Introduction

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Cover Page Footnote
Illustrations: We won't forget you! and Buffalo [on water skis] by Tom Toles

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Buffalo Change & Community

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I. INTRODUCTION

"From Rust Belt to Money Belt in Buffalo . . .," announced the headline in the New York Times. Since the late 1980s, the national and international press has reported the apparent renaissance of Buffalo, New York, as this medium-size industrial city strives to distance itself from a troubled past. So, too, have local players broadcast and celebrated Buffalo's re-emergence. The overall rate of unemploy-

* Associate Professor, University at Buffalo, School of Law. Pitegoff formerly was legal counsel to the Industrial Cooperative Association in Boston, Massachusetts, and a community organizer in Oakland, California. He was lead organizer of the April 1990 Conference on Buffalo Change and Community and founder of the community economic development law clinic at the University at Buffalo, School of Law.

3. See, e.g., Madore, Buffalo Making Big Pitch to Nation's CEO's, Buffalo News, July 19, 1990, at D9, col. 2; Bus. Wk., July 9, 1990, at 79 (announcing special advertising section, Buffalo: The Hot Spot for Business); Campbell, MBA Program Reins in Foreign Business to WNY, Business First of Buffalo, Aug. 6, 1990, at 9, col. 1. Professional sports franchises serve as popular vehicles for Buffalonians to celebrate and broadcast Buffalo's re-emergence, most notably the Buffalo Bills of the National Football League (reaching the Super Bowl in January 1991, only to lose by one point to the New York Giants), the Buffalo Sabres of the National Hockey League, and the Buffalo Bisons, a successful Triple A minor league baseball team and a finalist in a bid for a Major League Baseball franchise. See Summers, Opening Day Puts Major League Road Warriors in Gear, Buffalo News,
ment in Buffalo is less than half the rate of a decade ago; the United States—Canada Free Trade Agreement creates heightened expectations of a boost to the local economy; the World University Games scheduled here in 1993 underscore Buffalo's new global orientation; suburban economic development is among the most vigorous in the nation, and downtown and waterfront development proceed apace. Buffalo is "looking good."

Yet, large segments of Buffalo's population continue to feel the impact of economic crisis and change. Deindustrialization hit Buffalo with severe impact in recent decades. As numerous factories shut down, the


6. Campbell, Marketing of World Games Begins, Business First of Buffalo, June 26, 1989, at 1, col. 1. The Metro Business Alliance for Economic Development (MBA) has undertaken an international economic development marketing effort tied to the 1993 World University Games. The MBA, administered by the Greater Buffalo Chamber of Commerce, is a regional marketing consortium whose members include over 30 economic development agencies and financial institutions in western New York counties. Campbell, supra note 3, at 9, col. 1.

7. On downtown development, see, e.g., Hartley, No Start, No End, Business First of Buffalo, July 2, 1990, at 17, col. 1; Fink, Hoteliers Look to Book More Rooms By Building More, Business First of Buffalo, Apr. 16, 1990, at 9, col. 2; on suburban development, see, e.g., Fink, Trammell Crow Moves to Amherst, Business First of Buffalo, Feb 26, 1990, at 1, col. 1; on waterfront development, see e.g., Fairbanks, Horizons Chief Sees Consensus as Top Priority, Buffalo News, Nov. 23, 1989, at B1, col. 3; Vogel, On Waterfront, Long Journey from Hope to Reality Begins, Buffalo News, Jan. 29, 1989, at H1, col. 1.


unemployment rate reached 12.7% in 1982. Buffalo lost population, upsetting the social foundations of city life and weakening a tier of potential community leaders. Economic crisis has had a disproportionate impact on poor and working class people, many now excluded from Buffalo's recent success. Scarcity of resources further weakened the infrastructure of community organizations, and racism left scars and divisions all too apparent today. Buffalo remains fragmented.

In this special issue of the Buffalo Law Review, we look beyond the rhetoric of revival and join a critical analysis of Buffalo change and community. Is today's appearance of economic success grounded in reality? To the extent this newfound prosperity is real, who benefits? And, how can we do better? While exposing a dark underside to Buffalo's new luster, we also see a moment of opportunity for constructive change. Buffalo's emerging identity and posture will be stronger with broader and more effective community based participation in economic development.

Buffalo is doing better, but that success is fragile, uneven and vulnerable to recession. Plant shutdowns and layoffs persist in the private sector, while the construction boom stalls. The celebrated shift from

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10. Lowenstein, supra note 2, at A2, col. 2. See also Division of Research & Statistics, N.Y.S. Dep't of Labor, Bethlehem Steel Impact Study (1988).

11. F. Palen, supra note 8, at 204. Note that the social restructuring of the city's population in recent decades included the "loss of the youngest and most productive members of the population. . . ."


14. See, e.g., Stouffer, Buffalo's Boom Stalls Amid Recession, Buffalo News, Jan. 13, 1991, at B9, col. 2; Wess, WNY Bankruptcy Filings Top National List, Business First of Buffalo, Jan. 22, 1990, at 4, col. 1. Note also that at the end of 1990, Buffalo's downtown office space vacancy rate was placed at 16.4% by City officials. Division of Planning, Buffalo Dep't of Community Development, City of Buffalo, Inventory & Analysis of Office Space in City of Buff-
manufacturing to a service economy falls far short of a cure for Buffalo's economic ills.\textsuperscript{15} Private sector dependence on government and on outside capital persists, while community based organizations present no unified and strategic perspective to influence corporate decision-making or public policy.\textsuperscript{16} Progressive policy makers toil separately in select alliances.\textsuperscript{17} Yet, few have offered leadership for a democratic political economy, for economic development strategies that build common ground in this fragmented region. Progressive change demands leadership at various levels and groupings—in government, business, and organized labor; in community, church, and synagogue; and in other communities defined

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\item \textsuperscript{15} Perry & McLean, \textit{supra} note 4, at 345, 367-68.
\item \textsuperscript{16} \textit{Id.} at 364-68. \textit{See also infra} note 60 (with respect to reliance by community organizations on government support); F. Palen, \textit{supra} note 8, at 233-241 (analyzing public policies that historically fostered neighborhood dependence on government); \textit{Business First of Buffalo, Book of Lists} 55-B (1991) (listing private sector projects financed with substantial support from the Industrial Development Agencies of Erie County, Niagara County and the Town of Amherst).
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by race, ethnicity, or gender—leaders prepared to move between groups and beyond the fragmentation for a shared vision.

We argue here for progressive community economic development in Buffalo and western New York. Underlying this vision are goals of more democratic influence over the local economy and more equitable allocation of costs and benefits. Applying normative principles of democracy to the economic sphere, these goals are worthy in their own right. Furthermore, progressive community economic development strategies can do better for the Buffalo area overall than traditional responses to economic crisis and opportunity. Local players have limited influence over broad structural changes in the regional economy. However, with highly technical expertise, a broad base of accountability, and regional linkages, we can augment the capacity of local institutions to manage the impact of economic change, to increase equity, and to maximize local control.

