

MIKE LIVERMORE:

Welcome. My name is Mike Livermore and I'm a Professor at UVA Law. Today is the first in a series of public conversations on place and power hosted by the Program on Law, Communities and the Environment at the University of Virginia School of Law. These conversations will explore connections between human, place-based relationships and the law and politics of environmental governance.

These events are co-sponsored by the *Virginia Environmental Law Journal* and the Virginia Environmental Law Forum. Our guests today are Professor Emily Prifogle and author Earl Swift. Professor Prifogle teaches at the University of Michigan Law School and focuses on law in rural communities. She earned her JD from UC Berkeley and her PhD in history from Princeton.

Earl Swift is a journalist and author of *Chesapeake Requiem: a Year with the Watermen of Vanishing Tangier Island*, the widely praised recent book that records Tangier Island's distinctive community and its response to the rising waters of the Chesapeake Bay. Jon Cannon will moderate today's conversation. Jon is a law Professor here at UVA and is the director of the Program in Law, Communities and the Environment.

We welcome audience participation in the conversation today. If you have a question that you would like to submit, you can do so via the Q&A function at the bottom of your screen. I'm very much looking forward to the conversation. Jon.

JON CANNON:

Thank you, Mike, Earl and Emily for joining us this morning. It's wonderful to have you with us. We're going to, as Mike indicated, spend our time this morning exploring the

dimensions of life and culture in rural communities.

You both research and write about rural communities from quite different perspectives, Emily as a legal historian working with farming communities in the Midwest, Earl as an author of a nonfiction narrative relating to the life and times of a single island community in the Chesapeake Bay, Tangier Island.

We wanted to take advantage of this diversity in exploring some of the nuances of rural life, the variety of rural life, the particular challenges of rural life and the future of rural life in the United States. We're an environmental program and a law program, so I thought we'd start first with some questions about nature and law, and the thing that occurred first as we were thinking about this session is the relationship of these rural communities to nature, to the natural resources that both surround them and in both cases, supply the economic basis for their livelihoods.

In the case of Tangier Island, it's the Chesapeake Bay and the crabs and the oysters that live there. In the case of the Midwestern communities, it's the land and the farming activities that produce much of the economy of those communities. So my question is, to both of you, did you see a special connection to nature in these communities that you wouldn't have expected in more urbanized settings? If so, what forms did it take and how did it shape the community?

EARL SWIFT:

Mind if I go first.

EMILY PRIFOGLÉ:

Go ahead.

EARL SWIFT:

Oh yeah. I mean, on Tangier Island, you can do nothing without interfacing directly with nature, and all of its whims. Simple tasks require you to cross a lot of water. I mean, this

is a tiny island in the middle of the widest part of the Chesapeake Bay, 12 miles from the nearest mainland town, 16 miles from the nearest town of Virginia, and so to accomplish even the smallest chore off-island requires you to cross 18 trillion miles of water that forms a moat around this place and maroons it from the rest of America.

And that has colored everything about life on Tangier, including its insularity, as you might expect. I mean, everybody on the island is essentially related. They're all cousins or closer, descended from one family that moved there in 1778, and it's also, I think, played a great role in strengthening what is essentially a working theocracy of old school Methodism in the sense that these trips across the Bay are often white-knuckle affairs.

And if you're not praying when you start out, you're often praying by the time you're halfway across. And you know, they are a biblically literalist, extremely conservative, inward looking bunch, and that's all a result of where they happen to be in their relationship with nature.

EMILY PRIFOGLÉ:

You know, in the Midwest, I see similarly ways in which geography isolates rural communities, right. There's fewer connections, but certainly the federal interstate system has connected rural communities across the 20th century in the Midwest in a way that is just not happening on an island community like how you study, Earl, right. The Midwest is far more connected in the rural communities, I think, than other rural areas in the country.

So I think that's part of it, but as far as the connection to nature goes, in the Midwest, there's still lots of farmers but very few rural people are actually farmers, right. And so as far as agriculture and economy, that's still very much part of rural life, but the number of people actually doing

agricultural work is much smaller than it was when we started out this century.

So I think over the course of the 20th century, I see lots of rural Midwesterners with a special knowledge about the land. So maybe we'll talk later about science and those kinds of forms of knowledge, but I think there's a special kind of knowledge that rural people hold. It's a little bit of common sense, but it comes from knowing the land and being out on the land all the time.

But I think those things are changing very much, especially in the Midwest across the 20th century, just because of a greater interconnectedness with urban hubs, even if it's a small urban, right, small cities, small towns. All of those are much more connected, and just the shift away from agriculture in the daily life of individuals and rural communities in the Midwest.

