

Poverty Law: A Primer

¹Matthew N. O. Sadiku, ²Chandra M. M. Kotteti and ³Janet O. Sadiku,

¹Department of Electrical & Computer Engineering, Prairie View A&M University, Prairie View, TX, USA

²School of Computer Science and Information Systems, Northwest Missouri State University, Maryville, MO, USA

³Juliana King University, Houston, TX, USA

Abstract: Poverty law is a body of law that focuses on the rights and remedies afforded to impoverished individuals and families. The purpose of poverty law is to free people from poverty with justice, equality, and opportunity for all. Poverty attorneys have long sought to redress the damaging impacts of poverty and inequality. They hold themselves accountable to individuals experiencing poverty and injustice. They are responsible to listen to the communities they serve, be accountable to them, and be a good steward. They defend people's rights and made progress toward a just, equitable, and society. This paper introduces readers to poverty law.

Keywords: Law, Poverty Law, Access To Justice, Antipoverty Law

I. INTRODUCTION

The United States is often considered as a nation of extremes. By gross domestic product, it is the wealthiest country in the world. But it is also marked by persistently high rates of poverty and inequality. The US lags behind other developed countries in regards to health and social welfare. Poverty rates continue to correlate closely with racial and gender inequality [1].

In 2022, there was a surge of attacks on our bodies, our rights, and our futures. Across the nation, white supremacists became more emboldened. Proliferation of hate is evident by the existence of 1,225 active hate groups across the United States. Figure 1 shows hate groups in America [2]. Extremists manipulated the levers of power to challenge free and fair elections and to silence Black and Brown voters. We witnessed that progress can be reversed and rights can be rescinded. We continue harnessing our collective power and move closer toward a multiracial, inclusive democracy in the nation and beyond.

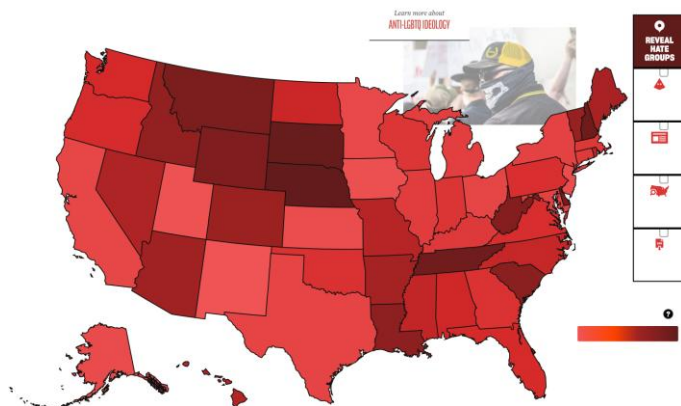


Figure 1: Hate groups in America [2].



Figure 2: Examples of poor people [3]

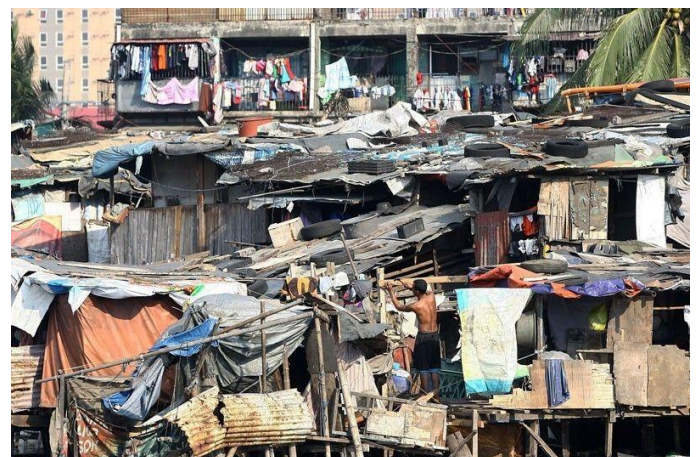


Figure 3: A typical example of where poor people live [4].