This journal arises from an April 1990 conference about “Buffalo Change & Community,” sponsored by the law school at the State University of New York at Buffalo (“UB”). The conference, too, was an

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20. See infra text and accompanying notes for Part D of this article. The conference on Buffalo Change & Community [hereinafter the Buffalo Change & Community conference] was sponsored by the State University of New York at Buffalo, School of Law, on April 5th and 6th, 1990. It was funded by: UB School of Law, the James McCormick Mitchell Lecture Fund, the New York Council for the Humanities, the UB Conferences in the Disciplines, the UB Black Student Union, the UB Student Association Speakers Bureau, the UB Student Bar Association, the Baldy Center for Law & Social Policy, and the UB Community Development Working Group. Audio and video tapes of the conference proceedings are on file at the law library of UB School of Law.

The program and panelists consisted of the following:

Welcome: David Filvaroff, Dean, UB School of Law; Introduction: Peter Pitegoff, UB School of Law; Keynote Address: Manning Marable, University of Colorado;

Panel Discussion on Community Organization, Fragmentation, & Change: John Mohawk, UB Department of American Studies; Barbara Banks, The Challenger; Susan Turner, University of Michigan; Ken Galdston, Merrimack Valley Project; Henry Taylor, UB Center for Applied Public Affairs Studies;

Workshops on: Community Organizing (Bill Gaitor, Institute for People Enterprises; Dick Harmon, Brooklyn Ecumenical Cooperative; Ann Williams, Erie County Commission on the Status of Women; Tony Luppino, Citizen Action of New York; Fr. Roderick Brown, Catholic Diocese of Buffalo; Stephanie Phillips, UB School of Law); Labor & Community (Tom Monaghan, United Auto Workers Region 9; Lou Jean Fleron, Cornell Institute for Labor Studies; Roger Cook, WNY Council on Occupational Safety & Health; Jim Benn, Federation for Industrial Retention & Renewal; Larry Flood, Buffalo State College, Department of Political Science); Government & Local Development (Sharon West, Erie County Department of Environment & Planning; Lee Smith, Industrial
occasion to examine the myth and reality of Buffalo's re-emergence, and to craft community based strategies for change. Here, as at the conference, we use the term "community" with intentional ambiguity. It means narrow geographical neighborhoods, all of Buffalo City, the greater metropolitan area of Erie and Niagara Counties, or even a broad region in western New York and southern Ontario. Community means groups of people seen as different from others and as related to one another—by shared culture, language, beliefs, or religion; by common roots, nationality, ethnicity, or race; by age, class, gender, or sexual orientation; by worklife, economic enterprise, lifestyle, or disability. It means, descriptively, the complex web of all of these communities combined and, prescriptively, a widely held aspiration for tolerance, respect, and equity.21

"Community" economic development requires participation by and accountability to a wide array of groups and institutions ordinarily excluded from the traditional policy arena. To be effective, community economic development requires sophisticated institutions—subtle linkage of technical expertise with community based organizations, of labor with capital, of political savvy with management capability.22 Global eco-

__Cooperation Council; Larry Rubin, Buffalo Commissioner of Community Development; Jesse Nash, Canisius College; Frank Munger, UB School of Law; Community Economic Development (Dannis Gehl, Ken-Bailey, Neighborhood Housing Services; Charley Fisher, 78 Restoration Housing Corporation; Ken Sherman, Citizens' Alliance; Albert Del Valle, Marine Midland Bank; Andrew Rudnick, Greater Buffalo Development Foundation; George Hezel, UB School of Law).

Panel Discussion on Community Capacity & Buffalo's Future: Lorna Hill, Ujima Theater Company; James Pitts, Buffalo Common Council; Rick Hill, UB Department of American Studies; Bruno Freschi, Dean, UB School of Architecture & Planning; Richard Schramm, Massachusetts Institute of Technology; Michael Frisch, UB Department of History.

Concluding Remarks: Peter Clavelle, Mayor of Burlington, Vermont; Muhammad Kenyatta, UB School of Law.


21. Richard Schramm, while acknowledging the complex and multi-dimensional aspects of "community," provides a narrower operational definition in the context of community development "as those low-income people who (1) reside within a particular geographic area . . . or (2) do not reside in the same area but are connected in other ways (gender, race, ethnicity, etc.) . . . " R. Schramm, Do Community Development Schools Develop Community? 2 (1990) (unpublished paper on file with the author). For other perspectives on the definition of "community," see, e.g., H. Boyte, Community is Possible (1984); see also Community Development Research: Concepts, Issues, and Strategies (E.J. Blakely, ed. 1979).

22. For an expanded definition of progressive "community economic development," see, e.g., Schramm, Local, Regional and National Strategies, in Beyond the Market and the State: New Directions in Community Development (S. Bruyn & J. Meehan eds. 1987); P. Clavel,
nomic factors make local control all the more elusive. Creative community based strategies today require a regional approach, with efficient use of internal assets and controlled import of external resources to meet local needs.

Buffalo is not unique in its fragmentation nor in its quest for a new vision of development. Many existing models of community organizing and development have failed in recent years to meet the needs of distressed communities on an adequate scale, particularly in the context of continued deindustrialization and disinvestment. This failure is compounded in the early 1990s by a faltering U.S. economy. Community organizations today cannot count upon the economic growth that enabled a modicum of wealth and resources to flow into local organizing and development efforts from foundation, private sector, and government subsidies in the 1960s and 1970s. Nor will the sources of fragmentation disappear. Instead, community development strategies need to focus on building capacity to move forward despite fragmentation and difference—to link a wide array of progressive institutions and address economic issues on a regional basis; to integrate kindred spirits from divergent sectors; to move beyond the margin and into vital private sector and public policy activity.

II. CHANGING ECONOMY & EXCLUSION

Economic crisis looms large in any critical analysis of Buffalo com-
munity. Battered in recent decades by waves of economic change, Buffaloans look wistfully to the "golden age" a century ago, when Buffalo rivaled Chicago as one of America's major centers of commerce and industry.28 Sitting between Lake Erie and Lake Ontario at the western terminus of the Erie Canal, the region held a strategic location in the nation's mercantile network, giving rise to a successful manufacturing sector.

Yet, even at the turn of the century, the seeds of Buffalo's decline were planted, as the regional economy shifted from an essentially locally owned manufacturing base to an industrial giant, producing steel, railroads, and automobiles. Triggered in part by the rise of the transcontinental rail system, this shift was financed externally and "... built upon a rapidly emerging pyramid of industrial consolidation and absentee ownership."29 The significance of this lack of local ownership and economic control came into focus in recent decades. The sharp decline in Buffalo's manufacturing base, although driven by broader economic factors, was engineered largely by absentee corporate owners.30 The appar-