JON CANNON:

Emily, I'm interested in your comment about special knowledge the folks in rural communities might have because the land is present, maybe because at least indirectly, they're economically dependent upon the use of the land. And I'm wondering how that special knowledge might manifest itself and also what that says about attitudes toward the natural sciences.

I think at least in Earl's work, and perhaps in your work as well, there's some skepticism toward scientific knowledge, even scientific knowledge that relates to the condition and future of the resource that is being depended upon. I'm thinking of climate science particularly in Earl's case.

- Yeah, so as part of my book project, I study the first zoning ordinances in rural America in Wisconsin, and so in that

context, rural Wisconsinites know the land, right. They know what land should be farmed, what land is good for what kind of farming, or at least they perceive that they have that kind of knowledge. This is in the 1930s, and the state ag agency, right, out of the University of Wisconsin, comes in and says, I can take a soil sample and tell you what really this land is about.

And there's a conflict there, right, because there's two types of knowledge, and I tend to be more of a scientific mind, but I don't want to undervalue that local knowledge either, because people have been living on the land and making a living off of it for a long time. So I think in that instance, I just see maybe two valid forms of knowledge just clashing and unable to kind of speak to each other.

So I think the more successful kind of climate science research, the land science, ag science research, is the kind that really tries to find overlap of common interests between these two sources of knowledge. I think Earl's example shows this really well. I'll let him speak about it, but I was really taken by how the watermen have an idea that something is changing.

There's that sense there, but it's not articulated in the same kind of scientific way, and I see that across the 20th century and in agriculture and zoning in Wisconsin, but I also see it in things like education in rural America. I think this kind of local knowledge versus expert knowledge is just something that's pervasive among all rural issues.

JON CANNON:

Earl, how did see that playing out in Tangier?

EARL SWIFT:

Well, it goes back generations, I guess. the state regulates the fishery in the Chesapeake Bay, the various fisheries, and Tangiermen in addition to being deeply religious have kind of a bit of piracy running through them, and they've resisted that regulation at every turn.

And most of that resistance is based on their belief that state regulators don't know that water is wet. They don't understand the resource they're trying to ride herd on. They don't understand the animals and their behavior. They misread things constantly. They're just book smart, big city kids trying to tell us how to do our jobs.

And really what it comes down to both in that fisheries regulation and more recently in climate change and how the state and the community will respond to that, is a different style of data collection, and the local knowledge that Emily is talking about is an anecdotal form of data collection versus the more empirical form that the state and the scientists pursue. And you know, the Tangiermen go out in their boats and they look at the water, and that is the source of their knowledge of it.

And tidal gauges, marsh accretion, other signals that the water is coming up in the bay, they're going to miss that. That's not something they see, even if they had the inclination to watch something long enough to gather that kind of data in that way. Most of their observation is done from the pitching deck of a small boat. It's a terrible place to gauge change from, and so you've got two groups of people talking completely past each other, both acknowledging that there's something going on, both disagreeing foundationally as to what it is.

And the sad thing in Tangier's case is that there's very little time left for this to be sorted out. The dilemma that we're

all facing over time is that it's accelerated dramatically because of the realities of the lower Chesapeake and what's happening there.

JON CANNON:

I'm wondering whether the difference here is at least, to some extent, a difference between knowing how to do something, knowing how to farm, knowing how to get crabs, all the sort of nuances of that practical knowledge, versus the more academic activity of knowing about, the finding out about, things in a more systematic way.

OK, so I'm wondering how this comes down to attitudes toward nature. And I have the word "stewardship" in my mind. I'm not sure that is the right word, but do you see an ethic or a norm of stewardship in these communities given this close relationship, and how does that look?

EMILY PRIFOGLÉ:

I can speak again to the Wisconsin context. I think it's hard because the economy is built, at least in this area of Wisconsin that I study in the 1930s, on agriculture or timber production. And so you make money by cutting down all the trees, but you make money by having trees to cut down, and so I think there's a connection to the land. There's a desire to, as you say, steward, act as stewards for the land, but also when that is your source of income, right, there's conflicting interests there that I think are very difficult to play out when the rubber hits the road.

EARL SWIFT:

The Tangier attitude surprised me quite a bit the first time I was exposed to it. I assumed that there would be a more protective stewardship of the resource than there was. And what I found, I first went to Tangier in 1999, and at that point, the island got a lot of visitors. You know, a lot of people day tripped out to the island, but very few made the trip twice because it was an eyesore.