Imagine month after month not having enough money to put food on the table, not being able to pay for rent, and cannot afford basics like clothing, school supplies, transportation, and phone bills. Figure 2 shows an example of poor people [3], while Figure 3 shows a typical example of where poor people live [4]. President Ronald Reagan once said, "A few years ago, we declared war on poverty and poverty won." He also said, "Welfare's purpose should be to eliminate, as far as possible, the need for its own existence." One may be regarded poor when one finds it hard to meet one's basic needs. Poverty is a compound choice. No one deliberately makes poverty his choice. Poverty comes as a result of making a combination of wrong choices. People are poor for the following reasons [5]:

- ignorance and lack of education
- not honoring God with the little they have
- not helping others
- laziness
- lack of wisdom
- lack of goals, plans, and priorities
- hasty speculation, following get-rich-quick scheme like gambling
- gaining by oppressing others.

II. POVERTY LAW

A multitude of legal and administrative systems in America combine to regulate low-income people and to create and

perpetuate poverty. Poor people are caught in a trap. There is always some rule that they are supposed to follow; some rule they do not even know about. Households or individuals are considered poor when they do not have enough resources or abilities to meet their basic needs. Poverty is also associated with insufficient outcomes with respect to health, nutrition, and literacy, to deficient social relations, to food insecurity, and to low self-confidence and powerlessness. According to the World Bank (World Bank 2000), poverty is pronounced deprivation in well-being, where well-being can be measured by an individual's possession of income, health, nutrition, education, assets, housing, and certain rights in a society such as freedom of speech. Also poverty is a lack of opportunities, powerlessness, and vulnerability [6]. There are laws and legal issues that are specifically or uniquely related to people living in poverty. Legal scholarship around poverty law is relatively new.

Poverty law has been defined by Harvard Law as "the legal statutes, regulations and cases that apply particularly to the financially poor in his or her day-to-day life." The goal of poverty law is to protect the disadvantaged poor from unfair treatment by the law. Poverty law often draws upon materials across a wide range of disciplines such as public benefits law, healthcare law, housing law, education law, elder law, family law, juvenile law, employment law, welfare law, and Social Security law [7,8].

III. ERADICATING POVERTY

Poverty is a complicated issue. Most of the time, people get themselves into the predicament they are in by making bad choices. Native Americans, Blacks, and Latinos are more likely to have extremely low income. Figure 4 indicates the percentage of people living in poverty in US in 2017, for example [9]. Many impoverished people in US and around the world would like to better themselves, but do not know how. When asked about their needs, individuals living in poverty almost always speak to their social, emotional, and spiritual needs first. They speak to their feelings of hopelessness. To get the full picture, we separately consider adult poverty and children poverty.



Figure 4: Percentage of people living in poverty in US in 2017 [9].

A. Adult Poverty: Here are solutions that could help fight poverty in America [10,11]:

1. Expand safety net programs to benefit all in need
2. Create good-paying jobs that meet family needs
3. Raise the minimum wage to ensure economic stability for all
4. Provide permanent paid family and medical leave and paid sick days

5. Increase worker power to rebalance the labor market
6. Make permanent increases to the child tax credit and earned income tax credit
7. Support pay equity to create a fair labor market
8. Invest in affordable, high-quality child care and early childhood education
9. Expand access to health care
10. Reform the criminal justice system and enact policies that support successful reentry
11. Invest in affordable, accessible housing
12. Modernize the Supplemental Security Insurance program
13. Provide job training and skills
14. Enlist the aid of non-profits
15. Teach self-control and budgeting
16. Help children break the cycle of poverty
17. Encourage the rich to help the poor

1 IN 5 CHILDREN LIVES IN POVERTY

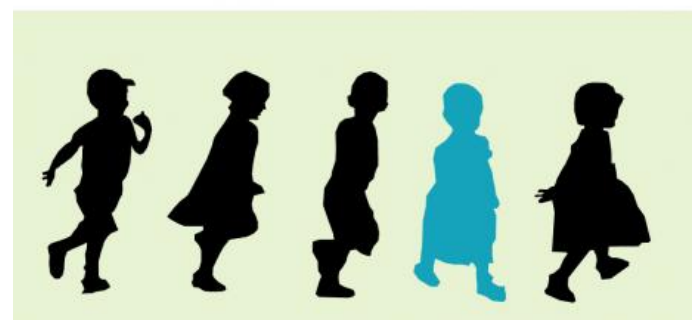


Figure 5: 1 in 5 children in US live in poverty [12].

