

A Formula for Change:

Advocacy in the Courts, the Legislature and the streets

We begin with a song:

I woke up this morning with my mind set on freedom

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Hallelu, hallelu, hallelu

I woke up this morning with my mind set on change

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It's about movement building – not just about policy, the courtroom, legislature, but about the people using all those tools and more, like they have done all over the country for centuries. We can't depend on the courts to do what's right without the people putting pressure on them and holding them accountable. We came up with the topic, a formula for change.

Dr. Sekou Franklin – professor at MTSU.

Movement to reform juvenile justice – particularly in 1990s and 2000s. Make that connection to the broader criminal justice issue. Movement around country to reform juvenile justice, especially ones that had notorious reputations.

Institutional Inequities

"Youth were packed into cottages in the Cheltenham (Maryland) facility. These were not enough bathrooms, so many young men had to go to the bathroom in their cells where the staff poured bleach – you talk about a filthy, overcrowded, violent environment for children. – gregory perkins

Look at it this way – either you're going to be raped at Tallulah or else you're going to be fighting every day. – Grover Arbuthnot

Policy Accomplishments

- ∞ No more youth jails/justice 4 Youth campaign stopped the funding for mass expansion of youth prison in New York City's capital budget in the early 2000s.
- ∞ Pressure the state legislature to redirect funds away from prisons and to higher education
- ∞ Created a firewall between the office of youth services and department of corrections
- ∞ Juvenile Justice Act of 2003 (Louisiana) closed Tallulah youth prison

How did these changes occur? Ingredients in “the change”

- ∞ Build broad-based coalitions
 - o Organize meetings
 - o Identify critical policies
 - o Bridge different sectors/intergenerational
 - o Youth advocates
 - o Legal advocates
 - o Street workers
 - o faith-based advocates
 - o education advocates
 - o mental health professionals
- ∞ Mobilize different affected groups together
 - o organize affected groups
 - o family and friends of affected groups
 - o groups that should have input in policy development
 - o FFLIC (families and friends of Louisiana’s incarcerated children) played a leading role in the state’s juvenile justice reform movement. 450 members.
- ∞ Ombudsmen and monitoring
 - o Call for investigations
 - o Publicize investigations/inform lawmakers
 - o bring in experts
 - o invite national/well-known groups
 - o leverage existing statutes
- ∞ Constituent Lobbying and Legislative Testimonies
 - o Involve affected groups in lobbying and testimonials
 - o Work with legislative allies and movement insiders
 - o Integrate data into lobbying activities
 - o Example: October 2004-April 2005, advocates held monthly meetings with Maryland lawmakers and participated in 2 lobbying sessions. Those most affected testified.
- ∞ Community-based crime reduction/anti-violence intervention strategies
 - o Linked policy reforms with grassroots strategies that combat crime and divert youth from jail (Mentoring Male Teens in the Hood – Maryland. Community Conferencing Mediation)
 - o Developed comprehensive aftercare programs (Youth Empowerment Project – Louisiana)
 - o Political education courses for at-risk and formerly incarcerated youth (Each One, Teach One – NY)

We can make change. And to quote Sojourner Truth, “God is not gone.” No matter how bad things may be, oppressed groups can use these strategies to effect change.

Daniel Horwitz– attorney. Represents groups pursuing charter amendments (Democracy Nashville, TN Organization of NORML).

Two topics – power of litigation in courts for social change
power of pen and civic participation in local democracy.

“We cannot sue our way out of mass incarceration.”

Litigation is still a powerful mechanism for social change. Ex: Loving vs. VA, Roe v Wade, Brown vs Board of Education. Most social justice issues do not involve broad-sweeping constitutional changes (drivers license laws, immigration reform, mass incarceration, etc) so they don't use litigation. But the public loves to read and talk about law suits. If your goal is to bring public attention to an issue, the best way is to sue the government and hold a press conference. The measure of a lawsuit's success is not about who wins, but one that widens public attention. The lawyer must design the case with the audience – the wider public – in mind. There are many cases where organizations have lost lawsuits, but won the public relations edge, and so ended up getting what they wanted anyway through public pressure.