Tangier did not treat their island gently. Out in the marsh, there were abandoned refrigerators and motorcycle frames and all manner of stuff. You saw watermen toss oil bottles over the side of their boats. They threw trash in the water. And that began to change right about that time, right about 2000, and it changed because a University of Wisconsin graduate student named Susan Drake Emmerich brought her doctoral thesis to the island, which was that you could use faith-based stewardship to change behavior.

And so she brought this kind of New Testament form of what Tangiermen would call Earth-worshipping to the island, and damned if the place didn't pivot and become much more environmentally aware. That said, Tangiermen still take to the water, resentful of limits on their catch-- law abiding in that respect because the fish cops are very attuned to the fact that there is this thread of piracy running through the Tangier makeup, but resentful nonetheless.

And you know, if it were up to Tangiermen, they'd go out and catch every single crab in the Chesapeake Bay today because there's no telling what tomorrow might bring, and they might not have the chance, or some mainlander may be going after their crabs. And so it's a pretty rapacious approach to the actual collection of the species on which their lives depend, and of course, that kind of attitude fed into a lot of what happened to the oyster in the late 19th century.

JON CANNON:

Although that was a good news story, right. The oysters have come back.

EARL SWIFT:

Against all odds, yes.

JON CANNON:

Because of regulation.

EARL SWIFT:

Absolutely.

JON CANNON:

Well, maybe that brings us to law, which is another topic we wanted to talk about. So the general question is, what is the importance of law in these communities, but I'm thinking more particularly about some work that has suggested that in smaller communities like the ones that you all look at, law may be less important for resolving disputes than formal norms of reciprocity and trust. And I'm wondering whether you saw that in the daily operation in your communities and what role is left for law in these settings. Emily, you want to go first?

EMILY PRIFOGLÉ:

I can go ahead. So I am a law professor, and as a good Law and Society Association member, I think there is law everywhere. I think this idea that law is not happening in rural communities with this kind of frontier idea of lawlessness is not an accurate picture of what's happening in rural communities.

I do see a lot of informal dispute resolution, whether that is through criminal law context. Informal dispute resolution is just part of communities where everybody knows everybody, and I think that's a part of rural communities, but it wouldn't surprise me if that's true in small communities within large urban hubs too. When everybody knows everybody, I think informal mechanisms are at work, but that doesn't mean that law is not there structuring those disputes at the local level.

Local government in rural communities is the way in which most rural people interact with the law, not necessarily state and federal law, but they feel really connected. They're electing their own mayors. They're participating in the school boards. So I think at the local level, there's actually lots and lots of law going on, lots of local

ordinances, and that relationship to the law looks maybe quite different from state and federal law where this might seem more distant, less informed of local context. But I certainly see law everywhere even as I also recognize and write about how informal conflict is just part and parcel of rural life too.

EARL SWIFT:

Well, insofar as Tangier is a family, most of the dispute resolution is within the family. The place has had a town sergeant for most of its recorded history, going back at least to the late 19th century. It's without one right now. John Wesley Charnock, their town sergeant, died of a heart attack about three months ago, and they've gone without a cop.

And a cop on Tangier spends his time pretty much attending to islanders who have chosen to overlook the island's dry status, have snuck liquor on board, and have gotten into trouble with each other or their families as a result. There's very little daytime activity for the cop. It's almost all at night, but even with the cop there, what you tend to see is there are very few people taken [INAUDIBLE] in that county.

You see hardly anyone taken across the water. They're dealt with within the church, within their peer group and within their families, and very occasionally there will be an act of violence, but you can count on one hand over the generations how many times someone's been seriously hurt on the island due to that. About the only trouble you see people getting into of a serious nature is fisheries related. It's either poaching or it's overcatch or something like that. The VMRC, Virginia Marine Resources Commission, have the status of state troopers, so if you get popped by the fish cops, you're in trouble, and Tangiermen are very mindful of that.

EMILY PRIFOGLÉ:

Earl, I don't know--

JON CANNON:

Go ahead, Emily.

EMILY PRIFOGLÉ:

I was going to say, Earl, I don't know if you found this in Tangier island. I often find that the people who can access the informal modes of dispute resolution are part of an in-group, and there's always a few outsiders, right, and so whether those outsiders are immigrants in Iowa at the farm or the meatpacking plant, right, or if they are kind of nonconforming folks in the community, they are the people who are more likely to encounter the police force instead of the church as a dispute resolution. I don't know if you see that in Tangier Island but I certainly see that in the Midwest.

