finance Data: Exploring the Census of Governments*, URB. INST., <https://state-local-finance-data.taxpolicycenter.org> [<https://perma.cc/J2B8-D2R5>] [hereinafter *State and Local Finance Data*] (calculations on file with author). For an overview of Missouri's state and local tax system, see generally *State Fiscal Briefs: Missouri*, URB. INST. (Feb. 2024), <https://www.urban.org/policy-centers/cross-center-initiatives/state-and-local-finance-initiative/projects/state-fiscal-briefs/missouri>.

42. From 2004 to 2020, Missouri consistently had one of the smaller tax-revenue-per-capita ratios (for state and local revenues), averaging forty-third out of fifty states and Washington, D.C. During that same period, Missouri's expenditures-per-capita (state and local expenditures) remained consistently low, averaging forty-fifth. See *State and Local Finance Data*, *supra* note 41.

43. *Id.*

44. *Id.*

45. *Id.*

46. MO. CONST. art. X, §§ 18–24.

47. Mildred Wigfall Robinson, *Fines: The Folly of Conflating the Power To Fine with the Power To Tax*, 62 VILL. L. REV. 925, 935 & n.48 (2017). See also Kenneth H. Winn, *It All Adds up: Reform and the Erosion of Representative Government in Missouri, 1900–2000*, MO. SEC'Y ST., <https://www.sos.mo.gov/archives/pubs/article/article> [<https://perma.cc/RS2T-MUZ7>] (“Throughout the twentieth century, Missouri has chronically ended up near the bottom in terms of per capita taxation.”); Wilson K. Rose, *The Effects of Tax and Expenditure Limitations on the Fiscal Decisions of Municipal Governments 79–85* (May 2017) (Ph.D. dissertation, Rutgers University), <https://rucore.libraries.rutgers.edu/rutgers->

5.6395 percent of Missouri residents' total personal income or a specified dollar amount, whichever is less.⁴⁸ Missouri's TIL caps state tax increases without direct voter approval—increases cannot be greater than one percent of total state revenues of previous year.⁴⁹ The Missouri Constitution also requires a balanced budget.⁵⁰ Combined with Hancock, that mandate made deep service cuts inevitable after the Great Recession.⁵¹

The nature of these laws helped drive the specific nature of the fines and fees crisis. Hancock blocks localities from increasing any “tax, license or fees” without direct voter approval and requires property tax rollbacks as needed to prevent collection of taxes that increased faster than the Consumer Price Index.⁵² At the time of passage, critics warned that the Hancock Amendment “would not permit the legislature the flexibility needed to deal with an economic crisis.”⁵³ The *Kansas City Star* warned the law was “locking representative government in a straitjacket.”⁵⁴ With lower revenues gathered by the state, Hancock also effectively “shifted state responsibility to the local level for many social and community needs.”⁵⁵ But Hancock's voter approval requirements excepted a range of fines and fees, leaving those to government discretion.⁵⁶ Scholars have documented how fines and fees became a workaround for Hancock and other state TELs.⁵⁷

lib/54149/PDF/1/play/ [https://perma.cc/DU9A-H8C7] (ranking Missouri far above most states in a predictive coefficient to measure states' TEL regime).

48. BRIDGET KEVIN-MYERS & RUSS HEMBREE, MO. LEGIS. ACAD., THE HANCOCK AMENDMENT: MISSOURI'S TAX LIMITATION MEASURE 2 (2012), <https://truman.missouri.edu/sites/default/files/publication/17-2012-hancock-amendment.pdf> [https://perma.cc/H3JQ-XM8P].

49. *Id.* at 3.

50. Elias Tsapelas, SHOW-ME INST., MISSOURI'S BUDGET: A PRIMER 2 (2019), https://showmeinstitute.org/wp-content/uploads/2019/01/20190104%20-%20Budget%20Primer%20-%20Elias_0.pdf [https://perma.cc/WM5P-MR8R].

51. Dale Singer, 'Simple' Hancock Amendment Spawned Complex State Finances, ST. LOUIS PUB. RADIO (Apr. 8, 2011, 10:40 AM), <https://news.stpublicradio.org/government-politics-issues/2011-04-08/simple-hancock-amendment-spawned-complex-state-finances> [https://perma.cc/5YTE-2YS9].

