

MOBILIZED 4 MOVEMENT

Race, Municipal Underbounding, and Coalitional Politics in Modesto, California, and Moore County, North Carolina

Emily Tumpson Molina

Exclusion is a new form of institutional segregation.
—UNC CENTER FOR CIVIL RIGHTS, 2006

When it rains in the Modesto, California, area, there are no sidewalks to prevent mud and stagnant water from gathering in the roads of the predominantly Latino communities of Bret Harte, Garden/Rouse-Colorado, No Man's Land/Hatch-Midway, and Robertson Road. Residents are forced to rely on septic tanks for wastewater, and heavy rain causes sewage to leak into the streets. Inadequate code enforcement coupled with lack of street lighting makes these neighborhoods places where people come to dump old appliances, household goods, and garbage. Piles of junk prevent some emergency vehicles from passing and pose serious health hazards. Residents say they not only suffer from the dumping of garbage in their communities, but they are routinely punished when they complain about these conditions, receiving warnings and citations for garbage they did not dump.

Meanwhile, across the country in rural Moore County, North Carolina, African American residents of similarly underserved neighborhoods face strikingly similar housing and environmental conditions. The communities of Jackson Hamlet, Waynor Road, Midway, Monroe Town, and Lost City rely on outhouses and septic tanks. Many residents cannot afford the fees charged for private trash collection, so they must resort to burning their trash. When it rains, raw sewage can leak, causing a whole host of environmental and health hazards. In addition, despite the fact that Midway residents “live within blocks of the [nearby] Aberdeen police station,” for law enforcement services they must contact the sheriff's department ten to fifteen minutes away.¹ Jackson Hamlet residents face similar conditions.

Emily Tumpson Molina is an assistant professor of sociology at Brooklyn College, City University of New York. Her research focuses on housing, urban inequality, and social policy.

Kalfou, Volume 1, Issue 1 (Spring 2014). © 2014 by the Regents of the University of California. ISSN 2151-4712 (print). ISSN 2372-0751 (online). <http://dx.doi.org/10.15367/kf.v1i1.16>. All rights reserved.

These conditions—on opposite sides of the country—illustrate the consequences of the complex ways in which social boundaries are fashioned into physical boundaries (and vice versa) via the manipulation of land-use policies sanctioned by the core ideas of “balanced-budget conservatism.”²² But communities in Modesto and Moore County are related not only by their neighborhood conditions. In 2005, residents of and advocates for the predominantly Latino unincorporated areas of Modesto and the predominantly African American underserved neighborhoods of Moore County visited each other’s communities to engage in discussions about discrimination and common struggles for social justice. This community exchange provides an important example of how activists, intellectuals, and organizers might build political coalitions among people who face similar circumstances but may feel as though they have little in common with each other. These kinds of coalitions are crucial to building a larger movement against contemporary forms of neoliberal governance that result in the discriminatory implementation of land-use policies and in practices that result in the further entrenchment of racial and economic inequalities.

Race, Place, and Municipal Services

Nestled in the heart of California’s San Joaquin Valley, the city of Modesto is home to more than 200,000 people. For the past forty years, Route 99 has served as a *de facto* boundary between Modesto’s Latino and white populations, laying the foundation for translating social boundaries into physical boundaries. Prevailing patterns of segregation have enabled the city of Modesto and Stanislaus County to deny basic services like sidewalks, wastewater disposal, trash collection, and police protection to the predominantly Latino communities of Bret Harte, Garden/Rouse-Colorado, No Man’s Land/Hatch-Midway, and Robertson Road. Modesto, like many other cities, steadily grew throughout the twentieth century by annexing bordering unincorporated regions. While the city regularly annexed predominantly white neighborhoods and land that would be used for new residential developments, the underserved communities remained unincorporated—in some cases completely surrounded by the city proper. Latinos made up the majority of these communities beginning in the 1980s and 1990s, and by 2000, these neighborhoods still had the largest number of units lacking complete indoor plumbing.