EARL SWIFT:

There are repeat disappointers who, and again, this is mostly alcohol-related too, who have just time and again brought shame on themselves and on their families, at least in the eyes of the island, and yeah, they're probably somewhat sequestered by the rest of the population and they don't have access to that. They've been written off, but there are very few people like that.

There's a bend in the road up on the west side of the island that's nicknamed the Devil's Elbow because quite a few of these sequestered folks are clustered there, and they form their own little subset of the Tangier community, but aside from them, I think that the Tangier mode of dispute resolution is more to force them into inclusion than to exile wrongdoers.

You see a lot of-- you know, if someone gets into trouble, if someone has a personal issue that would cause embarrassment on the mainland, on Tangier, you see people kind of wordlessly offer a hand. One of the most impressive things about the island, I think, is that for all of

its kind of stern, 19th century take on Christianity, this kind of fire and brimstone message, it's a pretty supportive social network that they've built there.

There's relatively little brimstone in their day to day interactions and addressing of personal failings. But yeah, but to your point, Emily, yeah, there is that very small sliver of people who have been kind of written off.

JON CANNON:

I'm hearing in both your comments that there is a distinction between the local order and order that comes from outside, that is, the state or the federal government. I think, Emily, in some of your work, you point out the resistance to federal labor laws and other requirements, and Earl you talked about the resistance to the Virginia DEQ restrictions, and maybe there's some federal requirements too.

How do you understand that, and is that a bridgeable gap or is that just inherent in the nature of these communities and their relationship, somewhat adverse relationship, to the outside authorities?

EMILY PRIFOGLA:

I think it's a bridgeable gap because-- so in my research, I do see resistance to federal labor laws. In my work on a rural prosecutor in the '20s, I see resistance to federal prohibition, right. You see a resistance to outside imposition, but I also see those Wisconsin zoning. They're courting New Deal federal dollars.

There's lots of times the rural communities do court federal regulations or support or money, and so I think there are two sides to that coin. And so I do think it's bridgeable, but figuring out how to do that, I think, is far more difficult than me saying it's bridgeable, because it has to be supported, and I think there has to be support that gives the rural

communities some autonomy with that support, right.

That's why they resist the outsiders because federal regulations don't understand this local knowledge or this local way of life or local priorities or local needs, and so they like money when they can take that money and put it towards what they see are the challenges in their community. But when a federal agency says what those challenges are, there's more friction there.

EARL SWIFT:

I'm trying to think, Jon, I lived in Alaska for three years and I'm trying to put myself back in some of the bush villages I visited to find the commonality with Tangier, and I think that it might lie in the fact that whenever you deal with law from the outside or strangers come into town, if you're on Taniger, that you're going to see a boat from the state pull up at the county dock.

If you're in a bush village down in the Kuskokwim River, you're going to see a bush plane land at the local airstrip and a revenuer or a fed of some sort is going to step off that plane. And his relationship with you and with your community is completely different just just by virtue of the beginning of the relationship, his or her arrival.

And you know, that's it's probably a less dramatic of phenomenon when you are connected by the interstate system, when it's just a black government sedan that's pulling up to the curb, but still, it's that outsider, that stranger come to town. I think it colors what goes on afterwards. And in some ways, I would think that local law is much more difficult to negotiate because you're not fooling anybody. You know, there may be a certain trepidation about having someone from the federal or state government pull up, but they're going to be generally easier to snow, too.

EMILY PRIFOGLA:

And they're going to leave.

EARL SWIFT:

And yeah, and then they'll get back into that boat of that plane or that black sedan. That's absolutely a huge piece of it. Then you don't have to worry about them until they show up again.

EMILY PRIFOGLA:

Yeah, and I think so that's-- you had to stay in that community for how long before you gained the trust of that community and started to really understand the needs of Tangier Island. And I think there's just such a wide diversity of rural communities that that's also part of this gap too, right. Federal regulators are trying to regulate many rural communities but there's such wide diversity, and it takes so long to build that trust on the local level. And those are just time and resource challenges that our federal government doesn't necessarily always have to make those kinds of connections.

EARL SWIFT:

Yeah. When the US Marshal lived in town, you know, it was a different kind of town from if the US Marshal rode a circuit or showed up whenever there was just trouble. So yeah, to answer your question, I was there for 14 months. I'm still waiting for some members of the community to trust me, I'm sure, but I'd say it took four or five before the island realized, OK, he's not leaving, and that was kind of the key.

JON CANNON:

That was the key.

EARL SWIFT:

I had to put up with them for quite a while, so.

JON CANNON:

All right, well, I want to segue a little bit here and talk about the politics of rural America. I think this is a generalization to start with, and obviously, this varies from place to place, but I think that the general understanding, I think, that polls bear this out, is that rural America at least taken as a whole

is politically significantly more conservative than urbanized America, the core cities and the suburbs.