29. Perry & McLean, supra note 4, at 354.

30. An important outside factor in Buffalo's economic decline was the 1959 opening of the St. Lawrence Seaway, diverting grain ships from Buffalo's port & rail links. Yet, in addition to such broad economic factors, specific decisions by absentee corporate owners have led to significant shutdowns and job loss. See, e.g., Madore, Fisher-Price Ends an Era in East Aurora, Buffalo News, June 22, 1990, at B9, col. 2 (reporting shutdown of a Fisher-Price toy assembly factory in East Aurora, New York, where Fisher-Price had been founded 60 years earlier, then purchased in 1969 by its current absentee owner, the Chicago-based Quaker Oats Company; Quaker intends to spin off the Fisher-Price subsidiary, which includes plants in several locations, as a free-standing publicly traded company before the end of 1991). Another example, the saga of the Kittinger Company, reflects the vulnerability felt by Buffalo area residents and workers when local businesses are controlled by outside owners. Kittinger, founded in Buffalo over a century ago, is a world renowned producer of high quality furniture. During the 1980s, Kittinger weathered five ownership changes, with successive absentee owners including Lance Funston (Houston, TX), General Mills, Inc. (Minneapolis, MN), Chicago Pacific Corp. (Chicago, IL), Maytag Corp. (Newton, IA) and Ladd Furniture, Inc. (High Point, NC). While maintaining its sales and reputation for high-end period piece furniture, Kittinger suffered severe losses, arguably due to neglect by its far-away owners. Then, in 1990, on the brink of shutdown with many of Kittinger's 200 workers laid off, Pittsburgh investor Michael Carlow purchased the company and averted liquidation. Since the purchase, with a hands-on management style by Carlow and active involvement by the workers represented by the International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers, the company has shown signs of a turn-around. The union was an informed player in the transaction and had participated earlier in exploring an employee ownership option prior to Carlow's purchase. See, e.g., Campbell, New Kittinger Owner Is Not Known Locally, Business First of Buffalo, July 2, 1990, at 4, col. 3;
ent shift from a manufacturing to a service economy may have left us for
now with the worst of both worlds. On the one hand, the declining man-
ufacturing base, still a substantial portion of this economy, remains frag-
ile and highly dependent on external capital. On the other hand, the
service sector depends in large degree on public sector expenditures at a
time of government retrenchment. Moreover, the new service sector
jobs are characterized by low skill and low pay, accompanied by gross
wage disparities on the basis of gender and race. This echoes Manning
Marable’s keynote address at UB’s April 1990 conference on “Buffalo
Change and Community”—i.e., just as Buffalo’s “golden age” a century
ago was a myth, especially for people of color, Buffalo’s current rena-
sissance is overstated by the powers that be.

Buffalo’s current economic success, such as it is, results in part from
“Toronto spillover”—jobs, investment, and retail sales attributable to the
boom economy of Toronto, Ontario, only 60 miles away by highway.
Urban planners even talk of a Buffalo-Toronto corridor as a single metropo-
itan area in the future. Notwithstanding the real benefits of Cana-
dian investment here, does Buffalo run the risk of re-creating the politics
of dependence? Buffalo, as it “sells itself” in the national and interna-
tional business press, would do well to avoid undue sale of control.

Campbell & Fink, Kittinger For Sale One More Time, Business First of Buffalo, Oct. 9, 1989, at 1,
col. 1; Robinson, Kittinger Loses Colonial Williamsburg Business, Buffalo News, June 22, 1990, at
B9, col. 2. Cf. P. Pitegoff, Employee Ownership of Businesses (commentary broadcast on WBFO-
FM radio, Buffalo, Oct. 15, 1990) (presenting the Kittinger story as an allegory for Buffalo’s depen-
dence on outside capital). Aside from the shutdown of many small manufacturing plants such as
Kittinger are a number of much larger and high profile shutdowns, most notably the closing and
thousands of lay-offs at the Bethlehem Steel plant in Lackawanna during the 1970s and early 1980s,
an economic tremor that rocked the region.

31. Perry & McLean, supra note 4, at 367-68; Wollner, State Budget Wallops Business with New
32. Perry & McLean, supra note 4, at 371-76.
33. M. Marable, supra note 20.
34. McKibben, Buffalo Stirring Again, Boston Globe, Oct. 26, 1990, at 61, col. 3; Fink, Toronto
Home Prices Go Through the Roof, Business First of Buffalo, May 7, 1990, at 1, col. 1. Cf. Fink,
Variety to Enter U.S. with Bid on Delaware North Mansion, Business First of Buffalo, Nov. 13, 1989,
at 3, col. 1; Hartley, Variety Being Less Coy About Move to Buffalo, Business First of Buffalo, Oct. 29,
1990, at 4, col. 3 (reporting steps in the relocation of Variety Corp.’s world headquarters from To-
ronto to Buffalo, which would make this Fortune 500 company the largest publicly held company in
Western New York).
35. E.g., Presentation by B. Freschi, Buffalo Change & Community conference (Apr. 6, 1990)
speaking of the “Buffalo Toronto Corridor”); see also Madore, In Buffalo, New Economic Depen-
36. See generally WNY: A Center for World Trade, Business First of Buffalo, Mar. 26, 1990
(Magazine insert); Business First of Buffalo, Mar. 25, 1991 (Magazine insert); see also Madore, supra
note 3, at col. 5 (the publicity efforts of the local chamber of commerce included advertising in a
Local control cannot change the global economy, but it can influence the nature of economic impact on the region. Buffalo's dependence on outside resources is unlikely to change dramatically in the near future, but local leaders can manage those resources locally to build a stronger and more equitable infrastructure of institutions and enterprise. A more cohesive, effective, and forward thinking capital elite, as in Pittsburgh, could help Buffalo better weather the storm of economic restructuring. Moreover, such coalition efforts in Buffalo can improve upon the Pittsburgh model with a more democratic and progressive approach. Among a number of regional approaches to democratic economic development, two recent examples from New England suggest an advantage of community based strategies. The Greenhouse Compact in Rhode Island and the Naugatuck Valley Project in western Connecticut each attempted to increase participation and equity in a struggling local economy. The former involved representative leaders from several key institutions, and ultimately failed. The latter included a broader base of active member organizations and has experienced some success.

The Greenhouse Compact was an ambitious revitalization plan for the State of Rhode Island, the result of two years of intensive study, analysis, and coalition building. Such consensus was achieved by selected leaders of industry, labor, and government—a nineteen member Strategic Development Commission representative of mainstream institutions, yet too isolated from their own constituents and other key segments of the community. An arguably fair and feasible plan was defeated at the polls by a four to one margin, due to voter mistrust of an exclusionary planning process. Despite a wide distribution of benefits intended from the compact, many citizens and community organizations felt no investment in a plan developed by a select group of leaders from both the pub-

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38. See generally P. CLAVEL, supra note 22; see also BUILDING BRIDGES: THE EMERGING GRASSROOTS COALITION OF LABOR AND COMMUNITY (J. Brecher & T. Costello eds. 1990) [hereinafter BUILDING BRIDGES]; BEYOND THE MARKET & THE STATE: NEW DIRECTIONS IN COMMUNITY DEVELOPMENT (S. Bruyn & J. Meehan eds. 1987).


40. Weisman, The Greenhouse Compact: Why a Good Plan Failed, in BUILDING BRIDGES, supra note 38, at 288. In addition to the Commission itself with 19 members was an advisory committee with 50 members “from business, finance, organized labor, higher education, public service and environmental advocacy backgrounds.” GREENHOUSE COMPACT, supra note 39, at 6, 44-48.
lic and private sector. Leaders in Buffalo as in Rhode Island need continual communication with and accountability to their constituents, no matter how progressive the goals of the leaders may be because the absence of a participatory process will undermine the community’s psychological investment in and ownership of strategies for change.