As in the case with predominantly Latino unincorporated islands in Modesto, historic settlement patterns combine with new patterns of exclusion in Moore County, as evidenced by the irregular boundaries around the neighboring affluent communities of Pinehurst, Southern Pines, and Aberdeen. The differences between the booming communities of Pinehurst, Southern Pines, and Aberdeen and the neighboring communities of Jackson Hamlet, Waynor Road,

Midway, Monroe Town, and Lost City are vast. Pinehurst, Southern Pines, and Aberdeen are overwhelmingly white and boast an average median family income and poverty rate of \$53,288 and 11 percent, respectively, while Jackson Hamlet, Waynor Road, Midway, Monroe Town, and Lost City are predominantly African American, and Jackson Hamlet and Midway (the communities for which data are available) have average median family incomes and poverty rates of \$23,805 and 37 percent, respectively.³

Moore County has grown tremendously in the past thirty years, owing to a booming golf and tourism industry. The county is home to forty-three public and private golf courses and has hosted a slew of US Golf Association tournaments, including the 2001 US Women's Open and 2005 US Open men's tournament. These events have pumped hundreds of millions of dollars into Moore County's economy, adding to the \$20 million increase in property tax revenue the county has seen in the past twenty years. Resorts rely heavily on African American labor to fuel their enterprises, yet these workers' neighborhoods are persistently excluded from the benefits that have sprung from the growth and development of Moore County. These communities are deeply interdependent, but they do not benefit equally from their economic partnership.

Municipal Underbounding

These two cases are evidence of a longstanding and entrenched national pattern of what has been termed "municipal underbounding." Municipal underbounding is the process by which municipalities draw their boundaries to exclude particular communities from municipal services, typically based on their racial or economic composition. There is a growing body of national evidence that suggests it is a widespread strategy used by local governments. For example, in 2007, the Eastern Division of the United States District Court for the Southern District of Ohio found the city of Zanesville, Ohio, Muskingham County, Washington Township, and individuals in their official capacities as public servants responsible for discriminating against the predominantly African American community of Coal Run by not providing running water. Lawyers for the plaintiffs in the Zanesville case succeeded in securing a settlement in the amount of \$11 million for the residents of Coal Run, arguing that these residents struggled for access to running water for more than fifty years but were consistently denied by a number of city and county boards and officials. Similar struggles have been reported in Alabama, Maryland, and Mississippi's Yazoo Delta.⁴

The denial of basic services to predominantly African American and Latino unincorporated areas has drastic consequences for residents' quality of life and well-being. When properties lack access to wastewater disposal, police protection, and water, property values remain low. Thus, wealth accumulation

is limited, hindering the development of businesses, institutions, and organizations, as well as the ability to pass along gains to the next generation. The inability to accrue transformative assets contributes to the perpetuation of a whole host of inequalities in education, health care, and employment.⁵

Typically, communities that are affected by underbounding employ two separate strategies to gain municipal services like trash collection, police protection, wastewater disposal, and water. They either campaign for annexation into the municipality that has denied them services or they call upon the surrounding county to provide what the municipality will not. The liminal political and geographic status of underbounded communities often results in a complicated game of “hot potato” whereby local governments refuse to take responsibility for providing municipal services, insisting that it is the responsibility of some other body.

In theory, annexation aids coordinated land-use planning, economic development, and social resource management. Historically, annexation has been used for much more sinister purposes. First, annexation has been used to combat suburban separatism by increasing cities’ tax revenues. The problem with framing annexation in this way is that it encourages local governments to view it as a revenue-increasing strategy rather than a way to provide the greatest number of social resources to the greatest number of people. Secondly, it has been used to limit the relative political power of nonwhites and poor people. Its history can make annexation a somewhat untenable strategy.⁶

The political and legal barriers to achieving the equal provision of municipal services are extraordinarily complex. In Modesto, two policies are especially relevant to the unincorporated islands’ struggle for basic services. First, Modesto’s Measure M, passed in 1997, requires that voters approve any extension of wastewater services to unincorporated areas. In addition, to extend wastewater services to unincorporated islands, which are 62 percent Latino, the county and city must reach various fiscal agreements. The city requires that two of the three predominantly Latino unincorporated islands adhere to this policy, while it has not required this of any predominantly white unincorporated islands.

Modesto’s Measure M requires Stanislaus County to fund the construction of sewers and other infrastructure in unincorporated islands before it will connect those sewers to the city’s system. The county prioritized constructing storm drains in predominantly white neighborhoods ahead of sewers in the predominantly Latino unincorporated neighborhoods, even though it is county policy to prioritize sewer over storm drain construction. In addition, the city of Modesto delayed a Measure M vote for the community, citing the need to make fiscal arrangements with the county. Furthermore, the city forced the county to absorb costs related to constructing sewers, sidewalks, lighting, drainage, curbs, and gutters. The city’s actions delayed the provision of waste-

water services for more than a year and saddled the county with the costs of a special election.