And I'm wondering first of all, is that an observation that seems right to you, and second, why would that be given that the basic human challenges that we face are the same whether we live in rural communities or cities?

EARL SWIFT:

Well, Emily, if you want to go for it.

JON CANNON:

Go for it.

EARL SWIFT:

It's yours.

EMILY PRIFOGLÉ:

Well, I can take a stab at it. So I do think generally speaking, right, the way the polls and our maps bear out, rural communities tend to be more socially conservative and politically conservative, so I think that that's not wrong. I do think both in my historical research, I find a couple of individuals who I love following around because they are far more politically complex people than just kind of your stereotypical rural person, rural Republican conservative, and I find them really interesting because they're mixing--

You know, Marjorie Burns when she's advocating for education, she's mixing Nixon with the Equal Rights Amendment with her kids who are off at Vietnam protests. Like there's just a wide range of political views in rural communities. Even if it manifests in a conservative vote at the ballot box, I think there's a wider expression. I also just see lots of space across the 20th century for non-socially conservative folks in rural places, the oddballs.

I see lots of space in those. I actually worry a lot now that that space is decreasing in rural communities, that there's less space for the social outlier, the person who doesn't conform to social norms, but there's also really great work

going on right now. You know, that was the case, *What You're Getting Wrong About Appalachia* talks about the left, lots of people of color in rural communities that are not conforming to the social conservative stereotype.

Descent just had a whole issue about rural left progressive politics, so I think that's not true of all of rural America, but generally it is. And where I see the reason for that, at least in my historical research, are church communities stepping in to form social safety nets, to serve as the hub of a community often, and the church tends to be policing morality in a way that aligns with social conservatism in many ways.

EARL SWIFT:

Yes, it was very odd to be on Tangier during the 2016 presidential campaign and on Election Day. It was a very lonely Election Day for this big city journalist visiting, I'll tell you that. Tangier voted 88% for Donald Trump. That was pretty reflective of Accomack County as a whole and probably the Virginia Eastern Shore as a whole and I've tried to figure out how to reconcile that ever since because on the one hand, this is a deeply religious community that seemed to vote against its beliefs to a large degree

This is a community that is praying for intercession by the federal government to build a sea wall around their perimeter so that they can keep the island from going under, and here they appear to be voting against their own interests. And at the core of it, what I've come to see is that they thought that maybe Trump would be able to cut through some of the government red tape that binds the Army Corps of Engineers and its response to Tangier's dilemma, but more than that, I think that this is a group of people who feel left behind, who feel that the American dream has not manifested itself in the manner they

expected and hoped for, and so what the hell, they're going to break something.

JON CANNON:

Yeah.

EARL SWIFT:

And I think that there is that perverse current that runs through an awful lot of the American voting public. Let's break something and see what happens. And I got to say that when I was on Tangier in the fall of 2016, I started getting weird twinges of foreboding that we were going to see that let's break something kind of mentality on a grand scale.

Didn't expect things to turn out the way they did, but I was disquieted by it. You know, to this day if you go to a church service on Tangier, there is a disconnect between what the people in that building pray for and what comes out of their mouths the second they leave the building, and I wish I could explain it beyond what, you know, just that, let's break it.

JON CANNON:

Emily, other thoughts? I'm going to I'm going to turn soon to the questions from the viewers, but I'd give you a last word on that if you want it.

EMILY PRIFOGLÉ:

No, I'm happy to hear what our audience says.

JON CANNON:

OK, all right.

EMILY PRIFOGLÉ:

[INAUDIBLE].

JON CANNON:

So we're going to go to audience questions. So we have one from a UVA student. From a management or governance perspective, how do we balance data-driven knowledge and that traditional or local ecological knowledge, particularly in relation to information-driven policies, governance and the policy platforms of democratically elected candidates? So this builds on the discussion we had earlier, but just how do

we bridge that gap in producing good government policy, assuming that we would know that when we saw it.

EMILY PRIFOGLÉ:

You know, last semester, I taught a class on rural law in Michigan, and I was struck by how much of the legal scholarship, at least, starts out by saying we don't have very much data. And so I think gathering more data is important and understanding the diversity of rural communities is important, but not just empirical or quantitative data.

I think we need more qualitative data. We need to spend more time in rural communities talking to them and figuring out how they perceive their own needs and challenges, and try to align. I think there's actually a lot of space to align federal policy and regulations with local needs.