The Naugatuck Valley Project ("NVP") in western Connecticut presents a positive model for community economic development, with a structure more rooted in its constituent base. The NVP combines economic development with a community organizing approach, with a broad-based coalition of over fifty religious, labor, community, and small business organizations. In a region rattled by disinvestment in local industry by outside corporate owners, the NVP brings together disparate constituents for a shared goal of local ownership and democratic influence in the region’s economic future.

With sophistication about business and community organizing, with flexible tactics and objectives in pursuit of broad based local economic control, and with independence from partisan political squabbles, the Connecticut coalition has succeeded in saving jobs and in legitimizing the role of such groups to challenge economic decisions and their human impact. The NVP also is helping to create jobs through development, as

41. Id. The Greenhouse Compact differed from most traditional economic development approaches by seeking higher average wage rates in addition to lower unemployment. GREENHOUSE COMPACT, supra note 39, at 4-6.

42. See sources cited supra note 17.


44. Brecher, If All the People Are Banded Together: The Naugatuck Valley Project, 9 LAB. RES. REV. 1 (1986).

45. In 1983, for instance, the Naugatuck Valley Project helped organize a buyout of the Seymour Specialty Wire Company by its 270 employees, working closely with Local 1827 of the United Auto Workers, the Industrial Cooperative Association, Inc. (a Boston, MA consulting firm), and a host of other technical experts and local institutions. See, e.g., J. Brecher, Upstairs, Downstairs: Class Conflict in an Employee-Owned Factory, in BUILDING BRIDGES, supra note 38, at 274.
in the start-up of a new home health care enterprise. Groups like the Naugatuck Valley Project have affiliated nationwide in the Federation for Industrial Retention & Renewal ("FIRR"), to assist one another in local organizing efforts and to translate local experiences into constructive national policy initiatives.

III. COMMUNITY ORGANIZATION & FRAGMENTATION

Buffalo in recent decades has witnessed a wide range of community organizing efforts in response to political and economic inequity. Yet, Buffalo remains a fragmented community despite its recent history of organizing and development. This pathology of fragmentation appears within and between the capital elite, the public sector, and community based organizations.

On the eve of the April 1990 "Buffalo Change & Community" conference, Buffalo's public transit system had shut down temporarily, making national press. The Niagara Frontier Transportation Authority ("NFTA") halted the system, intentionally, because the county legislature failed to commit adequate funding for public transportation. The deadlock in the legislature was due, in part, to a continuing reluctance by a number of suburban legislators to support the urban transit system.

Described at the conference by Buffalo Councilman James Pitts as "...
the parochialism of the suburbs versus the city . . . ," it was a harsh reminder of Buffalo area fragmentation—in this case among political leaders unable to compromise for the greater good of the region.

The transit system stalemate and shutdown in 1990 recalled an earlier turn for the NFTA in the mid-1970s, when the plan for a more extensive rapid transit system connecting Buffalo with the fast growing suburb of Amherst was modified to produce only a 6.5 mile light rail system entirely within the city’s borders. Several years earlier, the city of Buffalo had lost out to Amherst on placement downtown of the massive new campus of the State University of New York at Buffalo. Now, design of the rapid transit system magnified this lost opportunity by failing to connect Buffalo with the new university campus in Amherst and thus reinforcing the separation of Buffalo city and its suburbs.

The negative impact of this urban-suburban split is compounded by divisions within city government. The common council is divided, and much of the council is at odds with the mayoral administration. The divisions today among Buffalo’s government leaders are reflected as well at the grassroots level just as sophisticated community organizing in recent decades mirrored the organizational savvy of Chicago’s machine politics.

One source of these divisions, ironically, is the decentralization of city planning in the 1960s and early 1970s. In the mid-1960s, the Model Cities Program encouraged the use of community development corporations for program implementation. A decade later, when the Nixon...

53. For a history of the development of Buffalo’s light rail rapid transit system, see H. Russ, Economic Resurrection or from Nowhere to Nowhere: The History of the NFTA Rapid Transit System (May 6, 1987) (unpublished paper on file with the author).
54. See, e.g., Hovey, Playing Tough Guy with Obvious Success, Business First of Buffalo, Feb. 24, 1986, at B1, col. 1; cf. Clavelle, Speech at Buffalo Change & Community conference (Apr. 6, 1990) (reflecting on parallels between Burlington, VT, and Buffalo, including the need to use waterfront and downtown development as an engine for broader benefit, and noting the irony of his trip to a conference on Buffalo at the University at Buffalo, after which he will “go back to Burlington, never having seen Buffalo . . .”).
55. H. Russ, supra note 53.
57. See, e.g., D. Riehtzes & D. Reitzes, supra note 42, at 65.
58. A 1966 Common Council ordinance created a Citizens Advisory Committee on Community Improvement, which “expanded into a de facto citizen planning board, with its own staff and constituencies.” F. Palen, supra note 8, at 208; see generally id. at 204-259.
administration consolidated a number of federal funding programs into a single community development block grant ("CDBG") program, Buffalo divided its federal CDBG funds between twelve separate districts. Although successful in increasing participation in politics, this allocation of federal funds contributed to the balkanization of city planning and designation of district councilmen as central players in neighborhood revitalization. "It denied the importance of broad social and economic forces over which political organizations based on class, ethnicity, race, or simple opposition to the old regime had little influence. When it worked, it was capable of saving neighborhoods; it was never capable of saving the city."59

Another unintended effect of this decentralized allocation of federal funds was a continuing tendency of community organizations to rely on government for support.60 Rather than building self-sufficient operations, with an independence enabling direct confrontation with local government, many community organizations in Buffalo administered programs funded by the government to relieve the burden on government.61

Human services agencies abound in Buffalo, as documented extensively in a June 1990 report produced collaboratively by a task force representing United Way, Catholic Charities, Erie County, and Buffalo City.62 The report calls for more long-term planning and coordination between an overwhelming number of community organizations and government agencies in the human service arena, both to fill critical gaps and avoid duplication. Yet, even within these recommendations that clearly emphasize service is a hint at the need for more developmental solutions—e.g., greater public subsidy for housing development, more childcare and elderly-care enterprises, and greater private sector involvement in addressing needs of the unemployed and underemployed.63

59. F. Palen, supra note 8, at 241.
60. See F. Palen, supra note 8, at 212-216. This tendency of community groups in Buffalo to "look to City Hall" for help persists today. See generally Armitage, supra note 56. Cf. supra note 16 (with respect to dependence on government, both in the private sector and among community organizations).
62. HUMAN SERVICES TASK FORCE, HUMAN SERVICES COMMUNITY REPORT: AN OVERVIEW OF PROBLEMS AND RECOMMENDATIONS FOR SELECTED TOPICS (June 1990) (a joint project of United Way of Buffalo and Erie County, Catholic Charities of Buffalo, the City of Buffalo, and the County of Erie).
63. Id.
An emphasis on human services pervades Buffalo's community organizations, diverting attention and scarce resources from more systemic approaches that involve community organizing and economic development. One obvious reason is the desperate need of such a proportionately large poor and underclass population in Buffalo, a need that outpaces even the considerable array of public and non-profit human services providers. Another reason is a striking dependence on government for funding and other support, with pressure to meet immediate requirements of quantifiable results and consequent disincentive to engage in complex economic development activities with subtle or distant benefit. As organizations assume the role of administering service programs to meet government goals, their focus tends to shift away from challenging public policy and from alternative economic development.