B. Children Poverty: Child poverty is an urgent and preventable condition. No child should have to worry where his or her next meal. Yet about 1 in 5 children in US live in poverty and face some harsh realities daily, as shown in Figure 5 [12]. More than 2 in 3 poor children are children of color. Poverty decreases a child's chances of graduating from high school and increases their chances of becoming a poor adult. It makes a child more likely to get caught in the criminal justice system. Figure 6 shows how to lift millions of children out of poverty [12]. The children in poverty typically are not learning what they need to know in order to get themselves out of poverty. The Children's Defense Fund is urging Congress to act now to implement the federal policy improvements to make a substantial down payment to keep more children out of poverty. Congress can begin by enacting the following federal policy improvements to lift 5.5 million children out of poverty [13]:

1. Create transitional jobs for unemployed and underemployed individuals ages 16-64 in families with children.
2. Increase the minimum wage from \$7.25 to \$15.00 by 2024.
3. Increase the Earned Income Tax Credit for lower-income families with children.
4. Make the Child Tax Credit fully refundable with additional benefits for families with young children.
5. Make child care subsidies available to all eligible families below 150 percent of poverty with no co-pays.
6. Make the Child and Dependent Care Tax Credit refundable with a higher reimbursement rate.
7. Determine Supplemental Nutrition Assistance Program (SNAP) benefits based on USDA's Low-

Cost Food Plan for families with children and increase benefits by 31 percent.

8. Make housing vouchers available to all households with children below 150 percent of poverty for whom fair market rent exceeds 50 percent of their income.
9. Require child support to be fully passed-through to families receiving Temporary Assistance for Needy Families (TANF), fully disregarded for TANF benefits and partially disregarded for SNAP benefits.

HOW TO LIFT MILLIONS OF CHILDREN OUT OF POVERTY NOW

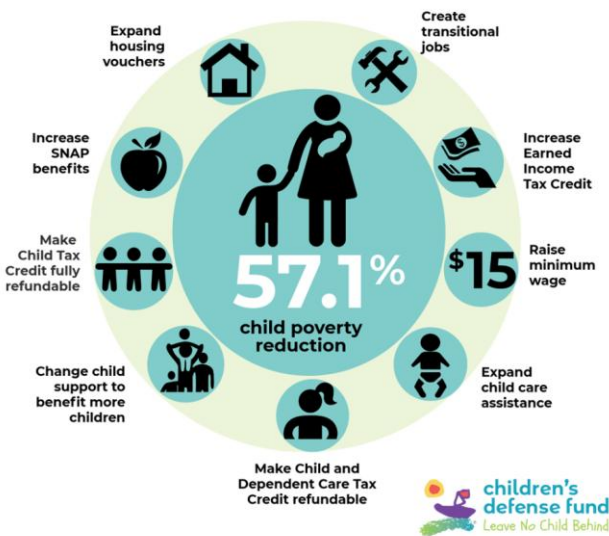


Figure 6: How to lift millions of children out of poverty [12].

Congress is not the only place where action is needed. Every community and individuals concerned about our children’s future must stand up and work together toward ending child poverty for all children.

IV. APPLICATIONS OF POVERTY LAW

Many poverty law scholars have focused on the rules that regulate government assistance to the poor. They have left largely unexamined the private law of the poor—meaning, laws that govern the private economic relationships of those living in poverty or in danger of falling into destitution. Poverty law is demonstrated in the following cases:

A. Attorney: Poverty lawyers and justice lawyers lead the fight for economic and racial justice by litigating, shaping policy, training, and connecting people in the advocacy community. They fight especially for workers with low income, who are disproportionately women and people of color and the least likely to have paid time off of any kind. They convene and connect advocates, community leaders, and activists across the country so they can share ideas, resources, and get the tools they need. They work with and for the communities affected by poverty to make equal justice and economic opportunity a reality [14]. They advance laws and policies that secure justice to improve the lives and opportunities of people living in poverty.