But I think there has to be, you just have to build that trust, and there's a lot of distrust there over maybe a century that has built up if not longer, and I think it's going to take time to rebuild that trust, because like Earl said, we tell the story of rural America as decline. Rural people feel left behind, and so I think rebuilding that trust and getting over the left behind part is part of what we have to do.

EARL SWIFT:

You know, the problem isn't the data. It's how the data is used too. I think people, those in command of the empirical data coming from the government side, have to be a lot more creative as to how they translate it into an explanation that resonates. And you know, it's one thing to throw numbers around. It's another thing to translate those numbers into a picture that the recipient can understand and grasp.

And a good example in Tangier's case, the town is forecast to be the first real American town that'll have to be abandoned due to climate change, and Tangier will dispute

that saying, well, look around the edges of the island. I don't see the water coming up. You know, I've been working in these waters for 50 years and the water doesn't look any higher now than it did back when I started.

And what they're expecting is to actually be able to see it, and you know, that's a mistake. No one sat them down and said, well, you know, first of all, day-to-day observation is a really poor way to measure incremental change, and second, you know, you're looking at it from, your eyes are five feet over the ground and that's how you see the world, and you never have an opportunity to observe the world from any other elevation.

And if you're on Tangier looking from eyes 5 feet off the ground out over the marsh, it looks like an unbroken sea of bronze in the winter, light green in the summer of spartina and other marsh grasses, and you don't see that hidden in there is all the evidence that the island is not only getting smaller around the edges but is actually dissolving from the middle.

You get up 15 feet or 20 or 30-- better yet, you go up in an airplane-- suddenly you realize that the island as you thought it was bears no resemblance to the island as it is. There is a lacework, a loose macrame of marsh barely held together. It's coming apart into a million pieces. Tangiermen don't see that. If the folks who are trying to convince them that they're in trouble were to charter a plane and take them up for rides, they'd get buy-in immediately.

JON CANNON:

That's interesting. Well, maybe it's worth a charter flight. Here's another question that I think follows along this track and maybe extends it further. This is from a person who works in government in a role that is regulatory, and the questioner says, I am committed to helping the individual in

rural communities while at the same time serving society by helping improve the environment, the mission of my agency. What advice do you have to help me make meaningful connections with individuals to help bridge the gap that you are discussing?

EMILY PRIFOGLÉ:

I don't know if I have too much more to add to this than what I've already said, except that if your interests are focused on the center of the Venn diagram, right, where the interests converge between the two communities, your goals and the community's goals, and try to build the relationships there and then pull your direction from that central bridge. I don't know that I have much more, except that I think it's hard. I mean, that's really what I think the answer is, that it's really hard to do, and I think that's why we've struggled with it for so long.

EARL SWIFT:

Yeah, and time is key to it, which may be the hardest thing to apply of all. You've got to invest time in building a relationship, and not only building relationships but building some expertise, expertise that goes beyond the data, expertise that puts you on the ground where these people live so you do have some commonality. You can empathize with their day-to-day experience.

What I mentioned earlier about the islanders finally coming to trust me only after they realized I wasn't going away, I think that kind of applies to any outsider coming into a small, insular community, is that you have to establish that, number one, I'm going to be here for a while. And that can take a lot of different forms. It doesn't have to necessarily be a physical presence constantly, but I think that the first thing you have to sell folks on is the idea that I'm going to be here. This is the face you're going to be dealing with for the foreseeable future.

JON CANNON:

Well, you got a great product out of that. Maybe regulators can trade on that model. So here's a question that follows up on our narrative of decline theme, and suggests or wonders whether there's an alternative. It says, our approach to rural places seems to be dominated by a narrative of decline even if often romanticized. Is there a different way to talk about or understand low-growth places?

EMILY PRIFOGLÉ:

I love this question. So I think, yeah, we should take rural communities on their own terms. They're not trying to turn into cities, so you know, they are going to stay low growth. That's the goal of the communities. We should take them on their own terms. But I also, as a historian, have been really fascinated by this story of decline. It's the way rural communities tell stories about themselves. It's the way a lot of scholarship tells the story of rural communities, at least across the 20th century, if not longer.

But a lot of that story starts with 1920 when America became majority urban, but that's just arbitrarily. We just made up a number that said any community smaller than 2,500 people are rural, all the bigger communities are urban, and so that has started a narrative of rural decline in relative population to urban. But I don't want to belittle or downplay the actual decline.

Earl's story is about a literal decline of land mass, right. Like that community is shrinking and is at risk, and so I don't want to downplay the fact that decline narratives are around because they feel real and are real in many ways. But I think there's far more interesting stories about change and resilience in rural communities across the country. They look different than they used to, but that doesn't mean that they are necessarily in decline.