Such was a factor in the complex history of the rise and decline of the BUILD organization in the 1960s and 1970s. BUILD was perhaps the most far-reaching community organizing effort in Buffalo's recent history, primarily among African American citizens and organizations. With assistance from Saul Alinsky's Industrial Areas Foundation, local organizers and leaders built a broad-based coalition of organizations on Buffalo's east side. Particularly in its early years, BUILD was an influen-

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64. This tension between providing services to meet an overwhelming need versus diverting resources to pursue more systemic solutions parallels an longstanding issue and debate within the legal services community. See, e.g., B. CAFTEL, COUNSELING ORGANIZATIONS IN COMMUNITY ECONOMIC DEVELOPMENT (1988) at I-21 - I-26, 1-1 - 1-10; Little, Reflections: Practicing Law in a Legal Services Program, 18 ECON. DEV. & LAW CENTER REP. 20-22 (1988); Abel, Lawyers and the Power to Change, 7 LAW & Pol'y 5 (1985) (special issue); Bellow, Lawyers for a Political Movement: California Rural Legal Assistance, in THE SOCIAL RESPONSIBILITIES OF LAWYERS 22 (Heymann & Liebman eds. 1988); Bellow, Turning Solutions Into Problems: The Legal Aid Experience, 34 NLADA BRIEFCASE 106 (1977).


66. This downside of government funding parallels a tenet among community organizers to avoid dependence on government and particularly administration of human service programs. In organizing, the fear is that such programmatic administration by community organizations will compromise their resources and confrontational focus. Their energy is better spent pressuring government or private institutions to provide services. See generally S. ALINSKY, REVEILLE FOR RADICALS (1969); see also S. ALINSKY, RULES FOR RADICALS (1971); cf. sources cited supra note 43 (listing sources for historical perspective on community organizing in the U.S.).

tial player in the public school system, in private sector affirmative action policies, and to some degree in economic development planning.

Beginning in 1971, with funding from the federal Department of Labor, BUILD began to administer the Buffalo Affirmative Action Program, essentially to increase minority participation in the construction industry. This signaled a turn in the organization's direction, from building organization and leadership through aggressive advocacy to providing services under government contract. The organization began to lose its focus and internal divisions intensified, as these and other factors led to its demise in the mid-1970s.68 Some of BUILD's legacy is quite positive, from the successful BUILD Academy to the emergence of more African American political leaders.69

The BUILD saga also reflects the theme of factions and fragmentation so inimical to Buffalo's progress. Aside from internal divisions, the effort failed essentially to gain the institutional support of the Catholic Church,70 a major presence in Buffalo then and now. Ironically, a subsequent organizing effort in Buffalo by the Industrial Areas Foundation, with the United Citizens Organization in the late 1970s, generated central support from the church but failed to engage the African American community. That effort, too, faltered.71

Both efforts failed to engage organized labor in a central role, and thus missed a critical player.72 Organized labor stands at a pivotal position in Buffalo's fragmented community, with potential to take a lead in coalition organizing in response to the changing political economy.73 As a center of manufacturing in years past, Buffalo also has been a center of industrial unionism and is still characterized as a blue collar city with a substantial union membership cutting across racial and geographical boundaries.74 Given economic crisis as a source of many of Buffalo's

68. See generally sources cited infra note 67.
69. See D. Dahlberg, supra note 67, at 71; see also Cardinale, BUILD Academy Celebrating Its 20th Year, Buffalo News, Oct. 23, 1989, at B1, col. 3.
70. See generally D. Dahlberg, supra note 67. This failure of BUILD organizers to gain adequate support of the Catholic Church was echoed by Richard Harmon at the April 1990 Buffalo Change & Community conference workshop on community organizing. During the early years of BUILD, Harmon was the Industrial Areas Foundation lead organizer in Buffalo.
71. Id.
72. The importance of organized labor as part of a community based coalition was acknowledged at the April 1990 Buffalo Change & Community conference by two community organizers involved in Buffalo organizing in the 1960s and 1970s. Both then employed by the Industrial Areas Foundation, Richard Harmon was an organizer for BUILD and Ken Galdston was an organizer for the United Citizens Organization.
73. See Perry supra note 9, at 133.
74. Flood, supra note 48, at 445.
current social and political problems, organized labor has an institutional interest and mandate to respond. It is an organized institution with expertise and resources, a broad base of membership, and a direct role in private enterprises that drive many of the local economic changes. If any coalition organizing like the Naugatuck Valley Project is to succeed in Buffalo, labor investment is crucial.\textsuperscript{75}

Notwithstanding the important part that unions play in Buffalo's social infrastructure, organized labor has done little to build a broad-based coalition for progressive change in Buffalo. Ironically, the historical success of organized labor—its very integration into mainstream institutions—acts as a brake on activist challenge to dominant policy.\textsuperscript{76}

This need not be the case, as illustrated by numerous examples of union activism nationwide and to some degree in Buffalo. From a progressive union voice in public policy\textsuperscript{77} to a material role in corporate transactions,\textsuperscript{78} unions can build on a democratic tradition in strengthening local control of capital.

An active role for labor fits well with the state of the art in community organizing. Economic restructuring on a large scale demands that local institutions respond on a regional basis with a variety of invested institutions. While economic issues and goals have long been central to community organizing efforts, some of today's most effective strategies pair community organizing with economic development and strategic influence over capital investment decisions. Although slow out of the starting gate, Buffalo has the capacity to build an effective community development response to the persistent waves of economic change.\textsuperscript{79}

\textsuperscript{75} Cf. supra notes 43-48 and accompanying text (describing the experience of the Naugatuck Valley Project and recounting the evolution of community organizing to integrate economic development); see also G. Clark, Unions and Communities Under Siege: American Communities and the Crisis of Organized Labor 45-87 (1989).

\textsuperscript{76} Union Community Relations in Buffalo: A Preliminary Assessment, supra note 48, at 448-54.

\textsuperscript{77} See, e.g. Flood, Symposium on Unions and Public Policy, 18 POl'Y STUD. J. 357 (1989-90); Union Community Relations in Buffalo: A Preliminary Assessment, supra note 48, at 466-69; Building Bridges, supra note 38, at 9.

\textsuperscript{78} See, e.g., Pitegoff, Unions and Worker Ownership, 18 POl'Y STUD. J. 396 (1989-90); see generally 3 J. EMPLOYEE OWNERSHIP FINANCE 1 (1991) (Focus Topic: Organized Labor and Employee Ownership). Cf. supra note 30 (describing the saga of the Kittinger Company and noting the role of the furniture workers' union in the ownership transfer).

\textsuperscript{79} For analysis of the relationship between labor and community, see generally Clark, supra note 75; in the context of economic development, see generally Labor Tackles the Local Economy, supra note 27.
IV. Community Capacity

Buffalo has the capacity to do better, to capture a moment of opportunity for progressive change. The conventional litany of successful signs—lower unemployment and the reversal of outmigration, the Free Trade Agreement with Canada, the 1993 World University Games in Buffalo and the 1991 Super Bowl appearance of the Buffalo Bills, downtown and waterfront development, and favorable publicity nationwide—creates an environment of optimism. However, among and beside the Buffalo boosters are community based institutions that can strengthen the foundation for change.