B. Poverty Law Center: Many US citizens need help to make ends meet, provide food for their families, and to keep their jobs. The impact of criminal records on job and housing opportunities falls disproportionately on low-income people and communities of color and perpetuates the cycle of poverty. Various poverty law centers (e.g. Southern Poverty Law Center, Ohio Poverty Law Center, Shriver Center on Poverty

Law, etc.) have been developed across the United States. They are known for their legal cases against white supremacist groups, hate groups, and other extremist organizations, and for promoting tolerance education programs. They advocate for policies to reduce poverty and increase access to opportunities and justice. They focus on changing and addressing systems and policies that keep people in poverty. They ensure that people living in poverty have access to the resources and benefits that they need and deserve. Some of their top priorities are removing barriers to employment and expanding the medicaid eligibility to more low-income adults. They are involved in other civil rights causes, including institutional racial segregation and discrimination in prisons and detention centers, discrimination based on sexual orientation, mistreatment of illegal immigrants, and the unconstitutional mixing of church and state. The FBI has partnered with these poverty law centers and many other organizations to establish rapport, share information, address concerns, and cooperate in solving problems related to hate crimes [15,16]. They have secured hundreds of victories with and for people living in poverty in various states and across the nation.

C. Voting Rights: The United States has a long history of denying voting rights to its citizens, including people of color, women, youths, and people with disabilities. Lack of training, oversight, and resources in conducting elections causes confusion, delays, and discriminatory outcomes for voters. Until Congress restores the Voting Rights Act to its full strength and states pass progressive legislation, the fundamental right to vote will remain under attack. Launched in 2019, the Voting Rights Practice Group works across the Deep South in collaboration with community partners and organizers to engage and mobilize voters, restore voting rights to returning citizens, and pursue electoral policy reforms. Voting rights vary from state to state. Figure 7 shows that our future depends on our vote [17].



Figure 7: Our future depends on our vote [17].

Figures p. 51 (voting, etc.), 59 (single mother), 85*(history of poverty)

Images of Protesting their rights// voting rights, more in Google books

CONCLUSION

Poverty is a complex issue that may be understood as inadequate education, health, financial, physical, and social resources needed to sustain positive well-being. The challenges faced by economically distressed people are varied and complex. Households may have insecure access to food due to financial constraints. People are better off if they have a greater command over resources at their disposal. Every person

deserves the right to live within a safe, healthy, and compassionate community.

Poverty law is the intersection of poverty, race, class, and the role of government in the lives of the vulnerable. It often involves questions of administrative law, civil rights law, constitutional law, employment law, family law, elder law, and health law. In recent years, workers have engaged in organizing protests and strikes at levels not seen in decades. State and local legislators have enacted innovative workplace and social welfare legislation. Poverty lawyers pursue justice for all by providing high quality legal representation and advocacy to people in poverty regarding the laws, public policies, and systems that constrain and diminish their lives and opportunities. More information about poverty law can be found in the books in [18-30] and the following related journals:

- *Journal of Poverty Law*
- *Georgetown Journal on Poverty Law & Policy*

References

[1] S. L. Cummings and J. Selbin, "Poverty law: United States," https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2242275

[2] "The Southern Poverty Law Center," Unknown Source.

[3] https://images.search.yahoo.com/yhs/search;_ylt=AwrErtsNEiRm3ZA3IBwPxQt.;_ylu=Y29sbwNiZjEEcG9zAzEEEdnRpZANEMjY4MjBZSF9DXzEEc2VjA3Nj?_p=images+of+poor+people&type=fc_AC5AE6A96A2_s69_g_e_d_n0002_c999¶m1=7¶m2=eJwti8sKgZQRX9llgoSJyZGglu%2FoFtxkWqqIdGIDy9%2Bo6lzOKeey4zuqGtu0fDEUWIZZt1C3VELAjviaKn0FoTufWHTArGIWC6IjfaSPLCCu9DNMePC8HkJUNILrcM8dphOYAjwXpIKFnDW8kUzLoGe9mnd0deiooJB YmfjjkEJy3MNRexxT6aYuz zXkhGd4Hu3mZzf1fvtoObk%3D&hsimp=yhs-3971&hspart=fc&ei=UTF-8&fr=yhs-fc-3971#id=90&iurl=https%3A%2F%2Fsaultonline.com%2Fwp-content%2Fuploads%2F2016%2F10%2Frelative-poverty.jpg&action=click

[4] I. N. Ciganal, "Pinoy families considering themselves poor up in Q2 — SWS," July 2019, <https://www.philstar.com/headlines/2019/07/20/1936337/pinoy-families-considering-themselves-poor-q2-sws>

[5] M. N. O. Sadiku and J. O. Sadiku, *Secrets of Successful Marriages*. Bloomington, IN: iUniverse, 2nd edition, 2022, p. 200.