They are still facing extreme challenges, but they also faced extreme challenges in the beginning of the 20th century. So I think to talk about how things look different in rural communities is a more productive way to talk about how rural communities change over time than a declension narrative, not that the declension narrative has no value, but I think there's more productive ways to talk about it.

EARL SWIFT:

I'm with Emily on that. And you know, there are differences not only in kind of the rural model today versus yesteryear's but also among rural models today. I mean, if you go to Highland County, Virginia, out in the West Virginia line, the population has been pretty steady if you count heads over the weekend, but what you'd find is that a great number of the farms on Highland have been bought by weekend owners who aren't there during the week.

They're in DC or Baltimore, and so the population really is half of what it was just 40 years ago or so, and to drive through Highland on a Wednesday or Thursday is to drive through a ghost county. I mean, there's nobody there. At the same time, you go to the Eastern Shore, which was completely isolated those 40 years ago, and now it's thriving. It's still small population, but it's got a tourist economy that is incredibly vibrant, and every other house is a bed and breakfast. So it is changing, and well, I don't know that I have a better point to make other than that, but you know.

EMILY PRIFOGLÉ:

Can I just add one more part to one part it? So I think one place where the declension narrative is particularly dangerous is in rural communities in the Midwest where I see large Latino and Latina populations as workers in the ag industry, mostly in the meatpacking industry, right, but these rural communities are still alive and thriving because

of these immigrant populations.

But that narrative of decline, right, is also coded for, we aren't white communities anymore, and so I think that declension narrative sometimes conceals Midwestern small communities really talking about race in a way that is unfortunate and dangerous and actually not recognizing how much immigrant populations are contributing to rural Midwestern communities right now. Many of them are only alive because of these populations making rural communities economically viable.

JON CANNON:

OK, Emily, you've answered another question we had, which was to comment further about race and politics in rural America. I don't know, Earl, whether you had any further thoughts. My sense from reading your book is that Tangier Island is not very diverse, but maybe that's just a function of history since everybody is descended from the originator.

EARL SWIFT:

That's true. There were four South Asian girls adopted by one family back in the early '90s, so briefly, Tangier had a 1% South Asian population, but other than that, it's been uniformly white for generations.

EMILY PRIFOGLÉ:

You know, I think this may be different than Tangier Island. In the Midwest, I see many rural communities that have intentionally used local government tools to keep their communities white. It's not an accident of history so much as an intentional construction of their community, so those Wisconsin communities that used zoning tried to zone out, at that time, white ethnic minorities out of their community in the 1930s to keep their community looking the way they wanted it to look.

In Michigan in the '50s and '60s, I see rural church women supporting migrant laborers, but also trying to make sure

that they don't stay in their community to keep their community white. I see the federal government trying to relocate rural native people from reservations into urban areas and literally do away with rural reservations.

So I see the law at work a lot in the Midwest in a way that we might assume the Midwest looks white because that's who settled that area, but actually, I think law, at least in the cases I see, is doing a lot of work to construct whiteness in the Midwest.

JON CANNON:

OK, we have a couple of questions. I'm going to give them both to you because they're connected. The first is directed specifically to Emily, but the other is more general. So Emily, I'm wondering if you could speak more about your surely correct point that rural Midwestern communities are less connected to agriculture than at the start of the century. How have you seen that change reflected if at all in rural political preferences? It seems rural plus ag are still treated as the same in rural political rhetoric, but should they be?

And then a further question on this theme. More urban professionals whose relationship with nature is grounded in leisure more so than production seem to be moving to rural areas for remote work given expanded internet access and the ongoing epidemic. And I've heard people say that before. Any insight on how this trickle of outsiders could affect both local and national land use law in rural communities? That's a mouthful.

EMILY PRIFOGLÉ:

Right. I don't know. On the first point, I'm not sure what I think on this. It does seem that rural and ag are still treated as one in the same in national politics, sometimes maybe in federal policy, but I don't think that they should be. I think if we separated them, we would find far more diversity in rural

communities of ideas.

But I think part of that is because big ag has interests that are fiscally conservative in many ways, and rural communities more socially, they're still very socially conservative, so their interests align politically often. But I also am seeing rural culture politically but also in mainstream culture sift out of rural America, right.

You can go to Cabela's in a good-sized town and consume rural culture. You can watch TV and watch *Duck Dynasty* and consume rural culture outside of rural communities. So I think there's something else going on there about this separation between rural communities and ag, but I haven't fully thought that through yet.