The East Side communities of Buffalo, far from forgotten, include a vibrant neighborhood life and culture with social and economic links to people throughout the region.80 The Lower West Side, a multi-cultural neighborhood sitting at the gateway to Canada, is in a position to capitalize on the Free Trade Agreement.81 The liberal elite, particularly in public and private economic development planning circles, have engaged in collaborative projects with minority and neighborhood constituents.82

80. See Taylor, supra note 12, at 601. Among the community organizations on the East Side of Buffalo active in community development are: the Martin Luther King Urban Life Center, a coalition effort to renovate the historic St. Mary of Sorrows Church for use as a multi-purpose community center; CRUCIAL, an organization attacking a range of inner city ills; Delta Development of Western New York, Inc., working with an array of groups, including the UB law clinic, to renovate St. Ann's rectory for use as low income housing; the Youth Planning Council (YPC), a weekly meeting organized by Assemblyman Arthur Eve, providing a forum for exchange among numerous organizations involved with youth and other critical issues in the city; Citizens Alliance, involved in a number of activities, including the St. Mary of Sorrows project and operation of a weatherization program; and, Buffalo Neighborhood Housing Services, Inc., working to revitalize deteriorating housing in five neighborhoods including the east side. See Buffalo Neighborhood Services, Inc., 1990 Annual Report (1991).

81. See, e.g., Campbell, Niagara Street Gateway is New Association's Goal, Business First of Buffalo, July 2, 1990, at 18, col. 3. The lower west side is perhaps Buffalo's most diverse neighborhood in terms of race and ethnicity, with Hispanic, Italian, Native American, and African American communities. Sitting on the waterfront between downtown and the Peace Bridge to Fort Erie, Canada, the lower west side is prime development area. Citizens recently formed the Niagara Gateway Association to ensure a community voice in development plans, while three major Hispanic organizations in the neighborhood recently merged as Hispanics United of Buffalo (HUB) for a stronger and more unified presence.

82. Among recent efforts to bridge economic development planners with community organizations is the Office of Urban Initiatives, Inc., which arose from the Commission on Urban Initiatives. The Commission was appointed in 1989 by the Common Council to generate policy initiatives designed to address problems of poverty and the under class in Buffalo. The newly formed Office, a free standing not-for-profit corporation, is helping to coordinate economic development planning for the East Side, most notably linking community leaders with members of the Economic Development Coordinating Committee; see supra note 17; see also infra note 98. The Greater Buffalo Development Foundation and Councilman James Pitts recently initiated a working group on minority enterprise development. The Western New York Economic Development Corporation also administers a
Moreover, an array of nascent organizations throughout the region are breathing some new life into community based enterprise, drawing on the lessons and awareness of Buffalo's recent troubles. Among these efforts for constructive change is a role for the university in an integrated agenda of organizing and research—providing direct technical assistance to organizations in need and developing a more complete understanding of Buffalo.

This journal is an artifact of activism in the legal academy. It arises from an April 1990 conference on “Buffalo Change and Community,” held at the State University of New York at Buffalo, School of Law, to examine the recent history of community organization and development and to look ahead to strategies for change in Buffalo. The conference brought together scholars from various disciplines, local activists and leaders, and national experts in community organization and development, over 300 people in all.

Rare is the time or place where so many Buffalonians with such divergent perspectives meet together for constructive exchange. Yet, despite the success of such diverse participation, the focus of discussion was on the pathology and not the cure. The conference participants identified deep divisions in the Buffalo area, especially with respect to racial difference. Organizers of the conference at UB set out to envision broadly based and equitable development strategies that would cut across some of these divisions. In the keynote address, Manning Marable called for “an

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83. See supra notes 80-82. Note also that the Jubilee Community Loan Fund, Inc., was formed in 1989 as a vehicle for socially responsible investment and for needed financing to community based housing and enterprise development. A number of community based environmental organizations have formed since 1989, including Friends of the Buffalo River and ROLE (Residents Organized for Lewiston Porter's Environment), while Citizen Action of New York and Great Lakes United continue their advocacy on environmental issues; see generally Olsen, The Concentration of Commercial Hazardous Waste Facilities in the Western New York Communities, 39 BUFFALO L. REV. 473 (1991). Friends of the Night People Drop-in Center, a not-for-profit storefront soup kitchen, expanded its operation to become a temporary shelter for the homeless. See generally B. Fisher, Night People and the Neighborhood: Allentown's Struggle for Self-Definition in a Zone of Conflict (1989) (unpublished paper on file with the author); Palazzotti, The Night People's Strong Light, Buffalo News, Mar. 8, 1990, at B7, col. 2. The Erie County Commission on the Status of Women, which arose from a county task force in 1987, includes economic development issues for women in its mandate. See ERIE COUNTY TASK FORCE ON STATUS OF WOMEN, WOMEN'S ISSUES: A NEW BEGINNING FOR ERIE COUNTY (Mar. 31, 1987); cf. Flood, supra note 48 (describing union-community coalitions, including the Coalition for Economic Justice, Inc.); Hezel, supra note 63 (identifying nascent enterprise in community based housing development).

84. See Buffalo Change & Community conference, supra note 20.
urban perestroika . . . . Our challenge is not in restoring Buffalo's mythological past. Our task is to create a new city of real opportunity for all its inhabitants."

Instead of crafting new strategies to meet Marable's challenge, conference participants voiced profound feelings of anger and frustration about racism, thus deferring much of the discussion about constructive change. Newspaper editor Barbara Banks sounded a recurring theme, warning that "... we cannot honestly talk about the future of Buffalo in the 1990s without dealing with the very real issue of the white supremacy mindset." Just as the need to address racism precluded agreement on solutions at the conference, so too is it a threshold issue for progressive change in Buffalo.

Even at a conference aspiring to diversity, a number of important voices—notably, certain other racial and ethnic perspectives, feminist views, environmentalist concerns, and religion—found little opportunity to be heard. That resulted in part from the design of the conference to acknowledge tension between Buffalo's African Americans and European Americans as one of the most dominant divisions in community

85. M. Marable, supra note 28. Dr. Marable is a Professor of Political Science and Sociology at the University of Colorado's Center for the Study of Ethnicity and Race in America. His syndicated column "Along the Color Line" is published in over 150 newspapers worldwide, and he has published numerous scholarly articles and books.

86. B. Banks, editor of The Challenger, a leading newspaper in the African American community, speaking at the Buffalo Change & Community conference (Apr. 1990). A number of other panelists spoke to the issue of racism as an obstacle to constructive change. Lorna Hill is an accomplished actress and artistic producer of the Ujima Theater Company, as well as a story teller, director of Buffalo Prep. (an educational program for minority youth), and consultant in a variety of Buffalo settings. From this base of experience, she concluded later in the conference that "all of the indications I see are that Buffalo somehow intends to resist the tide of American life and remain a city wherein people who are white in complexion are allowed to run literally everything." This concern about "institutionalized racism" was echoed by a number of other participants at the conference as well, particularly with respect to black-white relations. In the keynote address at the conference, Manning Marable described the problem of racism in a broader context: "Nationwide ... our social policies are designed to perpetuate inequality." M. Marable, supra note 28.