[6] "Introduction to poverty analysis," <https://documents1.worldbank.org/curated/en/775871468331250546/pdf/902880WP0Box380okPovertyAnalysisEng.pdf>

[7] "Poverty law," *Wikipedia*, the free encyclopedia https://en.wikipedia.org/wiki/Poverty_law

[8] "Poverty law research guide," <https://guides.ll.georgetown.edu/poverty>

[9] "USA: Percentage of people in poverty by state," Unknown Source.

[10] "The top 12 solutions to cut poverty in the United States," <https://www.americanprogress.org/article/top-12-solutions-cut-poverty-united-states/>

[11] "Six solutions to poverty in America," October 2022, Unknown Source

[12] "End child poverty — New York," <https://cdfny.org/activism/campaigns/end-child-poverty-new-york/>

[13] A. Fleming, "The public interest in the private law of the poor," <https://journals.law.harvard.edu/lpr/wp-content/uploads/sites/89/2020/03/Fleming.pdf>

[14] "Building a future free from poverty and racism," <https://www.povertylaw.org/>

[15] Ohio Poverty Law Center, "Working to reduce poverty and increase justice," <https://www.ohiopovertylawcenter.org/>

[16] "Southern Poverty Law Center," *Wikipedia*, the free encyclopedia, https://en.wikipedia.org/wiki/Southern_Poverty_Law_Center

[17] "Voting rights," <https://www.splcenter.org/our-issues/voting-rights>

[18] J. Brodie et al. (eds.), *Poverty Law, Policy, and Practice*. Wolter Kluwers Law & Business, 2nd edition, 2021.

[19] S. M. Virgil and S. L. Clark, *Poverty Law and Advocacy in America: Readings and Materials*. Durham, NC: Carolina Academic Press, 2021.

[20] L. Williams, *International Poverty Law: An Emerging Discourse*. Zed Books, 2006.

[21] E. T. Tyler et al. (eds.), *Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership*. Durham, NC: Carolina Academic Press, 2011.

[22] S. Mencher, *Poor Law to Poverty Program: Economic Security Policy in Britain and the United States*. University of Pittsburgh Pre, 1968.

[23] L. Williams, A. Kjonstad, and P. Robson, *Law and Poverty: The Legal System and Poverty Reduction*. Zed Books, 2003.

[24] A. Durbach, B. Edgeworth, and V. Sentas (eds.), *Law and Poverty in Australia: 40 Years after the Poverty Commission*. Australia: The Federation Press, 2017.

[25] E. Rosser and M. Failing, *The Poverty Law Canon Exploring the Major Cases*. University of Michigan Press, 2016.

[26] J. A. Nice and L. G. Trubek, *Cases and Materials on Poverty Law: Theory and Practice*. West Publishing Company, 1997.

[27] A. Gearey, *Poverty Law and Legal Activism: Lives that Slide Out of View*. Taylor & Francis, 2018.

[28] T. O'Neil, *Making Hate Pay: The Corruption of the Southern Poverty Law Center*. Smashwords Edition, 2020.

[29] K. Shepard, *Rationing Justice: Poverty Lawyers and Poor People in the Deep South*. LSU Press, 2009.

[30] J. Brodie, *Looseleaf Poverty Law, Policy, and Practice*. Wolter Kluwers Law & Business, 2014.

ABOUT THE AUTHORS

Matthew N.O. Sadiku is a professor emeritus in the Department of Electrical and Computer Engineering at Prairie View A&M University, Prairie View, Texas. He is the author of several books and papers. His areas of research interest include computational electromagnetics, computer networks, and marriage counseling. He is a life fellow of IEEE.

Chandra M. M. Kotteti is an assistant professor in the School of Computer Science and Information Systems at Northwest Missouri State University, Maryville, MO. His current research interests include machine learning, deep learning, data science, and computer science.

Janet O. Sadiku holds bachelor degree in Nursing Science in 1980 at the University of Ife, now known as Obafemi Awolowo University, Nigeria and Master's degree from Juliana King University, Houston, TX in December 2022. She has worked as a nurse, educator, and church minister in Nigeria, United Kingdom, Canada, and United States. She is a co-author of some papers and books.