And you know, exurban communities are one of the few types of rural communities that are thriving right now. Those are certainly keeping rural communities alive, and I would assume but I don't know that rural local governments will change land use zoning regulations to encourage that kind of growth to have the tax income.

JON CANNON:

Earl, I'm assuming that there are not too many refugees from COVID relocating to Tangier Island to work remotely.

EARL SWIFT:

Not if they care about the island, they're not. What Emily just said reminded me. Actually, I'd like to ask her a question. That is, one of the things Emily, that I've seen driving kind of the tenor of life both in Tangier and back when I lived in Alaska is the loss of young people some rural communities.

They hit 18 and they're gone, and very few of them come back on any sort of permanent basis. And it's been my observation, and this is strictly anecdotal-- this is a Tangier style piece of data collection-- but it's been my observation

of both places that these exoduses are fairly recent and that they really coincide, their beginnings coincide, with the arrival of satellite TV in both places.

You go to Bethel, Alaska. You would find that their loss of Tangier where the streets were paved in gold began in about 1980, 1981. That's right when satellite dishes started showing up in the village, and if you go to Tangier, it's about 1985. That's when boys started staying in high school till they graduated, and that's when satellite TV arrived.

And you know, you don't have to see but so many Rico Suave videos before you realize that there are sexier and more glamorous places to live than where you happen to be if you live in Bethel or in Tangier. And I'm just wondering whether you think that there is any correlation there whatsoever.

EMILY PRIFOGL:

I don't know. This is me being a historian. You know, after World War I, all the farmers are worried that their boys aren't going to come back to the farm. They've gone and seen Europe. They've seen the big cities and they're not coming back. I think that this is a persistent concern. I actually think there's several persistent concerns in rural America, but this is one of them, that their kids will leave.

The brain drain, I think, has been real for a long time, and I think there's just not a lot of those types of jobs in rural communities. So I think that's actually one of the things we need to do in rural communities, is build ways for our college educated kids to come back to rural communities and live productive lives that are meaningful, but I also think that means rural communities are going to have to be less socially conservative and be more open to a wider range of ideas.

And I think they're doing that in some places, but I think that's really key to many rural communities' survival, is to welcome back many of these kids who have gone to college or left for a while and may think differently about how the world works but could really add to the life and vibrancy of rural communities.

JON CANNON:

OK, well, we're getting close to our time, but I wanted to ask one question and ask you to answer as quickly as you can. What do we owe these communities if anything, we the collective United States of America? I think in Earl's case, that's a pretty pointed question given the physical dissolution, but maybe there's a more general sense that we have of what, if anything, these communities are rightfully expecting from us.

EARL SWIFT:

I don't know than yeah, other than getting into the obvious in Tangier's case, I think that what we owe it to ourselves to keep in mind about them is that they helped establish the breadth of the American experience. However insignificant to our day-to-day lives living in the city life out in the backblocks might seem, it is a huge piece of our identity as Americans as a people. And you know, you take away the outliers and you're left with the middle, and that's kind of a bland, flavorless center. I mean, out on the edge is where all spice is.

EMILY PRIFOGLÉ:

I agree with Earl. Maybe it's because I grew up in a rural place, but I think there's kind of a sentimentality that I think we owe to these rural communities, but I also think we owe it to them to take them seriously, that these are good places to live, that they want to live there, and we should take seriously the kinds of economic poverty challenges they face and help them address it.

I mean, it's still nearly a fifth of our population, and those

are just communities under 2,500 people, right. We have a large section of our population under 10,000 if you want to count that as rural. We owe these communities the same thing that we all our communities, that they have the ability to confront challenges of economic inequality, infrastructure. They get internet. They should have good education, all the things that we want all Americans to have. Sometimes it cost more to provide out on an island, but I think those costs are largely worth it, and we owe them to take them seriously and their challenges seriously.

JON CANNON:

Well, thank you so much, Earl and Emily, for being with us and sharing your thoughts on these issues. It's been a delightful conversation, at least for me, and I know for our viewing audience. So we're inviting all of you who are joining us for this session to join us for our next place in power session on October the 16th at 4:00 PM.

We'll be talking to Mary Nichols who's Head of the California Air Resources Board and Ann Carlson, a Professor at UCLA. Will discuss the productive but fraught relationship between state and federal authorities and local authorities in dealing with LA's air quality issues. I do want to mention that the *Virginia Environmental Law Journal* will be sponsoring follow-up events to this dialogue, so please stay tuned, and thank you all again and goodbye.

EMILY PRIFOGLÉ:

Thank you.

EARL SWIFT:

Thank you.