52. KEVIN-MYERS & HEMBREE, *supra* note 48, at 5–6.

53. Winn, *supra* note 47.

54. *Id.*

55. Singer, *supra* note 51.

56. See, e.g., Michael Atchison, *The Hancock Amendment, User Fees, the Plain Meaning Rule, and an Invitation To Challenge Buechner v. Bond*, 57 MO. L. REV. 1373, 1373–74 (1992) (discussing the holding in *Keller v. Marion County Ambulance District*, 820 S.W.2d 301 (Mo. 1991), which interpreted the Hancock Amendment's voter approval requirement as not applicable to fees charged for governmental services).

57. See Torie Atkinson, *A Fine Scheme: How Municipal Fines Become Crushing Debt in the Shadow of the New Debtors' Prisons*, 51 HARV. C.R.-C.L. L. REV.

Other aspects of Missouri law further drove fines and fees abuses. Local revenue shortfalls led to the overuse of tax increment financing, which exposes taxpayers to new debt when revenues come in below projections.⁵⁸ An estimated \$2 billion in tax revenue collected in the St. Louis region has subsidized developers and retail in the past twenty years.⁵⁹ Similarly, Ferguson and other regional cities have offered costly property tax abatements to major companies in the region as an enticement for development—a policy that in theory brings jobs and trickle-down spending by workers in the region, but then diverts incoming property tax revenues that would have otherwise supported services.⁶⁰

When the State of Missouri intervened in 2015 to address the fines and fees crisis, it did not improve its struggling local governments' financial picture. It offered no new funds and no new authority. Instead, Senate Bill 5 worked to curb some of the worst local abuses by effectuating a cap on the share of local government revenues that could be drawn in for traffic (and later traffic plus nontraffic) offenses, set monetary caps on court fees and fines applicable to indigent defendants, and constrained the use of jail time to punish nonpayment of civil fines.⁶¹

Cutting off local governments' abilities to solve their financial problems through oppressive revenue collection and confinement practices was an improvement. But without new replacement revenues

189, 196–97 (2016); Henry Ordower, J.S. Onésimo Sandoval & Kenneth Warren, *Out of Ferguson: Misdemeanors, Municipal Courts, Tax Distribution, and Constitutional Limitations*, 61 *How. L.J.* 113, 140 (2017); Jodi Rios, *Racial States of Municipal Governance: Policing Bodies and Space for Revenue in North St. Louis County, MO*, 37 *MINN. J. L. & INEQ.* 235, 291 (2019); Judith I. Stallmann, *Impacts of Tax & Expenditure Limits on Local Governments: Lessons from Colorado and Missouri*, 37 *J. REG'L ANALYSIS & POL'Y.* 62, 63 (2007); Christopher J. Tyson, *From Ferguson to Flint: In Search of an Antisubordination Principle for Local Government Law*, 34 *HARV. J. ON RACIAL & ETHNIC JUST.* 1, 14 (2018).

58. Tax increment financing (TIF) creates a special tax district to attract new development—the local agency floats bonds to fund capital improvements and infrastructure inside the district in order to attract new businesses and land uses there, and those new businesses' property and sales tax revenues are supposed to pay off the bond. If revenue brought in by a municipal bond sale from a TIF falls short of projection, the debt must be covered by taxpayers. In Ferguson, a 1997 TIF was used to underwrite construction of several big box retailers including Walmart. The stores did not generate sufficient tax receipts to cover the bond, which stuck Ferguson taxpayers with a deficit. See Walter Johnson, *Ferguson's Fortune 500 Company*, *ATLANTIC* (Apr. 26, 2015), <https://www.theatlantic.com/politics/archive/2015/04/fergusons-fortune-500-company/390492> [<https://perma.cc/R26R-TZEE>].