The second policy at issue is the Modesto-Stanislaus Master Tax Sharing Agreement (MTSA). The agreement regulates how property tax revenue will be distributed between the city and county in the event of annexation. Many predominantly Latino unincorporated islands, including Bret Harte, Robertson Road, and Hatch-Midway, are not included in this agreement, while predominantly white unincorporated islands are. The exclusion of these neighborhoods from the MTSA makes it extremely difficult for these communities to achieve annexation because the city and county must reach an agreement on property tax sharing prior to reaching an annexation agreement. Such an agreement is often not achieved, evidenced by the denial to annex Bret Harte in 1988.

The exclusion of predominantly Latino unincorporated islands from the MTSA, combined with the requirements of Measure M, means that the county is responsible for building infrastructure in these communities in anticipation of future annexation to the city of Modesto without a guarantee that the city will not demand further financial compensation in the form of property tax revenue. Such a policy climate discourages action on the part of both the city and the county to provide basic services to these communities.

Moore County is situated in a similar legal and policy context. North Carolina's municipalities are afforded great discretion in their annexation decisions. They are not compelled to annex particular communities, even if a community is completely surrounded by a municipality. They have extraordinary freedom to determine municipal boundaries, and affluent communities that are likely to contribute large amounts of property tax revenue are regularly annexed. Such decisions are thought to be "smart business" and provide support for denying annexation to communities that are likely to provide little property tax revenue but require improved services.

In addition, local officials in Moore County can wield extraordinary power over communities at the same time that they deny services to them. By designating the communities as "extraterritorial jurisdiction zones," they are able to make land-use decisions that affect communities without any meaningful participation from them. As a result, wastewater lines are constructed *through* these communities to connect bordering affluent areas without providing wastewater services *to* them. Because the communities are denied annexation, they have no opportunity for representation in the political structure that makes the decisions that deeply affect them.

The policies governing land use and the provision of municipal services in Modesto and Moore County are qualitatively different. What is important is that the ideologies behind the so-called "balanced-budget conservatism" of those policies⁷—and their results for underserved communities—are nearly identical. Comparing these cases and others like them can illustrate the ways

in which ostensibly race-neutral local land-use policies result in the uneven provision of basic municipal services to predominantly poor and working-class Latino and African American communities.

Community Strategies and Coalition Building

In 2004, attorneys for residents and community organizations in Bret Harte, Garden/Rouse-Colorado, No Man's Land/Hatch-Midway, and Robertson Road filed suit in federal court against the City of Modesto, Stanislaus County, the Stanislaus County Sheriff, Stanislaus Regional 911, and several individuals in their official capacities as public servants, charging discrimination against these neighborhoods in the provision of municipal services. Residents' advocates argue that these predominantly Latino communities lack adequate wastewater systems, sidewalks, lighting, play areas for children, traffic signs, lighting, and bilingual services. They also argue that the city and county maintain roads in these neighborhoods poorly, do not properly enforce codes regarding the dumping of trash, and provide substandard emergency services.

In the original complaint, plaintiffs sought annexation of their neighborhoods to the city of Modesto. The complaint was amended three times and dismissed by the court in 2007. In 2009, on appeal, the US Ninth Circuit Court of Appeals reversed the previous decisions and held that the plaintiffs' equal protection and fair housing claims were sound. If the case is not appealed to the US Supreme Court, it will go to trial in federal district court.

While the residents of the predominantly Latino unincorporated neighborhoods in Modesto and their advocates have pursued lawsuits against the city and county, residents of the predominantly African American underbounded neighborhoods in Moore County have pursued a community-organizing and media strategy to bring basic services to their families, homes, and land. Building on a foundation of community associations—Jackson Hamlet Community Action and Midway Community Association were both incorporated in 1969—the University of North Carolina Center for Civil Rights, the North Carolina Rural Communities Assistance Project, and Voices for Justice, a local nonprofit, began a campaign to change conditions in these neighborhoods using advocacy, education, and community-organizing tactics. In particular, the strategy focused on bringing media attention to the conditions of the neighborhoods, given that they were located in very close proximity to the resorts that hosted the 2005 US Open men's golf tournament. This targeted media outreach resulted in at least twelve articles in national media outlets, putting considerable pressure on local officials to cooperate with residents to find a viable solution.