Power of Pen – We should all know EVERYONE who represents us at the local level. You need to be calling them, writing them, and writing ABOUT them to the newspaper. Everyone has a voice, and if you don't use it, you have no one to blame but yourself. We should all speak up on behalf of those who are locked up and cannot speak for themselves. The squeaky wheel gets the grease – we should be squeaking louder than CCA, GEO group, etc. There is no amount of money in politics that can drown out the power of voices in politics. We need to campaign for things to be the way we want them to be.

Hedy – exec. director of ACLU TN.

Integrated advocacy – a range of strategies when deciding how to pursue an issue. Sometimes just going to court and making noise can be damaging. Sometimes losing is okay because you have to make a point. The goal is to increase awareness in these cases. When and how you use these strategies is important. You can work with people who in other cases you may not work with. Two groups can come at an issue from different standpoints but support the end result. The ACLU must be comfortable working with people we don't typically think are our allies.

Senator Hank Sanders – Selma, AL. Civil Rights lawyer.

A few years ago, he realized the long reach of slavery. It was from Michael Moore, when he said that a lot of the violence in the US was based in slavery, that it all came from slavery. He began to look and see how slavery was not only effecting violence in the US, but also the entire justice system. This serves as a background to everything we talk about. One of the things he has done in the legislative arena, he introduces every term a bill to end the death penalty in AL. Each year, he goes to the people in the community pushing for this, and ask if they want the bill pushed again even though we knew it wouldn't pass. Every year, they said yes. 1) It gives us a rallying goal. 2) Gives an opportunity to educated people. Even though we know it's not going anywhere, it's important. When he first introduced it, he couldn't

even get the black legislators to go with him. But now, the black legislators go with it. He has never gotten a white legislator to go with it, but has had them come to him and say, “we agree. We can’t vote for it, but we can agree that it needs to go.”

AL has 13,000 prison beds, but 26,000 prisoners. Each time they got ready to build more prisons, he was in a position to say, “We’re going to fight it. We don’t have money to do that, we’re going to fight it. No more prisons built in AL.”

“Mighty rivers are made drop by drop” – African proverb. We operate on that sort of faith. When we can’t see how we can make a big difference, we make the little changes we can. When we add all our drops together, we create a mighty river of change. All of these things work together, and having a respect for what people do in the street is really important, but most legislators don’t have that. Nor do they respect what goes on in the courts. We must educate our legislators to care about what happens in the streets and the courts.

Rose Sanders: Civil rights attorney, activist

A.L.L. – Advocate, aggregate, agitate. Legislate. Litigate.

It takes ALL to create change. We do not all have the same idea of what ‘change’ is. Just like justice – we all have different ideas of it. Change – can be very narrow, ex – body cameras on police. But a change that is more lasting, but more difficult to achieve is systemic change. How do we bring that about? A.L.L.

Find the natural leaders in communities. People aren’t going to come out just because you’re doing the right thing. Find someone who people are listening to in the communities.

Use of culture and art in organizing. People are so damaged – black community have been damaged by white supremacy. How do we reverse this? How do we get people to believe they can turn this around? Art and culture makes a huge difference.

Question for all: One concrete action step we can go back to our communities and do?

Senator: Plan ahead. Contact your legislators BEFORE others do, before they have committed to a vote. Try to find a way to communicate with them beforehand. Don’t just talk to the people you think are going to be sympathetic. Talk to everyone.

Hedy: Don’t wait for the crisis. Anticipate and prevent. Engage before the crisis, get to know your legislators when they are elected or when they go home. Develop a relationship with them.

Rose Sanders: We need both legislative change, and long-range systemic change. We stopped planning after the civil rights act, and that’s why we’re repeating history. Teach the children, wherever you can find them. Teach them the history of who they are and where they came from. So many children have been miseducated. If you want justice to matter, you have to make sure every child knows their lives matter.

Sekou: Develop community resistance that gives everyone a part. Find a place and a job and a role for everyone, even if they cannot help in all parts of the organizing.

Daniel: Register to vote. Find someone who is not registered. Register them and take them every time you go to vote.

A lot of young people don't have faith in the system and so don't vote. Say: if you are angry about cops killing young black folks, and not getting invited. Get registered! If you're not, you can't vote, you can't serve on a jury.