59. Rios, *supra* note 57, at 293 (citing BETTER TOGETHER, *THE WILL TO CHANGE*, 4, 5 (2016)).

60. See Johnson, *supra* note 58.

61. S.B. 5, 98th Gen. Assemb., 1st Reg. Sess. (Mo. 2015); S.B. 572, 98th Gen. Assemb., 2d Reg. Sess. (Mo. 2016).

from the state, broke local governments had to find new ways to cut expenses. Instead of helping with this challenge, Missouri made local governments even worse off. Senate Bill 5 blocked local governments from reducing their expenditures on policing—a dimension of city services that was both extremely expensive and also the primary agent of cities’ oppressive civil enforcement regimes. In responses to calls to dissolve and reconstitute abusive local police departments (or at least to reduce their funding) in order to regain public trust in public safety operations, the state legislature required municipalities to host or contract with a police department accredited by the state according to its traditional standards.⁶² Under the rubric of “minimum standards” for Missouri cities (which were otherwise limited to modest financial administration and liability insurance measures), the state imposed an unfunded mandate on those governments by cutting off efforts to build new police departments that would be less expensive and more legitimate. Local governments thereby lost two tools for managing chronic fiscal crisis: they could not wring quite as much money out of their most vulnerable citizens, but nor could they eliminate their biggest expense by restructuring their public safety services to reduce harms to their most vulnerable citizens.

A group of municipalities in St. Louis County, most of which are majority Black,⁶³ sued to stop the implementation of Senate Bill 5, arguing in the case *City of Normandy v. Nixon*⁶⁴ that loading cities up with increased obligations without state support constituted an unfunded mandate in violation of the Hancock Amendment.⁶⁵ Senate Bill 5, they argued, imposed “new and onerous burdens” but failed to enact “any kind of legislative reimbursement or funding.”⁶⁶ These claims were found unripe for review,⁶⁷ but scholars estimated that the new caps, combined

62. S.B. 5, 98th Gen. Assemb., 1st Reg. Sess. (Mo. 2015).

63. Rios, *supra* note 1, at 107.

64. No. 15AC-CC00531 (Mo. Cir. Ct. Cole Cnty. Nov. 19, 2015).

65. Jacob Kirn, *12 North County Municipalities Sue over Municipal Court Reform*, ST. LOUIS BUS. J., <https://www.bizjournals.com/stlouis/news/2015/11/19/12-north-county-municipalities-sue-over-municipal.html> [https://perma.cc/E3CG-SEMS] (Nov. 19, 2015, 2:30 PM).

66. Plaintiff’s Motion for Declaratory Judgment & Preliminary & Permanent Injunction at 4, *City of Normandy v. Nixon*, No. 15AC-CC00531 (Mo. Cir. Ct. Cole Cnty. Nov. 19, 2015), <https://bloximages.newyork1.vip.townnews.com/stltoday.com/content/tncms/assets/v3/editorial/f/0a/f0a4d562-ee89-5bd2-a035-f8ced682832e/564e2b7c13b02.pdf>.

67. *City of Normandy v. Greitens*, 518 S.W.3d 183 (Mo. 2017).

with the low property values in many municipalities, would deepen the budget shortfalls in poor cities.⁶⁸

The facts above are not exhaustive; they simply highlight a few key sources of power and revenues that Missouri local governments do not have under state law. From reform of earnings taxes to governance of their police departments, the City of St. Louis and its suburbs have fought their state for greater autonomy to solve their own problems. This does not excuse policing practices by cities in north St. Louis County, but it helps to explain why and how such places came to rely on moving violations and civil code enforcement for giant shares of their shrunken budgets. A complete and accurate explanation is essential for finding a solution for this kind of local government abuse.

North county residents have been crushed in a vice of intergenerational, punishing poverty because of laws, acts, and omissions by their own city government, their state government, and their neighboring municipalities. All are agents of statecraft.

B. Michigan's Statecraft Drivers

We can do a similar analysis for Michigan law, which has long served as a handmaiden to White flight, rising interlocal equality, and the decline of the state's poorest cities.

Michigan's home rule and local government laws drove sprawl and White flight, then enabled the exclusionary zoning that helped maintain racial and economic segregation in Detroit's metro area. Starting in the 1950s and continuing since, Michigan created what urban scholar George Galster called a giant housing "disassembly line."⁶⁹ Across the three counties of metro Detroit, the state's home rule and land use laws authorized developers to build far more homes than regional population growth could sustain.⁷⁰ Every year, home builders constructed an average of 10,000 surplus dwellings in the suburbs.⁷¹ Developers correctly determined that their new homes would attract people to leave older ones behind, creating a "sequential moving up-and-out process" that moved

68. Ordower, Sandoval & Warren, *supra* note 57, at 128. *See also* Rios, *supra* note 57 (analyzing the broader circumstances surrounding the enactment and politics of Senate Bill 5).