88. The absence of so many diverse perspectives from the conference and from this journal underscores the need for a continuing research agenda with respect to Buffalo community. Ironically, a number of intended authors were so busy in their active involvement with Buffalo community that they were unable to complete their articles for this journal issue, a risk one takes in activism from the academy.
development and public policy. It also reflected African Americans as the largest racial minority in Buffalo, prominent among political leadership and already actively engaged in a struggle for influence. Nonetheless, similar gaps persist in this journal with respect to diversity, underscoring the need for continuing scholarship on Buffalo.

In contrast to arguments for greater minority participation in mainstream planning, Rick Hill, a Tuscarora artist and teacher, saw in Indian reservations a source of cultural identity and community essentially incompatible with the culture of Buffalo City. Despite a rich history of several Indian nations in the region now known as Western New York, the current reality for Native Americans here is that they are a very small minority with no access to power. The site of the conference was a university campus whose buildings were built in part by Native Americans, including Hill's father and brother—by Tuscaroras who migrated to the Buffalo area for employment as ironworkers. He noted the irony of his teaching at UB and his participation in the conference, in buildings his family helped build but which were otherwise foreign and inaccessible. "How . . .," queried Hill, ". . . do we impact on a system that is already fighting amongst themselves?" A question for more than just the Tuscarora nation, it describes artfully the fragmentation of our community and poses a challenge for any constructive change.

One answer at the conference was both simple and radical. " . . . Create and nourish alternate institutions to displace those that are in fact racist and classist," stated Bruno Freschi, Dean of University at Buffalo's

89. R. Hill, lecturer in Native American Studies at UB, speaking at the Buffalo Change & Community conference (Apr. 6, 1990).
90. Upstate New York was the center for a federation of five Iroquoian-speaking Nations — the Seneca, Cayuga, Onondaga, Oneida and Mohawk, and a sixth nation, the Tuscaroras, as of the early 1700s. See generally Cardinale, Indian Givers, Buffalo News, Jan. 28, 1990, at 6 (Magazine); Mohawk, Indian Economic Development: An Evolving Concept of Sovereignty, 39 BUFFALO L. REV. 495 (1991).
91. R. Hill, supra note 89. Cf. parallel aspiration for a separate polity among African Americans and among Latinos: Goel, Lovett, Patten & Wilkins, Black Neighborhoods Becoming Black Cities, 23 HARV. C.R.-C.L. L. REV. 415 (1988) (analyzing efforts of minority communities to incorporate as separate municipalities — in East Palo Alto, CA, formation of a new polity as an alternative to remaining unincorporated or to annexation with a nearby white affluent municipality; and, in Roxbury, MA, proposed secession from the City of Boston to form a new city to be called Mandela).
92. At the conference, Rick Hill also noted some positive experiments in Buffalo — an Indian cultural center, a Native American employment program, and a Native American magnet school (School #19) in the Buffalo School System. "If it doesn't work, we can always go home to our community. . . ." R. Hill, supra note 89.
School of Architecture and Design.\textsuperscript{93} For such a bold agenda, the conference was a small step and aimed as much at changing existing institutions as displacing them—however modestly it demonstrated a role that a law school can play in community change. UB, a leading employer in Western New York and a powerful institution locally, faced criticism at the conference for failure to commit substantial resources to community efforts.\textsuperscript{94} Appropriately, then, one concrete strategy for building community capacity which emerged from the conference was to develop a new institution for community based education in Buffalo.

Such a model in Boston, Massachusetts, is the Tufts Management and Community Development Institute described at the conference by Massachusetts Institute of Technology professor Richard Schramm.\textsuperscript{95} Begun in 1984 at Tufts University, the institute operates today under the joint sponsorship of several colleges and universities, with 45 courses ranging from housing development and finance to community organizing, from Community Reinvestment Act challenges to multi-cultural communication.\textsuperscript{96}

In Buffalo, such an institute would provide a focus for defining educational needs of local organizations. It would help, as well, to build the capacity and resources to meet those needs, including the commitment of college and university resources. It could empower the participants, not just with information and skills but by providing increased confidence about education. Finally, this institute could be a vehicle for community organizing, providing links among different groups that otherwise never communicate with one another and allowing some degree of local control.

\textsuperscript{93} B. Freschi, Dean of School of Architecture & Planning at UB, speaking at Buffalo Change & Community conference (Apr. 6, 1990).

\textsuperscript{94} The State University of New York at Buffalo (UB) is a powerful institution in western New York. It is the region's sixth largest employer, with 4,995 fulltime employees and 1,183 part-time employees, and with over 27,000 students. See BUSINESS FIRST OF BUFFALO, BOOK OF LISTS 50-B & 56-B (1991). The president of UB sits with the Group of 18. See supra note 17. The UB schools involved in health care play an active role in the local health and hospital industry (see, e.g., Wess, UB Rural Medical School to Fight Doctor Shortage, Business First of Buffalo, July 16, 1990, at 1, col. 3) and numerous departments at UB provide research that serves local industry and policy makers (see infra note 98); cf. Gupta, Turning University Research Into a Profitable Business, Wall St. J., June 12, 1990, at B2, col. 3; Gupta, How an Ivory Tower Turns Research Into Start-Ups, Wall St. J., Sept. 19, 1989, at B2, col. 3 (describing involvement by universities generally in private sector entrepreneurship). However, participants at the Buffalo Change & Community conference criticized UB for failure to support community efforts; see Olsen, supra note 83, at 492-93.

\textsuperscript{95} R. Schramm, Visiting Associate Professor of Urban Planning at the Massachusetts Institute of Technology, speaking at the Buffalo Change & Community conference (April 6, 1990).

\textsuperscript{96} Id.; see also R. Schramm, supra note 21. The Buffalo Change & Community conference, supra note 20, illustrated the potential interest and utility of a community development institute in Buffalo.
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of education.97

The seeds of such an institution already exist. UB's Center for Applied Public Affairs Studies, for instance, has played an active role in linking its research and resources with community needs in Buffalo.98 So, too, has UB School of Law through its Legal Assistance Program. This clinical program offers to local residents a variety of legal services99 and includes a community development component that animated the conference and this journal.

The community development law clinics enable law students and faculty at UB to provide legal counsel to organizations engaged in com-

97. R. Schramm, supra note 95. In addition to the Tufts Management and Community Development Institute are a variety of community development educational programs in the U.S., including periodic workshops and conferences by the National Congress for Community Economic Development and the National Economic Development & Law Center; the Ms. Foundation Women & Economic Development Institute and the Third World Organizing Strategic Training Institute; the New Hampshire College Masters Degree program in community economic development and a number of Masters programs in related fields. R. Schramm, supra note 21. A number of law schools offer clinical programs in housing and community development law. See infra note 100.