In March of 2005, African American residents from the underserved communities in Moore County visited Latino residents of unincorporated islands

in Modesto, and in June of 2005, residents from Modesto visited Moore County. Funded by the Ford Foundation, the San Francisco Lawyers' Committee for Civil Rights, and the UNC Center for Civil Rights, and organized by community leaders and their advocates, these community exchanges helped two underserved groups on opposite sides of the country come together to exchange ideas and strategies toward the common goal of equality in the provision of municipal services. The groups aimed to be of service to one another in similar struggles and to join forces in lobbying planners, politicians, and other officials in various fair housing efforts. They developed coordinated actions and strategic plans, and learned about the power in unity toward common goals of justice and equality. Sponsored by the National Legal Aid and Defender Association and funded by the Open Society Institute, the groups met again in the summer of 2010 to continue their work together toward racial justice.

Conclusion

As George Lipsitz reminds us, “Those capable of connecting their own cause to the causes of others by seeing families of resemblance capable of generating unity will be much better positioned to make the kinds of unlikely alliances and unexpected coalitions that the differentiated struggles of the future will require.”⁸ The alliance between aggrieved groups in Modesto, California, and Moore County, North Carolina, serves as a critical example of how interethnic alliances are built and political coalitions against social injustices are mobilized. In a political climate in which interethnic tension and cross-cultural discrimination are highlighted, stories of interethnic antiracist coalitions are obscured. There is a long history of these kinds of coalitions that are required to combat the injustices that prevail in US society, particularly in the South and West.⁹ We must first name the problem—in this case, discriminatory land-use policies and practices—organize local communities around the issue, and bring communities together in “constellations of struggle,” to borrow a phrase from Gaye Theresa Johnson. As coalitions of aggrieved groups work to build broader and more powerful movements for social justice, the ideas and strategies exchanged between them can illuminate forms of injustice not otherwise visible.¹⁰

The cases of Modesto and Moore County do not simply illustrate the prevalence of inequalities in the provision of basic municipal services, although that is important. They remind us of the ways in which physical boundaries come to represent and mirror social boundaries, formalizing and solidifying unequal social relations that are cemented for generations to come. They also provide an extraordinary example of how the identification of common struggles can help to build interethnic coalitional political movements among groups who may not otherwise feel they have much in common with one an-

other. These coalitions are crucial to future struggles for social justice, especially as they relate to the politics of race and place.

NOTES

Acknowledgments: I would like to express deep gratitude to Brian Brosnahan, Anita Earls, Ilene Jacobs, Gaye Theresa Johnson, and George Lipsitz for helping me to understand the details and significance of these cases.

1. UNC Center for Civil Rights, “Invisible Fences: Municipal Underbounding in Southern Moore County” (Chapel Hill, NC: UNC Center for Civil Rights, 2006).
2. Sidney Plotkin and William E. Scheuerman, *Private Interests, Public Spending: Balanced-Budget Conservatism and the Fiscal Crisis* (Boston: South End Press, 1994).
3. UNC Center for Civil Rights, “Invisible Fences.”
4. Charles S. Aiken, “Race as a Factor in Municipal Underbounding,” *Annals of the Association of American Geographers* 77, no. 4 (1987): 564–579.
5. Thomas Shapiro, *The Hidden Cost of Being African American: How Wealth Perpetuates Inequality* (New York: Oxford University Press, 2004).
6. Mary M. Edwards, “Understanding the Complexities of Annexation,” *Journal of Planning Literature* 23, no. 2 (2008): 119–135.
7. Plotkin and Scheuerman, *Private Interests*.
8. George Lipsitz, “‘To Tell the Truth and Not Get Trapped’: Why Interethnic Antiracism Matters Now,” in *Orientations: Mapping Studies in the Asian Diaspora*, ed. Kandice Chuh and Karen Shimakawa (Durham, NC: Duke University Press, 2001), 303.
9. See, for example, Gaye Theresa Johnson, “Constellations of Struggle: Luisa Moreno, Charlotta Bass, and the Legacy for Ethnic Studies,” *Aztlán: A Journal of Chicano Studies* 33, no. 1 (2008): 155–172; and Danny Widener, “The World Is Waiting for the Sunrise: African Americans y *El Mundo Latino*,” *Social Justice* 25, no. 3 (1998): 101–107.
10. Lipsitz, “‘To Tell the Truth and Not Get Trapped.’”

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