69. GEORGE GALSTER, DRIVING DETROIT: THE QUEST FOR RESPECT IN THE MOTOR CITY 237–38 (2012).

70. *Id.* at 216–19.

71. *Id.* at 217.

people into new housing while leaving older homes in troubled neighborhoods vacant.⁷²

This “disassembly line” systematically depressed the housing values of people who stayed in older neighborhoods in Detroit and its inner ring suburbs, because they were surrounded by vacant dwellings. Property value declines drove property tax revenue declines, even as the city also faced rising expenses for the demolition of abandoned buildings. Michigan law had created wealth for some people and their governments, while destroying wealth and solvency for others. Into this landscape of sprawling metro areas with surplus housing, Michigan layered an increasingly regressive tax system that made its older cities even less competitive for residents.

Jacob Whiton, a research analyst at Good Jobs First, Brookings, and the Detroit Economic Growth Corporation, captured the way that Michigan’s property tax regime has attracted middle and upper income residents to suburban locales with lower tax burdens while leaving older, majority-Black cities like Detroit to manage budgets characterized by poor services and high taxes. In general, property taxes are less progressive than most people think,⁷³ but that is particularly true in Michigan. The state’s structure for property taxes has made it, in Whiton’s words, “more regressive both within and across local jurisdictions.”⁷⁴ Inequality has particularly widened since the Great Recession. Michigan’s constitution caps local property tax rates, allowable revenue from property taxes, and allowable change in assessed value.⁷⁵ It is among only thirteen states that have all three types of caps,

72. *George Galster: The Cause of Detroit Blight Is Suburban Development*, DEADLINE DET. (June 9, 2014, 6:33 AM), https://www.deadlinedetroit.com/articles/9543/george_galster_the_cause_of_detroit_blight_is_suburban_development [https://perma.cc/5KC9-WAH2] (quoting George Galster). See also GALSTER, *supra* note 69, at 66–67.

73. INST. ON TAX’N & ECON. POL’Y, WHO PAYS?: A DISTRIBUTIONAL ANALYSIS OF THE TAX SYSTEMS IN ALL 50 STATES 12 (6th ed. 2018), <https://itep.sfo2.digitaloceanspaces.com/whopays-ITEP-2018.pdf> [https://perma.cc/A9DH-R2CN] (explaining how property taxes are “usually somewhat regressive,” because “poor homeowners and renters pay more of their incomes in property taxes than do any other income group — and the wealthiest taxpayers pay the least”).

74. Jacob Whiton, *Township Tax Shelters: How Michigan’s Constitutional Property Tax Restrictions Subsidize Sprawl and Segregation*, GEO. PUB. POL’Y REV. (Spring 2022), <https://www.gpprspringedition.com/township-tax-shelters> [https://perma.cc/WYU6-L53K].

75. These legal regimes were enacted through the 1978 Headlee Amendment to the Michigan Constitution, which sets a yearly maximum on property tax revenue that a locality can collect unless local electorates override those maximums. Proposal A, enacted in 1994, then capped growth on assessed property values at the rate of inflation. It also partially replaced a local property tax with a mix of more regressive taxes (sales,

making it one of the country's most regressive state and local tax regimes.⁷⁶ The system created a gap between assessed and taxable value that, over time, widened in suburban townships with faster rates of property appreciation.

This system gave fast-appreciating townships lower effective millage rates along with ample revenue to fund better services, which in turn gave them a further advantage in attracting residents away from older, shrinking industrial cities with higher effective millage rates and less revenue. Detroit properties ended up with a millage rate 2.5 times higher than township properties, but generated only about a third as much revenue from them.⁷⁷ Suburban landowners enjoyed steeper appreciation even as they also got the benefit of lower taxes and better services.