98. The Center for Applied Public Affairs Studies was instrumental in providing research and organizational assistance to a commission appointed in Fall 1989 by the Buffalo Common Council to generate policy initiatives to address problems of poverty and the underclass in Buffalo. See H.L. TAYLOR, FINAL REPORT TO THE COMMISSION ON URBAN INITIATIVES: THE SPATIAL STRUCTURE OF POVERTY AND THE FIGHT AGAINST POVERTY AND THE UNDERCLASS (1990). Note, further, that other programs at UB also play an active role in linking university research and resources to community needs, e.g., DEPTH, a program for the homeless initiated by Dr. Paul Toro of the UB Department of Psychology; also, The Center for Industrial Effectiveness (TCIE), a joint project of the UB School of Management and the UB School of Engineering and Applied Sciences, provides technical assistance to private enterprises in the region and works with both labor and management in companies. UB is certainly involved with private sector entrepreneurship, as with the WNY Technology Development Center, which manages two incubators for high technology enterprise development. See, e.g., Jennings, UB Shines in Crucial Role as Catalyst Fostering Continued Growth, Buffalo News, Jan. 29, 1989, at G5, col. 1; UBF Incubator Officially Opens, State Univ. of N.Y. at Buffalo Reporter, Nov. 10, 1988, at 1, col. 1.

99. The Legal Assistance Program at UB School of Law is a wide ranging clinical program in which students and faculty at the law school provide legal services to clients in need. In addition to the community development clinics described infra note 100, UB's Legal Assistance Program includes: an education law clinic working to secure appropriate public education for students with disabilities; a legal services for the elderly clinic working primarily on cases involving health care for the elderly; an asylum and refugee clinic representing persons seeking asylum in the United States and Canada, and an immigration law clinic representing a wider range of aliens in administrative proceedings; a judicial clerkship program with selected judges in western New York; an environmental law clinic assisting local and regional groups fighting to protect the environment; and a small business clinic providing legal counsel in the formation and operation of business enterprises. See, e.g., Schmitt, Aspiring Lawyers Help Aspiring Businesses, Bus. First of Buffalo, July 30, 1990, at 17, col. 1. In addition to the clinical program, some faculty and students play an active role in the local community on an ad hoc basis or through ongoing programs, such as the Baldy Center for Law and Social Policy and the Buffalo Public Interest Law Program. See, e.g., Fleischmann, U.B. Law, Buffalo News, Sept. 6, 1987 (Magazine), at 6.
munity based economic development and housing development. Clients range from providers of child care to community organizations participating in urban planning, from alternative finance institutions to nonprofit groups developing affordable housing. Both the law clinic and the applied public affairs center serve as teaching vehicles for university graduate students and bring university resources to the task of building community capacity in Buffalo. Moreover, by generalizing from the experience, both can have strategic impact beyond the immediate needs of particular clients as well as inspire a form of scholarship that integrates theory with practice.

This journal issue illustrates the integration of theory and practice. Several of the authors are involved with the development law clinics or the applied public affairs center, and all of the authors draw on experience in Buffalo. An explicit goal of the “Buffalo Change and Community” conference was to inform the journal, to provide a source of data and community contact for the authors, and to introduce and test some of the themes presented in the following pages.

The result is a special issue of the Buffalo Law Review about Buffalo, a collaborative effort among local residents and scholars with ties to Buffalo. With it, we demonstrate how a scholarly law journal can be of interest and benefit to its local community. We seek to enrich the

100. Wuetcher, New Directions in Law School Education, State University of N.Y. at Buffalo Reporter, April 11, 1991, at 2, col. 2. The community development component of the U.B. Legal Assistance Program consists of two parts — a low-income housing development clinic, providing legal counsel to community organizations in subsidized housing development, and a community economic development clinic, working with local organizations in job retention and enterprise development strategies. In both of these development clinics, the clients are organizations committed to forms of economic development that are accountable to and benefit disadvantaged or under-represented populations. This focus on community development law marks a new direction in legal education and distinguishes UB’s program from traditional law school clinics. Rather than representing individuals, the “development clinics” assist groups; rather than emphasizing litigation techniques, they train law students for legal work outside the courtroom, and for “business law in the public interest”; and, they tend to involve long-term and complex transactions that demand an interdisciplinary approach. For a description of the development clinics at UB and of other law school clinical programs involved in community based development, primarily affordable housing, see listings for Yale Law School, Syracuse University College of Law, St. Louis University Law School, and SUNY at Buffalo, in AMERICAN BAR ASSOCIATION, REPRESENTATION OF THE HOMELESS PROJECT, STATE AND LOCAL BAR ASSOCIATION HOMELESS PROGRAMS (1990). See also P. Pitegoff, Community Development Law Clinic in Buffalo (1991) (forthcoming in CONSORTING). Note also that the National Economic Development & Law Center in Berkeley has worked collaboratively with Hastings Law School on similar clinical activity.

101. This issue of the Buffalo Law Review is, in part, a collaborative effort among the various journal authors and conference organizers with a series of meetings both before and after the Buffalo Change and Community conference to discuss progress and common issues in our research. On clinical scholarship in law, see generally Colloquium: Currents in Clinical Scholarship, 35 N.Y. LAW
literature on Buffalo, raise questions for an ongoing research agenda, and contribute to strategic planning for Western New York.

Within the critical perspective here and at the conference is a thread of optimism. The picture we paint of Buffalo includes, for example, the predominantly African American East Side as "... still a cross-class community with vibrant organizational structure ...;"102 organized labor as an important part of the social structure and a participant in progressive strategies for change;103 increasing immobility of capital opening opportunity for new alliances;104 Indian communities as laboratories for experiments in economic development;105 and even common ground in a divided Common Council, whose members appear to agree on the need for community participation in regional economic development and planning.106 We draw on the arts community to lend creativity to envisioning a new Buffalo,107 responding to UB Professor Michael Frisch’s challenge to re-envision Buffalo, "... to frame and formulate and craft new images ..." rather than simply responding to the well-worn and predictable views of the city.108

Peter Clavelle, Mayor of Burlington, Vermont, reflected at the end of the conference, "... [Y]ou have the seeds here for political movement
that could work through the electoral process to change Buffalo . . . .

[T]here is potential coalition out there of African Americans, of Native Americans, of tenants, of elderly, of poor people, of working class folks that could come together in Buffalo and change things from the top on down. 109

This journal is about Buffalo, but it addresses issues for other cities and regions. This metropolitan area—with diverse culture, a fluid economy, a rich history—reflects broader economic, political, and cultural changes. 110 We trust that our combination of theory and practice in Buffalo can inform scholarship and strategic choices in urban planning and community organizing here and elsewhere.

The journal articles are grouped into three sections. The first section, "Changing Economy and Exclusion," focuses on the political economy of the Buffalo area and the impact of recent structural changes. The second section, "Community Organization and Fragmentation," examines more closely the organizational infrastructure and how, despite its history of community organizing and development, Buffalo remains such a fragmented community. The final section recalls the recurring theme of "Community Capacity" to move Buffalo's current economic and political changes in a direction that is more forward-looking, inclusive, and equitable. Interspersed among the articles are political cartoons by Tom Toles, enriching our vision of a more progressive Buffalo.

109. P. Clavelle, Mayor of the City of Burlington, Vermont, speaking at the Buffalo Change & Community conference (April 6, 1990). For a number of years prior to becoming mayor, Clavelle was director of Burlington's Community Economic Development Office and the architect of many of Burlington's creative policy initiatives in community development; See Clavel, supra note 22, at 139.

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