If working class Michiganders were able to secure denser and smaller (thus, more affordable) housing in these jurisdictions, some readers might be tempted to describe this as a market system in which residents have the freedom to “vote with their feet” to choose suburbs that are simply winning the interlocal competition to attract new capital.⁷⁸ But this is no free market. Michigan suburbs are infamous for blocking density and affordable housing through their land use laws, as well as for an ugly history of blocking housing expected to be occupied by Black Detroiters.⁷⁹ Not only has the state tolerated these exclusionary zoning practices, it has amplified their effects through transportation planning. Michigan has an ongoing history of infrastructure investments in suburban highways, and Detroit's suburbs' have repeatedly blocked regional public transit for lower income workers who cannot afford a daily private car.⁸⁰

cigarette, lottery) for school funding. *See id.* (citing MICH. MUN. LEAGUE, A GUIDE TO REVENUE SHARING (2019), <https://www.mml.org/pdf/advocacy/2019-SMC-RevenueSharing-4Pger-Final.pdf> [<https://perma.cc/C4J3-Z569>]; OFF. OF REVENUE & TAX ANALYSIS, MICH. DEP'T OF TREASURY, SCHOOL FINANCE REFORM IN MICHIGAN, PROPOSAL A: RETROSPECTIVE (2002), https://www.michigan.gov/documents/propa_3172_7.pdf [<https://perma.cc/4ZCX-SLSN>]). *See also* ELIZABETH PRATT, MICH. SENATE FISCAL AGENCY, PROPERTY TAX MILLAGE LIMITATIONS IN MICHIGAN (2016), <https://www.senate.michigan.gov/SFA/Publications/Notes/2016Notes/NotesSpr16lp.pdf>. The state also has a general limit for property taxes, which can only be increased with a voter-initiated override. *Id.*

76. Whiton, *supra* note 74.

77. *See id.* at tbl.8.

78. Richard Schragger, *Consuming Government*, 101 MICH. L. REV. 1824, 1826 (2003). The general reasons this market ideation is a fantasy are so well described in the literature that I will not rehash them here. *See, e.g., id.*

79. *See* ANDERSON, *supra* note 16, at 187–206.

80. *See* Angie Schmitt, *How Sprawl Got Detroit into This Mess*, STREETS BLOG USA (July 22, 2013, 3:12 PM), <https://usa.streetsblog.org/2013/07/22/how-sprawl-got-detroit-into-this-mess> [<https://perma.cc/NT8G-YKP5>]; Peter J. Hammer, *Detroit 1967*

Michigan could flatten some of these interlocal inequalities. Under its constitution, Michigan must allocate nearly half of annual state spending to its localities as a group, and this kind of state revenue sharing can redirect tax revenues generated by high-income townships to lower income cities.⁸¹ Further state rules dictate how the state allocates revenues *among* localities. But rather than shape these systems to counteract the inequality drivers elsewhere in state law, Michigan's revenue-sharing formulas fuel a vicious cycle of decline and disinvestment in older cities. This is firstly because a different provision of the Michigan Constitution directs that a share of state sales tax collections must be distributed to local governments based on their population.⁸² Jurisdictions winning the race for population thus claim a greater share of these revenues, while shrinking cities see their revenues fall. This in turn forces service cuts in poor cities that drive further population losses.

Secondly, Michigan transfers revenues to local governments through statutory channels, which have become more regressive over time. In the 1970s, the main formula for determining these transfers was relative tax effort, which was designed to share revenues based on demand for municipal services and infrastructure needs and mitigate the effects of new constitutional tax limits.⁸³ But in the 1990s, the state made a number of changes to its revenue-sharing model that made it more regressive.⁸⁴ Then, starting in 2011, the state layered in an incentive program called the Economic Vitality and Incentive Program.⁸⁵ Some of

and Today: Spatial Racism and Ongoing Cycles of Oppression, in DETROIT 1967: ORIGINS, IMPACTS, LEGACIES 273 (Joel Stone ed., 2017).

81. MICH. CONST. art. IX, § 30; ROBERT KLEINE & MARY SCHULZ, CTR. FOR LOCAL GOV'T FIN. & POL'Y, MICH. STATE UNIV., "HEADLEE" AND "PROPOSAL A" EXPLAINED FOR MICHIGAN COUNTIES: POLICY BRIEF 2 (2017), https://www.canr.msu.edu/center_for_local_government_finance_and_policy/uploads/HeadleeProposalA.pdf [<https://perma.cc/HQ2T-2BUG>].

82. See MICH. CONST. art. IX, § 10; MICH. SENATE FISCAL AGENCY, REVENUE SHARING OVERVIEW (2023), https://www.senate.michigan.gov/sfa/Departments/Overview/OVrev_web.pdf; MICH. MUN. LEAGUE, *supra* note 75.

83. Whiton, *supra* note 74 (citing Kawika Pierson, Michael L. Hand & Fred Thompson, *The Government Finance Database: A Common Resource for Quantitative Research in Public Financial Analysis*, PLOS ONE, June 24, 2015, at 1, 17, <https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0130119&type=printable>).

84. *Id.*

85. See Memorandum from Ben Gielczyk & Jim Stansell, Mich. House Fiscal Agency, to All Interested Parties (Sept. 25, 2012), https://www.house.mi.gov/hfa/Archives/PDF/RevenueForecast/EVIP_Final.pdf [<https://perma.cc/YYK8-TNLE>] (regarding the development and enactment of Michigan's Economic Vitality Incentive Program).

its features related generally to good governance (such as transparency), but other features related to pension control (such as curbing health and retirement benefits for employees) that tend to make younger, wealthier cities that much more competitive for public employees.⁸⁶ During the Great Recession and years following, the total pie of state aid—as well as the distribution of that pie—hit older cities hard, including \$207 million in cuts to Detroit’s share alone from 2010 to 2013.⁸⁷ Statewide, localities lost a total of \$8.6 billion in state support between 2001 and 2018.⁸⁸ Emergency infusion of federal aid during the worst years of the COVID-19 pandemic helped offset a further collapse in state revenues, but revenue-sharing payments to local governments from 2019 to 2023 have only diverged further from what the Michigan House of Representatives considers the “full funding” due under state law.⁸⁹

By systematically depressing Detroit’s locally generated revenues amidst cuts to revenue from the state, Michigan forced Detroit into steep layoffs and helped precipitate the city’s insolvency.⁹⁰ The tax assessors’ office hemorrhaged staff and could no longer update property assessments to reflect falling property values during the Great Recession.⁹¹ Atuahene and Christopher Berry documented cuts that left the Detroit Assessment Division’s operations “in disarray.”⁹² The division’s underfunded budget meant it “lacked the personnel to annually

86. Older, poorer, shrinking cities already tend to offer less competitive conditions for employment, with older buildings and equipment, inadequate staff coverage, and more challenging social conditions. They also face a pension overhang from prior generations of the city, where larger workforces served larger populations. This is a devastating fiscal problem, and it cannot be “solved” just by prohibiting one maladaptation to it. Just as Missouri did not solve the fines and fees crisis there by cutting off oppressive revenue collection systems, Michigan is not solving its poorest local governments’ fiscal problems by tightening their vice.

87. Whiton, *supra* note 74 (citing Kawika, Hand & Thompson, *supra* note 83). The state’s 1963 constitutional balanced budget requirement helped drive these dramatic cuts to statutory revenue sharing during the Great Recession. *Id.* (citing KIM RUEBEN, MEGAN RANDALL & ARAVIND BODDUPALLI, *URB. INST., BUDGET PROCESSES AND THE GREAT RECESSION: HOW STATE FISCAL INSTITUTIONS SHAPE TAX AND SPENDING DECISIONS* (2018), https://www.urban.org/sites/default/files/publication/99162/budget_processes_and_the_great_recession.pdf [<https://perma.cc/MT9X-WELT>]).

88. MICH. MUN. LEAGUE, *supra* note 75. *See also* OFF. OF REVENUE & TAX ANALYSIS, MICH. DEP’T OF TREASURY, *supra* note 75.

89. *See* JIM STANSELL & BEN GIELCZYK, MICH. HOUSE FISCAL AGENCY, *BUDGET BRIEFING: STATE REVENUE SHARING 21* (2023), https://www.house.mi.gov/hfa/PDF/Briefings/State_Revenue_Sharing_Budget_Briefing_fy23-24.pdf [<https://perma.cc/8EVM-T7VM>].

90. *See* ANDERSON, *supra* note 16, at 207.

91. *See* Atuahene & Berry, *supra* note 26, at 862.

92. *Id.* at 861.

update the market value of properties,” which meant the division “could not carry out state mandated visits” that in turn caused records to become inaccurate.⁹³ The transition to a new IT system led to big error rates when assessing property characteristics, because the department “did not have the manpower or funding to do the switch properly.”⁹⁴ In other words, city staff did not deny that their actions were unlawful—they merely felt too broke and understaffed to do anything differently.

Local officials in Michigan’s broke cities have made some bad choices. But this is also true: Michigan does not give its older, higher poverty local governments good alternatives.

III. CONCLUSION: LOCAL GOVERNMENTS ALONE CANNOT FIX STATEGRAFT

Why is it important to keep states centered in our view of stategraft? Because curtailing local governments’ abuses, whether in north St. Louis County or in Detroit, is going to involve states. A brief look at a lawsuit from New Orleans demonstrates how important it is that political movements and legal advocates demand that states sit at the table of reform.

In *Yarls v. Bunton*,⁹⁵ the ACLU Criminal Law Reform Project filed a class action lawsuit against the State of Louisiana and the Orleans Parish on behalf of low-income criminal defendants forced to rely on the city’s chronically underfunded public defender system.⁹⁶ The ACLU and its plaintiffs argued that the Orleans Public Defenders’ (OPD) practice of queuing indigent, non-capital cases on waitlists for public counsel violated those defendants’ rights to counsel and a speedy trial under the Sixth and Fourteenth Amendments.⁹⁷ The OPD was technically the defendant in the case, but OPD’s chief defender did not dispute that the waiting lists were unconstitutional.⁹⁸ The city admitted that it was

93. *Id.* at 862 & n.74 (citing CITY OF DETROIT, OFF. OF THE AUDITOR GEN., PERFORMANCE AUDIT OF THE FINANCE DEPARTMENT ASSESSMENTS DIVISION: JULY 2008–JULY 2011 50 (Sept. 10, 2012), <http://bit.ly/2hu2XJK> [<https://perma.cc/W3UE-HJ28>] (“During the budget hearings, City Council questioned the Assessments Division’s proposed 2010-2011 budget noting that in spite of the Division ‘confronting an increasing caseload of work . . . the Finance Department asked for fewer resources in terms of full time equivalent (FTE) and dollars than the Mayor’s recommended budget.’”)).

94. *Id.* at 862–63 (quoting confidential interview with Michigan senior assessment official). *See also* Atuahene, *supra* note 14, at 11–12, 17–18.

95. 905 F.3d 905 (5th Cir. 2018).

96. *Id.* at 908. *See generally* Second Amended Complaint, *Yarls v. Bunton*, 231 F. Supp. 3d 128 (M.D. La. 2017) (No. 16-cv-31).

97. *Id.* at 15.

98. *Id.* at 3.

violating its clients' constitutional rights because an impossibly constrained budget generated staffing turnover and shortages that necessitated the waitlists.⁹⁹ Indeed, as the Fifth Circuit and district court both noted, the plaintiffs standing up for individual rights and the defendant local government both agreed there was no solution without the state.¹⁰⁰ Both parties sought a judicial declaration that would pressure the state legislature to appropriate new funding for public defense, and that is precisely what Louisiana did—appropriating \$5 million that cleared such waitlists statewide.¹⁰¹ *We cannot solve this problem alone*, the OPD had effectively conveyed. The state was forced to face facts and agree.

Ferguson and its high-poverty neighbors can reform their police departments. Detroit can update its property tax assessment systems. But alone, these cities do not have the authority to unravel the state laws and political choices that leave poor cities' budgets depleted and allow their wealthier neighbors to fence low-income residents of color out of access to better jobs, housing, and school budgets. Alone, these cities cannot climb out of a legacy of industrial land contamination and disintegrating infrastructure. Alone, they cannot rebuild their residents' faith in government after decades of exploitation and neglect.

“Damn, I wish I could leave St. Louis,” north county resident Patrice told Jodi Rios, in the study described at the top of this Essay.¹⁰² To let Patrice do that—or to give her a humane way to stay in her home—Missouri will have to get its boot off her neck. If Atuahene and her allies prevail, as I hope they will, beleaguered, abused residents like Patrice will receive reimbursement for what has been taken from them. States, not just municipalities, should pay those claims.

99. *Id.* at 2.

100. *See Yarls*, 905 F.3d at 907–11; *Yarls*, 231 F. Supp. 3d at 130 n.10.

101. The Fifth Circuit thus dismissed for mootness and questioned whether the case had the requisite adversity. *Yarls*, 905 F.3d at 907–08.

102. RIOS, *supra* note 1, at 87.

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